

**Justice of Laws and Laws of
Justice: Law, Justice, and the
Human Condition as presented
in Tawfiq El Hakim's *The Maze
of Justice* (1947) and Frantz
Kafka's *The Trial* (1925)**

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Maat is good and its worth is lasting.

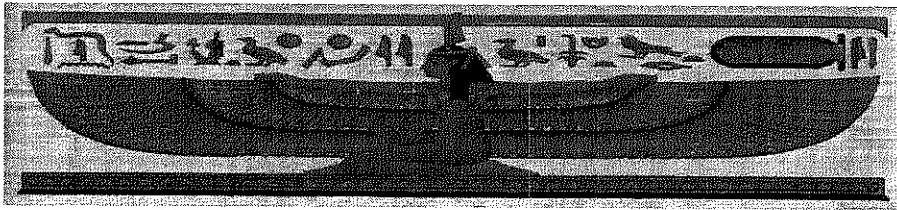
It is true that evil may gain wealth

But the strength of truth is that it lasts forever

---Ptahhotep describing Maat

“How often is injustice committed in the name of justice?”

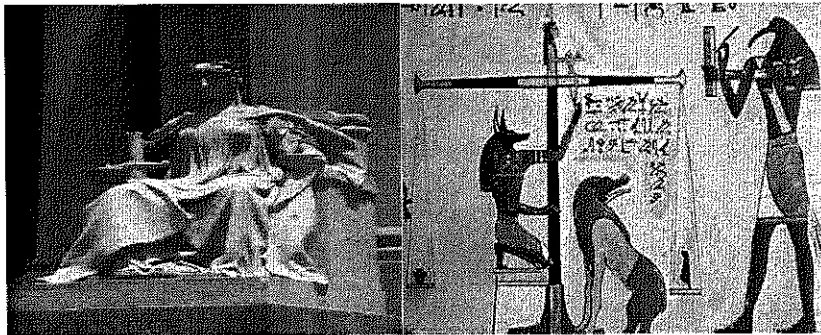
-----Franz Kafka

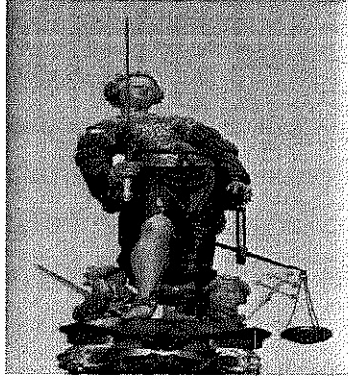


Students around the world study the history of justice as traced back to ‘Maat’, the Egyptian goddess of truth, balance, law, morality and justice. Maat is portrayed as an Egyptian lady with carefully balanced stretching arms and hanging feathers as the first documented personification of the idea of justice in the world. She is engraved in almost each and every Pharonic grave, pyramid or temple with all her grace and beauty. Her constant personification in Pharonic temples and monuments is due to her role in organizing actions of mortals and deities in the two instances of life and death. Her mission is to prevent *Istfet*—lying, violence and chaos—in the moment of creation while on death she is placed on top of the scale of weighing souls to ensure a just ruling of the path of the soul in the afterlife.



The deceased's heart is placed against her divine feather stretched on her head to weigh his earthly deeds (*Religion and Cultural Memory* 34). This concept later developed into the Greco-Roman concept of justice more than 2300 years later, portrayed in Lady Justice (goddess Justitia) with her iconic blindfolded eyes, mighty sword and balanced scales signifying the promise of equality and justice with the power of the rule of law. Law, thus, is the instrument through which this idealistic principle could be implemented on earth (*Maat, the Moral Ideal in Ancient Egypt* xvii). However, with men of law's manipulation and exploitation of Maat's and Justitia's sense of fairness and their preoccupation with securing their own interests at the expense of defending the law as a means to achieving justice not as a blind goal in itself, the respectable and balanced Maat and Justitia are converted into the playful tempting Justitia that attracts victims into loss and defeat in its mazes of deceit, humiliation, loss and injustice.





Maat on top of the scale of weighing hearts with her emblematic feather(left), Statue of Lady Justice at Shelby County Courthouse, Memphis, Tennessee (middle), Statue of a playful Justitia on Gerechtigkeitsbrum (the fountain of Justice) Bern, Switzerland (right)

Both Tawfiq El Hakim (1898- 1987) and Frantz Kafka (1882- 1924) were preoccupied with the concept of justice and people's struggles with law. Man is supposed to always abide by the law and his attempts at violating it ends in further punishment and suffering. This suffering, this status of the human being as a helpless creature that is victim of the pursuit of justice, is a recurrent theme in the writings of Tawfiq El Hakim and Frantz Kafka. In their works *Yawmīyāt nā'ib fī al-aryāf* translated as *The Maze of Justice*, and *Der Process* translated as *The Trial*, they tackle the human condition in relation to law either as a reflection of the collective conscience of the community in which the



rules for preserving ethics, values and morals are formulated into legal clauses and articles or in the higher sense relating to the divine Law set by God for human beings to follow as the only way for their salvation. On one level, both works pose questions concerning the definition and nature of law, court systems, and punishment procedures. On another, the novels seem to reflect on the human condition at large.

Both Tawfiq El Hakim and Frantz Kafka worked in the legal field. They thus join a large number of prominent literary figures who were either lawyers or had legal training including Donne, Fielding, Sir Walter Scott, Balzac, James Fenimore Cooper, Flaubert, H. Rider Haggard, Tolstoy, Galsworthy, Wallace Stevens, and possibly Chaucer (Posner 5). Hakim and Kafka are similar to those writers who were interested in tackling the tension between real justice and legal justice (2) presented in their literary treatment of law and legal processes. While *The Maze of Justice* is the memoirs of Hakim's work as a county prosecutor as the subtitle denotes, the title for Kafka's *The Trial*, as Stanley Corngold states, more accurately translates from the German to "The Process" (42) referring to the legal process through which people should pass in search for justice.

El Hakim was born near the turn of the century to a provincial judge and a woman of Turkish descent. He had

“a far from brilliant record at school and in the Faculty of Law of the Egyptian University” (Cachia 225) because of his constant interest in arts and especially theatre which distracted him from his academic studies. In 1925, his parents sent him to Paris to separate him from his growing passion towards arts and theatre in a mission to earn a doctorate degree in Law. However, he failed to do so but his journey paid off differently since Paris introduced him to Western arts and theatre. On his return to Egypt, he was appointed a deputy public prosecutor, an office which he held for four years, serving in the provincial towns of Tanta, Dusuq and Damanhur which provided him with the material for many of his works. However, with the publication of his play *Ahl al-Kahf* (The Sleepers in the Cave) in 1933, Hakim encountered the disapproval of the Public Prosecutor, and so asked to be transferred to a more obscure post and in the following year he was appointed Director of Enquiries in the Ministry of Education and was once more transferred to the Ministry of Social Affairs following the storm which the publication of *The Maze of Justice* caused due to its scathing attack on the work of the legal profession in the provinces. After resigning from the government on 1943, he was persuaded by his friend Taha Hussien in 1951, then the Minister of Education, to accept the post of Director of the National Library. From that time on he held many cultural posts and was awarded a number of prestigious awards including the Order of the Republic, the first State



Prize in Literature in 1961 and a theatre was named after him in recognition of his great service to the cause of Egyptian drama, and he was subsequently elected Honorary President of the Egyptian Writers' Association (Badawi, 950-1).

Tawfiq El Hakim who, as Ken Whittingham points out “is recognized as the pioneer and father-figure of Arabic dramatic literature [and who] is probably the only Arab playwright to have achieved any kind of international recognition” (15) relentlessly pursued philosophical inquiries into the nature and justice of the human condition. As Marvin Carlson states, Hakim was the only one that was produced in any theatre in England or the United States during the entire twentieth century. He was the only Arab dramatist, Carlson points out, to have a major collection of his plays and prefaces published in English and was the only one to be the subject of a book in English. According to Carlson, it is “no exaggeration...to say that al-Hakim is not only the preeminent modern Arabic dramatist, but for many theatre persons, the only one” (529). With his first play, *The Cave Men* that opened the first National Theatre Company season in 1935 (15), based on the legend of the Seven Sleepers of Ephesus, the two Christian ministers and a shepherd who hide in a cave fleeing the pogroms of a pagan emperor, wake up after 300 years to find that they do not belong in this new world and go back to the cave to die.

Themes of human defeat, hopelessness and loss that overshadow the aimlessness of the human spirit are clear in his prominent works that include *Braxa or The Problem of Ruling* (1939), *Oedipus* (1949) and *A Fate of a Cockroach* (1966). Al-Hakim published a total of five novels between 1933 and 1944, after which date he devoted himself to writing plays. *The Maze of Justice* is widely considered by critics as his best novel (Stone 296) presenting the reader with “the strongest statement available on the corruption, inefficiency, and illnesses of the Egyptian judicial system in the 1930s” (Omran 463) that still prevail the judicial and legal system until now.

On the other hand, Franz Kafka worked as a lawyer most of his life. Kafka was born into a middle-class German speaking family in Prague, the capital of the kingdom of Bohemia (then part of the Austro-Hungarian Empire). He went to university to the Law school in Prague and on 1907, according to Douglas Litowitz, passed his third and final exam and was “promoted” to Doctor of Jurisprudence (50). After receiving his law degree, Reza Banakar points out, he worked for two years at the Italian insurance firm Assicurazioni Generali and then joined the Workmen’s Accident Insurance Institute, “a quasi-governmental agency that managed the local administration of the Austrian Empire’s Workers Compensation system” (467). This Institute was responsible for analyzing cases, determining



and collecting insurance premiums that cover and compensate for work-related injuries (467). Kafka held his job at the insurance company until his retirement due to sickness and eventual death (Litowitz 51). As Banakar states “Kafka’s office writings illustrate that the images of law in his fiction... are based on his experience of working with the law as an insider and an outsider at the same time. This dual perspective allowed Kafka to observe the contradictions intrinsic to the internal and external operations of law” (465).

Kafka’s personal suffering was intensified by the nature of his religious background as a Jew at the time of Nazi Germany and his terminal illness. Although he was never enthusiastic about his religion, and, as Max Brod, his closest friend states, only used to attend the synagogue as a tiresome duty ordered by his father (26-7), he was discriminated against as a Jew. As Banakar points out Kafka was promoted slowly due to his Jewish background but was eventually promoted to a high-ranking position “(*Obersekretär*)” and became “a significant innovator of modern social and legal reform in the Crown Land of Bohemia” (467). According to Brod, Kafka's two most distinguishing traits were "absolute truthfulness" (47) and "precise conscientiousness" (49). Kafka left his work, both published and unpublished, to his friend Brod with explicit instructions that it should be destroyed on his death:

"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"(Kafka, 1988, publisher's note). However, Brod ignored his final wish and published the novels and collected works between 1925 and 1935. Since his medical condition made eating too painful for him and there was no medical way, then, to provide a patient with the necessary nutrition for survival except through eating, he eventually died of starvation (Brod, 209-11). Franz Kafka, as I.R. de Oliveira notes, "published, in his lifetime, fewer than 450 pages, but a new book on his work has been published every 10 days for the past 14 years" (5) His novel *The Trial* was chosen by the American Bar Association Journal on 2013 as one of the top five greatest law novels ever. His works that include *The Penal Colony*, *The Castle*, *The Judgement* and *The Metamorphosis* (1915) tackle themes of human defeat, alienation, injustice and suffering.

Both *The Trial* and *The Maze of Justice* can be read on two levels. The first level is an inquiry into worldly legal procedures through which Man is expected to search for and receive justice while the other is the universal divine level through which man is supposed to find spiritual fulfillment, fairness, and peace. On the first level, both works are a discussion of statute laws and the processes relating to them. As a critique of legal methods including



interrogation, evidence bearing, proof, defense, verdict delivery and punishment and a thorough and truthful illustration of people's loss at the mazes of law courts in a vain pursuit of justice, they question Law, the nature of authority, the legitimacy of courts, the judicial system and the legal procedure in general. The two novels give the reader a unified idea about justice delivery from two opposite perspectives. *The Maze of Justice* gives us the perspective from the lens of the judicial system since Hakim assigns a county prosecutor to be his narrator while the protagonist in *The Trial* is an innocent accused. The similarity between the situations, challenges and disappointments presented in the two novels add to the credibility of the cruel demonstration of the legal system by the two authors and its failure to achieve justice. On the other level, the novels could be representative of life itself, the human condition with all the complexities of life that poses on Man continuous suffering that only ends in death. They thus present a very dark interpretation of human life as futile suffering and inevitable death that is significantly painful and absurd due to Man's ignorance of the nature and particulars of 'The Law' by which he is judged and punished.

Both *The Maze of Justice* and *The Trial* open up with the protagonists being asleep waking up to news of a crime. In *The Maze of Justice*, the narrator is the investigator while in

The Trial, the protagonist is the investigated. In *The Maze of Justice*, the narrator who is a county prosecutor is awakened hastily to investigate a crime of an attempted murder. On the other hand, *The Trial* opens up with Josef K. waking up to the news that he is accused of an unknown crime and he is to stand trial. Although K. keeps inquiring about what he is accused of, there is a continuous denial from all representatives of law of his right to know anything concerning the nature of his crime. The common features of the overture of the two novels are quite evident. In both novels, the protagonists wake up to a legal dilemma that would take them into a journey of personal, legal and judicial distress. The inability of both protagonists to identify the precise nature of the crime will continue till the end of the two novels. Tania Al- Saadi believes that the murder plot in *The Maze of Justice* is “a secondary element... [that] serves the criticism; it is a pretext that allows the ‘author’ to talk about other subjects” (5). Al Saadi’s analysis might be extended to emphasize the same point in Kafka’s *The Trial*. Ignace Feuerlicht studies the ‘omissions’ of *The Trial* stating that the novel’s great effect is based to a large extent on the things that “are not there and those that contradict each other” (339). He asserts that the omission of K.’s crime is “[T]he most important and challenging omission in the novel” (342). Thus, both critics agree that the crime in itself in both novels is not a basic element. The two novels are by no means detective novels



that are concerned with finding out 'who did it'. In fact, neither of the protagonists is able to solve the mystery of the crimes they are involved in because both are unable to solve the mystery of the judicial system they find themselves wrapped up in its maze.

Feuerlicht refers to another omission in *The Trial* that is may be applied to *The Maze of Justice* as well. This omission is the last name of the protagonist of *The Trial* who is simply called Josef K. (339), an omission which Margaret Church describes as a manifestation of the Platonic character of Kafka's idea of time: "when we observe that K. (as the initial suggests) is a symbol, not an individual, so we are dealing here not with a specific relationship of past and present but with a general one" (63). The same goes for the narrator's name in *The Maze of Justice* who is kept anonymous by the author. Thus, on realizing that these novels are not detective novels along with the omission of the narrator's and protagonist's name, the reader embarks on reading the novels realizing that it is an exploration into the processes of achieving justice that goes beyond specific persons or identities.

The opening scenes in both novels overshadow the main ideas that will be tackled throughout both novels namely the unfairness of laws that mislead people in mazes of legal procedures, paperwork, incompetent administrative staff and unfair court trials as well as the disparity between the

legal system and the simple laypersons who are constantly affected by the repercussions of its failure to deliver justice to them. With the first pages of *The Maze of Justice*, we are introduced to the stark paradox of the dialectic relation between Law and justice. The novel opens with the narrator who is suffering from an inflamed throat praying that “God might cause erring human instincts to rest awhile within the district, so that no crime should compel [him] to get up while [he] was feeling indisposed” (15). However, a little while later a crime is reported and the prosecutor is obliged to go to the crime scene. We are then introduced to one of the major features of legal system failure namely the administrative aspect of the legal system. This aspect, we get to realize, almost always spoils any attempts to achieve justice with the constant emphasis on form over content and the incompetence of those assigned the holy mission of aiding the oppressed.

The failure of the administrative staff and the legal procedures is quite evident in two clear examples in the first pages of the novel. The first is in the content of the message the prosecutor receives reporting the crime while the other is the crime scene report writing. When the prosecutor receives the message reporting the news of the crime, the form and content of the message is quite telling. Through a linguistic analysis of that message which is supposed to be an official correspondence concerning an incident of



murder, Al Saadi concludes that the message's content "refers... to the incompetence of the administrative staff" (5). Al Saadi moreover agrees with Christopher Stone who asserts "the inefficacy of the application of foreign laws implemented by city lawmakers on country folk" (308). Thus, as Al Saadi notices, in the message, "the mixture of administrative writing with colloquial language underlines the gap between the judicial system and the environment in which it works" (5). The inadequacy of laws, their methods of implementation and the vague moral reasoning underlying these laws will be highlighted in many instances and much of the novel's dark humor is derived from the author's placement of the naivety and primitiveness of the villagers against the strictness of the legal system and its regulations. One of these instances is the prosecutor's report writing in the crime scene.

In a very significant scene, following the reported crime, the prosecutor goes for the attempted murder scene investigation. He slowly, deliberately and in total indifference for the dying victim in front of him, dictates a thorough detailed report of the incident, the crime scene and a detailed description of the victim who is being left lying on the ground bleeding until the report is completed. Instead of handing the wounded man to the paramedics to save his life, the persecutor "saw no reason to be brief" (21) as he tells us. "I always like to take pains with the compilation of

the report”, he says, “The Report is the be-all-end-all in the eyes of the higher authority. It is the only evidence testifying to the accuracy and skill of the Legal Officer” (21). He explains this as a lesson he learned from the Public Prosecutor when he had submitted to him a ten-page report on a murder crime in which they were able to catch the murderer. On seeing the report, the Public Prosecutor asked the narrator “[W]hat’s all this? A contravention or a misdemeanor?” (26) Realizing that it was a report file on a murder he shouted “An assassination! The murder of a human being! All in ten pages?” (26) He then “went on weighing the report in his hand with careful accuracy” which led the narrator to sarcastically promise him that “[N]ext time, God willing, we shall be more careful about the weight!” (26). The narrator was thus careful this time to overcome his previous mistake but was unsatisfied with the report he had already made on the primary investigations on the murder crime “wondering what was to be done so as to bring our report up to a minimum of twenty pages” (26). It is thus clear this major aspect of the legal system’s failure. Whereas report-writing, documentation and cases exhibits are initially assigned by Law as a guarantee of fairness and the accurate implementation of its articles and clauses, misapplication of these procedures by legal officials leads to meaningless case papers that have the opposite outcome of the desired results.



In fact, irony from report-writing logic and bogus documentation procedures as one of the worst aspects of tools used in the pursuit of justice dominates over the whole work. However, it is again specifically evoked in a case of poisoning in which the narrator was supposed to interview the victim through many questions. In this case, the combination between administrative requirements invented by legislators who are quite distant from the laypersons affected by their regulations, and the insistence on filling meaningless reports is evident. According to the administrative regulations set by legislators from the capital, the narrator was supposed to ask a two pages long set of questions. After narrating these two pages of questions for the reader which inquire about the most precise details concerning the incident, the narrator laments: “these were questions which had to be addressed to a wretched victim who didn’t know his head from his heels” (116). This was totally illogical because “here was a poor creature drowning in the contents of his stomach, etc., etc....,.... [and] according to the form...this peasant –who had never carried a watch or even set eyes on one—was supposed to inform us that the symptoms were first observed at precisely one minute past three o’clock!” (116). When the narrator actually interrogates her, he has to cut the interrogation off. He complains that “[T]his woman who had not uttered her name until we were nearly dead with exhaustion” (118) had to be left alone because, and in

spite of his eagerness to follow the instructions, it was beyond logic or possibility. This is due to the fact that he had to interrogate this woman “who lay there like a corpse” and to ask her about “all kinds of details about the hour and minute of her symptoms and all the rest of the printed formulas which had been drawn up with calm deliberation in the capital, far from the scene of her squalid anguish?” (118). Such requirements led the narrator to wonder at the validity of the process which he is asked to follow: “[C]ould I with my process of ‘investigation’ hope to breathe life into a lifeless thing?” (24) While the narrator in Hakim’s novel questions his ability to turn a lifeless and futile process into a meaningful tool for attaining justice, Kafka recognized that the ‘process’ of investigation, the vicious legal process with its intricate details is the core of the loss of justice within the legal system when he named his novel *Der Prozess*--‘The Process’--as the literal translation of the title implicates.

Kafka in *The Trial* sets in the very beginning of the novel the line on which all the coming pages of the novel will be constructed. This line highlights an accused’s worst nightmare when he gets caught in legal procedures while innocent. Along with this is his suffering due to the legal system’s ultimate doctrine that the law and its people are right no matter how illogical or unfair they are, and that anyone who rejects the legal procedures is wrong no matter



how innocent or logical he is. The statement that the suspect is innocent until proven otherwise becomes only a bitter joke. This is reflected in the very first line of the novel that reads “[S]omeone must have been telling lies about Josef K., for without having done anything wrong he was arrested, one fine day” (7). Just a few lines later we realize that two court officials had come to arrest him. He wakes up finding them in his bedroom dealing with him in the most humiliating way. And from that instant and till the end of the novel, K. is dragged into a series of illogical, degrading and even shameful procedures that leads to his eventual death at the end of the novel. An innocent suspect of a crime who is never told what it really is, is governed by laws that are both unclear and irrelevant. Throughout his journey we are exposed to the evils of a legal system that oppresses the innocent, acquits the guilty and in all cases consumes so much energy and time on procedures that are neither efficient nor effective.

The incompetence and corruption of the administrative staff is emphasized in *The Trial* through the attitude of the warders. Not only do they act without any documented authorization or explanation to K. of his accusation or the nature of his crime, they steal K.’s belongings and abuse their power. The warders are portrayed as entering K.’s house without any authorization. They never show him any document that validates their posts or news. As they



question him, they notice his fancy clothes and then decide to take them by convincing him that “he would have to wear a less fancy shirt now” (9) warning him that this means that “that they would take charge of this one and the rest of his underwear” (9). They claimed that this is taken by authorization from “them” without specifying who ‘them’ or ‘they’ refers to. They then suggest that it’s much better to “‘give these things to us than hand them over to the depot,’ they said” (9). The reason why he should give his clothes to the warders instead of giving it to ‘them’ is appalling and extends the image of corruption to the whole institution. They assert that “for in the depot there’s lots of thieving, and besides they sell everything there after a certain length of time, no matter whether your case is settled or not” (9). Thieving happens on systematic way since ‘they’ “sell your things to the best briber not the best bidder” (10). They moreover help themselves into eating his food and stealing his belongings before they leave.

So, Kafka, like Hakim, sets the stage for his reader to realize two important facts that will accompany him throughout the novel: a- that the crime is a secondary issue since no crime was committed in the first place, b- that the reader is about to go into a journey in the mazes of the pursuit of justice that is apparently hindered by futile laws, administrative debility and incompetent legal officials. When the court warders are at K.’s to report to him the news



that he was to stand trial, they tell him that they are “always sent to those who are guilty in the eyes of the officials” (11). Although Kafka leaves no space for doubt for the reader that K. is innocent by directly and clearly stating that he is innocent in the early lines of the novel, we are exposed to an ongoing paradox between what we know and how K. is treated. K., who does not know what he is accused of, and who, we are told, has done nothing wrong, is denied the right to know what he is accused of, according to, he is told, the law. The warders moreover reject any questioning of the procedures that brought them to K. since “[T]hat is the Law. How could there be a mistake in that?” (11). However K. rejects this logic saying “I don’t know this law” to which they answer him in the most illogical way: “[A]ll the worse for you...See, Willem, he admits that he doesn’t know the Law and yet he claims he’s innocent” (13). K. is thus a representative figure of common men lost in mazes of justice. Throughout the novel, we accompany him in his difficult, surreal, and unfair struggle with the legal system. As Posner states, K.’s dilemma within the legal system “is a metaphor of the difficulty that laypersons have in understanding the law, the distress felt by litigants caught up in a legal process they can’t understand, and the disjunction between the layperson’s expectation that justice will be done and the actualities of the legal process” (179).

Kafka also stresses the same aspect which Hakim stressed, namely the meaninglessness of the methods of legal report writing and other empty administrative requirements at many instances and he does this from the beginning of the novel. However, the most apparent example is when K. is interrogated. The wife of the Law Court Attendant tells K. about the Examining Magistrate that “the reports he sends up to the higher officials have some influence. And he writes out so many reports... he’s always writing” (63). When K. gets examined by the Magistrate, the Magistrate keeps referring to his own legal records and reports. After the interrogation is finished, K. implores the woman to let him have a look at those records the Magistrate was referring to. When K. opens the first of them, he finds “an indecent picture. A man and a woman were sitting naked on a sofa... [he then] glanced at the title-page of the second book, it was a novel entitled: *How Grete was plagued by her Husband Hans*” (60-1). Kafka is thus referring to the emptiness and stark immorality within the legal process of report writing that is used in interrogation, crime scene investigation and courts records. A report and a court official record prove to be a pornographic illustrative record and a soap opera-like manuscript. Kafka takes his criticism of judicial report-writing to a level of not only inefficiency and emptiness but also lewdness and immorality. Thus, between the weighty reports of Hakim and the indecent reports of Kafka, it becomes very meaningful K.’s



observation in the interrogation hall of the courthouse: "How dirty everything is here!" (60).

This dirtiness is extended to dominate many parts in *The Maze of Justice*. This is apparent when the narrator introduces us to some of the court cases. In *The Maze of Justice*, Hakim digs deeper into the legal system. He presents us with two representative figures for the judicial system who are the cornerstone of any legal system and any innocent suspect's hope for acquittal and justice: the judges. The judge in whose hands are tied the lives and the future of all suspects, is supposed to be cultured, tolerant, patient and a meticulous persons due to the gravity of his job and the repercussions of his verdicts on the lives of people whether defendants or accused. In *The Maze of Justice*, the narrator tells us that there are two judges for the county's court. The first one lives in Cairo and travels up for the session by the first train. He thus comes from outside the milieu from which the peasants he is supposed to try are from. This results in his cruelty and insensitivity towards the peasants whom he constantly insults calling one accused "silly animal" (74). On the other hand his indifference towards their rights and his eagerness to go back to his hometown as early as possible, "[H]e always hears his cases with the utmost speed in order to catch the 11 o'clock train returning to Cairo. No matter how great the number of cases for hearing---the judge has never missed his train" (32). Of

course, a judge who is tied to a clock's pendulum with an overage of 150 cases to review in two hours is anything but a judge. The narrator shows us how hasty he interrogates witnesses, never giving them a chance to elaborate or finish their testimony and how he sets high fines as if to intimidate the lawyers from enrolling their cases within his turn.

On the other hand, "[T]he other judge is an excessively conscientious man.... He is very slow in dealing with cases, for he is afraid of making mistakes through haste" (32). However, these sessions are for the general prosecutor "a nightmare", "a veritable sentence of imprisonment" (32) and "a punishment for all the innocent people whom I had inadvertently sent to prison" (32) since they take much longer time. Thus when a conscientious efficient judge is assigned, the other arm of the judicial system, the defender of people's rights--namely the county prosecutor-- is intolerant and irritated. Moreover, the difference in the nature of the two judges' work leads to a disproportioned number of cases assigned each of them which is another aspect of the unfairness and the chaotic nature of the legal system. Since "[T]he conscientious judge never imposed a higher fine than twenty piasters for misdemeanor, whereas his colleague raised the fine to as much as fifty piasters" (33) People knew this and would resort to the less 'expensive' judge who "often complained and grumbled about the way his work increased in volume from one day



to the next, and had never discovered the cause” (33). Thus, the judge who had conscience and an eagerness to do his work well, was also crippled by a system that caused him to be practically punished for being a better judge. As the narrator points out, when he entered the court, he realized that they had to deal with “seventy misdemeanors and forty felonies” (33). The narrator ironically comments on this: “I used to say to myself, “Raise your price and you’ll have a pleasant surprise” (33).

The narrator gives examples of cases in the court in which people’s dirtiness and ignorance as a result of extreme poverty and ignorance is combined with a judicial system that is foul with incompetence and cruelty resulting in dark comedy. We are first introduced to a case that is made against one of the peasants “charged with washing...clothes in the canal!” (34). In response to this accusation, the peasant answers simply and conclusively: “Well, where else could I wash them” (34). The narrator then describes the accused in humiliating terms calling him an example of a whole category of animals living an inhumane life. (34) While the judge “knew very well that these poor wretches had no wash basins in their village, filled with fresh flowing water from the tap... [they] were yet required to submit to a modern legal system imported from abroad” (35). This is a very telling case-choice that associates the peasants not only with the state of inability to



achieve justice, but also associates the legal system with the obligation ‘to remain dirty’. Thus, the narrator, being the legal officer responsible for defending the ‘rights of the state’, when was asked by the judge to speak, says what is appropriate to satisfy his role-play and not his role: “The state is not concerned to inquire where this man should wash his clothes. Its only interest is the application of the law” (35) and thus the citizen was fined because like Kafka’s law, the law is right no matter how unfair and the suspect is convicted no matter how innocent he is, as long as the law says he is not innocent. In another case, a peasant is taken to custody because he presented the appeal too late. The peasant protests: “But—your honour—I’m a poor man. I can’t read or write. Who is there to explain the law to me and read out the dates?” (74) To this imploration the answer is harsh and rude from the judge “You silly animal, you are supposed to know the law. Take him into custody, constable” (74). This shows one of the biggest challenges for justice which is that convicts commit actions that in the eyes of the court of law are considered illegal but they are too naïve, poor or uneducated to realize the criminality of their deeds. As Stone argues, these poor peasants “cannot be blamed for looking at the fines levied against them as a kind of extortion” (308) since the city legislators who regulated these laws simply copied them from foreign codes disregarding the nature of the county’s people.



Another case is where a peasant is accused that he had “expended reserved wheat” (72). On account of his crime he is sentenced with “one month with hard labour” (72). For the peasant, the whole situation is meaningless. For him, he has done nothing “[I]t was my wheat...I ate it with my family” (72). When he hears the judge’s verdict he pleads “a month! Do you hear, Muslims! My own wheat, my own crop, my own property...!” (72). For such a simple peasant, a crime is identified by him as some kind of criminal act against someone else like stealing someone’s money or assault on someone or even murdering someone. As the narrator comments, “[I]t was impossible for this old fellow to understand a law which called him a thief for eating his own harvest, sown by his own hands. These were crimes invented by the law to protect the money of the government or of private creditors” (73). He would not be able to understand that one could be convicted and serve time in prison and be called criminal because of a technicality like missing the deadline for submitting a plead or eating one’s own crops.

The feeling of bewilderment and astonishment felt by the accused in *The Maze of Justice* is also clear in *The Trial*. In *The Trial*, Kafka reflects on this through his description of the setting of the courtroom which creates in K.’s mind similar feelings of astonishment like that felt by the peasants in *The Maze of Justice*. Described from the eyes of



the accused, the courtroom is a bizarre and inexplicable place. When K. arrives to the place he was told the court was, Kafka describes it as a combination of chaos, insolence and absurdity with a slum backyard-like setting. In the building where the court is located, “almost all the doors stood open with children running out and in... Many women were holding babies in one arm and working over the stove with the arm that was left free. Half-grown girls who seemed to be dressed in nothing but an apron kept busily rushing about” (44). These women seem to be some kind of evocation to lady justice who is supposed to dominate courtrooms. Instead of lady justice with her elegance and dignity, she is turned into a careless tired housewife with naked kids playing around. Her little girls, the future ladies of justice, are naked with nothing to cover them but an apron. There is a combination of sickness, sloth and drowsiness around the altar of justice: “In all the rooms the beds were still occupied, sick people were lying in them, or men who had not wakened yet, or others who were resting there in their clothes” (44). K. was told to ask for ‘the plumber’ to direct him to where the courtroom is. The significance of the choice of a person whose profession is to work with dirt blocking the overflow of water in the pipes is clear however K. fails to find him. After searching for the courtroom within this bizarre surroundings, K. was finally directed to it not by a lawyer, a magistrate or anyone related to the legal profession. The one who directed him into the



room was a woman whom we later realize is the court attendant's wife, the Examining Magistrate's mistress, a law student's concubine and K.'s future sexual fantasy.

This woman who is portrayed busy washing clothes in front of the court, directs K. to go inside the courtroom. When K. goes inside as directed, it was by no means a traditional courtroom. It was a wide hall filled with "[A] crowd of the most variegated people" (45) This room was just below the roof "surrounded by a gallery, also quite packed, where the people were able to stand only in a bent posture with their heads and backs knocking against the ceiling (45). A description that resonates with Hakim's description of the courtroom where "people crowded like flies at the entrance" (32). In both descriptions, people are degradingly crowded in a place that does not reflect the possibility of receiving justice. The way they are crowded implies what they will be actually receiving: degradation.

Fakeness, pretense and deception that dominates the legal field is reflected in Kafka's portrayal of the court room to be more of a theatre hall in which actors perform a play and not a real pursuit of justice. In this theatre-like courtroom the Examining Magistrate, the attendees and K. himself seem like performing an act to which applause and jeering from the crowd were received. This is clear in the way the Magistrate addresses K. while the audience responds:



You should have been here an hour and five minutes ago,” he said. K. was about to answer when a general growl of disapproval followed in the right half of the hall. “You should have been here an hour and five minutes ago,” repeated the man in a raised voice, casting another quick glance into the body of the hall. Immediately the muttering grew stronger and took some time to subside, even though the man said nothing more.

.....

“Whether I am late or not, I am here now.’ A burst of applause followed, once more from the right side of the hall. “These people are easy to win over,” thought K. (47)

It becomes clear the way the magistrate and K. act. The magistrate speaks while seeking acceptance and applause from the crowd. When he speaks in a low voice the first time, he receives a reaction from the crowd that gives him enough confidence to wear the power of authority while addressing the accused. He thus repeats his sentence in a louder voice with more assertiveness and successfully attracting more attention from the crowd. On the other hand K. is more concerned with winning the audience than with actually answering the interrogation questions. He was “disturbed only by the silence in the left half of the room... He considered what he should say to win over the whole of the audience once and for all, or ... at least win over most



of them” (47). Lack of applause from the left half of the room concerns him and he wonders what he could possibly do to win them over.

K. then goes on with a theatrical oral argument to which the audience responds as what would happen only in the theatre. When he speaks defending himself and criticizing the “misguided policy which is being directed against many other people as well” asserting that “[I]t is for these that I take up my stand here, not for myself”, he “involuntarily raised his voice” (51). On doing this, he had actually fulfilled his role in this farce of an interrogation for which “[S]omeone in the audience clapped his hands high in the air and shouted “Bravo! Why not? Bravo! And bravo again!” (51).

This theatrical feature of the trial that is evacuated from any real value is stressed by Hakim as well. The narrator describes the way the names of the accused are being called for by the court attendant. The court attendant calls the names with an exaggerated performance introducing “a long-drawn-out chant and an intonation like that of a street-hawker” (33). When one of the judges once exclaimed “are you calling out the names of defendants in crime cases or selling potatoes and black dates?” (34), he answered “[C]rime cases, potatoes, dates, it’s all the same; it’s all to make a living” (34). Not only is the court attendant oblivious of the nature and gravity of the situation of the

accused and their families, and only deals with what he does as a way of making a living adding to it a pretentious theatrical chanting element, this indifference and theatrical performance is also obvious with the lawyers. In a case where one of the peasants was accused of stealing a kerosene stove, the advocate rose, shouting at the top of his voice: “Mr President, we have neither encountered nor perceived not passed in the vicinity of a kerosene stove. The entire accusation is fabricated from beginning to end” (41). The lawyer is using the same theatrical attitude and choosing big words that could be more suitably used for a murder crime. This is more stressed by the judge’s interference with the lawyer’s oral argument reminding him that “[T]he defendant himself confesses that he did find the stove at the entrance of the shop” (41). However, the lawyer is unstoppable, he “banged his fist on the desk and said, ‘it is bad defense on the part of my client!’” (41). In spite of the judge’s astonishment that the lawyer is implying that his defense should be accepted “in preference to the truth pronounced by this client in open court?” (41), the lawyer does not give up on the opportunity for show off and pretense in order to, as the prosecutor sarcastically noticed, convince the accused’s family that he has done his job:

Counsel protested and raised his voice. It seemed that his only interest was to make his voice reverberate through the court, to flow with sweat



and wipe it away with his handkerchief, looking at his client as if to demonstrate the trouble he was taking and the interest he was devoting in his cause. (41)

Trials are a spectacle of justice in which legal officers, lawyers, judges and even suspects who go with the flow are playing with its threads, pulling them to serve each one's interest and amusement. Nobody is actually seeking justice. Justice is a random byproduct of the trial and not the target of the trial which differs according to the position one is in. *The Trial* and *The Maze of Justice* are, as Nina Pelikan Straus puts it, describing *The Trial*, "not about the impossibility of justice, but about what it is like for humans when justice morphs into an endless series of interpretations of the law controlled by a powerful but inaccessible interpreter" (385). This is why both Hakim and Kafka stress the fakeness of the procedures and the emptiness of any provocation that trials achieve justice and the role of the legal officials in the loss of justice.

The fakeness and hollowness of the court in *The Trial* with its futile system and irrational laws is exactly how the peasants regard the court in *The Maze of Justice*. The role of the legal officers and employees in increasing people's suffering through passivity, corruption, incompetence or indifference is significant. As Stone points out, in *The Maze of Justice* "the prosecutor is most definitely a bureaucrat, a

bureaucrat who, armed only with laws totally unsuitable to the peasant population which does its best to resist their application, is unable, not only to create order, but also to make sense of any of the people or events that surround him” (311). In fact, not only is he a bureaucrat, he is also a silent witness to crimes of corruption and abuse of power committed by other legal officials especially the Ma'mur. The novel is crammed with incidents that reflect legal officials' misconduct including forgery of legal documents, bribery, and illegal intervention in elections. For instance, Hakim points out an incident of forging documents of prison inspection. These visits should be carried out by the judicial power in order to assure attention to the human rights of the prisoners and the legality of their seizure. However, the Head of the Criminal Section asked the prosecutor to carry out their usual forged on-paper inspection visit: “the prison registers are filled in and ready. The inspection report is all written up. Everything is in order—all that remains is your honor's signature” (80). The Ma'mur, is a symbol of corruption and abuse of power. At one instance and due to his incompetence, he lost his main witness Rim. Suspecting that it was Asfur who kidnapped her and unable to prove this, he arrested Asfur under bogus allegations. In all of his actions, he never misses an opportunity to abuse his power over the peasants or his subordinates. He does not shy out from prying over others for a meal or a clear bribe. He brought an innocent passerby



as witness to prolong the prosecutor's investigation at the Onda's residence for fear of missing a breakfast meal. He moreover specified the dishes that should be served for that breakfast that should include "a few pigeons in rice, with dried biscuit and whipped pastry...a few light roasted chickens with it...some curdled milk is always good for the health" and on the side "some eggs fried in cream... some waxed honey... a couple of cream cheeses and a plate of cakes and dainties" (47) asserting that the prosecutor "has a small appetite" (47). In this sense, it is true that in *The Maze of Justice*, "[E]veryone, in fact, seems to be both an oppressor and a victim—a feature which makes this novel stand out as much today as when it was written" (Stone 311).

The same issue concerned Kafka who spoke about the role of legal officers in increasing people's suffering in *Conversations*. He described them, commenting on their harshness in dealing with people's cases, as hangmen. Kafka thought that "[T]he hangman is today a respectable bureaucrat," for although they "don't hang anybody", they "transform living, changing human beings into dead code numbers, incapable of any change" (19). Unconscientious judges, detached legal officers and incompetent lawyers are all hangmen of the simple people. In *The Trial*, like *The Maze of Justice* "there is a tragic reversal of roles. Those who are supposed to administer the law are those who are



constantly breaking it. The real culprits in the book are not the fellahin whose rights are constantly being violated, but rather those who violate those rights, who subject the fellahin to abuse, insults, and exploitation” (Omran 436). Thus, legal officials are both, as how Stone described them ‘oppressors and victims’.

In *The Trial*, the whole process for the accused is like being a victim in a chamber of torture. For one thing, the proceedings of the trial “were not only kept secret from the general public, but from the accused as well” (129). With this sarcastic statement, Kafka reflects on the difficulty of dealing with legal officials who are always reluctant to give the accused any details on the legal procedures. The legal officials lived “in a state of irritability which sometimes expressed itself in offensive ways... All the officials were in a constant state of touchiness, even when they appeared calm” (133). Kafka thus points out yet another form of suffering for those who get in contact with the legal system. The arrogance and misconduct of those who are supposed to give them the necessary legal knowledge and instructions concerning the legal procedures adds to their loss and humiliation. Kafka also criticizes legal officials’ silence. Just like the prosecutor who constantly criticizes the legal system and its unfairness to the people, but is nonetheless totally silent when he is being part of the extortion of the Omda by the Ma’mur in his name where the Ma’mur



claimed that the breakfast banquet was for his sake, Kafka points out that the lawyers and advocates, in spite of their awareness of all the shortcomings of the legal system, “it never occurred to the Advocates that they should suggest or insist on any improvements in the system” (134).

Being introduced to the administrative hustle within the legal system, the judges, the legal officers and lawyers who are supposed to be the facilitators of justice, and the futile process of interrogation and report writing, we are then introduced to the criteria for measuring success or failure of achieving justice according to that flawed legal system. In *The Maze of Justice*, the narrator describes the process and what it is really about as a mixture of bogus documentation and deceptive statistics of accomplished work for justice. There are, he points out, two main criterion for the higher quarters to measure competence of the legal process: the weight of the file and the speed of its disposal on the annual analysis of cases and verdicts. What would cause reprimand is when a case is found to be put aside for further investigation and to be accordingly included in the list sent to the public prosecutor and the ministry at the end of the judicial year. This would mean, as he asserts, the greatest disgrace. This is because the primary concern for the higher quarters is ‘dealing’ with cases, “which meant washing one’s hands of them and getting free of them somehow, so that they could record



them in their statistical record.... The greater the number of cases dealt with, the more conclusive the evidence of zeal on the part of the legal staff and others in preserving good order and assisting the smooth working of the administrative machine (134). And thus, the records are complete, but justice is damaged.

Both the narrator in the *Maze of Justice* and K. in *The Trial* raise questions concerning the legitimacy of unfair laws and legal procedures and the reasoning behind abiding by them. The peasants submit to the court's ruling since as the wardens in *The Trial* told K. very clearly, 'the law cannot be wrong'. The issue of legitimacy of courtrooms is clearly spelt on the lips of Kafka's protagonist K.: "It is only a trial if I recognize it as such" (49). So, the question is raised, why would one regard trials that are clearly unjust, unfair, fake and illogical as obligatory and binding? Why would a peasant pay a fine for something that is totally normal and without alternatives? Why would K. make sure to go for the interrogation, defend himself, hire a lawyer, fear prison and finally kill himself when he has actually, like what we are told in the first lines of the novel, done nothing?

Robin West argues that Kafka's *The Trial* "explores the ramifications of our masochistic submission to authority" where the state and its officials "are unpredictable and sadistic" (420). This is apparent especially with the fact that



K. is never forced to do anything: “he is arrested but not imprisoned; he is interrogated but never forced to appear; he is tried but never held against his will. Instead he comes to accept the jurisdiction and legality of the court, its authority, its legitimacy, and ultimately its omnipotence and omniscience” (420). The question which arises is whether citizens tried unfairly are victims of the law or have they victimized themselves through consent to a system so unfair to them. Why are they extremely submissive? Is it fear from the consequences of an action or is it due to their belief that they have actually committed something wrong?

Fabienne Peter explains the different concepts of legitimacy within two main branches of study: The Descriptive Concepts of Legitimacy and The Normative Concepts of Legitimacy. He cites Max Weber the renowned sociologist stating that Weber distinguishes among three main sources of legitimacy within the Descriptive Concept “understood as both the acceptance of authority and of the need to obey its commands”. According to Weber, Peter states, people’s acceptance and need for authority is either because that system “has been there for a long time (tradition), because they have faith in the rulers (charisma), or because they trust its legality” Peter states that Weber’s interest in the concepts of legitimacy is “because faith in a particular social order produces social regularities that are more stable than those that result from the pursuit of self-

interest or from habitual rule-following.” The other branch is the normative concept of political legitimacy which is the exact contrast to the descriptive concept. In this concept there is a “benchmark of acceptability or justification of political power or authority and—possibly—obligation...if the conditions for legitimacy are not met, political institutions exercise power unjustifiably and the commands they might produce do then not entail any obligation to obey.” They thus lose their legitimacy and their actions are mere tyrannical activities. And because there are instances where the two concepts mingle with an outcome of a hybrid concept of legitimacy, “the difference between effective or de facto authority and legitimate authority depends on whether or not authority is accepted—not on whether it ought to be accepted.”

Thus, Peter goes on to discuss sources of Political Legitimacy. He gives three main sources of legitimacy: a) Consent, b) Beneficial Consequences, and c) Public Reason and Democratic Approval. While Beneficial Consequences is based on Utilitarianism summarized in Jeremy Bentham’s famous quote of ‘achieving maximum pleasure for the maximum number of people’, Public Reason and Democratic Approval is actually an extension of the theory of consent in contemporary thought. This is manifest in accounts that “attribute the source of legitimacy either to an idea of public reason—taking the lead from Kant—or to a



theory of democratic approval—taking the lead from Rousseau—or a combination of the two.”

In the two novels, people are denied beneficial consequences. This includes defendants, accused, wardens and judges. Everybody seems to be struggling with a system that neither fits nor satisfies anybody. The narrator in *The Maze of Justice*, despite his constant rejection and sarcasm of the current state of affairs, is an accessory in all the corruption that is taking place all the time. Never at any instant does he try to change or defend his ideals or principles. K., the innocent suspect, despite his realization of his innocence, that nobody actually seems to be forcing him to do anything, decides to aid the process of corrupt legality through passivity. Thus, it becomes clear that the citizens' consent is the basis for the legitimacy of these legal procedures—legitimacy not justice.

Thus, while Hakim and Kafka present us with the current state of the legitimacy of court trials, it is clear that they reflect concepts of the 'Descriptive' branch. People have 'a faith', an inner calling to participate in the legal process. Whether it is out of tradition, charisma or actual conviction that suffering will end into deliverance of justice, people follow laws and expect punishment and they do it unswervingly. It is that second branch of the concepts of legitimacy, namely the normative concepts that Hakim and Kafka are pointing out. These normative concepts are a

benchmark of acceptability or justification of abiding by laws and if the conditions are not met, in this case delivering justice, the commands that the authority issues do not entail any obligation to be obeyed. They thus lose their legitimacy and their actions are mere tyrannical activities.

But does people's consent to these laws legitimate the rulings coming out of these courts. Leo Katz writes in "Choice, Consent, and Cycling: The Hidden Limitations of Consent" that the generally accepted view is that "If there is consent, a rape is no longer a rape, but lovemaking; a theft is no longer a theft, but a gift; a battery is no longer a battery, but surgery, or sports, or massage. A wrong, it seems, is no longer a wrong if the victim consents to it" (628). Katz argues that at many instances a consent is flawed with many causes including the occurrence of coercion, deception, competence, paternalistic rights, inequality of bargaining powers, third party harm or when selling things that should not be commodified (like sex, bodily organs or the services of a birth surrogate) (628). In his article, he challenges the idea that consent legitimizes all contradicting one of the welfare economist's most treasured assumptions - the Pareto Principle which says that anything including an agreement or a contract that can make some people better off and no one worse off ought to be done (630).



People's consent to abiding by laws within such a system does not legitimate its dynamics or rulings. Robin West contradicts one of the major approaches to consent as a legitimate basis for judicial decision making. This approach is pronounced by Richard Posner, the 'Law-and-Economics' theorist. Posner, according to the principles of 'Law-and-Economics' of applying the general thematic of economics to legal thinking, believes that wealth-maximizing consensual transactions are morally desirable because they promote both well-being and autonomy. He thus believes that the more people are given what they need, or given what they think they need, the better off and more autonomous we will all be, and consequently the more moral our world will be and by doing so this legal system will be promoting a more autonomous and wealthy world (386).

West, using Kafka and his work, contradicts Posner's notion that "consent morally legitimates all" (386) as Kafka illustrates in *The Trial* what a world ruled by consent of the wrongfully accused to be mistreated by the legal system might look like. In both worlds, she argues, "good and evil, and right and wrong, lose all meaning when all that matters is whether and to what extent people get exactly what they think they want" (386). Kafka's characters are not coerced into accepting persecution. They, as West argues, "relentlessly desire, need, and ultimately seek out

authority” (387). Thus, whether it’s K. or by extension Hakim’s peasants, they consent to the grievances committed against them out of the human instinctive need for an authority that provides them with a sense of security and belonging. The abuse of power of this authority is disregarded in exchange for the fake sense of security the presence of ‘an’ authority figure provides them with. As West argues, there are various drivers for us to express consent. Our expressed consent may be driven by “a rational assessment of our choices, or it may spring from fear, hysteria, feelings of inadequacy or masochistic compulsion” (426). Consent and submission to the regulations of law does not mean that they are fair or that people receive justice through them. They are merely an expression of helplessness. This leads, argues West, to “[T]he disjunction between a system that formally and outwardly insists upon the legitimating function of consent and a human personality that inwardly and persistently seeks the security of authority” (387). Accordingly, “the community’s failure to intervene [is] morally repugnant. What in Posner’s world is an expression of respect for the individual becomes in Kafka’s story an instance of the community’s moral failure” (395).

This is clear when contemplating on the words of K. which he utters as he is going through his first interrogation. K. gives a speech that summarizes Kafka’s most significant



areas of criticism that are tackled in *The Trial*. K. states that he realizes the presence of a grand establishment behind the unfairness and humiliation that he was subject to. It is an organization, he asserts, that “not only employs corrupt warders, stupid inspectors and examining Magistrates ... but also has at its disposal a judicial hierarchy of high, indeed of the highest rank, with an indispensable and numerous retinue of servants, clerks, police, and other assistants, perhaps even hangmen...innocent persons are accused of guilt, and senseless proceedings are put in motion against them, mostly without effect” (56). K. then proceeds to the critical question: “how it is possible for the higher ranks to prevent gross corruption in their grants? It is impossible. Even the highest judge in this organization will have to admit corruption in this court” (56). This directly brings to the reader of *The Maze of Justice* a similar contemplation by the narrator on the legitimacy of the whole legal system. As the county prosecutor, the defender of people’s rights and speaker for the defendant’s requirements feels helpless. He wonders how it is possible to solve cases and deliver justice to all when the whole legal system is corrupt where “the Ma’mur and all his policemen were buried up to their heads in falsifying the elections results, while I was overwhelmed with reading complaints and misdemeanors and contraventions and in attending courts?” (133). Any hope for reform is gone since reform, development and upgrading requires money for education,

training and facilitating the procedures for the people by assigning more legal officers with better qualifications. However, unfortunately “[M]oney is spent on the most trivial affairs but, if you ask for some for the purpose of establishing justice or improving the condition of the people, it becomes scarce and meagre... The reason is that justice and ‘the people’ are words whose significance is still unknown in this country (133). Corruption, incompetence and unfair laws are the three components of the failure in attaining justice while leniency and indifference of the highest officials kills any hope in reform.

The reference to the misuse of public money for the benefit of the few at expense of the poor majority is mirrored in the contrast between K.’s world of the bank and the dirty poor world of the court. This is apparent from how well K. lives and the setting of his work compared with the Magistrate, who “had to sit in a garret, while K. had a large room in the bank with a waiting-room attached to it and could watch the busy life of the city through the enormous plate-glass window” (70). The contrast between the two worlds serve also to point out that although banks and businesses are where most of the spending go, the real value is in spending enough money on the legal system. Kafka’s and Hakim’s description of the courtroom and the legal offices imply the indifference with which states give to such an important institution like the legal judicial institution.



Although some countries give major support to that field, both Kafka and Hakim noted the deterioration of the legal institution in comparison to other fields in which spending does not directly serve to develop what is really related to the elevation of the legal process and the achievement of justice.

In such a world, justice is like a helpless woman constantly harassed and violated in every possible way by a group of heartless beasts revolving around her body. This description is the exact image chosen by both Hakim and Kafka for the portrayal of the failure of justice. Thus, just like the ancients chose a female character, whether Maat or Justitia to exemplify justice, so do Hakim and Kafka, where a central female figure stand for the concept of justice. In the two novels, the central female character is intriguing, seductive, manipulative and manipulated. In *The Maze of Justice*, Justice is personified in the character of the beautiful intriguing Rim who captures the attention and heart of the narrator the moment he meets her. When we are first introduced to Rim, the deceased's sister-in-law, her exceptional beauty and figure in the eyes of the narrator, the county prosecutor, the supposed protector and executor of justice, is stressed: "[N]ever since my arrival in the provinces had I seen a more lovely face or a more graceful figure" (27). She is single and although many suitors approach her and her-brother-in-law for marriage,

he, for no logical reason, keeps refusing. Her exceptional beauty draws everybody to her and she is portrayed as an intriguing seductive beautiful girl who arises in the mind of the prosecutor romantic sexual fantasies. Her connection to the death of her brother-in-law, the secret that led him to refuse all suitors who proposed to marry her no matter how suitable the suitor was, the death of her sister, the nature of the relation between her and her brother-in-law with whom she lived in the same house together even after the death of her sister, are all secrets that intrigued the prosecutor since “her secret was the clue to the entire case” (31). He wanted to solve it “by an urge quite unconnected with... professional duties. There was now a personal interest as well” (31).

The legal officer is not the only one interested in her, the Ma'mur is also lusting for her and decides to take her to his house under the claim of keeping her from escaping. On uttering the suggestion, everyone was astonished recalling his general unethical behavior as well his reputation as stories are told about him concerning his abuse of his power as that one time when “he became infatuated with a peasant girl who came to see him with some petition. Being anxious to be alone with her, he had ordered his constable and warder to enter the prison and shave the prisoners. When they were safely inside, he locked the door behind them and kept them locked up



while he was having a tête-à-tête with his lady” (43). Just like justice and law are being violated and ravished every moment in front of their eyes, and at many times on their own hands, the very people who were assigned the mission of serving, protecting and preserving it/her, including the county prosecutor and the Umda stood silent delivering “this ripe apple into those avid, slobbering jaws” (43). The prosecutor who is himself guilty of passivity and accessory to injustice exclaims that this was a “strange thing... that everybody present was silent and downcast, as though all were firmly convinced that the precious morsel was as good as devoured and digested—and there the matter ended” (43). As Omran comments, astonished at the narrator’s stance throughout the novel: “What is even more remarkable is that the author, as educated and sophisticated as he is, does not appear to be in the least out-raged by a system whose preoccupation is with paperwork and bureaucracy rather than with the dispensation of justice. On the contrary, he appears willing to succumb to the corrupt system that he so bitterly satirizes (464).

The narrator of *The Maze of Justice* is preoccupied with this beauty, this seductive girl who does not seem to object to being harassed, and who is a beauty that everyone hopes to reach but seems to be unattainable. Rim escapes from the Ma’mur’s house, and everybody goes looking for her however the prosecutor on his way finds her sitting just by

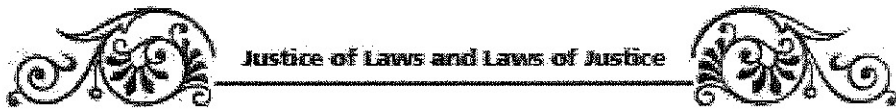


his office. As soon as he gets in and sends someone to bring her, she's gone again. He thus starts to wonder "could this astonishing beauty be guilty of crime? Or were we the guilty ones in thinking evil of her, despite her beauty?" (63). However, the untold suspicions that roam his mind become spelt out when he receives an anonymous letter unraveling a scenario for the murder of Qamar El Dawla's wife on the hands of her husband and sister. The letter states that she had "died two years ago by strangulation. The village barber... concealed the murder in consideration of a bribe" (78). The letter moreover asserts that it was "her sister Rim who strangled her" (78). Justice which attracts everyone with the unspoken promises that she can be attained causes the innocent to crave and the vicious to chase. She keeps appearing and disappearing throughout the novel, but whenever she is close to the narrator, she is as close as the moon is. She is deceivingly close, but impossible to touch. So, this beautiful intriguing, suspected murderer, adulteress who is accused of all these vicious crimes disappears for one last time and no one seems to find her. And as suddenly as she disappeared, she suddenly reappears, this time a corpse.

On the other hand, in *The Trial*, lady justice is personified in the character of the wife of the Law Court Attendant. Whereas there is usually an emblematic statute or engraving of Justitia holding her sword, blindfolded with



the balanced scales in her hands on the entrances of courtrooms, K. encounters a real life modern Justitia. We are first introduced to her as an innocent personification of an exhausted woman who is required to direct the plaintiffs and defendants to the route to justice. She is “a young woman with sparkling black eyes, who was washing children’s clothes in a tub, and she pointed with her damp hand to the open door of the next room” (45) directing K. to the interrogation courtroom. This image extends to another aspect of her character as playful, seductive, manipulative, intriguing and misleading. While being interrogated, K. started to speak about the injustice of the legal procedures he was subject to declaring that he was not concerned for himself only but for anyone who has to undergo such corruption and incompetence. During his enthusiastic oral argument something happens. He was interrupted by a shriek. When he looked for the cause of such a voice, it was the same washerwoman who was waiting in front of the courtroom. K. tried to understand what was going on but all he could see was that “a man had drawn her into a corner by the door and was clasping her in his arms” (55). K.’s first reaction was to rush towards her to try to put things in order. However, as he arrived to where the couple was, “the first rows of the audience remained quite impassive, no one stirred and no one would let him through. On the contrary they actually obstructed him (55-6).



This is quite significant since it totally resonates with what actually occurs in courtrooms with justice. This definitely brings to the mind of the reader of the two novels everybody's passivity in *The Maze of Justice* when the beautiful girl Rim was being offered to the Ma'mur to sleep the night in his place. It is moreover clarified through Hakim's constant portrayal of the poor uneducated peasants being unfairly fined while the same 'guardians' of justice are preoccupied with falsifying elections results, in a hurry to catch a train, extending witnesses cross-examination to have a meal prepared for them at the Umda's residence, feeding their pockets and bellies with bribes and tributes. That's why when the narrator of *The Maze of Justice* started to go through piles of cases which he had to review and finish before the end of the judicial year, he opened the first file to find it addressed to him as "the refuge of justice", a name which evoked his laughter: "Fancy me, the refuge of justice! Where was justice? I don't know it and have never set eyes on it, since nobody has ever shown me" (132).

Justice is being violated and manipulated while everyone is watching. And as is always with oppressive systems, the victim is always to blame. Justice, or the violated lady in the courtroom tries to justify her actions to K.: "There's no way of keeping him off, even my husband has grown reconciled to it now; if he isn't to lose his job he must put up with it, for that man you saw is one of the



students and will probably rise to great power yet” (59). This is another portrayal by Kafka of the immorality of the judicial system. Justice is being ravished by everyone in the judicial system starting with the law student who is still in his first steps in the field to the Examining Magistrate. Her husband, a legal officer who is responsible for protecting justice and providing for her is actually acting as a pimp by offering her on the altar of his success in keeping his job. Like Hakim, this presents a harsh criticism but significant portrayal of those who are responsible for delivering justice, fairness and equity to the people but are actually acting with leniency and treachery of the oath they have undertaken. A pimp husband is like the passive protectors of justice such as the Umda, the Ma'mur, the judges, the warders and even the prosecutor himself who ironically keeps sarcastic memoirs of a tragedy of failure and suffering of the people he took the oath to protect.

In *The Trial*, the exhausted ravished Justitia who is “tired of the officials here...and accosts any stranger who takes her fancy with compliments about his eyes” (61) starts to seduce K. Then he realizes that she is not only having an affair with the law student who was clasping her in the interrogation room, she is also the mistress of the Examining Magistrate himself who approached her while her husband “sleeps so soundly that not even the light would have awakened him” (64). The protector of justice

sleeps so soundly that nothing would wake him to the seduction of his wife that sleeps with him in the same bed. K. wonders about the law keeper's effeminate behavior when he meets him telling him that the law student has taken his wife to the Examining Magistrate. His answer is the most appalling: "They are always carrying her from me" (70). K. does not give up on finding a logical answer. He tries to irritate the man over his wife's behavior telling him the blame is all hers. The husband who is supposed to be the protector of his wife's chastity and honour simply answers that it's she who is "actually most to blame of all. She simply flung herself at him...and I'm in a position where I can't defend myself" (71). Justice is constantly being manipulated and extorted for the benefits of those in contact with it who do not take responsibility for failing her, for leaving her to the beasts to face her own destiny. Lady Justice who is portrayed by Kafka as a lady preoccupied with washing babies' clothes in front of the court is the same one stuck in a game of legalized prostitution.

However, what is at core of both novels is an inquiry more than a condemnation. It is an inquiry of what is meant by law and justice? Taking this discussion to the more abstract level of Man's submission to the laws of the universe or God and the human condition a deeper question arises: is Man really doomed to suffering through the



application of unjust divine laws as a recurrent theme not only in *The Maze of Justice* and *The Trial* but also in almost all of Hakim's and Kafka's work? In *The Maze of Justice*, connections between worldly laws and divine laws are significant. When the narrator in *The Maze of Justice* comments on the process of the trial, he states that "[N]ot a single one of the defendants showed any sign of believing in the real iniquity of whatever he had done. It was merely that fines had fallen upon them from heaven, whence all disasters proceed; they had to be paid, for so the law required" (36). The peasants believe that heaven is a place from which illogical and painful obligations are sent on their heads without any chance of escaping them. In total contradiction to Kafka's method who uses a metaphoric surreal style filled with metaphors and associations, *The Maze of Justice* as a "human document", argues Badawi, "does credit to the author's maturity of vision: evil is seen as such and is never symbolically transmuted into anything less" (995). Thus, Hakim manages to write a very critical work where "there is no crude symbolism, no far-fetched philosophy. Instead, the author gives his own direct response to contemporary social reality in an account marked by its deep compassion and humanity" (955).

Hakim was preoccupied with the nature and reason of Man's suffering in most of his works. His theological views were subject to extended studies and debates ranging from



Faruq Dasuqui's book *Tawfiq Al-Hakim...to Whom Did He Speak?*, a question to which the answer is: to the Devil, to Mohamed Hamed Ali's dissertation defending Hakim as a 'conservative Muslim' claiming that Hakim's "view of life was both fully Islamic and also tragic" (218). However, Safi Mahmoud Mahfouz points out Hakim's remarks in his preface to his treatment of the Oedipus myth. Since the Greek concept of tragedy is "inherently antithetical to the Islamic view of the relationship between human beings and God" (173), Hakim, she states, "opposes the ideas implicit in André Gide's Oedipus (1931), which depicts man as the center of the universe and therefore completely free" (175). Thus, Hakim's theory regarding the relation between Man and God is that Man does not live alone in the universe. What entails such a concept is that Man could never be absolutely free especially with his constant emphasis that as a Muslim, his interpretation of the relation between the human being and the universe had to be in harmony with Islam. Thus, as Mahmoud Al-Shetawi states, Hakim has portrayed in many works especially in his adaptation of Oedipus Rex, that Man is doomed if he attempts to challenge God or rebel against the divine moral order. For him, "Man should always remember that he is not alone in this universe, that God is over all" (13).

In this context, people's suffering, Rim's death, the unresolved series of murders, the inefficiency of the justice-



delivery system as a whole reflect Hakim's inquiry into the logic of human suffering in general. While Hakim in this early written novel raises this argument and leaves its ending open to the different interpretations with the death of Rim and the prosecutor's decision to place an administrative freezing stamp over the case papers, he spells out his beliefs more clearly in later works most notably of which is *Fate of a Cockroach*. In that play the parallelism between the cockroach's Sisyphean pursuit to climb the bathtub and the protagonist's struggle in his everyday life is highly stressed as part of everyman's daily struggle is stressed. The cockroach is killed in the end and never manages to get out of the bathtub as are the peasants whose constant suffering never seem to end or is meant to end. As Hakim summarizes his philosophy in *Tawfiq Al-Hakim Yatahadath*:

Man is free within a higher will. What is this? It is the regulations that rule our existence... The tragedy of Man, and his greatness at the same time, is that he, along with his belief in these laws, he struggles against them and challenges them... or works as if he were capable of escaping and defeating them, although he mentally realizes the impossibility of achieving this (96)

The Maze of Justice thus appears as an actual implementation of his philosophy in which the peasants are revolving the mazes of laws and justice realizing that these



laws fall upon them from the sky. They do not consent to them, they rather submit to them due to their realization that this only come as part of a larger plan for the universe in which they are only a trivial fragment. It is clear that there is this belief that there is a higher will that would resolve all pain and achieve justice shown in their constant submission and obedience of laws that try them for crimes they cannot comprehend.

Kafka, on the other hand, spells the connection between worldly law and divine law in his parable “Before the Law”. As Steven Carter notices, “the twofold relationship between human law and the Law in *The Trial* parallels the relationship between the man from the country and the doorkeeper” (40). In fact Kafka believed that “God, Life, truth” are only different names which we give to one fact and thus the man on the gates of the law experience it—this concept. Kafka explains that Man is unable to grasp the concept of Godliness but that what he can really grasp is the mystery, the darkness that God dwells in: “And this is a good thing”, he believes, “because without the protecting darkness, we should try to overcome God. That’s man’s nature. The Son dethrones the Father. So God must remain hidden in the darkness” (*Conversations* 64). The man in the parable waits endlessly to be allowed into The Law until when finally “his eyes grow dim ... in the darkness he can now perceive a radiance that streams



immortally form the door of the Law” (236). It is thus in the darkness that God and the Divine Law become clear. Stimilli rejects that idea held by some that in ‘Before the Law’ some puzzle needs to be solved: “No... nothing is hidden; there is nothing to explain... You are lost in a maze? Do not look for a way out—you aren’t meant to find it. There is no way out” (107). This understanding might be similar to the concept held by Hakim that Man is doomed to worldly suffering for a higher wisdom unattainable to the simple human mind.

Actually Kafka, in his *Conversations*, spoke about his understanding of the relation between Man and God clearly. He stated that he believed that “Miracles and violence are simply the two extremes of a lack of faith” (113). For, just like the man from the country who waited all his life on the gates of The Law waiting for an exceptional meeting that will solve all life’s mysteries, Kafka states that “Men waste their lives in passive expectation of some miraculous directive, which never comes, precisely because our ears closed to it by exaggerated expectations; or, filled with impatience, they cast aside all expectations drown their whole lives in a criminal orgy of fire and blood. Both ways are wrong” (113). In Man’s continuous expectation of some kind of miraculous blessing, he wastes his life with his inability to see the actual blessings that are served him along his

struggle. This can only be balanced with human salvation that can be attained, he asserts, through prayer, art, and scientific research. Kafka states that “art and prayer are only hands outstretched in the dark. People beg to give themselves away” (113). Thus, as Kafka says, “God can only be comprehended personally. Each man has his own life and his own God. His protector and judge. Priests and rituals are only crutches for the crippled life of the soul” (166). The man from the country was waiting for a delivering of justice, however he dies in ignorance for in fact, as Kafka holds, “Truth is what every man needs in order to live, but can obtain or purchase from no one. Each man must reproduce it for himself from within, otherwise he must perish” (167). That is clarified in the priests’ response to K.’s accusation of the door keeper that he had deluded the man from the country his whole life saying that he gave the message of salvation to the man only when it could no longer help him. However, the priest responded to his accusation by explaining Man’s tragic flaw “he was not asked the question any earlier” (237). It is as Nina Pelikan Straus puts it, K. like the man from the country, “is “free” to sit and *not* to be admitted to the Law. He is “free” to wait out his life for a justice that may or may not exist, and which in any case may never be available to *him* even if it does” (390). Man is so occupied with his selfish persistent needs that distracts him from inquiring into the bigger picture. Man fails because he does not ask the right



questions before his time is up in the world. When the man of the country has wasted his life and the door keeper tells him that now this gate will be closed and that “[N]o one could gain admittance through this door, since this door was intended only for you” (237), this illustrates the subjective nature of religiousness, of God and The Law according to Kafka. Kafka shows that everyone has to grasp the real meaning of life and existence through his own journey and his struggles. The suffering, thus, is not a phase followed by resolution and relief. Being part of the universe, inquiring, suffering and dwelling in the darkness is part of the journey. The destination however, is not the attainment of light and reaching a resolution. The destination marks the end of Man’s journey and then the gates are closed, and Man dies.

Kafka has explicitly discussed his belief concerning the relation between Man and The Divine Law in his *Conversations*. He comments on a memorial shrine inside a church documenting the story of a thief who planned to rob a Virgin Mary’s statue of the gold and silver chains with which it hung. When the thief was trying to grab it, his hand got paralyzed and he was unable to move it away from the statue. This was believed to show that Virgin Mary was actually defending herself grapping the thief’s hand. As the thief was unable to move while the statue held fast to his hand, they brought the hangman to cut down his hand. The



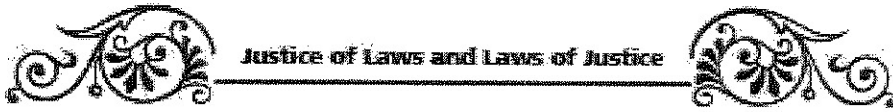
hangman with one stroke, severed the thief's forearm from his body. Only then, "the statue likewise released the hand of the thief" (50-1). The hand was hung in the church in memory of the incident. Kafka's interpretation of this incident throws much light on his philosophy concerning the relation between Man and Divine Laws:

[T]he longing for the divine, the sense of shame at the violation of holiness which always accompanies it, men's innate demand for justice... A criminal must suppress these forces in himself before he can commit an objectively criminal act... In the mercenary who wanted to rob the statue this failed to occur. Therefore his hand became paralysed. It was crippled by his own need of justice. (50)

Kafka believes that Man longs for a Law, a Divine Law, divine authority that organizes his life. This Law which is in this case translated into the worldly law of 'do not steal' epitomizes his understanding of balance in the world. When the thief violated that law, he felt unbalanced and paralyzed because if he was not to be punished for violating a Divine Law in the house of God, then everything he believes in is untrue. As West puts it: "Religious callings clearly depend upon the human urge to submit to and serve a higher authority" (403).



Thus, like the man from the country, K's fate, as Muhammad Ali Nasir states, is to remain "ever-distant from knowing the Law *per se* and, consequently, it becomes impossible for him to know whether he is innocent or not...Law does not represent, symbolize, or allegorize the heavenly or divine in *The Trial*; Law is Divine, plain and simple" (51) and "K.'s salvation is the *progress* of his case" (51). Thus, K. dies in the end an unresolved death "Like a dog... as if he meant the shame of it to outlive him" (250). Lisa Guenther, calling Kafka, "the great poet of shame" comments on the mechanism of shame saying that its misery lies in its lack of foundation and capacity to undermine the foundations of the ashamed (24). She is thus pointing out Kafka's failed protagonist who is, in appearance was wrongfully treated and abused, but who is actually guilty of going on his life without asking the important questions, without inquiring about the laws that he follows but does not comprehend. He dies in shame because he has not fulfilled his mission in life to inquire into the meaningfulness of his actions and those laws imposed on him. With his passivity, he is like the man from the country who spent his whole life on the gates of The Law waiting for a Divine Light but has never managed to enter and then blames the gate keeper for deluding him. K. thus dies by his own hands in realization of his failure to comprehend the purpose and the objective behind the trial in its metaphorical sense.



Tawfik El Hakim's and Frantz Kafka's perspectives regarding Man's struggle with law, whether in its literal or metaphysical sense, can be explained in terms of the Greek myth of Sisyphus, king of Ephyra, who was punished for defying the gods and chaining Death. He was sentenced to remain in perpetual suffering where he should carry an immense rock up a hill that keeps rolling back down. This Sisiphan pointless labour in which this tedious action is repeated over and over, epitomizes Man's submission to a law that imposes on him unjustifiable suffering which he cannot rationalize. Sisyphus, as the myth portrays, is the victim of an everlasting punishment that can neither be satisfied nor escaped. His movement is his own but comes only within a route drawn to him by the gods. Whereas Sisyphus's crime is not of evil nature but comprises in his venture to defy the laws of the gods and to trespass his limitations as a human being, Hakim's and Kafka's protagonists' suffering is part of a larger divine universal Law. Thus, although Man suffers on the worldly level due to legislators', judges', prosecutors' and legal officer's failure to deliver justice, to respect humanity, to serve fairness and to preserve the beautiful meanings in life as should be the role of laws, it is only part of a higher wisdom incomprehensible to those who live a life of drowsiness, passivity and indifference.

In *The Maze of Justice*, and *The Trial*, Hakim and Kafka



presented us with a timeless presentation of the pursuit for a lost justice inquiring into the justice of laws and the failure of these laws to bring it. Besides their philosophical interpretation of the condition of Man within a universe in which Man is but a weak helpless creature who must abide by its laws, they introduce a disdainful portrayal of his passivity and blind submission to laws of oppression, persecution and tyranny. Justice is a paradise lost that can only be regained with the efforts and understanding of those who are tangled in its web. Without Man's revolt against the vicious status quo, without a real inquiry into his role within the trap of law and justice, he will remain forever a victim of endless tyranny. Without legislators' and legal and judicial officials' deep analysis and understanding of the needs of people, the role of law, and the tools of criminal justice, there is no hope for the restoration of that lost paradise. Without the efforts of those who have sworn to defend, protect and implement justice with rationality, integrity and impartiality, questions of justice, fairness, the significance and even logicity of laws, the nature of crimes and the justification for suffering will remain everlasting empty deliberations that can only be resolved in an afterlife. Justice is not an idealistic unattainable goal and laws are not tools of revenge from the mistaken, a suffering for the suspect and execution for the misled. Laws are made to preserve beauty, balance and order in a just manner. These concepts which the early Egyptians understood and

honored can only be attained by restoring laws to their primary mission, and by the embodiment of lawmakers and law keepers of the impartiality and selflessness of Maat and her perfect precise balance of justice in their everyday work.

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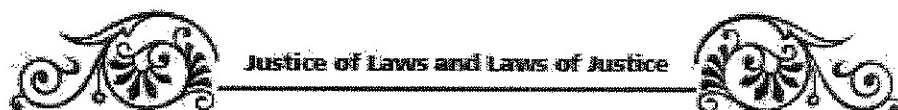
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