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To: Publisher Roberto Calasso
Adelphi

KAFKA AND THE LAW

Dear Mr. Calasso,

I have just finished reading your book on Kafka, "K." The book left me with a feeling that I was on step closer to understanding Kafka, and thus understanding life; a book with a powerful view, deep in, but yet so soft like a melody. It affected me. I think you penetrate very deep in some of the key meanings of Kafka, to some immensely important insight to Kafka. I enjoyed especially how you in built up momentum in the end to the explosive revelation of one of the most fundamental aspects of Kafka's writings. – I find your conclusions convincing: the false belief regarding knowledge, and the possibility to attain knowledge, and the rejection of life on which our cultures are founded.

It is because of your rare insight to Kafka, and hence to life, that I wanted to contact you. I am trying to find somebody with whom to share my insight to the fundamental issues regarding human cognition, which I deal with and which are very much connected with all that Kafka deals with. - I think I have incorporated a lot of Kafka's interpretations of feelings in my Expressions and Interpretations (www.hellevig.ru). It is a book on philosophy, the fundamentals of philosophy; philosophy of language; philosophy of law; or even political science. But most of all it is about language.

I want to promote my insight that language is fundamentally about interpretation of feelings. This I mean in manifold ways; I do not mean this as a pretty metaphor (although I think that those that are not capable of appreciating the scientific value of it, could well see this as a metaphor; the advantage being that for once they would have a correct metaphor to build on).

I have come to the fundamental notion of 'interpretation of feelings' through:

- A) My empirical experience (I am business lawyer advising foreign customers on Russian law, and hereby I have 15 years dwelled on the mystery why nothing is clear, why nothing can be clearly communicated, why there are always so huge problems with translations etc)
- B) The neurobiological study (I refer to Damasio, and I place 'language - interpretation of feelings' on the highest level of the homeostatic regulation system; the latest development)
- C) Logic – i.e. real-life practical logic. I argue as follows: language and the words are not 'things', and as they are not things, they do not exist as such, and have never existed. – But, then we have to consider what is the essence of language, for if language is not a 'thingly' entity ('thingly' is a word I introduce to mark the difference), then what is it?

And I think it is about expressions interpreting feelings (while 'feelings' can equally be considered as 'opinions')

The direct connection with my book and you is Kafka. I have written my book in a semi-academic fashion, that is scholarly, but using normal language. When I read Kafka, and especially *Trial* and *The Castle*, I have the feeling that I am reading the same story as in my book, only translated to the language of art (I do not want to use the word 'fiction' here, because I would rather reserve fiction to depict the more fictive genres, called Social Sciences, which better would merit the appellation Social Science Fiction).

I am sure that if I could somehow convince you to read my book, or at least skim it through, then you would see the similarities. And then this would add to an important side of understanding Kafka. It is by no means my main point, but there is an important 'legal' or 'judicial' - better yet 'normative' - point, or parallel with Kafka in the ideas I promote. I am a lawyer too, and I think that Kafka possessed the same insight to law as I do. In 'scientific' language this has never been voiced before me (Kafka did it in the language of art). - This insight to law certainly sheds a lot of light on the relationship between 'judicial law' (the law of 'ordinary cases') and law in a general sense; the two ways which Kafka deals with the notion 'law.' We see that these two senses are constantly intertwined, non-distinct. - The big point is that there is no big difference between them. I show that the notion of law in jurisprudence is greatly flawed, and we would do much better in speaking about 'normative interaction' instead of law. I tell that law could be defined as a 'competition of arguments' and that law stems, or 'is', social practices (which lawyers would do well to call 'legal practices'). (I refer to Wittgenstein in arguing my case; I show how the contemporary concept of jurisprudence can be torn down, dispersed, by the aid of Wittgenstein's notion of language games. - I want to stress my belief that there is a lot in common between Kafka and Wittgenstein, this is evident from so much. It is a pity that their writings did not catch each other in their life time.

I tell that 'law' is nothing but social practices, and from a special legal perspective we can speak about legal practices. There is no limit to 'law,' all is law, jurisprudence merely artificially, in the language-games of science, appropriate law. And by this appropriation of law, they, while on it, create injustice, both within jurisprudence, and external to it, externally by the claim that all that takes part outside jurisprudence is not law. - Obviously from this follows that there are no such separate 'things' as 'law' and 'moral' (moral I define as the 'mode of relating'). (I stress 'things', because this idea of viewing our perceptions on phenomena, or more correctly on life, as 'things' is one of the root-causes for all evil; my book *Expressions and Interpretations* wants to show that language does not consist of thingly entities of any kind, that all in language are just immaterial use of symbolic heritage for expressing thoughts, feelings).

From a different point of view I call law 'a competition of arguments,' hereby the revelation is that instead of seeking for anything steadfast in law we should notice that law is an endless competition of arguments on each level of life. - This endless competition, and the absence of the postulated boundary in law, is something Kafka knew, and expressed.

The parallels with my philosophy and Kafka are boundless, and I cannot exhaust those ideas in this letter. I bring a few examples. Idris Parry wrote in the foreword to one of the editions of *The Castle* about 'an assault on the frontier'. My claim is that there are in (social) life but perceptions (quite contrary to the physical, biological, nature, which deal with 'things' and their movements). Therefore we can never reach the major metaphysical entities: "Truth", "Knowledge", "Good", "Bad", "Law"; "Moral." 'The Castle' represents these metaphysical entities, no road leads to the Castle, because there is no Castle, you can only 'assault its boundaries,' and the boundaries are in the *expressions and interpretations*. I think Kafka is

criticizing the belief in these metaphysical entities; this belief causes the human suffering; these beliefs, embedded in our thingly language, have after the Fall taken over reality. – I write: “It is philosophically correct to say that ‘In the beginning was the word.’ – With the word entered humanity, and with the word came the misunderstanding.” - The word is what separates humans from animals, and animals never misunderstand.

On a final note I would stress that prose fiction has a much stronger explanatory strength than ‘science.’ It also seems that in the study of literature mankind has penetrated much deeper into the scientific insights than in the other fields of social sciences. Literature as such is about the infinite variances of life, and the study of literature is perhaps the sole science that has retained a very high degree of that understanding. It is therefore I place hope on the literary and artistic means of communication to promote a correct understanding of social reality (I hope that my Expressions and Interpretations would serve as an argument to prove that the infinite variances of literature form the true paradigm of science; literature is scientifically true). As Idris Parry wrote: “If these are attempts to probe the mystery which is the relationship of the individual to his world, the images must seem to the rational mind remote and unreal. But they are not attempts to ‘probe’ the mystery, they are attempts to present it, to give us a picture, to organize instinct into form, to explain by not explaining – which is the essence of poetry and justification of art”.

But it really is so. Good poetry can show what we cannot say (or sometimes it seems ‘what we do not want to hear’). And the showing of poetry is so much stronger. This is why the world has learned so much from Kafka without realizing it. We have the same outdated legal theories, but still we act, function, within Kafka’s paradigm. I read *The Trial* when I was about 15 years, and ever since I was left with the impression that it is the best book I read. Until I wrote the book I did not have the conscious grammar to reflect along the lines of the philosophy of Expressions and Interpretations, but I understood that not theoretically conscious about it I still had always acted in these lines. I am sure that Kafka’s work has influenced me immensely, I think it has influenced the Western cultures; through secondary influence it has affected even those that did not read it.

I remain perplexed and amazed how literature and literature theory, criticism, is so much richer, so much more developed, so much more attuned to the nuances of life than the quite dreary practices of academic philosophy and all the social science pursuits. I feel that literature is the philosophy.

I remain disillusioned with any attempts to engage the academic community in a fundamental discussion on these issue; when I address the academic community I feel that I am writing to the very Castle; our science and scientific community is the Castle; there is none, yet there are a lot of messengers who behave like appointed representatives of the scientific castle, they engage in their own rituals, they develop their own scientific secret code language to exchange words without meaning, they reward themselves with titles and positions, which sound convincing, yet they remain messengers of the system, they are funded by the power elite, and increasingly like a performing artist they sing to the chosen tune. In the European Union the scientific community has almost totally succumbed to the unelected power of politicians, who like a yet greater Castle pursue an agenda towards which no roads lead, an agenda where the individual human being is put on Trial by the faceless few, who disseminate in the public opinion and spread their web through language to encompass all living, until death, the end of the trial. I write about the Castle, to the Castle, and experience the Castle, I write against the Castle, and the Castle strikes back, with the very same methods that Kafka discovered.

My expressions and interpretations can be downloaded at www.hellevig.net – let me take part of yours.

Yours truly,

Jon Hellevig