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# The Autopoietic World of Franz Kafka

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**T**his essay is about the implications of Franz Kafka’s work for those of us interested in classical liberalism in relation to politics, law, and economics; it is not an exercise in literary criticism in any conventional sense. The quest aims to unpick these implications from Kafka’s principal literary canon, the major novels *The Trial* and *The Castle*, the best-known novella, *The Metamorphosis*, and his first novel, *Amerika*.<sup>1</sup> Your guide on this quest is accustomed to applying measurement and methods to understanding a complex and difficult world and understands that it is all too easy to be a harsh critic of those who operate by nuances of language, intuition, insights, hints, and impressions. Kafka would no doubt have turned the tables, finding in any kind of professional life many of the same depths of experience, the “lived experience” encountered by Joseph K, the recurring protagonist in the principal novels.

I first read *The Metamorphosis*, some of the short stories, *The Trial*, and *The Castle* as an impressionable sixteen-year old living in the shadows of the World War II exodus from central Europe to freer lands. *The Trial* is the most compelling of the novels, all of which are unfinished. It is imbued with the powerful aura of the central Europe that one can still just sense in parts of Vienna, Prague, and Budapest. Today’s world is very

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1. For my purposes regarding politics, law, and economics, it does not matter much which translations of Kafka’s works are used. For the record, I have used the Muir translations organized by Kafka’s friend and executor Max Brod. All German and translated editions of *The Trial*, *The Castle*, and *Amerika* are incomplete and influenced by Brod’s editing for missing chapters and unknown chapter order. Kafka instructed Brod to burn his manuscripts and not to publish anything from them after Kafka’s death, but Brod ignored this instruction. Kafka’s early death at age forty-one in 1924 and the incompleteness of his canon have added a romantic allure to his legacy.

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different because it is influenced increasingly by the meritocratic Anglosphere, and more and more by practical, impersonal America at that, rather than by Kafka's hierarchical Mitteleuropa. Impressionability seemingly characterizes many who are affected by Kafka mania. Nonetheless, Kafka also earned the praise of sophisticated readers, including that of the literary titan W. H. Auden.<sup>2</sup> Kafka's talent is for the keen observation of the powerlessness of the individual faced with increasingly powerful social forces that unfold in a dreamlike manner; later writers would add that this powerlessness would only get worse.

The novels, which intertwine themes and sometimes reuse expressive material from the short stories as *mise en abyme*, the literary technique of embedding a tale within a tale, have been seen as expressionist, existentialist, religious, allegorical, modernist, absurdist, satirical, and, possibly by those with no clue about the term, ironic.<sup>3</sup> It is possible that Joseph K's mounting anxiety in the face of carefully contrived and highly restricted social interactions stems from Kafka's limited understanding of spontaneously developed social structures; he was trained in law but not steeped in Enlightenment thinking leading to economics and other social sciences. All novels are of course contrivances, and much realism is typically missing in Kafka's works; it is rare, for example, that characters eat or answer calls of nature.<sup>4</sup> Kafka's fiction takes contrived absence of true realism very far indeed. Nobody in his fiction really trades or earns a living, at best occupying sinecures such as K's roles as bank official or land surveyor, and there is no institution visible for such trade. There is no evidence of a polity, and nobody exhibits competence in anything they do. The structure, any structure, of the human coordination problem underlying economy, governance, and law is missing. Nothing drives Kafka's world except some mystery force generating self-production, also known as autopoiesis—hence, the title of this article.<sup>5</sup>

The common perception of Kafka as having written about the nightmare of totalitarian bureaucracy, particularly in relation to the Soviet and Nazi gifts of oppression to central Europe in the 1940s, is inaccurate. The writer who wrote about that was probably Arthur Koestler, a refugee from Hungary working in the late 1930s on *Darkness at Noon* (1940). Another candidate would be George Orwell, an Englishman struggling with declining empire, deterioration of the English language, a smoking habit, and health problems. Kafka, on the other hand, was a Bohemian struggling with

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2. "Auden was profoundly affected by Kafka's writings . . . he mentions him by name in [poems] and quotes Kafka's *Aphorisms*" (Hutchinson 2019).

3. Though quite how Marinus Ossewaarde (2019) came to see Kafka as a critic of gendered work relations beggars belief. The peculiar world of modern business studies also suffers from autopoiesis, it seems. Far from satirizing "gendered work relations" (in fin-de-siècle Vienna, no less), Kafka and his avatar K would have been good targets for the Me Too movement in fin-de-siècle (prochain) New York.

4. Although these actions are important aspects of the plot in Christopher Landon's brilliant World War II novel *Ice Cold in Alex* (1957): Zimmerman's ignorance of the South African army's method of brewing tea raises the suspicions of his adopted British military crew, who follow him on one of his regular trips into the desert carrying a backpack and spade (supposedly to dig a latrine), thereby uncovering a radio and his spying.

5. Noticed in a different setting by Gunther Teubner (2019).

the central European legacy of Austro-Hungary, the intricacies of the German language, a womanizing habit, and health problems. A further candidate might well be Mikhail Bulgakov, whose early work pitches individual integrity against mindless governance and whose later novel *Master and Margarita* (1967/1973), in which a satanic professor terrorizes Moscow, aided and abetted by a giant cat and lovesick woman, was not published in his lifetime and also accommodates *mise en abyme*. Earlier influences on Kafka include Nikolai Gogol, the Ukrainian from under whose short story “The Overcoat” crept much Russian literature and whose protagonists are probably still squabbling; Fyodor Dostoevsky, particularly via *Crime and Punishment* (Dodds 1992); and Charles Dickens.

Yes, Dickens. The link is generally inadequately explored, possibly because Kafka is perceived fashionably as not your grandfather’s novelist. Kafka in fact showed considerable respect for Dickens—for example, when writing in his diary about the genesis of his own first and relatively optimistic novel, *Amerika*. “Dickens, Copperfield. ‘The Stoker,’ a plain imitation of Dickens: even more so than the planned novel. My intention was to write a Dickens novel, enriched by the sharper lights which I took from our modern times.”<sup>6</sup>

In 1913, Kafka developed his short story “The Stoker” into the first chapter of *Amerika*, which was eventually published in 1927. The novel’s protagonist, Karl, is allowed a name that is only partly overshadowed by Kafka’s K, but the novel still reads as a personal quest. Though lighter and more optimistic than the later novels, *Amerika* shows from its opening the theme of personal impotence in the face of a rigid social system, which is developed more fully later in *The Trial* and *The Castle*. Karl has left Europe for America because as a boy of sixteen he impregnated a servant girl, who in fact seduced him, and is befriended on the ship by a stoker, who draws Karl into a conflict with a supervisor that has led to seemingly unfair treatment.

Dickens also sometimes created autopoietic worlds—for example, in *The Pickwick Papers* (1836) and in the fictionalized Chancery case *Jarndyce v. Jarndyce* in *Bleak House* (1852). Such self-propelling worlds in which nobody trades, characters are often grotesques, and economic, legal, and other institutions are caricatured are not recognizable in developed social science. There is no underlying impetus in these sui generis worlds. A further link can be seen in how both Kafka and Dickens name key figures according to observable characteristics: in *The Castle* Klamm is as cold and closed up as his name suggests; the name “Jingle” suggests about the right depth of character in *Pickwick Papers*. Dickens did not always isolate his characters, though, and needed to portray the real world in support of social commentary. Kafka has had no influence on any kind of public policy; Dickens did.

Thus, it is futile to search Kafka’s work for the kind of social commentary often noted for near contemporary writers such as H. G. Wells, D. H. Lawrence, and Joseph

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6. Quoted by Klaus Mann in his preface to *Amerika* (Mann 1941, xiii). Mann notes that sharper lights were indeed the case.

Conrad (Simmons 2000). Wells focused on the human spirit overcoming a seemingly brutal economic system, a trajectory that mirrors his own escape from store keeping, and in *Tono-Bungay* (1909) he misunderstood and criticized the unplanned nature of commercial life. Lawrence presented a much more somber treatment of social class and railed against grim East Midlands industry in England. Conrad, particularly in his Congo novel *Heart of Darkness* (1899), detested but saw the commercial value of the business systems among which he led his life as a sea captain. In Kafka's writing, you would be hard pushed to date precisely the world being described, but nobody ever beats the system in the manner of Wells.

At this point, we turn directly to an example, as it were, a recently discovered literary fragment, shall we say, entitled "Before the Committee." It was of course not published during Kafka's lifetime.

### **"Before the Committee"**

Their leader was distractedly stroking the hair of a fair-haired child seated on the floor, but the men seated along the table smiled and moved their heads appreciatively. K was pleased with their engagement and continued to introduce himself. It was the least well organized group he had ever seen, with not a coat or tie between them as though they had been drawn in from among the beggars on the streets. Still, since the recent deadly pandemic had only just passed, things were perhaps going as well as could be expected. The Committee no doubt had been forced to burn their better garments; that would be it, K concluded. It could not be mere self-indulgence; surely, they would not be contentedly disheveled while expecting their quarry to be suited and booted.

A chair to the right stood empty until a very well dressed woman entered, took a slim red folder from a bag, followed by a very large fountain pen, and sat down. She maintained an air of supreme professionalism while exuding intelligence. K paused for a moment and compulsively gazed at her. Looking directly at him, she smiled. Was this the sister about whom Klump, an unsightly colleague in K's department, endlessly spoke? The woman opened the folder and soothed the back of one leg with the foot of the other. Klump had described that habit.

Her attire made him think more about his own. K relished opportunities to wear a good suit. Today, it was the blue serge that Bielski had hand sewn for him in the Ashkenazi district, to which K had added as a flourish the college tie Bielski's father made years before. The whole attire began to feel heavy as the committee sat silent and stern while he finished his speech. Was he still making an impact? They looked bored from all the droning. Klump's sister looked across at him, but she too no longer smiled. The leader stopped stroking the child, paused while a number 17 bus rumbled by outside the open stained-glass window and, looking to the left, nodded to a man who introduced himself.

“I am Dr Grom, the senior among all the deans of the Academy. You will not have heard of me because I do not publish in your area.”

The man had a high pitched voice and a noticeable Bavarian accent.

“Yes?” K encouraged Grom’s questioning.

“I ask you to tell me what you have done to support diversity in your career to date and what would you do to improve diversity if we in fact appointed you to the highest level in the Academy?”

“Hmm, hmm,” murmured several of the group, but not Klump’s sister, who was smiling again. She had ceased scratching her leg and was now stroking the child, who had moved over to sit by her.

K was puzzled. The question seemed not to be one. It was much more like the loyalty oath Bielski had described while measuring for functioning buttonholes on the coat sleeves of the blue serge suit. In the war, Bielski had been a partisan fighter in a unit where each recruit took an oath of allegiance. The truth was that K had never been involved in anything other than research, apart from appearances as an expert and supervising his assistants. Whatever diversity was, the senior dean clearly wanted more of it.

“But what is it? Ideas?” asked K hesitantly.

Grom, the senior of all the deans, looked annoyed but replied patiently as though K were a child in need of more discipline.

“In line with many other institutions, the Academy has taken a decision to encourage the appointment and promotion of a diverse range of professors, drawing from historically underrepresented groups.”

“How do we identify the groups?” asked K, interpleading the “we” to sound cooperative.

“So far, we have added many more women, like Dr Perske on my right,” indicating Klump’s elegant sister, “and members of ethnic minorities like Dr Ramanujan, who came here from Chennai.”

“Are they chosen for their identities, their origins?”

“No, for their skills.”

“If skills bring them in, why do we not leave it at that?” K risked criticism but again went with the “we.”

“Well, we are bringing in more and more of those underrepresented groups.”

K tried a different line of inquiry, “It seems not to be many groups—there’s not actually much diversity.”

“We are extending all the time, searching ever harder—much more thoroughly with ever more people, you can’t imagine the sheer effort, so much more effort than other people’s effort—for newly recognized disadvantaged groups.”

Grom now warmed to his subject, “We’re even searching into intersections between identities—sex, ethnicity, sexual orientation—the permutations are enormous . . . .”

The senior dean coughed, took some water and then continued, “. . . Dr Ramanujan thinks probably more than 1,729 already.”

K wanted more information. “Why is this a good idea for the Academy?”

“It’s our generally agreed policy,” Grom dismissively replied. “A diverse group is better for the Academy.”

“Will we ever know if we have the right amount of diversity?” K knew asking this was risky.

“We know we are not there yet, nor ever likely to be so!” Grom was agitated and his voice had risen to a very high pitch.

“Do we apply diversity in the Academy’s work?”

Grom paused. “. . . There are set requirements, . . . research in particular journals, teaching satisfying accreditation . . . that sort of thing.”

K was becoming excited: “So the group is ultimately uniform and conformist, even though all this effort has been expended in creating a sort of Noah’s Ark that will eventually have two of everything . . . .”

Suddenly there was a tremendous noise as two men who looked like K’s very own assistants burst into the room waving pistols and shouting at the absolute tops of their voices.

“Enough. Enough! Stop! Can’t you see how disruptive you are for these thoughtful people. Dr Grom, Your Honor, shall we carry K away to sit outside this room so as not to disturb the proceedings any further?”

“. . . there is so much that needs to be answered.” K’s protestations had no effect.

The assistants grabbed K roughly by the looser parts of the blue serge suit and frog-marched him out into the hallway from whence they came, ignoring all pleas and tearing out one of the functional buttonholes in K’s right sleeve. Once in the hallway, they placed K in a chair that had a gilded frame and took turns to dance and run up and down the hallways while the other forced K to sit quietly. Tiredness overcame K as so often was the case these days and he felt himself slipping into a deep torpor. Hours, then days and weeks, then months and years went by but still he sat, strangely incapable of moving, with the fair-haired child occasionally bringing food and drink, and his assistants conveying news reports of a new epidemic, Cof-EBGB. Klump came but offered no help and the committee never invited K to speak with them again.

K wondered why Klump had never told . . .

[At this point the fragment ends.]

## Kafka’s Woe: The Novels

Kafka’s tales of woe contain quests that tend to have several themes in common.<sup>7</sup> He depicts women either in sexual terms or as rather incidental characters. This does not

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7. Hutchinson (2019) uses the observation that Kafka’s principal works are quests to argue they are rooted in much older literature and are not modern at all.

imply that the objects of K's lust, in *The Trial* for example, are unimportant caricatures. In fact, K looks to them for help, as with Leni, who seduces him and guides him in his dealings with his attorney. Similarly, in *The Castle*, K values Frieda's influence with the bureaucracy because of her earlier sexual encounters with the official Klamm. Kafka was a major-league womanizer, though neither confident nor successful in his relationships, and these aspects of his life feed through in his characters. Early-twentieth-century Prague had rigid traditional sex roles, and this is simply a given in Kafka's writing. Modern questions concerning sex roles and discrimination are not remotely part of his observations in the novels or short stories; rather, these roles are taken for granted in much the way that most people take modern institutions for granted. Thus, it can be emphasized that there is nothing in Kafka's writing other than casual historical example that is likely to illuminate the work of social scientists focused on sex roles in the present (cf. Ossewaarde 2019).

A more interesting common theme is the tale within a tale, the literary trick of *mise en abyme*. Most notably, in *The Trial* there is a self-contained story, "In the Cathedral," in which a prison chaplain—the description seems deliberately chosen—recounts how a supplicant at a great court sits and waits to be heard until he dies from exhaustion after a wasted life. This tale emphasizes the quest of the individual in the face of arbitrary authority and was originally written as "Before the Law," a short story published in the literary magazine *Hyperion*. That is another link with Dickens: both authors serialized work to be included in novels later. As in Dickens's novels, rum situations emerge inexplicably in Kafka's writings, but in reality interest groups capture organizations by rent seeking in the manner described in the public-choice and bureaucracy literature (see Tullock, Seldon, and Brady 2002; Butler 2012; Niskanen 2017). The quest in "In the Cathedral" and similar quests in Kafka's other work have truly seductive cadences that do not in the end say anything about how the arbitrary body got that way.

Kafka's nihilistic puzzles do not unpick spontaneously evolved institutions in the modern world or perhaps in any world.<sup>8</sup> In examining law, we must distinguish legislation, as susceptible to rent seeking, from common law, which is more likely to be driven by practical considerations of efficiency.<sup>9</sup> Like many attorneys, Kafka did not see the efficiency aspect of legal rules.<sup>10</sup> To continue with a Hayekian theme, we might also ask why bureaucracy can turn out so downright nasty and soulless. The observation of systems that suspend markets and rely on "be told"<sup>11</sup>—including petty officialdom, Soviet commissars, Che Guevara's operational units, and even university

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8. Gunther Teubner (2019) sees autopoiesis as an alternative to finding a metarule, a rule of recognition for proper laws (as discussed in Hart 1961). The economist's story of efficient evolution of institutions, as explored by David W. Allen (2012, can be seen as a similar quest (that word again).

9. The theme of *Rules and Order* (1973), the first volume of Friedrich A. Hayek's trilogy *Law, Legislation, and Liberty*.

10. For example, the requirement for mitigation of losses by victims of harm (see Bag 2018).

11. See Williamson 1985. See also Allen 2012 for an account of the impact of precise measurement in enabling modern forms of organization.

administrations—suggests that people skilled in appropriate levels of coercion will rise to the top in bureaucracies large and small.<sup>12</sup> We notice that effect more in totalitarian regimes, but it can be seen in all areas of life that suffer from removal of consensual exchange. Kafka sees the soullessness of the bureaucracies against which K pushes, but the sense of oppression is simply observed and not explained; in the writer's mind, it is all the worse for its inexplicability. Had Kafka turned to social science and derived more from Enlightenment thought in approaching his subject matter, he might have been happier, but we might not have the novels. There are aspects of legal structures and other social processes that can be understood and in principle changed. Many of us work to minimize bureaucracy by promoting consensual trade in free markets and to promote common law relative to legislation that may be captured. It is tough work opposing oppression but not a hopeless task.

K sometimes becomes exhausted. In *The Trial*, K tries to take the initiative in returning to the court but finds the courtroom empty and so engages in a series of unsatisfactory exchanges with a forlorn affiant and several characters associated with the court building rather than with its processes. It is as though by his acting outside of the exact demands of the organization, his energy is inevitably drained. In *The Castle*, K is similarly sapped by a futile quest, that word again, for accommodation and the proper reception to which he feels entitled after arriving in the village in response to an invitation from one of the officials of the castle dominating the area. Both episodes concern mistakes: in *The Trial* K goes to the courtroom when it is closed, and in *The Castle* the invitation itself is a mistake to which the bureaucracy is loath to admit. Kafka regards initiative and individual purpose as futile in the face of incomprehensible bureaucratic organization. The system always wins, so it is incorrect to see Kafka as a champion of the individual's assertion of natural rights; he is really a commentator on futility. There is a sense of hopelessness, even fatelessness.<sup>13</sup> He is more a sad observer than a champion.

Kafka's protagonists are ineffectual. In his first novel, *Amerika*, Karl is abandoned by his uncle after disobediently visiting with a friend. Karl then falls in with two drifters who promise to help him find work but instead steal and sell his fine (serge?) suit and ransack his other belongings. In *The Castle*, the protagonist's weakness is indicated early through humiliation and insubordination when Arthur and Jeremiah arrive. They seem to be K's assistants from his prior work, but there is some confusion over their identity and current roles.<sup>14</sup> His assistants generally lark about and cannot be relied upon as K

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12. On this point, see Hayek's *The Road to Serfdom* (1944). Orwell also understood this point and portrayed the inherent nastiness in bureaucracies in his dystopian novel *1984* (1949): Room 101, the use of fear to control people, has no place in a consensual marketplace, but it is essential to coordination in the totalitarian world.

13. "Fatelessness" in the sense explored by Imre Kurtesz in his novel *Fatelessness* (2004). Kurtesz uses the unsentimental telling of an appalling Auschwitz story to show an absence of rhyme or reason behind fragile individual experience dominated by sometimes barbaric social forces.

14. This episode may suggest an inconsistency in the plot.



fails to control them. Later, K is forced to work in humiliating circumstances for the village schoolmaster. In *The Trial*, K is a negligent officer at a bank and eventually fails to resist his killers, two assistants of the court; K understands that this last failure will outlive him in shame.

In *The Castle*, K arrives as a land surveyor to fulfill a contract for Klamm, a superior castle official whom K regards as his patron. The local mayor soon reveals that K is not in fact wanted, indeed is an embarrassment, because the contract was a mistake over which the castle cannot lose face by admitting the error. K keeps trying to meet with Klamm, who continues to evade him. The locals rationalize the officials' actions at all turns, and K never gets his meeting or any satisfaction. *The Castle* is an unfinished novel, but it seems to head toward an ending in which K is left highly frustrated. The quest is apparently for K to be recognized in terms of his promised role as land surveyor.

Events in the plot reinforce the argument in this article that Kafka's world is a closed system with little to say about society as we know it in reality. In the world outside the novel, upon discovering that his contract has been breached, notwithstanding his own partial performance, K might simply have left and sought employment elsewhere. Does a respectable land surveyor have no office or home to which to return? There is fundamentally no reason for all the hoo-hah in *The Castle*. For sure, K is portrayed with a weak personality, as he is in the other novels, but is there just one employer? What was K up to before this job, and why cannot he simply return to it? You win some, you lose some, so why not move on? I am reluctant to accept that an overpowering bureaucracy simply undermines K's will. If Kafka was suggesting that labor markets are thin to the point of nonexistence and that there is no entrepreneurial spirit in the human soul, we could point to counterexamples very easily: Sam Walton, J. K. Rowling, Leonardo DiCaprio, and Roman Abramovich all spring to mind as public figures who have overcome huge obstacles in life. It is tough to oppose oppression and difficult to be creative, but neither is a cause for hopelessness. In *The Castle*, Kafka sees the world as though it were a local province or perhaps one state-owned organization in North Korea; opportunity has been removed in a setting closed to the wider world.

In *The Trial*, minor officials come to K's rooms and arrest him. An inspector appears and charges him with unspecified crimes, leaving K under a form of house arrest. K has to discover the time of his hearing at the court. Kafka clearly wishes to follow the model of the quest and initially shows K as energetic, although quickly worn down. Indeed, the experience of fatigue occurs early in the quest. K's representations to the court only make his plight worse, and he turns to a succession of people who may be able to help, but none can. His uncle finds a valetudinarian lawyer, whose assistant, Leni, seduces K and tells him to confess his guilt because nobody succeeds in opposing the court. K consults the court painter, Titorelli, who tells him that he can never obtain a clear acquittal, nobody has, but that provisional suspensions of cases do happen sometimes. The prison chaplain tells him the short story "Before the Law" in the cathedral, which seems to be a back door through which the court reaches out to

reinforce the futility of opposition. At the end of a five-year odyssey, K apparently acquiesces in his own judicial murder.

In reading *The Trial*, the reader is struck by K's failure to flee or to seek some form of competitive relief. Compared with the central concern in *The Castle*, K's problem in *The Trial* is not inertia once he arrives in town but an absence of due process in the court. This level of process is worse than would have been found in any Austro-Hungarian court at the turn of the nineteenth century. Faced with a near-zero probability of acquittal, individuals would normally flee.<sup>15</sup> But, apart from early flourishes of confident litigation, K just passively sits it out as a supplicant even though he has clearly witnessed failed supplication by others and has repeatedly learned that nobody succeeds. The asserted process is fanciful: even in the worst excesses of Soviet, Nazi, and Chinese show trials, the accused was told what the offense was; the problem was that he could never win the case. Therefore, Kafka must have deliberately chosen to depict a legal process that could be nothing other than an allegorical account of the individual caught up in an unyielding autopoietic reality. The novels are not meant to unpick society but rather to illustrate an individual's anxiety and frustration in being tethered to an imposed order. The anomic individual is Kafka.

## The Short Stories

I have already discussed "The Stoker" as the foundation for the first novel, *Amerika*. Along with the other work, it suggests Kafka was a writer of short stories first and foremost. The support for this claim resides in the timing of his work, with the first forays being serialized story writing, again much like Dickens. Also, we do not know the precise order of the chapters in the novels, but it does not seem to matter much. Kafka was in fact very good at writing compelling short stories, even when contemplating cruelty, as in "In the Penal Colony," a disturbing account of a machine that slowly tortures the condemned to death by imprinting an unreadable but eventually felt sentence deep into the convict's body. The story is neither support for nor critique of capital punishment; as is typical of Kafka's work, there is no social commentary here. The story is, rather, a good example of individuals finding themselves, in this case literally, chained to an omnipotent machine and simply acquiescing in its appalling practices.

Kafka wrote his most famous novella, *The Metamorphosis*, in 1912 and published it three years later. It concerns a young man, Gregor Samsa, living at home, who wakes up one morning, "after uneasy dreams," to find himself transforming into a giant cockroach. It is the ultimate story of alienation. After the shock of discovery, his parents and his sister begin a forlorn regime of containment in the hope that he might recover from this terrible but surely reversible misfortune. Time passes, during which their revulsion

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15. As in Carlos Goshn's escape from Japan.

grows as Gregor enters more and more fully into his new state, learning to climb onto the ceiling and showing a marked preference for eating garbage. Misunderstandings occur in confrontations, and Gregor is injured, becoming more and more exhausted from his struggle with misplacement in the closed world of his parents' house. The family and a servant eventually conspire to kill Gregor and dispose of his remains in the manner of pest control. If the prisoner and prison officer are chained to the machine in "The Penal Colony," in *Metamorphosis* Gregor is chained to his transformation, and his family is boxed in with him until they inevitably see him as a useless burden. Again, as with the novels, in *The Metamorphosis* Kafka writes within a very carefully delineated world characterized by episode upon episode of humiliation and alienation. K can be criticized for sitting things out in *The Castle*, and Gregor Samsa is depicted as totally controlled by a process, metamorphosis, completely outside of his or anybody's control.

A similar miasma of irremovable constraint pervades "The Judgment" (1913), a tale of conflict between a son and his father, mirroring Kafka's difficult relationship with his own father. It is essentially a story of manipulative behavior, slanted so that the father seems to be the most manipulative of the two. Home truths are exchanged, and the tale apparently ends in despair and suicide. The father is the unbending authority in the story yet appears to be weakening as the son shows tenderness toward his aged state, but then hostile authority snaps back into place and has all along been laying psychological pitfalls into which the son readily falls.

## Discussion and Conclusion

The relationship between Kafka and his father may have reflected his uneasiness with his family origins. Harold Bloom (2010) thought that Kafka was essentially a Jewish writer influenced by his heritage, even though Kafka was from an assimilated family in Prague and did not practice the religion. The evidence for the great significance of heritage is frankly thin, particularly because Kafka's anarchistic leanings conflicted with the Zionism of some friends in his youth. *The Metamorphosis* has been seen as an allegory for Jewish assimilation in a hostile central European world, but one seriously wonders whether a more obvious way to raise that issue would have been to come right out with it (see Ryan 2010). There is more to be said about Kafka's repeated examination of the agonizing clash between the individual's naturally free state and what to many seems like an enveloping and unfathomable social state. Kafka's work is effectively free of identity issues of any kind except for "K equals Kafka," a sure signal of the intention to explore anomic individualism as unwinnable conflicts provoked by an authority that defy rhyme or reason. There is mysticism at the heart of the work. As Howard Dietz and Arthur Schwartz once put it in a song, we are "dancing in the dark, 'til the tune ends."

During the Cold War, there was a tendency to claim that Kafka's autopoietic worlds foreshadowed communism and its burgeoning bureaucracy, not least because the Nazis and the communist regimes banned his works. One still encounters echoes of

that thinking (see, e.g., Billet 2015), but we must remember that totalitarian regimes ban most expressive work. Although Kafka certainly attended meetings of left-leaning anarchist groups in Prague before World War I, he did not formally belong to any of them. However, this individualism, as observer rather than participant, has not stopped socialist commentators from making use of Kafka politically.<sup>16</sup> A common claim is that Kafka was a libertarian socialist horrified by the bureaucracy inevitably attached to modern capitalism (as in Janouch 1978, 118). Such claims are disputed and seen as an effort to tie Kafka in to early-twentieth-century political movements with which he was but peripherally engaged (see Löwy 1997). It may be that Kafka held loosely anarchistic views and that he made the mistake common enough in modern history of identifying capitalism with oppressive bureaucracy and then turning left to find the cure. The common problem is failing to see that anarchy would actually require free markets, not socialist planning, and that libertarian socialism is a contradiction in terms—hence, Murray Rothbard’s identification of anarchocapitalism (a topic developed in Tannehill and Tannehill 1993).

Institutional economists understand that economic and legal institutions can evolve spontaneously under the drive of gains from trade (see, e.g., Allen 2012). Humanity began without social institutions such as markets and legal systems, but rather with uncoordinated externality relations commonly known as conflict. Whenever it was cost effective to make the change, externalities gave way over time to consensual trade and to reliance on institutions such as law for the enforcement of entitlements. Externalities, bargaining costs, and the enforcement of entitlements should therefore explain a great deal of consensual human interaction. Over time, there emerges an economic system that is more complex than Kafka’s record of business and human interaction. Yes, there are hierarchies in capitalist societies, but their presence is consistent with efficient development in which individuals have agreed to tell and be told. The legal system enforces agreements based on evolved property rights, but this prevents conflict that would be far worse without evolved property rights, as was shown in recent communist regimes when private-property rights were taken away.

Another colossal omission in viewing Kafka as an anarchist critic of a growing capitalist behemoth is the failure to understand bureaucracy as dangerously oppressive when it is not associated with consensual trade. Many have died at the hands of Gestapo and KGB secret-police-type units in totalitarian systems (see Kramer 1999; Bukovsky 2019). There is in fact a reason for this history. A system of economic organization dependent on rivalry between groups and calculative planning will at best be benign for a very short period of time. Planned systems face the problem of getting people to do things they may not wish to do and cannot rely on consensual agreements, which would

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16. “Literary work is not an abstract conceptual system similar to . . . political doctrines but rather the creation of a concrete imaginary universe of individuals and things. . . . [N]one of this should be an obstacle to making use of the . . . subterranean links between his anti-authoritarian spirit, his libertarian sensibility, and his sympathies for anarchism on the one hand, and his principal writings on the other” (Löwy 1997, 120).

anyway be unenforceable in the absence of private-property rights and something like the courts in the United States. Such planned systems use coercion, including deadly force, and people very good at coercion inevitably have excellent careers and rise to the top in them (see Hayek 1944). It is naive to think that planned economic systems would solve the oppression and anomie expressed by Kafka.<sup>17</sup> Although there are elements of constraint in the bureaucracies of modern capitalism, these elements are different and of much more limited purpose and do not usually kill people; free markets, pace *The Castle*, also allow individuals to realign themselves with other independent organizations.

Strictly speaking, it is impossible to draw substantive lessons for politics, law, and economics from the works of Franz Kafka. Rather, the reader encounters a contrived autopoietic world that expresses constrained individual action, which leads to a better understanding of the human condition (as Kafka sees it, anyway). The works considered here show worlds designed as closed systems capable of exhibiting conflict between the individual's natural yearning for freedom and his inescapable tethering to a modern world with an unknown destination. This worldview draws attention by contrast to consensual trade in free markets, the common law, and pluralistic politics as the best securers of individual rights.

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17. Consider Tomas's fate in Milan Kundera's novel *The Unbearable Lightness of Being* (1984) and the histories described by Czeslaw Milosz in *The Captive Mind* (1951).

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