

# **Comparison of the concept of law in the work of Franz Kafka and Friedrich Dürrenmatt**

## **Abstract**

Law and literature is still an under-researched field in Czechia, which should be further developed, especially through two very different writers, such as Franz Kafka and Friedrich Dürrenmatt. Their works are based on different principles, and they complement each other all the better in the interpretation of law. Kafka constructs a legal labyrinth from which it is impossible to escape, Dürrenmatt shows the gap between law and justice through legal reality. Both of them use literature to ask questions that there is no room for in valid law, but they should be the basis for every lawyer.

If there is something that unites both authors, it is the knowledge that through law the weak cannot achieve justice. They use laws as instruments of the powerful to act in a way that contradicts morality but is lawful or at least not punished by law in any way. When Josef K. is sentenced to death in the *Trial*, without having probably committed any crime, Gastman in the short story *The Judge and His Hangman* is a professional criminal without even the slightest punishment for forty years.

It is punishment that plays a crucial role in both Kafka and Dürrenmatt. It is the symbolic pinnacle of their works, sometimes signifying destruction and other times redemption. Punishment does not always have to be associated with guilt, at least not legal guilt, especially Dürrenmatt asks the reader many questions regarding moral or metaphysical guilt. And can someone be innocent at all, or is innocence only a state where guilt has not yet manifested, Kafka asks in his books. Whether his judge is nature, the court in the attic, or the main character's father, the ultimate punishment always occurs, as if it were never possible to escape guilt at least partially.

Legal interpretation is the supreme discipline of lawyers. The interpretation of morality is a little less familiar. Kafka with Dürrenmatt allow us to analyze law and legal principles in a high-quality literary form and internally compare them with our own values. No matter how this process, internal, not judicial, turns out, it must at least be carried out.

**Key words: Franz Kafka, Friedrich Dürrenmatt, Law and Literature**