

REHEARSING THE REVOLUTION: FRANZ KAFKA'S
MINOR LITERATURE AND THE "OTHER" BERTOLT
BRECHT IN AN ORIGINAL TRANSLATION AND
ANTI-AUTHORITARIAN ADAPTATION OF KAFKA'S
"THE TRIAL"

by

ALEX MENTZEL

A THESIS

Presented to the Department of German and Scandinavian
and the Robert D. Clark Honors College
in partial fulfillment of the requirements for the degree of
Bachelor of Arts

June 2020

An Abstract of the Thesis of

Alexander Mentzel for the degree of Bachelor of Arts
in the Department of German and Scandinavian to be taken June 2020

Title: Rehearsing the Revolution: Franz Kafka's Minor Literature and the "Other"
Bertolt Brecht in an Original Translation and Anti-Authoritarian Adaptation of Kafka's
"The Trial"

Approved: *Michael Malek Najjar*
Primary Thesis Advisor

Political theater is an inherently difficult genre to navigate, constrained as it is by conflicting definitions and techniques. Even when done well, it is not always clear how to evaluate the efficacy and impact of a political piece. Additionally, is not all art and creativity in some ways reflective of politics? Nevertheless, theater possesses unique qualities that disturb the public square and that interrogate cultural and political narratives in order to instigate change.

This thesis examines authoritarian tendencies of the U.S. political system as it relates to historical changes in immigration law and the criminalization of migrants, using Hannah Arendt's concept of the "right to have rights" to describe the seemingly endemic violence directed against stateless people.

Furthermore, this thesis re-examines the notion of the interruption and the geste—key devices in Bertolt Brecht's epic theater—as they have been developed by Walter Benjamin, Hans-Thies Lehmann, Freddie Rokem, and Nikolaus Müller-Schöll, in order

to suggest a newly aesthetically conceptualized and politically comprehensible contemporary theater. The “minor literature” of Gilles Deleuze and Félix Guattari’s work on Franz Kafka is the connecting link, as they assert that his world is a world of theater which can only be understood in terms of the interruptive *gestus*.

My intellectual and creative work rests on a non-extractive research and performance attempt to address, and change, the realities of the current U.S. immigration system. I am haunted by the question posed in Gayatri Spivak’s essay *Can the Subaltern Speak?* This thesis recognizes the ensuing double bind of its own placement in Western academy and theory and explores an application of the subaltern voice to migrant communities. Tying the subaltern/migrant voice together to the work of Arendt, Kafka, and Brecht results in the adaptation of Kafka’s *The Trial* that concludes this thesis.

Acknowledgements

I would like to extend my deepest thanks to Professor Sonja Boos, Professor Michael Najjar, and Dean Gabe Paquette for their generous encouragement, invaluable insights, and measured expertise throughout the composition of my thesis and my undergraduate education. Without Professor Boos's rigorous and deeply giving pedagogy I would not have trusted myself to pursue work as interdisciplinary in nature as I have managed under her guidance. Without Professor Najjar's highly collaborative and intellectual theatrical method I would not have had the opportunity to broaden the creative scope of my work. Their courses and productions were integral to my academic and humanistic development during my studies, and for that I will forever be grateful. More recently, Dean Paquette has injected a vibrant strain of historical and critical analysis, as well as steadfast encouragement, into both my life and my thesis. Thank you all for serving on my thesis committee.

This project is dedicated to the communities directly and indirectly affected by carceral bureaucracies worldwide that, despite harsh oppression, continue to push through with cracks of vibrant and complex life towards the sun. Your resistance and your survival is the model for all revolutionary work. I deliver my sincerest acknowledgement to the individuals that taught me, without any obligation, in places as diverse as German refugee theater ensembles and the border between San Diego and Tijuana. I hope I have honored your complex humanity in my thesis and can contribute to our collective fight.

I am indebted to countless other professors and teachers for their support over the years, and I would be remiss not to note my gratitude for them here. In the

Department of German and Scandinavian: Professor Dorothee Ostemeier, thank you for your mentorship and your gentle but firm periodic reminders to complete this thesis; Professor Jeffrey Librett, thank you for your guidance and brilliant lectures; Dr. Corinne Bayerl, thank you for teaching me German grammar and for my first exposure to radical queer and feminist theory; Professor Martin Klebes, thank you for showing me how to interrogate narratives of progress; Professor Michael Stern, thank you for your deep engagement with my thesis during an uncertain time; and Matthias Vogel, thank you for the mussels and *Die Kleinbürgerhochzeit*. I would also like to thank Professor Ian McNeely for his consideration and goodwill over the past year.

In the Department of Theater Arts: thank you to Dr. Zeina Salame and Dr. Tricia Rodley for providing the kind of direction every actor can only dream of, thank you to Professor Joseph Gilg for my first opportunity, and thank you to Professor John Schmor for London.

My courses in the Clark Honors College significantly impacted my ability to even begin thinking about and formulating reactions to topics as important, yet broad, as immigration and human rights: Professor Steven Shankman and the students of the CHC/UO Inside-Out program and Professor Cheyney Ryan, Katie Dwyer, and the Oxford Consortium for Human Rights, thank you for providing the emotional core and initial impetus of every one of my considerations on philosophy, justice, and bureaucracy; Professor Casey Shoop, thank you for whipping my analytical and communicative framework into shape my freshman year, even when it was painful to my ego; Professor Ocean Howell, thank you for showing me the real-world

applicability of academic work (and for the endlessly cool skateboarding videos); and Professor Helen Southworth, thank you for inspiring me to write creatively.

I must also acknowledge the key role financial support from the *Deutscher Akademischer Austauschdienst* (DAAD) played in the development of my thesis. Without the transformative six months I spent at the Goethe Universität Frankfurt's Institute for Theater, Film, and Performance Studies on a DAAD Undergraduate Research Fellowship, fully immersed in the German theatrical and academic tradition, I can hardly imagine this thesis having come together. Professor David J. Levin and Professor Freddie Rokem, thank you for guiding me towards a destination I didn't even realize was available to me. Professor Nikolaus Müller-Schöll, you are a titan in the field, and I remain equal parts in awe and intimidated when I think back to my time in your courses. Nevertheless, it is the structure you taught me for thinking about theater and performance that animates every impulse of this thesis. Professor Khalid Amine, thank you for your warmth and for introducing me to the rich variety of post-colonial theatrical traditions in the world. Dr. Leonie Otto, thank you for shaping my first attempts at combining art and theory into worthwhile growth (and for your kindness). To all my *Kommilitonen* in Frankfurt, I will forever remember our work together, and I miss you terribly. Finally, my heartfelt appreciation to Jan Philipp-Stange, Nir Shauloff, the *Künstlerhaus Mousonturm*, and the entire creative team behind *All in All* for the chance to prove myself as an assistant director. I learned more than I could ever do justice to here. *Vielen Dank*.

My appreciation, as well, to Professor J. Josh Snodgrass of the University of Oregon's Center for Undergraduate Research and Engagement and Office of

Distinguished Scholarships. Your deeply involved mentorship and emergency funding made all the difference in an integral moment.

I am fortunate to be surrounded by the affection and support of friends all over the world, friends that always believed in me and this project, even as I added on one delay after another. Parker, Ami, Kaileigh, Meg, Harley, Zia, Jasmine, Hadi, Felix, Lyssandra, Josh, Joshua, Claire-Marie, Johannes, Sara S., Abdullah, and more, you kept me going when nothing else could. Jude, Jessica, and Colleen, thank you for accepting me and for the many ideation and brainstorming sessions. Sara F., Bianca, Abha, Ella, Gwen, and the other students of the OCHR, here it is, at last.

Ultimately, my most profound acknowledgment must go to my Mom and Dad. Your fount of love, encouragement, and faith is seemingly endless. I truly cannot express the richness of my gratitude; words fail me. Hopefully, then, something simple will do: thank you, and I love you.

Table of Contents

Chapter 1: Encountering the State of the Law	1
The Past, an excerpt from the author’s CHC Thesis Prospectus	1
The Present	3
Intensions A: Mind (Interpretive Framework)	4
Intentions B: Heart	8
Intentions C: Soul	11
The Impact of Covid-19	12
Chapter 2: Problems in the Law	15
A Brief Discussion of Immigration in the United States, Hannah Arendt, and “Inalienable Rights”	15
Immigration	15
Hannah Arendt	18
Kafka’s Law and Minor Literature	25
Chapter 3: Solutions to the Law	31
Theater as a Revolutionary Medium	31
Bertolt Brecht	37
Old School	37
New School: The geste as uniting quality between Brecht and Kafka	39
Chapter 4: A Play	44
The Development of The Trial	44
Playwright’s Note	46
The Trial, by Franz Kafka, Adapted by Alex Mentzel	50
To the Performers	50
To the Creative Team	50
Top of Show Directions	52
List of Characters	53
Prologue	55
Scene 1: The Arrest	56
Scene 2: Love in the Age of	73
Scene 3: The First Interrogation	85
Interlude I: Talkback	93

Scene 4: Encountering the Law(yer)	94
Interlude II: GEO Group	109
Scene 5: The Despair of Creating Without the Possibility of Originality	112
Interlude III: Torn Apart	126
Scene 6: Before the Law	130
Scene 7: The Concept	139
Media	141
Bibliography	143

Content Warning

This document contains discussion of subjects relating to state violence, sexual assault, and other trauma. Page 1-2 of Chapter 1, as well as Scene 4 of the play, contain particularly potentially re-traumatizing recollections.

Chapter 1: Encountering the State of the Law

The Past, an excerpt from the author's CHC Thesis Prospectus

[The Trump] Administration's ongoing attack on sanctuary cities [and immigrants] is more than the belligerent demand for total compliance: it is part of an effort to insure that some of us are never safe, in order to insure that no one is ever really safe.

—Masha Gessen, “Trump Has Created an Entire Class of People Who are Never Safe,”

The New Yorker, February 16th, 2018

Imagine, for a moment, that your name is Yu Yan Yueng. (Tebo 38) You are a Chinese national, mother to a teenage son named San Kai Kwok, and—shortly before fleeing to and applying for asylum in the United States—you were forced to have an abortion after a failed attempt at hiding your second pregnancy, illegal under China's one-child policy. In addition, before fleeing with you to the United States, your son was arrested at school, in China, and detained by government officials. Your case is referred to an immigration court in the U.S., your first interaction with an ostensibly fair justice system. During the hearing, and despite struggling with a speech impediment, which makes it difficult for your son to understand you in your native language, and while delivering a full account of your case, the immigration judge quickly denies your request for asylum due to perceived inconsistencies in your testimony and for failing to provide supporting documentation. This plunges both you and your son into a bureaucratic limbo of 650,000-backlogged immigration appeals (Pierce and Seele 4) and stateless status. In a later ruling against your immigration judge by the 7th Circuit Court of Appeals in Chicago, IL, the court will state that:

We hold that the IJ's [immigration judge's] credibility determination was speculative and lacked substantial supporting evidence. The purported

inconsistencies upon which the IJ based his ruling were, for the most part, so inconsequential that the determination cannot be supported.... Nor was the IJ entitled to hold the petitioners responsible for failing to produce corroborating evidence, when the evidence the IJ expected to see was irrelevant. (Tebo 38)

Another example. Try to imagine that you are Abou Cham, a young man who has fled Gambia and has been waiting for asylum in the U.S. since your uncle, the democratically elected president of Gambia, was ousted from office in a military coup d'état in 1994, at which time you were a teenager. (Tebo 40) Four members of your immediate family, who remained in Gambia, have been persecuted and imprisoned, and you claim that if you are returned to your home country, you too, will be targeted by the military regime. Your immigration judge, Donald V. Ferlise, however, is argumentative, ordering you to stop trying to speak English because your English 'isn't very good.' (Tebo 40) Furthermore, he goes on to question you repeatedly about discrepancies in your testimony, such as the exact date of the coup. Occasionally, you are unable to fully answer the immigration judge's questions in your native Wolof language, but he refuses to accept your answers when you try to supply them in English—even after your interpreter states she does '...not know all the Wolof words for the calendar months because most native Wolof speakers use English or French to name the months.' (Tebo 40) You are denied asylum. The 3rd Circuit Court of Appeals in Philadelphia, PA will later decry how:

The case now before us exemplifies the severe wound ... inflicted when not a modicum of courtesy, of respect or of any pretense of fairness is extended to a petitioner and the case he so valiantly attempted to present. Yet once again, under the bullying nature of the immigration judge's questioning, a petitioner was ground to bits...the belligerence of the judge's questioning and the resulting tension in the courtroom [demonstrate] the intensity with which Judge Ferlise sought, at all costs, to support his denial of relief to Cham. (Tebo 36, 40)

The Present

The first two pages of my Clark Honors College Thesis Prospectus, composed and submitted in the spring of 2018, were my first attempt at making an encounter with the complexity of the United States of America's immigration bureaucracy intellectually, emotionally and politically tangible; part dialogic distancing, part emotional appeal, part relaying of facts. Immigration case files were my initial script, cited academic analysis my early direction, and the contemporary circumstances drove the highest stakes any drama could offer.

During the intervening two years, our (immigration) Law of the Land has continued to become increasingly exclusionary, reminiscent of the restrictive tactics, country quotas, and policies enacted under the 1924 Johnson-Reed Act. (Alvarez) This decline, although accelerated since 2016, can, and should, be traced back to an origin point in the presidential administrations of Ronald Reagan and Bill Clinton that continued under their successors, George W. Bush and Barack Obama.¹ In other words, the thorny issues that emerge from immigration policy are truly bipartisan, and studying them brings to the fore fundamental questions about identity, imprisonment and detention, democracy within the confines of the nation-state, oppression, and access to human rights. In fact, the germ of this entire project is rooted in the question of immigration bureaucracy and detention systems. Everything flows from the dark edges

¹ The passage of the Immigration Reform and Control Act of 1986 and the Illegal Immigration Reform and Immigration Responsibility Act of 1996 worked to fundamentally restrict the relatively more inclusionary policies of Lyndon Johnson's Immigration and Nationality Act of 1965, passed in the wake of the post-WWII/early Cold War refugee crisis. Both later pieces of legislation laid the foundation for a heavily militarized southern land border, restricted the asylum-seeking process, and punished economically-motivated, transient workers by penalizing employers that hired undocumented immigrants.

of cases such as those of asylum seekers Yu Yan Yueng and Abou Cham, of former Guantanamo detainees Lakhdar Boumediene and Murat Kurnaz², and of countless migrants left thirsty in the desert.

Intensions A: Mind (Interpretive Framework)

The migrant's encounter with the U.S. immigration system is inherently contradictory. Simultaneously held distant from the law, and yet feeling its enforcement bureaucracy concretely, the law becomes an entry point into each individual migrant's rhizome³ of connections. Those effects proceed to spread horizontally, and rarely vertically, often to devastating effect, through the individual's family, relationships, employment, and ability to participate in society. In contrast, for others, access is held distant, but so too are the direct effects. For example, the reader of an immigration policy brief, the academic examining immigration in relation to human rights, the everyday consumer of media covering detention, even the lawyer, judge, or politician working within the law is limited experientially to factual processing or emotional reaction. Ironically, only a similar encounter to that of the migrant's is found in those

2 "...**K:** Yeah, I know all about your system! [*to the Spectator Space, briefly*] You don't?

Director: Um, what are you doing?

K: About your democracy that lets border officers drive over the legs of unaccompanied minors — **Director:** What the hell, this is isn't in the script!

K: —That locks innocent people with names like Lakhdar and Murat in an Orwellian hell of torture and bureaucracy! Whose Officers destroy water left for innocent people in the desert!" See page 90 of this document

3 I borrow and apply Deleuze and Guattari's conception of the rhizome, based on the botanical rhizome, first articulated in their 1980 volume *A Thousand Plateaus: Capitalism and Schizophrenia*, which describes multiple, non-hierarchical entry and exit points in representation, effect, and interpretation, in contrast to a linear, hierarchical view.

tasked with enforcing the laws, but with an invariable associated reversal of power.⁴

Gayatri Spivak expresses facets of this tension in her seminal *Can the Subaltern Speak?*, exploring the potential limits of Western—even postcolonial—discourse to address disparate cultures and systems of oppression, questioning the claim of knowing the Other by Western intellectuals. (note 1, 66)

The term “subaltern,” broadly speaking, refers to the colonized populations of a colonizing power, people who are thus outside of the social, political, and geographical power structures of the state. Evolving from initial work by Antonio Gramsci and other Marxist intellectuals on cultural hegemony and the exclusion of the peasant class from industrial capitalist economies, philosophers in the Subaltern Studies Group sought to define an intellectual framework, originally by and for the people of the Indian subcontinent, that was divorced from a Eurocentric critical discourse.⁵ (Prakash 1475)

In contrast, however, Spivak is careful not to precisely define the concept of the subaltern, relying instead on simple descriptions, thereby undermining the definition of the subaltern’s situatedness solely in relation to power. This is a fascinating example of her ambiguity towards even her own role in the academy.

Spivak’s interrogation of the subaltern voice and the academy, then, is doubly relevant to my thesis. First, it is applicable to this Western intellectual’s attempt at,

4 “**Willem:** What are your papers to us? We are humble subordinates who can scarcely find our way through a legal document and have nothing to do with your case except to stand guard over you for ten hours a day and draw our pay for it. That’s all we are, but we’re quite capable of grasping the fact that the high authorities we serve, before they would order such an arrest as this, must be quite well informed about the reasons for the arrest and the person of the prisoner. As the Law decrees, we are drawn toward the guilty. That is the Law. How could there be a mistake in that?” *Page 60 of this document*

5 Eurocentric referring to colonial and Marxist criticism that nevertheless viewed the West as the starting point of history.

quite literally, working with the narratives of the oppressed. Spivak fundamentally articulates the limits of theory, recognizing, for example, the inherent tension in her desire to raise feminism's theoretical profile while acknowledging that the subaltern "... cannot be served by the call for more theory in Anglo-American (society)." (1988, note 1, 91) There emerges a resultant paradox for the critic (citizen) in the Western academy, who simultaneously erects borders on discourse as well as deports non-discourse from within its limits.

Second, it describes the difficulty in creating space for the subaltern voice to speak and be heard, in, for example, my adaptation of *The Trial*. A resolution hinges on the question of how to represent the experiences of immigrant and incarcerated communities to which I do not directly belong. Karl Marx uses two German verbs when discussing the representation of what we'll call the subaltern: *vertreten*, which means "to step in for," and *darstellen*, which suggests a re-presentation—*darstellen* is also used to refer to an actor's representation, or naturalistic portrayal, of a character. However, in translation, both verbs are often used interchangeably, a use that Spivak critiques, resulting in expressions such as, "...small peasant proprietors cannot represent themselves; they must be represented." (qtd. in Spivak 1988, note 1, 71) Yet, while these meanings of representation are related, they are not continuous. *Vertreten* implies a third-party completely stepping in for the subaltern subject, *darstellen* implies erecting some kind of characterization on behalf of the subaltern subject:

The banality of leftist intellectuals' lists of selfknowing, politically canny subalterns stands revealed; representing them, the intellectuals represent themselves as transparent. (Spivak 1988, 70)

In other words, within dominant discourse, the subaltern is always either being mediated or represented by others.

Intellectually, my attempt to comprehend and communicate immigration bureaucracies in light of the subaltern is rooted in the work of Hannah Arendt, particularly *The Origins of Totalitarianism*. In this work, Arendt formulates a concept known as “the right to have rights”—that is, human rights are not given by virtue of an individual’s humanity, but rather by their being a part of a political community, i.e. citizens of a state—to explain the injustices heaped upon the stateless in the modern world. An Arendtian reading of the denial of 6th Amendment Rights to petitioners in immigration courts, vast statistical discrepancies in approval for asylum seekers, and examples of arbitrary power and illegal acts perpetrated upon immigrants by Border Patrol Agents (CPB) and other employees affiliated with Immigration and Customs Enforcement (ICE) supports my argument that the conduct of the United States government violates the fundamental human rights of stateless people. I will also argue that these actions point at systems of oppression against marginalized people, against the subaltern, as a whole.

Finally, I suggest that one possible escape from Spivak’s double-bind of considering the subaltern in the Western academy exists through translation of the migrant’s experience, in the theatrical medium, into a revolutionary reaching out to an(O)ther. To summarize, the interpretive framework connecting my notion of the theatrical translation of Spivak’s subaltern and an Arendtian reading of U.S. immigration bureaucracies is rooted in three qualities:

- 1) Spivak’s description of the limits of Western discourse, as well as her notion of text-translation as a revolutionary simulacrum of the original linguistic learning-act (2006, 1612)

2) a literal translation of Franz Kafka's *The Trial*, rooted in Gilles Deleuze and Félix Guattari's conception of Kafka's minor literature as a theatrical simulacrum that is inherently a positive and revolutionary act, "an avenue by which an accepted ideal or privileged position [can] be challenged and overturned" (1968, 69)

3) the simulacrum created in the theater of Bertolt Brecht, supported by Walter Benjamin's idea of the caesura and his and Freddie Rokem's parallel comparison to Kafka's work.

These various systems of thought are often associated with critical theory, that is, a philosophical approach to culture that seeks to confront the social, historical, and ideological forces and structures that produce and constrain it. I argue that the intersections in my framework create the conditions for an understanding of the actions driving U.S. immigration law and its oppressive bureaucracy, creating an early iteration of a conceptualized intellectual and aesthetic resistance.

Intentions B: Heart

The tension described by Spivak, which I partly try to resolve through the construction of an intellectual framework, of course does not preclude a genuine, human reaction to encountering injustices in a system. For example, there can be no doubt that I have a personal connection that goes beyond a) my intellectual fascination with immigration policy and the twists it throws into ideals of nationhood, belonging, and rights and b) my raw emotional response to researching and confronting injustices. I was born and spent the first ten years of my life in Germany to American parents who, even after living there for 15 years, and working legally as freelance musicians, remained non-citizens. Despite being born in Germany, I was not afforded citizenship.

In this way, the United States is more generous than almost all countries, due to the concept of *jus soli*, or the “right of soil,” in which any child born under the jurisdiction of the U.S. government is automatically granted citizenship.⁶ Furthermore, in 2016, I accompanied my family to Germany during my father’s sabbatical, during which he taught at the Stuttgart Music Conservatory for one semester. Despite being invited and financially supported through a grant by the German government, and fluent German speakers, confusion arose with the work and residency process. My father began teaching at the conservatory before his work permit was approved, and we were very quickly sucked into the bureaucratic machinery of the *Ausländeramt* (Foreigner’s Office), my father eventually being branded a *Straftäter* (a felon) with the threat of deportation back to the U.S. a concern.

I do not share this as a comparison of my experience with those fleeing war, crime, economic oppression, and marginalization in their home countries. Nor do I wish to sound reminiscent of privileged students who, blissfully unaware of reality, find their bubble suddenly burst when faced with suffering and take up a totalizing, white-savior approach to curing the world’s ills. However, since my thesis is not purely an academic document, but instead a creative project, I think it is important to lay bare my journey, including its origin points, in order to demystify and demythologize the process. My experience as the child of immigrants in Germany, has, I hope, added another layer of empathy as I approach this subject.

6 Peter Schroth and Linda Foster’s article “Perspectives on Migration and Law in the United States,” published in 2014 in *The American Journal of Comparative Law* (full citation in Bibliography) offers an excellent description of the contrasting concepts of *jus soli* and *jus sanguinis* (“right of blood”) in Western and Eastern hemispherical contexts. (p. 18) Furthermore, it connects these concepts to overall quantitative and qualitative developments and trends in U.S. immigration bureaucratic history, policy, and enforcement over the past 50 years.

My aim in bringing together the seemingly disparate threads of political theory, immigration policy, Franz Kafka's *The Trial*, and political theater is straightforward. First, this document tracks the evolution of my oppositional stance to the current system of immigration bureaucracy, grounded in a theory of totalitarianism formulated by the German-Jewish philosopher Hannah Arendt. This provides a political framework and textual record of my intellectual journey, a snapshot of one moment in time of my wrestling with the emotional and intellectual frustration of studying vast, seemingly incomprehensible bureaucratic systems. I see the clear potential of a minor literature reading of Franz Kafka's work and theatrical methods inspired by Bertolt Brecht to be vessels for addressing the current reality of the immigration system in the U.S. Namely, the themes of authoritarianism, modernity and the use of bureaucracy to enact radical ideologies, and the oppression of marginalized voices, which arise in any discussion of immigration and human rights.

As a creative person, my primary mode of synthesis and communication is through creative expression. Second, then, this document is my effort at unity between ethics, art, and science. To that end, in addition to my main impulse in translating and adapting Franz Kafka's *The Trial* into a theatrical piece, I have interwoven footnotes of moments of dialogue throughout the thesis text (and occasionally an original poem), in order to further complicate any sense of "[masquerading] as disinterested history, even when the critic presumes to touch its unconscious." (Spivak 1999, 208) The poetry I've composed and the moments of dialogue I've chosen are rooted in direct reactions to moments in the academic document that struck an emotional chord. These moments, to utilize a term explored in Chapter 3, are themselves a caesura, a form of interruption,

famously employed by Bertolt Brecht and analyzed by Walter Benjamin, into the intellectual “space” of the text. Furthermore, by blurring the boundaries between the play and the “thesis,” I intend to simultaneously justify the need for, and begin experimenting with, alternate forms of creativity and knowledge expression, mirroring my exploration of a new political-theatrical dramaturgical structure. What is my project in its most reduced form? Echoing Benjamin, I hope, through my interruption of traditional theatrical and academic structures, to make the political comprehensible.

Intentions C: Soul

To begin a conversation. To break any hermetic seals on my own thought and open it to the public. To create a text-artifact of theatrical/artistic commentary on an ongoing, living crisis. To spur discussion. To help my career. To learn. To entertain. To open the possibility of revolutionary collaboration. To contribute to my post-graduation portfolio. To surprise. To be known. To help others be known.

The Impact of Covid-19⁷

In many, at first blush significant, ways, this thesis has taken a radically different final form than I anticipated. Along with, quite literally, the entire world, the impact of the ongoing 2019-2020 COVID-19 pandemic has fundamentally altered not only my daily life, but any preexisting plans or intentions for the future. Most significantly, the emphasis of my analysis, and any outside evaluation of my project, was originally to have been centered on the actual *staging* of my adaptation of Franz Kafka’s *The Trial*. Many of the initial aesthetic, dramaturgical, and political points I

⁷ Crisp frost refracts my window—I write, erase, and missing the pressing crowd

wanted to make could only be fully realized after taking the blueprint of my dramatic writing and, vitally, applying it with an audience in the theatrical space.

For example, several scenes in the play-text call for devised work, where the cast and creative team come together during the rehearsal process to write scenes collaboratively, based off of initially agreed upon inputs and parameters. I was always interested in using my momentary platform to widen the scope of the piece beyond just my authorial voice. To that end, I had been working with a local dance studio, Xscape Dance Studio, which primarily serves high-school aged kids from groups under-represented in theater, to make corporeal and embody textual themes, as well as serve as a Chorus in the production. I was also working with Cheryl Hartup, Associate Curator of Academic Programs and Latin American Art at the JSMA & the UO Inside-Out Program to bring in collaborators—actors, writers, visual artists—from the local community of Latinx artists and those who have had personal experiences with carceral bureaucracies. Finally, although somewhat tangentially, I was working with a producer and hip-hop artist from Portland, OR, as well as a contemporary classical composer friend from New York City, on the soundscape of my play. All of these facets were tied to my planned experimentation with the dramatic form, to looking at ways of making the theatrical experience more modern, more radical, more young, even more pop. I had financial support from two organizations pending in order to compensate collaborators for their work. Physical collaboration on a piece, however, the act of coming together, the act of rehearsing the very revolutionary conditions we hoped to model, is impossible when the performance of the piece has been cancelled due to a global virus outbreak.

I share my original timeline and how my intentions have changed, not for sympathy, but to communicate a shift in focus towards the more solitary, interior journey of writing. The spread of COVID-19, for some, anyway, is forcing new pathways of thought, whether that means highlighting the inherently global nature of contemporary society, re-exposing the systemic cracks of inequality, or, for me personally, underlining the false-security of nativist rhetoric (“They are the ones with the disease, not us”) and the need to adapt expression to a socially-distant reality. Simultaneously, however, the pandemic is reinforcing previously held beliefs and entrenching our society deeper into dogma, marching with cold, efficient, and equal cruelty through free-market economies, socially democratic ones, and repressive, authoritarian societies, a true *pandemic*.

I’ve always been more comfortable with the collage, collaborative nature of theater, of performance, of acting. The need I perceived, as a writer, for truly original, profound thought that emerges from the author’s consciousness worried me. Fortunately, this thesis is not the end of my work on the subject or on this piece itself. I am already exploring other forms the play could take in the coming months, including an audio-visual experience, a “radio play,” or perhaps something more abstract. This document should still, nevertheless, break new ground in my creative journey and in thinking about political theater. Perhaps the lesson of this project is more universal, moving beyond the simplicity of my own ideological self-care, while remaining filtered through the specificity of immigration, human rights, and art in this thesis. A lesson in the fragility of systems and progress and the abruptness of their possible regression.

Chapter 2: Problems in the Law

A Brief Discussion of Immigration in the United States, Hannah Arendt, and “Inalienable Rights”

Immigration

Article III of the U.S. Constitution regulates neither immigration judges nor employees of the Board of Immigration Appeals (BIA). Instead, they belong to a sub-department, the Executive Office of Immigration Review, within the Department of Justice. Immigration Judges are appointed directly by the Attorney General, without any kind of Congressional review, making them highly politicized positions tied to the Presidential administration that brings them into the immigration bureaucracy. Appeals, if accepted, are handed directly to circuit courts (which do not hold trials and determine rulings based purely on articles on record from the trial court), bypassing federal district courts. (Tebo 39) In other words, immigration courts are subject primarily to the whims of the immigration judges and to directives handed down from the Department of Justice, accountable to neither a voting public nor constitutional standards. As a petitioner in an immigration court, often facing the penalty of deportation, you are not entitled to any of the protections of the 6th Amendment, including the right to a trial by jury or the right to legal defense; children routinely are called on to defend themselves in court. (Eagly and Shafer 1)

The two examples of Yu Yan Yueng and Abou Cham in Chapter 1 are not the only pieces of evidence pointing to deep-seated structural imbalances of power in the system that regulates almost every facet of existence of over 22 million de-facto

stateless people in the United States;⁸ for years, it has been plagued by issues. However, under the administration of Donald J. Trump and his immigration policy advisor Stephen Miller, among others, dehumanizing enforcement efforts have increased. Three of the Trump administration's executive orders relating to his travel ban have received significant media attention and oppositional litigation. Nevertheless, Presidential Proclamation 9645, colloquially known as the Travel Ban 3.0, was upheld in a 5-4 majority conservative decision by the U.S. Supreme Court. They ruled that it did not violate the religious discrimination protections of the Establishment Clause, despite the fact that nine out of the eleven countries sanctioned under the ban have majority Muslim populations.

Furthermore, subtler changes to policy on interior enforcement have already taken effect, even before the start of the COVID-19 pandemic. They include: increasing the number of 287(g) programs and contracts (federal partnerships with state and local law enforcement to apprehend, detain, and remove noncitizens); abolishing deferral of removals (under prior administrations, these cases were allowed to stay in the U.S. provided they checked in with Immigration and Customs Enforcement officials every six months to a year; they are now being deported); increasing the pace of immigration court proceedings by rehiring retired immigration judges, holding hearings via video conference, and implementing a "no dark courtroom" policy in which all court rooms are being used for removal proceedings during all business hours; targeting parents of unaccompanied minors; and removing unaccompanied minors who have been reunited with their parents in the United States. (Pierce and Seele 3-5) This is in addition to the reduction of refugee admissions to the lowest levels since 1980 (in the midst of an

⁸ According to the most recent Current Population Survey of the U.S. Census Bureau.

ongoing refugee crisis) and Immigration and Customs Enforcement agents separating parents and children at the border and detaining asylum seekers during their interviews, with lawyers present. (Dickerson, Sacchetti)

Under the cover of the COVID-19 pandemic, Since the arrival of COVID-19, the Trump administration has mobilized many of its long-term goals, particularly in the realms of admission of legal immigrants and domestic immigration enforcement, including, as of April 22nd, blocking issuance of as many as 315,000 green cards annually, according to the Migration Policy Institute.⁹ (Chishti and Bolter)

Deportations, which had briefly decreased between the months of March and April, are on the rise. Thus, while the U.S. is free to shut down travel into the country due to virus concerns, no such generosity is extended to countries on the receiving end of U.S. deportations. For example, Guatemala became the eighth country¹⁰ to face visa sanctions for refusing to take-in deportees during the pandemic, a refusal that came after the Guatemalan government determined that fourteen deportees on a single flight on April 13th had already tested positive for COVID-19. Furthermore, “Haiti, which has a fragile health care system, asked the U.S. government, without success, to defer deportations.” (Chishti and Bolter) In addition to the U.S. government actively facilitating the spread of a deadly virus to other countries,

[U.S. Department of Homeland Security] has also been able to maximize immigration enforcement at U.S. borders. An order issued March 20 by

9 “**Director:** It’s just that, in general, in the Law, interviews are neither deliberately accepted nor refused. But it may happen, for reasons of which I am ignorant, that they see no point in an interview, and that might be the case here. You have begged them to communicate with you by letter or by telephone or by word of mouth, and in preliminary investigations you cannot count on access to the proper channels—“ *See page 128 of this document*

10 They are: Cambodia, Eritrea, Guinea, Sierra Leone, Burma, Laos, Ghana, and Guatemala.

the federal Centers for Disease Control and Prevention, drawing on a little-used 1944 authority granted by the Surgeon General, allows U.S. Customs and Border Protection (CBP) to ‘expel’ all immigrants seeking entry at the U.S. border without proper documentation. In the first 11 days the order was in effect, 6,375 migrants were sent back either to Mexico or to their country of origin if Mexico refused to take them—without being asked whether they feared returning to their country of origin. On April 22, the order was extended through May 20. The order, although widely viewed as permitting if not facilitating *refoulement*—the return of individuals to a country where they fear persecution—may violate U.S. obligations under international law. Despite legal challenges to most administration immigration actions, this one has yet to be challenged in court, perhaps as litigators struggle to find plaintiffs due to the expedited nature of the process. (Chishti and Bolter)

Refoulement without regard to the consequences of forcing the migrant’s return to their home country can be tantamount to a death sentence.

Hannah Arendt

Every example I have cited above should strike one as standing in clear opposition to any conception of inalienable human rights, as declared in documents as varied as the U.S. Constitution, the United Nations Universal Declarations of Human Rights and the U.N. International Covenant on Economic, Social, and Cultural Rights (which, interestingly, unlike the UDHR, is formally and legally binding). (Spivak 2006, 1608) How to make sense of this? After all, it is hard to imagine any person more in need of their inalienable rights than those fleeing war, poverty, violence, oppression, persecution, economic marginalization and hardship, and destruction of the fabric of their society; cast adrift—often quite literally—on seas of misfortune and death, with no recourse and little hope.

Then there is the flipside to this situation; so routine it has almost become banal. A woman is raised within a state that refuses to grant her citizenship or any other document with which she could prove her nationality. Without these documentations,

she lives her life, in the only country she has ever known, under constant threat of expulsion, unable to legally work, forbidden to vote, to seek medical care and to purchase health insurance, to report crimes, and unable to acquire property. Every right afforded to her neighbors is denied.

This is not a new phenomenon. Hannah Arendt, the noted German-Jewish philosopher and political theorist, personally experienced years of statelessness after her German citizenship was revoked and she sought refuge in the United States. Writing in the immediate chaos following the Second World War, in a key part of Chapter 9, “The Decline of the Nation-State and the End of the Rights of Man,” of her seminal *The Origins of Totalitarianism*, she develops the concept of “the right to have rights” to explain the conundrum described above. She argues that the concept of “human rights” proves ineffective when it is needed most, namely at the moment when a political community dissolves and is no longer willing to provide and guarantee its community members’ rights. Stateless people, then, lose not only the rights of their citizenship, but all human rights. Citizenship—as in membership in a political community—is the elemental basis of rights, and the right to have rights *is* the right to citizenship.

The concept of the right to have rights goes beyond merely explaining the specific weaknesses in the legal, societal, and political codes that make up governments’ stances towards immigration. It also diagnoses an existential authoritarian threat built into democratic systems of governance and the international regulatory community. Using the plight of stateless people between the two world wars as a case study, Arendt asserts that stateless people become the anomaly in a system supposedly governed fairly by law, subjected as “outlaws” to arbitrary systems of power and illegal

acts, always at the mercy of the police. (Arendt 1973, 283-284) The treatment of stateless people reduces them to the status of a “human being in general,” (302) revealing that human rights are not given by virtue of the subject’s humanity, but only as a totem of association with a political community. Arendt decries that, “...[t]he world found nothing sacred in the abstract nakedness of being human.” (299) Instead, the world turned the stateless, rightless, as well. Ironically,

the loss of their human rights coincided with their reduction to the very status for which human rights—those inalienable rights which are said to be independent of government—are supposed to provide. (Kesby Introduction)

To state it clearly: this is almost a complete reversal of the traditional constitutional formulation of rights, which founds the rights of citizens on the rights of man, and citizenship itself on humanity. In contrast, Arendt argues that human rights emerge merely as an outcome of politics.

How is this connected to totalitarianism? Arendt’s conception of human rights reflects her republican view of politics, an Aristotelian derivation. Like him, Arendt sees humanity as inherently political, and she articulates freedom as the freedom to act, the freedom to begin something new, and the freedom to initiate change. (Arendt, 1998, 9, 177) Thus, the “right to have rights” supports her conception of “place,” “place” being where an individual can live, work, act, and contribute to public life, as a *right*. Only membership in a political community gives said individual political status, as a result of which she can have a voice in shaping laws and building a community with her equals. (Arendt 1973, 296-301) The polis and the community are, for Arendt, sources of agency and equality. In contrast, the private sphere is the sphere of separation and divisiveness. The more a state removes the political and legal status of people, casting

them out of the public sphere of equality, the more the social fabric within that state, particularly originating in the rootedness of the rights-bearing-citizen, will deteriorate into the language of the private sphere, which arouses "...dumb hatred, mistrust, and discrimination." (Arendt 1973, 302) Finally, it is important to note that, for Arendt, this statelessness is not only literal, i.e. applicable to refugees and immigrants. It is also a commentary on the way in which all marginalized communities are treated. For example, Arendt writes:

If a [black person] in a white community is considered [black] and nothing else, he loses along with his right to equality that freedom of action which is specifically human; all his deeds are now explained as "necessary" consequences of some "[black]" qualities; he has become some specimen of an animal species, called man. (Arendt 1973, 301-302)

The parallels in Arendt's writing to the current situation in the U.S. immigration system should be clear. The documented mistreatment of over 22 million noncitizens is not only a violation of their human rights, a denial clearly formulated and justified by Arendt's conception of the right to have rights. The treatment itself, and escalation of this treatment, also contains a warning of what may happen to the rest of us who, for now, still possess our rights-as-citizens. Finally, it offers a glimmer of explanation and resistance to the "dumb hatred, mistrust, and discrimination" that seems to be ubiquitous in our society.

Due to the more limited scope of this thesis, I generally utilize the terms *law* and *bureaucracy* interchangeably. However, I do recognize a distinction between the law as an ideal and the law's subsequent erection of bureaucracies, which often begin operating according to their own logic. This is absolutely the case within immigration systems. Ironically, specific U.S. immigration codes and statutes are noticeably

progressive, even compassionate, particularly around the resettlement of refugees (prior to the Trump administration), the provision of shelter to those fleeing persecution, trafficking, and violence, and the recognition of same-sex marriages between migrants. (Schroth and Foster 2) Nevertheless, there has been a gradual, yet precipitous, shift towards harsher criminalization of immigrants, a shift mostly rooted in authoritarian and bureaucratic policy changes, rather than actual amendments to the law.

The specific targeting of migrants along the southern border began even earlier than the rough timeline touched on in Chapter 1, with the first quantitative quotas on Mexican immigrants placed in 1965 (Schroth and Foster 2); the introduction of criminalizing language, such as “aggravated felonies,” in 1988;¹¹ the expansion of the term “crimes of moral turpitude” and other criminalization to encompass immigration violations in 1996;¹² the marked increase of deportations and punitive actions against perceived “outsiders” in reaction to the real or imagined threats of a post-September

11 Under the Omnibus Anti-Drug Abuse Act of 1988, P.L. 100-690, 102 Stat. 4181. Many “aggravated felony” charges against immigrants are neither aggravated nor felonies in any kind of usage consistent with U.S. domestic law; here, already, the distinction between actual U.S. law and the authoritarian bureaucratic use of unfounded terminology becomes important. See: Houston Putnam Lowry & Peter W. Schroth, *Survey of 2002-2003 Developments in International Law in Connecticut*, 77 CONN.B.J. 171 (2003), at nn. 94-95, http://www.brownwelsh.com/HPLowry_archive/CBJ2002-2003.htm.

12 Anti-Terrorism and Effective Death Penalty Act of 1996, P.L. 104-132, 110 Stat. 1214; Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208, 110 Stat. 309. See: Dawn Marie Johnson, *The AEDPA and the IIRIRA: Treating Misdemeanors as Felonies for Immigration Purposes*, 27 J.LEGIS. 477 (2001); KURZBAN, *infra* note 6, at 8-10, for a particularly poignant and relevant discussion of the ways in which minor infractions against U.S. immigration law have, through the use of bureaucratic enforcement, been “turned into” felonies.

11th, 2001 world;¹³ and the further growth by 5% in deportations during the first term of the presidency of Barack Obama.¹⁴

The distinction between a law and its enforcement via authoritarian bureaucracy, and the resultant licensed sadism, clearly overlaps with aspects of my thesis, whether as a key component of Hannah Arendt's other famous work on authoritarian governments, *Eichmann in Jerusalem: A Report on the Banality of Evil*, or its relevance to the literal, historical silencing of the subaltern voice described by members of the Subaltern Studies Group.¹⁵ Within this thesis, an exploration of this divergence and the limits of the law is limited to Franz Kafka's *The Trial*. In my adaptation, the Whipping moment at the end of Scene 3: The First Interrogation, as well as the lawyer Huld and the painter Titorelli's explanation of the inconsistencies between the law and bureaucracy are prominent examples.

However, one of the most important implications of Arendt's work in *The Origins of Totalitarianism* is the tension that stateless people bring into the narrative of how a country like the United States defines itself. Contemporary writers who tie their work explicitly to the heritage of Hannah Arendt are increasingly pushing up against the ideological limits of the nation state, taking Arendt's own theories in an even more radical, yet logical, direction. In works such as Alison Kesby's *The Right to Have*

13 USA PATRIOT Act, P.L. 107-56, 115 Stat. 272; Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458, 118 Stat. 3638.

14 Compare <http://www.ice.gov/doclib/foia/reports/ero-facts-and-statistics.pdf> (389,834 removals in FY2009) to <http://www.ice.gov/removal-statistics/> (409,849 removals in FY2012).

15 See: "A Brief History of Subaltern Studies (1998)." *Empire and Nation: Selected Essays*, by Partha Chatterjee and Nivedita Menon, Columbia University Press, New York, 2010, pp. 289–301. JSTOR, www.jstor.org/stable/10.7312/chat15220.21. Accessed 17 May 2020. This essay provides context to Spivak's work described in Chapter 1, justifies postcolonial theory from a more historical perspective, and describes oppositional critiques to the school of thought.

Rights: Citizenship, Humanity, and International Law and Stephanie DeGooyer et.al.'s *The Right to Have Rights*, the authors wrestle with the contradiction of U.S. democracy co-existing with bureaucratic, and more recently, legalistically sanctioned abuses. How can an any ostensibly democratic society tolerate abuses of this kind against people who have been born sometimes a mere handful of miles over an imaginary and arbitrary line on a map? How can democracy, a political system based on the theory of participation for all, work if it prevents participation for entire classes of people, whether immigrant, incarcerated, Black, poor, or any other minority and subjugated group? Can truly democratic societies exist in a world with borders?

The answer to these questions lie beyond the scope of this thesis. However, bringing these questions into discussion with an audience, questions that call for the potential interruption of previously held beliefs and narratives, does *not* lie beyond the scope of this thesis. In *On the Concept of History*, Walter Benjamin states that:

The tradition of the oppressed teaches us that the 'state of exception,' in which we live is the rule. We must arrive at a concept of history which corresponds to this. Then it will become clear that the task before us is the introduction of a real state of exception; and this will improve our position in the struggle against Fascism. Not the least reason that the latter has a chance is that its opponents, in the name of progress, greet it as a historical norm. – The amazement [Staunen] that the things we are experiencing in the twentieth century are 'still' possible is not philosophical. It is not the beginning of knowledge, unless it would be the knowledge that the idea of history on which it rests is untenable. (qtd. in Rokem 3)

The critique of naturalistic *Staunen* here contrasts greatly from any Aristotelian sense of wonder activating and leading to analysis, self-reflection, or action. Interestingly, Benjamin uses the noun *Vorstellung* to describe the moment that leads to recognition of that "untenable idea of history," a term that,

...at the same time as it refers to such a neutral 'idea', a 'view of' or just some form of 'understanding,' also means 'illusion,' 'delusion' and 'imagination' as well as referring directly to a 'performance,' as such; to this evening's performance." (Rokem 4)

What kind of creative vehicle can deliver this recognition, can prompt this discussion?

One derived from Kafka's literary practice and the theatrical medium, whose very nature already drives the individual towards the polis, towards the community, towards political engagement.

Kafka's Law and Minor Literature

Franz Kafka's novella *The Trial* presents a bizarre picture of the Law, opening with the haunting lines:

Someone must have been telling lies about Joseph K., for without having done anything wrong he was arrested one fine morning...there was a knock at the door and a man entered whom he had never seen before in the house...The man [said], 'You can't go out, you are arrested.' 'So it seems,' said K. 'But what for?' he added. 'We are not authorized to tell you that. Go to your room and wait there. Proceedings have been instituted against you, and you will be informed of everything in due course. (1-3)

Throughout, the protagonist, Joseph K., is accosted by a vast and arbitrarily cruel system of justice, one where no matter what K. says, to whom he says it, or how he expresses it, the court continues to march on beyond the limits of his language, incomprehensible to him and the people that work for it, while simultaneously failing to understand the figures within it. It should be clear that, for just this reason alone, *The Trial* is a compelling platform for examining the injustices of the U.S. immigration system. However, Kafka's relevance goes far beyond the content of the book and to the structure of the novella itself.

In their book *Kafka: Toward a Minor Literature*, first published in 1986, Gilles Deleuze and Félix Guattari build upon Walter Benjamin's essays on Franz Kafka from the 1930s, defining, analyzing, and elucidating the concept of minor literature, an analytical form not weighed down by the "...old categories of genres, types, modes, and style," (xiv) which, in their view, is integral to making sense of Kafka's literature, due to his attempt to:

...form a linguistic space that is radically heterogeneous with respect to his...predecessors...[to initiate] a new literary continent: a continent where reading and writing open up new perspectives, break ground for new avenues of thought, and, above all, wipe out the tracks of an old topography of mind and thought. (xiv)

They define minor literature, through an analysis of Kafka's work, as possessing three characteristics:

- 1) minor literature deterritorializes language, that is it severs social, political, or cultural practices from their native places and populations;
- 4) it connects the individual reader to the polis (meaning the political community) by removing any mediating agency;
- 5) it participates in the collective assemblage of enunciation.

While all three characteristics are applicable to the creative vision of my adaptation of *The Trial*, it is Deleuze and Guattari's concept of the collective assemblages of enunciation that is most important, precisely because it justifies and supports my complex *theatrical* adaptation of the novel.

There is an ongoing debate between the colloquial "old school" and perennially "new" Marxists on the primacy of the base vs. the superstructure in society. Old school Marxists conceive of the base as comprised of technologies, natural resources, geography, minerals, etc., while the superstructure is comprised of laws, morals, art,

philosophy, etc. Many critiques of Marxism see this formulation as overly simplistic and technologically deterministic. Contemporary thinkers, from Slavoj Žižek to Louis Althusser, have focused more on the superstructure, the semiotic (meanings, symbols). This results in a reversal, where the symbolic becomes the new base and material becomes the new superstructure. (Bryant; par. 3) In other words, the older generation of Marxist thinkers argue that transformations in the base must take place in order for political transformations to be enacted, while new Marxists posit the reverse, that transformations in the symbolic must take place in order for the conditions for political transformations to emerge.

Deleuze and Guattari's concept of the collective assemblages of enunciation (language, the symbolic) and its correlate, machinic assemblages (the domain of physical objects), is an interruption into the above debate. Instead of a locked binary, one having primacy over the other, they posit that the two are are complexly interrelated. Furthermore, their articulation of the collective assemblages of enunciation reveal two aspects of language. First, Deleuze and Guattari theorize that language does not only convey information. Instead it is defined by repetition and redundancy. (Bryant; par. 6) Interpreting the incomprehensibility of the Court's language in *The Trial* as a repetition of the "facts of the Law" at Joseph K. models and reflects our own ontological situatedness in the river-flows of languages past, flows that shape our unconscious with national narratives, histories, identities, stories, etc.

The second theory Deleuze and Guattari advance calls for an acknowledgment that language acts performatively, not as representation, creating what Bryant calls "incorporeal transformations:"

Drawing on speech-act theory, incorporeal transformations change nothing in the *bodies* upon which they alight, but everything in, we might say, the social position and situation of these bodies. When, for example, a judge passes down the verdict of “guilty” the person upon whom this verdict falls undergoes an incorporeal transformation. The verdict does not *represent* the person, but rather *transforms* the person. Nothing has changed in the person’s *body*, yet they are *now* a criminal. In this way, the person’s social relations have been utterly transformed. (par. 8)

Incorporeal transformations, then, interrupt machinic assemblages, meaning the minor language of Kafka’s, and my, *The Trial* is inherently linguistically driven *towards changing political conditions*. Let us examine some examples. Consider a revolutionary movement, such as in Egypt during the 2010 Arab Spring. From one night to the next, although the base/superstructure of the machinic assemblage remained unchanged—infrastructure stayed intact, factories were not seized by the workers, militaries still exerted control—a *total* transformation on the symbolic level took place. Furthermore, during the Arab Spring, this linguistic change spread through repetition and performance-acts across the country and region. A significant question during the early days of the movement was whether the two assemblages would be brought together into a cohesive whole, whether the material assemblages would be affected by the changes on the symbolic level. In some ways, this did happen, eventually producing an irreversible movement that ousted Egyptian President Hosni Mubarak from power. In other ways, it failed, and the great tragedy is that Egypt is still ruled by an authoritarian military leader.

Another example: the COVID-19 pandemic we are all currently experiencing. Here, from one night to the next, the machinic assemblage of our society completely changed, threatened by a novel virus, shaken as shelter-in-place orders took effect, and ground to a halt through collective action. The symbolic changes have been profound as

well, with structural inequalities on display and clashing narratives driving national discussion—witness Donald Trump’s consistent *repetition* that “Our country, our economy, was not built for this,” while standing next to Dr. Barbara Birx and Dr. Anthony Fauci in turn *repeating* the new linguistic reality of shelter-in-place, the spread of semiotic changes mirroring the spread of the virus itself.

Kafka’s minor literature and Deleuze and Guattari’s collective assemblages of enunciation can help us make sense of how these corporeal and incorporeal objects are intertwined and influence each other, without a subsequent hierarchy that falls back onto the problematic division of base and superstructure. Minor literature, then, is not only a specification, or a definition, of certain kinds of literature. Rather it indicates the “...revolutionary conditions for every literature within the heart of what is called great (or established) literature.” (Deleuze and Guattari 2012, 18) This quality of Kafka’s literature is key to my justification in the subsequent chapter that *The Trial* and Brechtian inspired theatrical action can create effective political change.

Chapter 3: Solutions to the Law

Theater as a Revolutionary Medium

Whether as audience or spectator, listener or reader, the addressee is called upon to bear witness to a turn of events that as such can never be seen. This and only this constitutes theatricality as medium. (Weber 157)

The arts, generally, are a vital repository of society's collective memories, a reflection of shifting cultural norms and values as well as debates on politics and society. However, what is it about theater specifically that makes it an instrument capable of prompting social change and of altering the semiotic, incorporeal object, in order to create the conditions for political progress? There is little doubt in the historical record that theater and performance contains the power to not only represent, but also shape, the society around it. In times of crisis and under newly authoritarian governments, theaters are among the first organizations to be purged and censured. This is as true in 1642, during the English Civil War, as today, after the attempted coup against Turkey's Tayyip Erdogan in July 2016, when plays critical of the regime were banned. (Kucukgocmen) Once again, however, it is not just the content of a theatrical piece that gives it power, but the structure of live performance itself.

The title of Samuel Weber's *Theatricality as Medium* implies a level of precision and relevance for this topic that can be missed. This is because, for Weber, the idea of medium encompasses what is often called "new media," as well, namely the press, radio, television, and social media. However, he resists merely reducing these modes of communication and then juxtaposing them with theatre. Instead, he begins his definition of medium with the Aristotelian conception of middle, means, or instrument; expands through the Hegelian process of dialectics as "mediating" (*Vermittlung*); and

ends with a definition of medium as the other side of theatricality. In other words, Weber characterizes and discusses theatricality and theatre as a place where a new medium is constructed during the performance. Specifically, it is the theater medium's status as in-betweenness that interests him, stating that this:

...indicates that [medium]...unlike realm...can never be constructed as self-contained or self-regulating. Rather, it is relational and situational, depending decisively on alien or extraneous instances that, in the case of theater, are generally identified with the spectators or audiences. (Weber 43)

Theatrical protest aims to disrupt the status quo and the typical narratives of politics. In Weber's definition, theatricality's capacity to unsettle the site and the self is rooted in its mediumistic lack of self-sameness.

In other words, effective theatrical action can undermine sealed off narratives of history, can disrupt the illusion of self-contained, bordered thought. My attempt with *The Trial* at irrupting into the political sphere through theatricality is not unprecedented, this unique capability of theatrical medium having been explored diametrically by Plato and Walter Benjamin. On one side, Plato imagines teatrocracy, the "evil sovereignty of the audience," as an even more destructive replacement for aristocracy than democracy, which innately ignores the confines of the polis. (Plato 1293) On the other side, Benjamin, in his *Critique of Violence*, finds not the appeal to the audience to be dangerous, but rather the claim that the receiver of the theatrical message is unchangeable and monolithic in its reception. Benjamin accuses this treatment of the audience as resulting in a universalizing form of critique that denies the forces of relativity at work. Instead, as Weber summarizes, "...the potentiality of theatrical spectators is not to be found in their staying the same, but in their possibility for change." (35) Herein lies the power of theater as revolutionary medium; the conception

of theatricality as the unique ability to disturb the stability of the space as a definite place, its unity and self-identity, by breaking, by tearing, through its center.

Benjamin and Weber's conceptualizations of medium and theatricality provides us with a rich framework within to consider the specific political focus of this thesis; comprehending and changing the U.S. immigration bureaucracy. Thus, politics as medium is concerned with that which is relational, situational, and lacking concrete proper place, and theatrical protest disturbs physical placement. To put it simply, in my conception, the stage *is* the political medium, the literal place-of-protest. My notion of the political stage is of an exceptional place, namely the place that has the ability to move, to displace, and to divide; theatricality is the tear that at the same time cracks the place, cleaves the narrative, and "...turns individuals into dividual" (Weber, 42).

However, theatricality is concurrently a juncture, something that connects the very thing it divides. Benjamin, cited by Weber in his essay *Mass Mediauras, or: Art, Aura and Media in the Work of Walter Benjamin*, echoes this position in his discussion of the "mystery in the dramatic" which is "that moment in which the [dramatic] overshoots the realm of its own language towards a higher and unattainable one" (105). This quality is fortuitous in light of the focus of this thesis. It is not enough to merely tear down the ways of thinking that support oppressive bureaucracies, for, to quote Franz Kafka apocryphally, "Every revolution evaporates and leaves behind only the slime of a new bureaucracy." Instead, in the theatrical medium, there exists the possibility that, with every brick that is removed, the performers and audience converge on an entirely new site of creation.

Theoretical and practical applications that explore this idea of theatricality as “action” in the political medium, utilizing an irruptive theatrical framework, have proliferated since the 20th century and are particularly associated with a “left”-oriented political philosophy. However, left-thinking does not exclude right-living. There lurks the danger of reinforcing unjust realities into the cultural sphere, thus buttressing their supposed permanence, of neglecting an equally conceptualized aesthetic and political resistance to the status quo. Let us examine some case studies which I also began exploring in my paper *Political Theatricality and the Egotist Johann Fatzer as Bertolt Brecht’s Threat to an Authoritarian Socio-Economic Order*, delivered as part of the German Studies Association’s panel “Time to Resist: Is this a Brechtian Moment” in the fall of 2018.

Implicit in the conception of irruption is a description of something absent, a bearing “...witness to a turn of events that as such [could] never [before] be seen.” (Weber 157) A historical example in the political medium: the Youth International Party, or Yippies, nominated a pig as candidate for president at the 1968 Democratic National Convention, thereby claiming that the trappings of democracy in the United States are an illusion, a kind of theatrical gesture, nothing more. As formulated after WWII under the nuclear shadow of the Cold War, most “left” irruptive theater and “theatrical” actions aimed to reveal *the absence* of society’s foundation. However, as discussed in relation to the Benjamin quote from the previous chapter,¹⁶ the resultant *Staunen* that emerges from these actions does not necessarily lead to valuable reflection or action in the audience. This technique of theatrical irruption can be, and,

16 “The amazement [Staunen] that the things we are experiencing in the twentieth century are ‘still’ possible is not philosophical. It is not the beginning of knowledge, unless it would be the knowledge that the idea of history on which it rests is untenable.”

increasingly, has been, co-opted for conservative, nationalist, and racist theories, *a re-casting of whiteness in the role of the oppressed*.

For example, on April 14th, 2016¹⁷ a performance of Elfriede Jelinek's play, *Die Schutzbefohlenen*, performed by actors with refugee status at the University of Vienna, was stormed by 40 members of the Identitarian Movement of Austria, who unfurled a banner accusing the audience of being hypocrites and sprayed them with *Kunstblut*, (art)ificial blood, meant to represent the blood of the innocents spilled during the terrorist attacks in Brussels and Paris. This cleaved the already present Jelinek irruption of pro-refugee and cosmopolitan values in a politically rightward turning country, placing a spectacular image in the media space, which was promptly disseminated by traditional news organizations and on social media. One of the several facets of implication in the final line of my adaptation of *The Trial* is a loose reference to this moment, an attempt at undermining the power of the Identitarian's symbolic action by reinforcing the artificiality of the *Kunstblut*:

*Sounds of revolution. Interlude that ends with K. stabbing The Director.
Immediate blackout.*

K: Shit! I got stage blood in my mouth!

End.¹⁸

In addition, the Identitarian's performative action explicitly called the audience to bear witness to the perceived increased size, strength, and power of a far-right

17 N.a.: *Rechtsextreme stürmen Jelinek-Aufführung in Wien*, in Zeit Online, April 15, 2016, <https://www.zeit.de/gesellschaft/zeitgeschehen/2016-04/identitaere-bewegung-wien-theater-elfriede-jelinek-die-schutzbefohlenen> (accessed February 2, 2020).

18 Page 140 of this document

movement. More importantly, however, it complicates the methodology of irruption. It is no longer possible to assume that radical discourse and progressive social changes can be achieved merely through theatricality and the tactics of irruption, since they can also be used for the opposite purpose. Using similar methods, the alt-right/far-right claims to expose some heretofore-unknown common foundation that *does* exist, on which society *actually* rests. This foundation can take many forms, including the white race, western culture, or patriarchal masculinity as *thymos*—variously translated as pride, righteous indignation, a sense of what is one’s own, or rage. The philosophers and “activists” of the new far-right, such as those described in Peter Sloterdijk’s 2006 book *Rage and Time*, insist that they know better than the rest of us, know more about the pillars of society. They deliver the pretension that they are revealing this fundamental truth to the world through their irruptive theatrical actions. The danger lurking beneath this formulation is due to the ease with which it leads to justifications of violence. After all, once you claim to unveil the foundation of society, and place credit for its construction in your hands alone, totalizing of the Other quickly follows.

Thus, the question of differentiation can no longer be discussed in terms of strict right vs. left, in terms of *what* the theatrical action says on the stage. Rather, we must consider what the breaking through of narrative *indicates*, in terms of a philosophy that accounts for the interlocking effects of race, class, and gender. In adapting Kafka’s *The Trial*, a literary text that, as described in the previous chapter, relies on a linguistic-theatrical irruption, I had to turn to the irruptive *gestus* of Bertolt Brecht to navigate the vulnerabilities of my own teatro-dialectics.

Bertolt Brecht

Old School

The work of Bertolt Brecht crosses many disciplines, and analysis of his oeuvre spans subjects as diverse as performance studies, literary theory, philosophy, sociology, economic theory, theatre arts, aesthetics, and semiotics. For the purposes of this project, the most vital critical work can be broadly categorized as existing in performance/theatre studies and critical theory. Within these sub-fields, there are two fundamental streams of thought, which, in several key areas, stand in opposition to one another in their attempt to synthesize the theory and performance practices of Brecht with contemporary socio-political and aesthetic questions. The dominant narrative takes a clearly linear approach to Brecht's career, attempting to create a framework within which analysis and practical applications should, and often must, work. (Müller-Schöll 2014, 32) However, starting in the early 1990s, spurred by the discovery and re-discovery of various texts by Brecht, as well as *on* Brecht—primarily by the philosopher Walter Benjamin, whose analysis has been key to this chapter—a new analytical movement came to the fore, known as the “Other” Brecht. (Silberman ii)

The longevity of “Main” Brecht theory can be attributed less to a body of work or a specific school of thought than to a long history of Brecht interpretation that was formulated along predictable paths and a commonly accepted narrative of his theories. As a result, an increasingly dogmatic framework came to prominence. Based on a formulation that tracked Brecht's artistic development from, “a young literary wild man, through the learned Marxist, and ending as an Old Master,” (Müller-Schöll 2014, 34)—which also ignores the transformations that took place during his exile from

Europe during the Nazi-period—it places academic primacy on the work of his “Old Master” period—such as *The Life of Galileo*—and, in practical interpretations of Brecht’s theatrical writings, frequently requires strict adherence to the vision of pieces as produced by the Berliner Ensemble in the 1950s.

“Main” Brecht theory was shaped by the polarization on the European continent during the Cold War. (Lehmann 179) It was also, for a time, ignorant of, and continues to ignore, both Brecht’s earliest creative writing—such as *Drums in the Night*, *Buying Brass*, and *The Decision*—and late-career theoretical writing, primarily the *Lehrstücke*.¹⁹ Instead, either a complete, didactic image of “revolution” or a piece that focuses on the subversiveness in the form of Brecht’s writing, while simultaneously skirting his politics (Marxist, anti-authoritarian, and containing the possibility for intersectional and feminist readings), is placed on the stage. Furthermore, Brecht’s famous *Verfremdungseffekt* technique is given primacy, to the point where it has become the type of very same theatrical institution and dogma that Brecht railed against. (Lehmann 184)

Verfremdungseffekt (“Alienation” effect) is the term used by Brecht to describe his desire to jolt the audience into the realization that they are watching theatre. It is also the most codified section of his writings on “epic theatre,” the name given to Brecht’s theatrical form. Techniques that achieve this include a formalized breaking of the fourth wall (the invisible barrier between audience and performer), the use of anti-heroes and plot devices that undermine the traditional theatrical narrative, and loud or aesthetically “obnoxious” dialogue delivery. In addition, the use of “Brechtian” set

19 A series of “teaching plays” Brecht created to, broadly speaking, undermine the traditional figure of the audience as passive viewer.

design—while originally subversive in its revealing of the construction of set pieces, thus pointing literally at the constructed elements that make up a theatre—has, in many performances, become so codified as to be practically indistinguishable from one another. [See Figures 1.1-1.3 under Media] The over reliance on this one effect undermines the strength of the irruption to do more than just create a sense of amazement or disconnect in the audience. It neglects the coming together of a Brechtian irruptive *geste* (gesture).

New School: The geste as uniting quality between Brecht and Kafka

The end of the Cold War and a growing fatigue with “canonical” Brecht—in Europe he is read much as Shakespeare is read in the United States, with the same ensuing problems associated with representation and canonical authorship at the expense of marginalized voices—coincided with the discovery of the so-called “Fatzer-Fragments” (a fragmentary, unpublished play also titled *The Downfall of the Egotist Johann Fatzer*), the rediscovery of the *Lehrstück*, the publication of Brecht’s *Work Journals*, and the renewed publication of Walter Benjamin’s writings on Bertolt Brecht. A new generation of readers emerged in Europe, and to a certain extent the United States,

...who wanted to newly critically engage with the theatrical work, creativity, and political as well as pedagogical concepts developed in the twilight-era of the Weimar Republic. Under the banner of the “Other Brecht,” the Brecht research that emerged over the ensuing decades focused primarily on Brecht between 1926 and 1933...This new generation of researchers believed, with good reason, that it was this Brecht, the Brecht of the *Lehrstücke* and of the Fatzer-Fragments, that related most to contemporary theatrical practice and theory. (Müller-Schöll 2014, 39)

This countermovement attempts to dismantle the frameworks and power structures of bourgeois, authoritarian, and patriarchal theatre, primarily through a revolutionary push towards an admittedly not-yet realized conception of theatre as an empty vessel, stripped of convention, epistemology, and dogma, to be filled by its participants with a new study of process and its relationship to depiction and portrayal—of the theatrical and the human. (Lehmann 184) I find the following quote from Fred Moten and Stefano Harney’s book *The Undercommons: Fugitive Planning and Black Study* to be an illuminating example of the idea behind this conception of theatre as an Empty Space:

We are committed to the idea that study is what you do with other people. It’s talking and walking around with other people, working, dancing, suffering, some irreducible convergence of all three, held under the name of speculative practice. The notion of a rehearsal—being in a kind of workshop, playing in a band, in a jam session, or old men sitting on a porch, or people working together in a factory—there are these various modes of activity. The point of calling it study is to mark that the incessant and irreversible intellectuality of these activities is already present. (110)

Looking at “Other Brecht” theory applied to practical theatrical works, the end results come much closer to my goal of uniting Kafka’s minor literature and Arendtian theories into an artistic statement that is politically effective and emotionally resonant. Broadly speaking, there is a heavier use of *gestus* and dialectical, rather than purely epic, theatre. Brecht splits “performance” into two categories: on one hand, the side of showing, of demonstrating, of depiction; on the other hand, the side of joy, of entertainment, and of portrayal—they are united through the process of *gestus*. Depiction concerns critiques of society; portrayal concerns the performative and the theatrical. Importantly, Brecht is trying to raise the side of theatre that concerns showing, demonstrating, depiction, to an art form, rather than a secondary consideration

of art-in-and-of itself. A *geste* (a single gesture) is the bridge originating on the side of depiction and connecting it to the side of portrayal.

A famous example drawn from Brecht's *Kleines Organon Für Das Theater* (*A Short Organum for the Theatre*) investigates the possibility of a performer taking a cigar or cigarette out on stage, lighting it, and smoking it in such a way that the audience can simultaneously imagine the performer putting the cigar away and behaving with a completely different *Haltungsart* (attitude and style of comportment). (Brecht 127-128) This irruptive/interruptive act of smoking would be a *geste*: it would, in a single moment, make it clear to the audience that the figure is not the performer, and the performer is not the figure, it would make it clear that the performer knows that the story being portrayed onstage is invented and has a beginning, middle, and end.

In contrast, in "Main" Brecht stagings, *gestus* is traditionally understood to be "...a sensually physical enactment of social 'meaning,'" whereas "Other" Brecht thinkers would posit that it is more accurately "...a gestural enactment of purpose." (Lehmann 184) The latter is much closer to Brecht's goal of revealing the social aspect and causality of a character, rather than its subconscious or psychological state of mind (Brecht 133) It also differs from the discursive and pedagogical use of *gestus* seen in many performances of Brecht. Theater "says" nothing different than—and certainly nothing more than—"reality;" and theatre certainly isn't prescient, it brings nothing in terms of new insights. Far more, like the language of Kafka's *The Trial*, through interruption and repetition, it translates the complexity of the mind and politics, live onstage, into gesture. Stated more clearly, while "Main" Brecht theory attempts to present a fictional world on the stage from which a political lesson can be drawn, the theatrical

process of the “Other” Brecht attempts to shatter its own boundaries and to move toward a practice in which the meaning of events is only determined in the performance. Influenced by performance art and post-dramatic theatre, “...it seeks to transform the theatrical event into both a kind of ritual and political statement. The distinction between theatrical discourse and political discourse is essentially blurred.” (Lehmann 185)

To summarize: my adaptation of Kafka’s *The Trial* below, rooted in my interpretation of “Other” Brechtian theory, has the potential to make the political realities of the U.S. immigration bureaucracy specific and comprehensible. Although a difficult effect to achieve in performance, and even more challenging in text form, when reached, the aborted and successful interruptions within my play could transform the audience’s incorporeal perceptions of the world, shifting their very thoughts towards the complex tension between the status quo and revolutionary systemic change of the corporeal world that we live in:

K: The only thing that sticks, is the idea. And, what, I’m supposed to throw my swollen, waterlogged corpse into the ground every night, for you? I have it up to *here* dying for you, dying so that all of you can talk about something finally changing. Wipe your tear stained face clean. Aw, you want to *feel* something? Why don’t you try *feeling* the beat of your own heart.

Tomorrow, we will all be in the streets. Tomorrow, we will all be equal.²⁰

20 Page 140 of this document

Chapter 4: A Play

The Development of *The Trial*

The seed of combining Franz Kafka and Bertolt Brecht into a thesis project first blossomed in the Spring of 2014, during my freshman year, in Professor Sonja Boos's German 368 course, "Law and Literature." Reading both Brecht's *Die Maßnahme* and Kafka's *Der Prozess*, I immediately glommed onto the unique theatricality of Brecht and the eery tone of Kafka, taking full advantage of the opportunity to lead a class discussion, or more accurately, class activity, on Brechtian *Verfremdungseffekt*. Like many, the start of my university studies had me wondering what path I wanted to pursue in life and questioning previously held beliefs and motivations, including whether or not art, theater, and creativity was for me. However, the novel combination of exciting political content and a performative mode that was completely foreign to me in Brecht, the exhilarating feeling I had of finally gaining awareness of society's complexity when reading Kafka, and the rich artistic and humanistic education I was receiving in the Theater Department and the Clark Honors College, was potent. It anchored within me a desire to work with these themes that has persisted through an unusually extended undergraduate study period and the many unexpected twists and turns of my life, so far. Finishing that initial German 368 course with an essay on textual moments of Brechtian *Verfremdungseffekt* in Kafka's *Der Prozess*, and Professor Boos's words of encouragement echoing in my mind, I embarked on an educational journey that, at first, appeared to take me far away from this topic, stepped in experiences as varied as the societally devastating yet intellectually and culturally inspiring inside of prisons with

the University of Oregon's Inside-Out program, to the simultaneous glitz and grief of Hollywood as a beginning actor.

A little over three years later, I would return to Kafka and Brecht, now enriched by mentorship and study that had sharpened my creative, aesthetic, intellectual, and political goals. I first started writing my adaptation of *The Trial* at the beginning of a German Academic Exchange Service (DAAD) Undergraduate Research Fellowship, studying under Prof. Dr. Nikolaus Müller-Schöll at the Goethe Universität Frankfurt. Although very little text of this draft remains in the final script due to the rapid collision of artistic inspiration, new experiences, and exposure to a different creative language upon my psyche, the heart of the play, the intertwining of the personal and the political, emerged during this time. It remains at the core of this entire project.

The next draft of the script was written, slowly, over a little less than a year, between January and November 2019. Shortly before starting that draft, I had faced the relatively minor, yet personally anguishing, failure of securing post-graduate funding to pursue the arts and politics in the United Kingdom on a Rhodes or a Marshall Scholarship. Frustrated and morose, I instead turned most of my energies towards a social impact technology start-up called Avertio that I had the incredible good fortune to be invited to co-found by two friends, Harley Emery and Abdullah Alhesnawi. During this time, my work on *The Trial* was mostly a hold-all for a consistent process of noting down ideas, gathering future devising prompts, and creating aesthetic and political *gesten*. It was not meant to be, and did not resemble, a literary, formal text. Instead, it was a rehearsal guide, a play-script, meant to be used during the eventual rehearsal

process and staging. Had the impacts of the COVID-19 pandemic never appeared, this play-script would have served as the foundational document for staging the play.

Ultimately, as described in Chapter 1, over the past three months, I have attempted to turn both the script and this thesis as a whole into a far more authorial document, as effective on the textual level as it may have been on the performance level. The play you will read below is the apex of this attempt, completed with the valuable advice of my thesis committee, Professor Michael Najjar, Professor Sonja Boos, and Dean Gabe Paquette. In many ways throughout the process, I created just as I consume. I have an insatiable appetite for cultural and political production, media, literature, performances etc.. The seemingly endless proliferation of content strikes me as a unique, at times troubling, facet of modern life, and, perhaps unintentionally, my adaptation of *The Trial* reflects this side of my creativity. To define development of this play is to accept my tinkering and revising, adding references, and combining elements, each draft just another snapshot. It still feels like a shifting product. It still feels like it is constantly changing beneath a collective touch.

Playwright's Note

I write this at the excellent suggestion of Professor Michael Najjar. The note below should be addressed to an audience awaiting (eagerly, hopefully) the start of a performance of my adaption of the "The Trial," perhaps printed in the program.

1. Ethics
2. Cigar smoke
3. Naysayer
4. Interruption/Irruption

5. Slapstick comedy
6. Instability
7. Leather jackets
8. Ephemeral
9. Piano music
10. Enrapturing

These are ten terms that come to mind when I think about Franz Kafka's *The Trial* and Bertolt Brecht, both the theater and the man. Not "incomprehensible," not "epic theater," certainly not "Kafkaesque." Those are words that, were they to appear in your program, would strip this evening of its capacity to surprise you, would cover in a thin layer of dust the bawdy, and the human, and the violent, and the pulsing life contained in this piece and its voices. But now that they've been printed anyway...the ideas behind those latter three terms have certainly long been components of contemporary theater and academic theory, and thus, of course, a part of this production. Instead, now, simply fragmented, synthesized, spun further, made personal, newly conceptualized. As the German director Christopher Rüping says, "In the best case, not a museum, but theater."

To those of you who know Kafka, or *The Trial*, or Brecht, or know about adaptations of previous novels and previous stories, truly anyone who has attended even one piece of theater, I think this performance will start off feeling familiar. All the pieces are there: great literature (*The Trial*, check), a committed and artistic ensemble (____, check), big ticket names (Franz Kafka and Bertolt Brecht, double check), contemporary relevance (the ongoing oppression and marginalization through

authoritarian bureaucracy of immigrant communities...check). How will they come together? What picture will they create?

But, with my adaptation, more than anything I want to unsettle your sense of the familiar. And I'd like to make you laugh. And, if possible, I'd like us to talk about the issues around immigration, to talk about what mass deportations and the profit-driven militarization of our border does to the fabric of our society. About what it does to you to live in a country that enforces jack-booted tactics rooted in much hatred. About the effects of state-sponsored violence against those with whom you share many similarities. And, most importantly, I'd like you to hear the voices of this piece, voices that are far more multifaceted than my own.

Perhaps my adaptation isn't enough of a departure from Kafka's source text to make this relevant to contemporary culture. But it is precisely because this is theater, and because I love Kafka's literature so much, that I find it unbelievably sublime that nearly 100 year old words can still speak to the specific and vital issues of our day. That's the spectacular power, for me, of theater; to come closest to life at the exact point where it is hardest to bear. Namely, in the nonnegotiable temporality of our own existence.

Knowing that tonight's ensemble will begin in literal dialogue, one word at a time, with a century old work, and step-by-step reimagine it into the present, exploring the echo of *The Trial* and pulling it out of the firmament of history...that strikes me as a subtle act of revolution in and of itself, a rebellion against the injustices of the past.

Of course, as I am sitting in my bedroom under lockdown writing this note, the capacity to gather together for a live performance feels very far away. I can't shake the

feeling that theater will have to change, adapt, to our newly atomized existence. So maybe this is all too much. Ultimately, then, when you leave here tonight, I want one thing. I want you to feel shaken, exhilarated, just a little bit exhausted, and with the bittersweet taste of what it's like to be a stranger in a strange land left fading on your tongue.

It's an honor to have you in the audience.

Alex Mentzel

Eugene, OR

May 17th, 2020

The Trial, by Franz Kafka, Adapted by Alex Mentzel

To the Performers

I would encourage examining different modes of acting, both within and outside of the Brechtian tradition. At times I have specified a more “performative” or more “realistic” style in specific scenes. As a whole, however, utilize the dialogue to explore different ways of being on the stage; experiment with authenticity vs. artifice, exaggerated physicality vs. painfully honest emotion, ignoring vs. acknowledging the audience. Overall, the style should be broadly naturalistic in the earliest scenes, progress through a more performative mode, and crest with Scene 6 and 7 into a fresh style informed by ancient choric and ritualistic theater.

Both performance-style and creative direction should explore and emphasize the opportunities for physical comedy and absurd juxtapositions.

Dialogue that is underlined can be changed/devised to better fit the individual production during rehearsal, as needed.

“/“ indicate moments of overlapping dialogue.

To the Creative Team

I have tried to leave most stage directions, scenery descriptions, and other commentary deliberately abstract and not-tied to traditional theatrical structures. For example, if I describe a scene as taking place in the “Morning,” I encourage unconventional and even experimental ways of transmitting this information to the audience. Fluorescent light bulbs, glowing orbs of yellow suspended from the ceiling, a paper sign with the word written on it, etc. are just some of the many ways this one stage direction could be designed. Please approach every design moment in the piece in this way.

I have called for the character of Joseph K. to be played by a female-presenting actor, introducing a measure of gender fluidity into this key role, originally written by Franz Kafka as a man. I believe it sharpens the theatrical piece and creates an opportunity for discussion in light of an audience's reaction to this choice. Furthermore, it adds elements of feminist and queer theory to the subaltern framework of Gayatri Spivak that undergirds the play. Finally, it throws into deeper contrast the tension between the figure of Joseph K. and the Director.

Direction that is underlined can be changed/devised to better fit the individual production during rehearsal, as needed.

Footnotes should be incorporated, through projections or devised dialogue, into the scene.

Specific music suggestions are sometimes included parenthetically, but are recommended only loosely and are indicative of what I was listening to/found inspiring during that scene's composition.

Costumes should reflect the essentials of an early 20th century wardrobe at the beginning of the play, shifting by the end into something abstract, ritualistic, and striking.

One particular aspect I would encourage the creative team to explore is the tension between Kafka's "historical" text and contemporary culture. This should not only be a serious evening of theater. Incorporate moments of popular music, dance, pure performance, light installations, create a rave with the audience, etc. Adjust the structure and order of what is supposed to happen when and where during a theatrical performance. Stage this play in a warehouse with the audience walking from space to space with Joseph K., following her journey through the bureaucracy. Break through the audience/performer physical divide if you are in a proscenium space. Interrupt a fascist rally with a guerrilla performance. Make it internet art and stage it in a

Minecraft landscape. Put it up during a house show, surrounded by sweaty people dancing joyfully to pop and rock music. Most importantly, collaborate with many and make it speak to the young and the young-at-heart.

Top of Show Directions

When picking up or buying tickets at the box office, every audience member should be asked, with a tone of expectation, to voluntarily turn over their IDs (driver's licenses, etc.) for the duration of the performance. If asked for a reason, none should be given. Furthermore, it should be implied that they have made a mistake, from which they may not be able to "recover," in terms of their experience of the performance, by questioning this demand. If/when they agree to turn over their IDs, they should be placed in a clearly labeled envelope, sealed, and placed in a prominently displayed and labeled box.

The Audience should not be allowed to enter the playing space until indicated in the text. They should be encouraged to gather and wait in a small anteroom, in close proximity to one another.

List of Characters

Joseph K. (20s-30s): a clerk in a large bank. This character should be portrayed by a female-presenting actor.

Fräulein Bürstner (20s): K's neighbor, a secretary

Frau Grubach (40s): K's landlady

Willem (50s): a guard that arrests K

Franz (20s): a guard that arrests K

The Inspector: an investigator for the Court

Rabeinsteiner: a colleague from the bank, very stiff

Kulich: a colleague from the bank, with deep eyes

Kaminer: a colleague from the bank, with a twitchy smile

Examining Magistrate #1: an officer of the Court

Examining Magistrate #2: an officer of the Court

The Whipper: an officer of the Court

Huld (60s): a Lawyer

Leni (20s): Huld's secretary

Titorelli: a painter for the Court

The Executioners: officers who carry out a lethal sentence against K.

The Director: the director of “The Trial;” an Emcee and unreliable narrative guide for the audience

Ensemble (4-6 dancers): a chorus

The Director and Titorelli are played by the same actor. Willem and Franz and the Executioners are played by the same actors. Leni and Fräulein Bürstner are played by the same actor. Rabensteiner, Kullich, and Kaminer can be drawn from the ensemble.

Prologue

Outside the Playing Space. 5-10 minutes after the performance is scheduled to start, the Director enters hastily.

Director: *(agitated, but friendly. this text can be improvised)* Hi, everyone. I just want to take a moment to thank you all for coming to our production of “The Trial” tonight. I can’t imagine every one of you wanted to be cooped up inside watching our flailing attempts at theater, particularly considering this beautiful weather we’ve been having. So it really means a lot that you’re here.

Our rehearsals over the past month have been surprisingly...rough...so, honestly, we’re still fine-tuning our show—despite the performance tonight. I have a couple of quick announcements about that. First, during last night’s dress rehearsal (most recent run-

through), one of our actors really got into the emotion of one of the scenes, and unfortunately ended up damaging a key set item. So you might notice that.

Also, we've been unable to raise the light batten back into the fly space—something must've gotten stuck at some point—but, personally, I think it adds a certain amount of charm.

And, finally, I will say we're all still in the process of getting comfortable with the text, with the show.

And, uh, that's it! If you would all like to follow me into the theater now, please...

The Playing Space should be opened to the audience at this point, where they can slowly file in and take their seats. The Spectator Space (SS) should be well-lit, with the Performance Space (PS) in half-light.

Scene 1: The Arrest

Int. Bedroom.

Morning. The space is still. K is asleep. Moments pass. Music is heard, at first spare notes, building throughout the following monologue to an ever fuller and louder crescendo. An alarm rings. K slowly wakes. She notices the audience and the bright SS lights. She looks out into the SS, although it is unclear if she see's the audience as an "audience," or, say, as a neighbor staring in through a window.

Franz and Willem are in the SS, one staring at the audience, one wandering around to the music.

The Director, with a handheld microphone, steps into the PS.

Director: (*performative, speaking into the microphone*) *Der Prozess*. The title of Franz Kafka's novel is usually translated into English as, *The Trial*, although a certain amount of the psychoanalytical implication contained in the original is invariably lost, as in German, *Prozess*, refers to both a trial and an inner, psychological process.

Our play opens on Josef K.'s sudden arrest by two guards in his room at his lodging house on the morning of his birthday. The guards don't tell him on what charges he is arrested, nor do they know what the charges are. K. is then taken next door to the room of another tenant, Fräulein Bürstner, who happens to be absent at the time. There, he is subjected to an equally puzzling and brief interrogation by an inspector. The inspector informs K. that he is under arrest, but is free to go to work at his bank and otherwise live life as usual.

After work, K. returns back to his lodgings. He apologizes to his landlady for the inconvenience of his arrest that morning, but his landlady doesn't seem to mind. He waits for Fräulein Bürstner in order to apologize for the disruption to her room that morning. Fräulein Bürstner is at first startled by K.'s explanation, but then permits him to dramatize the morning's events for her in her room. K.'s theatrics awaken the landlady's nephew who is sleeping in the living room. Fräulein Bürstner begs K. to leave, but, before he does, he embraces her.

K. is told that an inquiry into his arrest will be held the following Sunday. When he arrives at the court's address, he is puzzled by the fact that the court seems to be located in an apartment building in an impoverished neighborhood.

K. introduces himself to the examining magistrate, protests his treatment at his arrest, and denounces the court and its officials for corruption. The examining magistrate tells K. that he has seriously damaged his own case by his behavior, but K. refuses to participate at all in the proceedings and leaves the courtroom.

K. returns to the court the following week. There, he finds only a washerwoman, who informs him that the court is not in session. The washerwoman, who turns out to be the court usher's wife, promptly seduces K., and lets him explore the courtroom, where he discovers to his dismay that the examining magistrate's notebooks are actually pornographic novels. A law student sweeps in and carries the court usher's wife away, presumably to sleep with a judge. The court usher comes by and offers to take K. on a tour of the court offices. In the dilapidated offices of the court, K. meets other defendants, whose physical condition reveals the wear and tear of undergoing a trial. All of a sudden, K. feels faint in the office's muggy atmosphere, and has to be escorted out of the court offices, where he is instantly revived by the fresh air outside.

As the trial wears on, K. grows increasingly distracted and is unable to focus at work. He is dissatisfied with Huld, his defense attorney, who doesn't seem to be making any progress in his case. At the bank, one of his clients, a manufacturer, offers him a letter of introduction to Titorelli, the court painter. K. visits Titorelli at his studio, where he views Titorelli's portraits of judges. Titorelli explains to K. that acquittal is unheard of, and K.'s only option is to endlessly defer his final judgment. After pushing K. to buy some of his landscape paintings, Titorelli shows K. the exit, which, to K.'s surprise, opens out onto the court offices. Eventually, he dismisses his lawyer in order to take on the responsibilities of the case himself.

Finally, we arrive at that most stunning of conclusions. It is K.'s birthday again. He is dressed to go out that evening, but he is surprised by two formally dressed men. The two men guide him to a quarry outside of town, where one of them holds him at his neck and the other stabs him twice in the heart. And thus ends *The Trial*.

Fräulein Bürstner enters the PS and joins K in bed as the underscoring transforms into a song (“I Can’t Stop Crying” by Will Grove-White) sung by the Director (or other character)

After a moment Willem turns to the audience, speaking over the song.

Willem: (*performative, to the audience*) Written between 1914 and 1915 and published posthumously in 1925, *The Trial* is one of Kafka's most well-known works. Heavily influenced by Dostoyevsky's *Crime and Punishment* and *The Brothers Karamazov*, Kafka even went so far as to call Dostoyevsky a blood relative.

Fräulein Bürstner exits the PS.

Willem builds in momentum and energy

So here we are! *The Trial!* [Current Date and Time of Performance]!

Act 1, Scene 1! Morning!

The playing space is still. The set should be unconventional and tired-looking. The design should communicate mood in unusual ways, such as fluorescent light bulbs, glowing orbs of yellow suspended from the ceiling, or paper signs.

The actors are restless in their style and never stop questioning the characters and their words. Their delivery is both compelling and performative.

K is asleep in a bed. Moments pass. K slowly wakes. She notices the audience and the bright lights in the spectator space. She looks out into the spectator space, although it is unclear if she sees the audience as an "audience," or, for example, as a neighbor staring in through a window.

Franz and Willem are in the spectator space, one staring at the audience, one wandering around to the music.

Just as the arrest is about to take place, the lights! Smash fade to black!

Suddenly, the SS lights smash-fade to black as a knock is heard coming from outside the theater and Franz “enters” the apartment, somewhere in the audience. He is wearing an official-and-efficient looking long jacket, with many pockets.

K: Who are you?

Franz: I heard an alarm. Ah good, you’re awake.

K looks at Franz for a beat.

Franz: Yes?

K: I asked you who you are. *[beat]* And I’d like to eat my breakfast.

Franz: *(leaning to speak to a character “off-stage”)* She would like to eat her breakfast.

Laughter is heard “off-stage.”

Franz: *(as if just having received a detailed and well-reasoned message)* I’m afraid that is impossible.

K: *(leaping out of bed and quickly pulling on pants)* Oh, is that right? Well, if you don’t mind, I’m going to go see what kind of people you’ve let into my house.

Beat as Franz blocks the door

Franz: Wouldn’t you rather just stay here?

K: I would neither like to stay here nor continue speaking with you so long as I don’t even know who you are.

Franz: I meant well.

Franz opens a door and the PS becomes a living room, overflowing with photographs and home-knitting projects. Willem, sits “up-stage” and to the right, reading a book.

Willem: You weren’t supposed to leave your room! Franz, what is this? Did Franz not tell you you were supposed to stay where you were?

K: Look, I don’t know how I can help you. *[as if pulling herself from their grasp, although they are physically far away]* I’m going to go speak to my landlady.

Willem: *[standing and throwing down the book]* No! I’m afraid you are being held and cannot leave.

K: Why?

Willem: We are not authorized to disclose that information at this time. Return to your room and wait. The process is underway and you will be informed of details at the appropriate time. In fact, I have already overstepped my bounds by speaking with you like this. *[beat, then pointedly]* I assume, however, that no one other than Franz will be privy to my...cordiality.

I must say, if the luck that brought you us as your guards continues to hold, well...you should be optimistic.

K is uncomfortable

Franz: *[as he and Willem advance on K]* Just wait and see.

Willem and Franz corner K, Franz tapping her repeatedly on the shoulder, while Willem pinches the fabric of her shirt.

Franz: You should change into something more appropriate for the inspection before we have to confiscate much of your laundry for the duration of the process. If everything turns out well it will be returned to you.

Willem: And it would be better to just sign it over to us for safekeeping, rather than the warehouse.

Franz: So true!

Willem: Peculation really isn't that unusual in the warehouse, unfortunately.

Franz: Then there are the regular auctions of items, with no regard as to whether the owner's process has been brought to a close.

Willem: Such a shame! And if you factor in how long these processes are dragging on nowadays...

Of course, you would get a receipt from the warehouse for the proceeds of the sale, but the proceeds really are far below the value of the sold items, and between you and me, they amount to less and less as the receipts are transferred from person to person, from year to year.

K: *[wrestling herself free of Willem and Franz]* Please excuse me.

K. walks back into her room and looks around slowly, before turning to the audience.

Franz: *[to Willem]* Well, she seems quite reasonable.

K: *[searching for her ID. Walking into the SS, looking in people's jackets pockets, crawling on all fours to look under chairs]* Please, have you seen my ID? My driver's license?

K: *[unable to find her ID, now switching tactics]* Please, Ma'am, might I borrow your license to show to these men? How about you sir? Please, won't anyone help me find my ID? Or let me use theirs? This might all be a birthday prank pulled by my colleagues. So I'll play along. But, please, anybody? *[etc.]*

Eventually, The Director signals he might have something. It is a large piece of paper with the words "Bicycle Registration."

K: *[whispering]* I can't use this! I'm looking for my ID.

The Director: Why not?

K: It says...Bicycle Registration.

The Director: So?

K: That doesn't work with the scene!

The Director: Look, I'm sorry. If your ID wasn't on the prop table before the show, there's not much I can do.

K: I'll look ridiculous!

The Director: Come on, they're not gonna notice that. I already told them we're still polishing the rough edges of the piece.

K: Ok, but it's not just about this one little detail. This will reverberate through the whole evening! If we don't get the little details right, how can we expect them to take our point seriously!

The Director: Hey, ok, look, they're here for a nice evening of entertainment if we're lucky. So, just, get back in the scene and let's keep going where we left off.

K takes the paper.

Frau Grubach steps into the PS briefly and makes eye contact with K, before exiting. The sounds of Franz and Willem loudly eating K's breakfast interrupts her thoughts.

K: Why didn't she come in?

Willem: She isn't permitted too. After all, you are under arrest.

K: How can I be under arrest? Like this?

Willem: *[while eating]* So you're starting up with this again...look, we won't answer your questions.

K: You're going to have to answer them! *[holding out the bicycle registration]* Here is my driver's license, now please, identify yourselves and show me your warrant.

Willem: Jesus Christ! If you would only realize your position, and if you wouldn't insist on uselessly annoying us two, who probably mean to do better by you—and stand closer to you— than any other people in the world.

A silent exchange.

K: Here are my identification papers.

Willem: What are your papers to us? We are humble subordinates who can scarcely find our way through a legal document and have nothing to do with your case except to stand guard over you for ten hours a day and draw our pay for it. That's all we are, but we're quite capable of grasping the fact that the high authorities we serve, before they would order such an arrest as this, must be quite well informed about the reasons for the arrest and the person of the prisoner. As the Law decrees, we are drawn toward the guilty. That is the Law. How could there be a mistake in that?

K: I don't know this Law.

Willem: You'll encounter it soon enough.

Franz: Willem, she admits that she doesn't know the Law yet she claims she's innocent!

K notices the audience again.

Willem: I advise you to go to your room, stay quietly there, and wait for what will be decided. Our advice to you is not to let yourself be distracted by vain thoughts, but to collect yourself, for great demands will be made upon you. You haven't treated us as our generous advances to you deserved, you have forgotten that we, no matter who we may be, are at least free, compared to you; that is no small advantage. All the same, we are prepared, if you have any money, to bring you a little breakfast from the coffeehouse across the street.

K considers an escape, a physical resolution.

Footsteps are heard, and The Inspector appears, whistling, blood on his shoes. Music.

Franz: [*barking, amplified, loud*] The Inspector desires your appearance.

K: *[shouting back]* At last!

K exits the room, but is immediately driven back by Willem and Franz. This action has a slapstick quality.

Willem & Franz: What are you thinking? Do you imagine you can appear before the Inspector like that? You'll never have a good result, and we'll be thrashed!

K: Don't touch me, damn you!

Willem & Franz: *[now calm, almost melancholy]* It can't be helped. You must be wearing black.

K: *[suddenly, surprised]* But this isn't even the *main trial!*

Franz: *[smiling]* You must be formally dressed in black.

Willem: The sooner you learn that concessions to the Law's allegations are rewarded, the sooner a more advantageous result becomes likely.

On Willem's line, the following quote should be integrated into the staging, either via projection, sound interlude, or video: "Meehan was troubled as he sat in the courtroom watching other cases that were called before his. The judge, he says, repeatedly thanked attorneys who "cooperated" by conceding the government's allegations against their clients and then merely arguing that the client should nevertheless be allowed to stay. Then, when one lawyer denied the allegations against his client, the judge "went ballistic" according to Meehan, berating the lawyer for wasting the court's time by forcing the government to prove the allegations."²¹

21 Margaret Graham Tebo, Asylum Ordeals: Some Immigrants Are 'Ground to Bits' in a System That Leaves Immigration Judges Impatient, Appellate Courts Irritated and Lawyers Frustrated, (Chicago, American Bar Association Journal, 2006), 39-40.

K: Well, if I'm able to accelerate the resolution of this ordeal...I guess I don't mind.

K. begins to change, with surprising care, into something elegant.

K., followed by Willem, cross into the bedroom of the neighbor, Fräulein Bürstner, which has been rearranged to reflect an investigative mode; her blouse is prominent. Three Figures stand in a small group by an end table with photographs on it. Everyone waits.

The Inspector is heard offstage, whistling (perhaps "Whistle While you Work" or "Heigh, Ho" from the Disney animated film, "Snow White"). The Inspector enters, blood on his costume. He dominates the room. His hands are busy. He is a tinkerer. Experiment with how this scene is mediated to the audience, how it is "seen." For example, is one of the figures onstage carrying a video camera, recording the interrogation, which is projected live into the space?

Inspector: Joseph K.? You are presumably very much surprised at the events of this morning?

K: Yes. Yes, I am surprised, but I am by no means very much surprised.

Inspector: Not very much surprised?

K: You misunderstand me! I mean—may I sit down?

Inspector: That is not customary.

K: I mean that I am very much surprised, of course, but when one has been in this world for thirty years and had to fight one's way through it, as I have had to do—I've

become hardened to surprises and don't take them too seriously. Particularly not the one this morning.

Inspector: Why particularly not the one this morning?

K: I won't say that I regard the whole thing as a joke, for the preparations that have been made seem too elaborate for that.

Inspector: [*distractedly*] That's right.

K: But on the other hand, it can't be an affair of any great importance either. I argue this from the fact that though I am accused of something, I cannot recall the slightest offense that might be charged against me. And that's secondary! I mean, who is accusing me? That's the real question. What authority is conducting these proceedings? Are you officers of the law? None of you has a uniform. I demand a clear—

The Director: You find yourself in a grand fallacy!

Inspector: You find yourself laboring under a grand fallacy! We have no standing whatever in this affair of yours, indeed we know hardly anything about it. We might wear the most official uniforms and your case would not be a penny the worse. I can't even confirm that you are charged with an offense, or rather, I don't know whether you are. You are under arrest, certainly. More than that I do not know. Perhaps the wardens have prattled on about something else, but that's all it is. Gossip.

K: I—

Inspector: And though I may not be able to answer your questions, let me be so bold as to offer you this piece of advice: give less weight to thoughts about us and what we might do to you, focus more on yourself. And don't make such an outcry about the pervasive feeling of your own innocence! It disturbs the not unfavorable impression you

make in other respects, despite your clamoring. And you must be far more reticent in tone, nearly everything you have just said could have been implied in your behavior with the help of a word here and there, and in any case does not redound particularly to your credit.

K: *[pacing]* This is pointless!

The Three Figures turn and advance on K. sympathetically and gravely.

K: Hasterer, the DA, is a close friend, we've had reason to—before—may I telephone him?

Inspector: You may, but I do not know if there would be any sense in that, unless, you have some private affairs to discuss. But if not that, truly, what would be the sense in calling?

K: What sense—what sense would there be in that? What kind of officer of the law are you, then? You ask me to be sensible, to be reasonable, and yet you perform the most senseless acts yourself! It's all enough to get blood from a stone. First these men assault me in my own house, like some dog, and now you lounge around the room and put me through my paces for your benefit. What sense would there be to call a district attorney when I'm under arrest? Fine, I won't do it.

Inspector: But do telephone if you'd like, please do.

The Inspector looms over K threateningly.

K: No, I don't want to. *[sensing the spectacle, gesturing and looking out to the audience suddenly]:* Here's a fine crowd of spectators! Go away! *[beat]* What an intrusive, predatory group of people.

The Inspector and K. share a moment, The Inspector focused on his hands. The Inspector stands and prepares to exit the PS. It is quiet.

K: Alright, it seems to me like all this must be settled, so—

Inspector: How simple all this seems to you! No, no, no. I don't mean to suggest you should despair. Why should you? You are purely under arrest, nothing more. I was tasked to inform you of this, I have done so, and I have observed how you received the news. That's enough for today, and we can take our exit, for the time being, naturally. You'll be going to the Bank now?

K: To the Bank? I thought I was under arrest? *[with a sense of independence, playfully]*
How can I go into work if I'm under arrest?

Inspector: *[almost exiting]* Ah, I see you've misunderstood me. You are certainly under arrest, but that need not hinder you from going about your business. Nor will you be prevented from leading a mostly ordinary life. You may go to work, you may socialize, you will pay your taxes—

K: Then being arrested isn't so very bad.

Inspector: I never meant to suggest that it was.

K: *[advancing]* Well, in that case, it would seem there was no particular necessity to tell me about it.

The Group advances

Inspector: It was my duty.

K: A stupid duty.

Inspector: That may be, but let's not lose valuable time over such arguments. I had assumed that you would want to go to the Bank. And since you're so punctilious about words, let me clarify: I am not forcing you to go to the Bank, I was merely assuming that you would want to go. And to facilitate that, and to render your arrival as inconspicuous as possible, I have detained these three here, who are colleagues of yours, to be at your disposal.

K: What?

K. now recognizes the colleagues as Rabensteiner [stiff], Kullich [fair with deep eyes], and Kaminer [twitchy and with an "unsupportable smile"]

K: Of course! Good morning! I didn't recognize you. Well, shall we go to our work now?

Just as The Inspector and The Wardens distracted K. from recognizing her colleagues, now The 3 distract both K. and The Audience from their departure: a comedy of errors ensues as K. and The 3 prepare to leave the PS.

Kullich notices The Director and the audience, points

K: Don't look at them!

Only now does K. notice that The Inspector and The Wardens have disappeared. K. and The Three exit, Rabensteiner on the right, Kullich on the left, Kaminer in the center, who looks back at the audience with a twitchy smile.

Kaminer: Happy birthday K!

Scene 2: Love in the Age of

Int. The same Boarding House.

End of the day. It is still, cool, atmospheric.

K. enters and sees The Director.

K: *[reassuringly]* It's all right.

K. looks back as she enters the boarding house to find Frau Grubach seated, working at her table.

K: Why are you still working so late?

Frau Grubach: There's always so much to do. During the day all my time belongs to the tenants. I only have the evenings to keep my own things in order.

K: I'm afraid I've been responsible for giving you extra work today.

Frau Grubach: What do you mean?

K: I mean the men who were here this morning.

Frau Grubach: Oh. That wasn't so bad, dear.

[beat]

K: It must have made more work for you, but it won't happen again.

Frau Grubach: No, that can't happen again.

K: Do you really mean that?

Frau Grubach: [*softly*] Yes. And don't take it all too much to heart! So many things happen in this world. [*beat*] I may as well admit to you that I listened for a little behind the door and that the two warders told me a few things too. It's a matter of your happiness, and I really have that at heart, more perhaps than I should, since I am only your landlady. Well, then, I heard a few things, but I can't say that they were particularly bad. No. You are under arrest, certainly, but not as a thief is under arrest. If one's arrested as a thief that's a bad business, but for this arrest—. It gives me the feeling of something learned, but which there is no need to understand.

K: I'm partly of the same opinion, except that I judge the whole thing still more severely. There's nothing learned about it. It's completely *arbitrary*, null and void. I was taken by surprise, that's all—! But one is always so unprepared. In the Bank, I am always prepared, nothing of the kind could possibly happen to me there—Well, it's in the past now, and I really didn't intend to speak about it again, only I wanted to hear your judgment, the judgment of a wise woman. Oh please give me your hand!

Frau Grubach: [*with tears in her voice, forgetting, naturally, to take K's hand*] Don't take it so much to heart dear Frau K.!

K: [*suddenly tired*] I had no idea that I was taking it to heart.

[*beat*]

K: Is Fräulein Bürstner in?

Frau Grubach: No. She's at the theater. Do you want to ask her something? I can give her a message.

K: Oh, I just wanted a word or two with her.

Frau Grubach: I'm afraid I don't know when she will be back; when she goes to the theater she's usually late.

K: It really isn't of consequence. I just wanted to apologize to her for having borrowed her room today.

Frau Grubach: That's quite unnecessary, Frau K., you are too considerate. She doesn't know anything about it, she hasn't been back since early this morning, everything has been put back in its place again too.

The moon shines.

K: She often comes home late.

Frau Grubach: [*apologetically*] Young people are like that.

K: Hmm. But it can go too far.

Frau Grubach: That it can! How right you are, Frau K.! In this case especially, perhaps. I have no ill will towards the Fräulein, she is a lovely, dear girl, friendly, neat, punctual, industrious, I really value that, but—Just this month I ran into her four times, and each time with a different gentleman. It worries me, and as sure as I stand here, Frau K., I haven't told anybody but you, but I'm afraid there's no help for it, I shall have to talk to her about—

K: No! God, no! You're all wrong! I didn't mean it that way. Don't say anything to her; you're quite mistaken, I know her very well, there isn't a word of truth in what you say.

[beat]

K: But I'm probably going too far myself. I don't want to interfere, you can say what you like to her. Goodnight.

Frau Grubach: Goodnight, Frau K.

K. begins to cross towards her bedroom, Frau Grubach hurrying after her.

Frau Grubach: I don't really want to speak with the Fräulein, not yet, of course, I should wait and see what happens. You're the only one I've shared this with, in confidence. It's in the interest of my tenants that I keep my building respectable, that's all I'm anxious about in this case.

K: Respectable! If you want to keep your building respectable, you better start by giving me notice!

K. slams her bedroom door shut, ignoring Frau Grubach's light knocking.

Time passes. K. is tired, but cannot sleep. She waits.

Potential devised interlude: actor-lecture, conversation between K. and The Director

More time passes. K. looks out; "seeing" the audience. It is quiet, and cool, and calm. The feeling of empty city streets. K. cracks open her door so that she may see the arrival of Fräulein Bürstner.

Fräulein Bürstner enters with a shiver, wearing a small but lavishly-overflowing-with-flowers bedecked hat.

K: *[like a plea/prayer (“eine Bitte”)]* Fräulein Bürstner!

Bürstner: Is anyone there?

K: It's me.

Bürstner: Oh Frau K.! Hello.

K: Can we talk?

Bürstner: Now? Does it have to be right now? That's a bit unusual, isn't it?

K: I've been waiting for you since 9 o'clock.

Bürstner: Well, I was at the theater, I had no idea you were waiting!

K: *[awkwardly]* I don't mean to detain you, it's—, what I want to talk to you about didn't happen till today.

Bürstner: Oh. Well, I'm not opposed. But I am so tired, I can barely stand on my own two feet! Come into my room for a few minutes, we can't possibly talk here, we'd wake everyone up, and I'd dislike that for our own sakes even more than for theirs. Wait out here till I've turned on the light in my room, and then you can switch off the light here.

[...]

Music quietly underscores throughout. (“Hello, Stranger” by Barbara Lewis)

Bürstner: Come on in, take a seat.

Fräulein Bürstner remains standing, crossing her ankles.

Bürstner: Well, what is it? I'm really curious.

K: Perhaps you'll say that there was no urgent need to speak about it now, so late, but

—

Bürstner: I always ignore preambles.

K: That makes it easier. *[beat]* This morning your room was thrown into some slight confusion and the fault was mine, in a certain sense. It was done by strange people against my will, and yet, they would say the fault was mine. And I wanted to apologize.

Bürstner: My room?

K: That's right.

They gaze at each other.

K: The actual manner in which it happened really isn't worth mentioning—

Bürstner: But surely that's the most interesting part.

K: No.

Bürstner: Well. I don't want to pry into your secrets if you insist that it's uninteresting. You have asked for my pardon and I freely grant it, especially since I can find no trace of disturbance.

Fräulein Bürstner wanders the room.

Bürstner: Oh, look! My photographs are all mixed up! Now that really is odious, someone has actually been in my room who had no right to come in. It is curious that I should be compelled to forbid you now to do something which you ought to forbid yourself to do, that is, to enter my room in my absence.

K: But I've explained to you that I wasn't the one who interfered with your photographs! Still, since you don't believe me, I have to confess that an investigative commission brought three clerks from my Bank here, one of whom, and I will have him dismissed at the first opportunity, must have meddled with your photographs. *[beat]* Yes, there was an investigative commission here today.

Bürstner: On your account?

K: Yes.

Bürstner: *[laughing]* No!

K: Yes it was! Why, do you think I am innocent?

Bürstner: Well, innocent, I wouldn't commit myself, just like that, to a verdict with so many possible implications, about someone I hardly know. And it must be a serious crime that would call for an investigative commission. Yet, as you are still at large—at least, you don't look like you just escaped from prison—you couldn't really have committed a serious crime.

K: Mmm, but couldn't the investigative commission have discovered, not that I was innocent, but that I was not as guilty as they had assumed.

Bürstner: Hmmm. That's possible.

K: You don't have much experience in legal matters.

Bürstner: No I don't, and I often regret it. I would like to know everything there is to know! And matters of justice are particularly interesting. A court of law has a certain appeal, a curious attraction, doesn't it? But I won't be ignorant for long, next month I'm starting work at a lawyer's office.

K: That's excellent. Maybe you can help me with my case.

Bürstner: I could. Why not? I like to make use of my knowledge.

K: I'm serious, or at least half-serious...like you. I could use an advisor .

Bürstner: Well, if I am to be an advisor I must know what it's all about.

K: That's just it, I don't know myself.

Bürstner: Then you've been teasing me this whole time!

K: I'm not! Why won't you believe me? I've told you all I know, more than I know! It wasn't even a real investigative commission. I didn't know what else to call it. There was no interrogation...I was just arrested.

Bürstner: What was it like?

K: Truly horrible.

Bürstner: You're—that's too general!

K: What's too general? Should I show you how it happened?

Bürstner: Oh, I'm already tired.

K: You came so late.

Bürstner: So you've gone to great lengths to reproach me! I should have never let you in, there was no need for it, that's clear.

K. simultaneously wants and does not want to move.

K: There was a need for it, I'll make you see that in a minute. Can I move this night table?

Bürstner: Of course not! What—

K: Then I can't show you how it happened!

Bürstner: Oh, yes, if you need it for your performance, by all means. *[beat, smaller]* I'm too generous with you.

During the reenactment ("bringing the law into effect again") of the interrogation scene by K. for F. Bürstner there is the opportunity for a dramaturgy of fluid time/repetition: the earlier camera recording of the previous scene played over this scene's actions? An exact imitation of movements? Consider various staging options.

K: *[sitting behind the table now back in the middle of the room]* You must picture everyone exactly in their place. It's very interesting. I am the Inspector, over there on the chest, two warders, beside the photographs, three clerks. Over there²²—and I mention this only in passing—your white blouse. And now it begins. Wait, I've forgotten about the most important person, myself, ok, well, I'm standing here in front

22 This should reference wherever the white blouse was placed in Scene 1.

of the table. The Inspector is lounging like this, like a total dumbass. Ok, now we can really begin. The Inspector shouts as if he had to wake me. I should too, to make you understand, but don't worry, he only shouts my name.

Fräulein Bürstner places a finger on K.'s lips, but—

K: *[with explosive force]* Joseph K.!

The sound reverberates slowly through the space, before suddenly—loud, regular knocking. They freeze. Then, K. rushes over to Fräulein Bürstner

K: Don't be afraid, I'll make it right. Who could that be? Nobody's next door.

Bürstner: No, one of Frau Grubach's nephews has been living there since yesterday. He's in law enfor—I forgot all about it! Why did you have to shout like that?

Fräulein Bürstner sinks into a lying position, K. comforting her, kissing her brow gently.

K: I'm—

Bürstner: Leave me, go away now, go away! What are you thinking? He's listening at the door, he hears everything. You're tormenting me!

K: I can't leave you, not until you've calmed down a little. Here, let's go to the corner, he can't hear us there. Look, Frau Grubach, she is the final authority in this house, especially since he's her nephew. You know how she adores me and believes everything I say. She is also dependent on me, she owes me a bit of money—there's no danger. I'll support any explanation of being together here that you suggest. I promise, I'll make her not only publicly accept it but also honestly believe it.

Bürstner: I'm sorry, that sudden knocking, it terrified me—not that nephew is there. It was so still after your shout...and then those knocks! That's why I was so scared, it seemed to be right next to me. Thank you for your offer, but I won't accept it. *[beat]* But now go, leave me with myself, I need to be left in peace. You asked for a few minutes of my time, but look, it's stretched to more than half an hour!

They touch. Music swells.

K: But you're not mad at me, right?

Bürstner: No, no, I'm never angry, with anybody.

They touch again, Fräulein Bürstner leading K. towards her door. K. wants to leave, but seems surprised to find a door in her path. Fräulein Bürstner seizes the moment and runs into the hall; a thin strip of light illuminates the Spectator Space/the knocking-neighbor's apartment

Bürstner: Now, please do come! Look!—the light is on! Amusement at our expense!

K: I'm coming!

K. and Fräulein Bürstner embrace, kiss. Then, a sound.

K: I'm going now.

They kiss again. Fräulein Bürstner leading K. back into her bedroom.

Music shifts.

Transition.

Scene 3: The First Interrogation

Int. The Courtroom.

K. is led into the Courtroom, accompanied by Franz and Willem. The room is crowded, tight and humid, and tense. One half of the gathered audience is dressed badly, the other half elegantly, a clear class difference. All are eager observers.

Two Magistrates dominate the center of space, one sitting, the other standing behind them, discussing something animatedly. Eventually, they notice K.

Sitting: You were supposed to have been here one hour and five minutes ago.

One half of the courtroom erupts with loud grumbles.

Sitting: *[raising his voice]* You were supposed to have been here one hour and five minutes ago!

The grumbling grows in volume, before subsiding slowly. It is quiet.

K: Whether or not I came late, I'm here now.

Sitting: Yes, but I'm no longer obligated to interrogate you—

The grumbling grows in volume again. The Sitting Figure silences it.

Sitting: —although, just this once, I’ll make an exception for you. But such a delay must not happen again. *[beat]* Alright, step forward.

K. is brought forward by Willem and Franz and crushed up against the Sitting Magistrate, who exchanges some words with the Standing Magistrate.

Sitting: *[flipping through a large notebook, his only item, with authority]* Well then... your occupation is gardener?

K: No. I’m the chief clerk of a large Bank.

One half of the assembled group bursts into laughter, before eventually falling silent at the Magistrate’s urging.

K: This question of yours, Mr. Examining Magistrate—about if I am a gardener—or really, not really a question, you simply made a statement—is typical of the nature of this entire process that’s been conducted against me. This isn’t even a trial at all!

Beat. Silence.

The Sitting Magistrate flips through their notebook.

K: That won’t help you! I’m not afraid of your ledger, even if it remains a closed book to me. *[gaining intensity; throughout, please play with how much is directed at the “audience” and how much to the “Audience”]* What’s happened to me—what’s happened to me is only one instance, but it’s representative of a misguided policy being directed against many other people, as well. It is for them that I take a stand, not for myself!

The Director: *[clapping]* Bravo! Why not? Bravo!

The Director is observing the play. Lights shift as he looks off-playing-space and sees someone—invisible to the audience. The rest of the ensemble forms a tableaux.

Director: *(can be adjusted in the moment. This monologue is delivered as if in conversation with an unseen figure offstage, the audience only hearing the Director's side of the conversation, like overhearing someone on the phone)* Oh. *(beat)* Hello? Excuse me? Yes, hello, what are you doing here? No, it's just that only performers are supposed to—huh? What? Well, who are you? *(beat)* I'm Alex, I'm, well, I'm, a director. Yes, I directed this play. And wrote it too, actually. *(beat)* This is a play. *(Enunciating as if for someone who doesn't speak English)* We're doing a play. Hmm? Uh, we're performing a drama—you know—*(Laughs)* Yeah, you're probably right. No, but really, *(referencing the "wings")* only actors are supposed to be back—look, maybe it's different where you come from, but this—What's going on?

Well, first, Joseph K., she woke up on the morning of her birthday to find these two very strange officers—Willem and Franz—in her home, who arrest her for a crime that they won't talk about, and that, it turns out, they don't even know themselves. Then they took her into a room that belongs to a neighbor, Fräulein Bürstner, which some other people, colleagues from K's bank, it turns out—K. works at a bank—, have trashed, in order to question her. An inspector, a very *[description of the actor's performance manner]*, launched into this short and confusing interrogation, and then officially informed K. that she was under arrest, but is free to go to work and otherwise live her life.

Then, uh, later, K. came and apologized to her landlady for any inconvenience, but she didn't seem to mind. K. also talks to Fräulein Bürstner, and, at first, she's kinda shocked by K.'s explanation—especially because the room has been completely cleaned up during the day, so it doesn't look like anything strange has taken place...but then she lets K. dramatize the interrogation for her anyway. K.'s theatrics wake up their neighbor, and he starts knocking on the wall, which makes Fräulein Bürstner beg K. to leave, but, before she does, they fall into each other's arms and end up sleeping

together, which is this big secret now that they're trying to keep from the other tenants in the building.

Yeah so that's basically the story so far. Now we're in the middle of this almost show-trial scene where K. is trying to bring to light the inhumanity of this whole system, but she doesn't know that the more she talks, the more she ends up hurting her case—but the play could really go in many directions, still, at this point—everything's open.

Hmm, the story sounds familiar? You've encountered stuff like that before. Uh-huh. Right. Hmm. Umm, you know, like actually, how did you get in here?—no, no I didn't mean how did you get into the country.

Ah, when? A few years ago. That's nice. Do you make it back home often? Hmmm, for holidays. Well, that's good. You like the trees here, and the water? And the beer?
(polite laughter) Yes, yes, they're very nice.

Look, I really should be getting back to—Oh, wow, yeah that sounds really tragic. Uh huh. Lots of sad stories with people nowadays, having to leave. Yeah.

Ok, I'm sorry, but do you think you could find your way out, maybe the same way you came in? No, I don't mean to your home country, I mean out of the theater—*[beat, then as if the unseen figure has just insulted the Director]* Excuse me, that wasn't very polite. No, really, I don't appreciate being called that. Don't raise your voice at me! Well you're an asshole! I just went and explained the whole story to you so I really don't think you have the right to—no, you know what, you fuck off! Go on! Get the fuck out! Get the fuck out! You don't belong back here! Don't you know you can't come in this way? Go on, fuck off! Yeah, all the best!

[Looking at the audience] Some fucking people.

Beat. Then, directed at the ensemble:

Director: Ok.

K: I'm not here for fame, I just—I just—want the public to *know*—to hear—my story. Listen to me. Ten days ago I was arrested. Early, in bed, I was ambushed, maybe—it's not unlikely considering your statement—maybe they were under orders to arrest some gardener who is just as innocent as I am, only they chose me instead. These two officers occupied my home, like I'm some rapist or murderer, tried to induce me to bribe them, they tried to take away my clothes and underwear, they asked me to give them money, they took my food! Then—

The Director catches the eye of the Sitting Magistrate and signals subtly towards Franz and Willem. The Sitting Magistrate nods, gestures, and Franz and Willem are slowly led away. Over this:

K: —I saw that! So there are some among you who take your orders from up there. I don't know what that sign was meant to evoke, but [*sarcastically*] I should probably forget ever learning its significance, right? This is crazy! I demand the Examining Magistrate commands his paid agents, not with secret signs, but with his words, on the public record.

The crowd chatters and the atmosphere is foggy.

K: [*slamming her fist down on the table*] I've nearly finished! This entire affair feels like something far away, shimmering in the distance, so I will try to judge it calmly. If you take this alleged court of justice at all seriously, you will find it to your great advantage to listen. Although I must exit soon, so consider my words, and hold your commentary until later.

Beat. Music and sound begins to swell.

K: There can be no doubt—there can be no doubt—that behind every action of this court of justice, that is to say in my case, behind my arrest and today’s interrogation, there is a great Organization at work. An Organization which not only employs corrupt wardens and inspectors and examining magistrates, but also an invisible judicial hierarchy filled with servants, clerks, and police. *[growing in intensity]* Even, and I’m not afraid to say it—executioners. And what is the significance of this great Organization? To accuse innocent people of guilt and put into motion senseless proceedings against them. The officers steal the clothes off the bodies of the people they arrest, the inspectors break into houses, and innocent people, instead of being fairly examined, are humiliated. The wardens even mentioned certain depots where the property of detainees is kept; I should very much like to see these depots where the hard-earned property of the arrested is left to rot, or at least what remains of it after thieving officials have helped themselves.

Yeah, I know all about your system! *[to the Spectator Space, briefly]* You don’t?

Director: Um, what are you doing?

K: About your democracy that lets border officers drive over the legs of unaccompanied minors—

Director: What the hell, this is isn’t in the script!

K: —That locks innocent people with names like Lakhdar and Murat in an Orwellian hell of torture and bureaucracy! Whose Officers destroy water left for innocent people in the desert!

Suddenly, a shriek by Fräulein Bürstner, revealed to be upstage in the crowd, interrupts K.’s speech. Music (“Armagh” by Au Pairs). The crowd parts to show Franz and

Willem on their knees, shirtless, being beaten by a Whipper.

Franz: K! You complained about us to the Examining Magistrate?

K: What? No—I—

Director: She didn't know that would happen! She's just defending a principle.

Whipper: Still, their punishment is as just as it is inevitable.

K: I don't want this!

Bürstner: Make them stop!

K. runs toward the beating, but is held by the crowd.

K: *[with slow realization, at both audiences]* So. You're all officers! You're the corrupt gang I spoke out against, and you've all come crushing in here as the audience, separating yourself along ostensible party divisions—one of you even encouraged me—cheered for me!—all just to lead me on. Are you all in need of practice fooling the innocent? Well, I hope being here has done you some good. Were you entertained? Or did you at least learn some—*[someone in the crowd reaches out to K.]* get off me or I'll fucking punch you!

Magistrate: A brief word, / Frau K.!

K: *[grabbing Fräulein Bürstner's hand]* What are you doing here? Come /on!

Magistrate: A moment/!

Bürstner: I'm clerking here, for a lawyer, remember?

K: Let's / go!

Magistrate: I just wanted to point out that today—you may not be aware of this quite yet—today you have thrown away all the advantages an interrogation invariably confers on the accused.

K: You assholes! I'll show you an interrogation!

K. and Fräulein Bürstner off, hand in hand.

Transition

Interlude I: Talkback

Director: Well, this is the part of the show where we like to have a little talkback with the audience and see what your thoughts are on the piece so far!

The cast shakes off the intensity of the previous scene, getting into talkback mode.

Note: The rest of this interlude should be devised during the rehearsal with any community collaborators and the cast. Enter into conversation with the audience about local and global topics. For example, as of this writing (mid-April 2020), if the author were moderating this discussion, he would ask the audience to think about the function of bureaucracy during the Covid-19 global health crisis and how contemporary actions complicate the play's point of view, so far. Or, practical examples that mirror this play's exploration of the simultaneous ineffectuality and cruelty of bureaucracy. For example, the recent suspension of all immigration to the U.S. due to the coronavirus coinciding with the same bureaucracy claiming that a return to normalcy is imminent.²³

The author's initial staging impulse is to have the talkback continue for a reasonable amount of time. Then, an incrementally slow fade to black would begin, during which the cast behaves as if the panel is continuing, but begin speaking quieter and quieter at the same rate as the blackout, until the lights are out on the Playing Space. There would be a moment of silence, followed by an immediate transition into the next scene.

23 KUMAR, ANITA., & CHOI, MATTHEW. (2020, April 20). Trump says he'll 'suspend immigration' into the U.S. *Politico*. Retrieved from <https://www.politico.com/news/2020/04/20/trump-suspend-immigration-coronavirus-197755>

Scene 4: Encountering the Law(yer)

Int./Ext. The front door of Huld, the Lawyer's house. K. knocks. Leni opens the door, peers out, and then shuts it quickly. The Director sits at a desk to the side, rifling through stacks of papers.

K: She must be new.

K. knocks again. Waits.

The door opens a crack, Leni watching K.

K: Can you open the door? My uncle is a friend of Herr Huld, I'm here to see him—

Leni: The solicitor is sick.

K: Sick?

Huld: *[from within, unable to see]* Who is it, Leni?

K: *[pushing in]* Do you remember me? It's Joseph K., I'm the nephew of your old friend Albert—

Huld: Oh, Albert.

K: I'm sorry...are you really not doing well?

Huld: *[faintly]* Maybe. I'm breathing hard, can't sleep at all, and I'm getting weaker every day.

K: That doesn't sound good. Are you being taken care of? It's so gloomy in here, so dark. It's been a long time since I—since we've—visited, but I remember it being much more cheerful then. Full of light.

Huld: When something is as sick as I am, it must be quiet. I don't find it gloomy.
[beat] Leni takes good care of me—she's an honest girl.

Beat. Leni crosses to Huld.

K: Would you excuse us for a moment? I have family matters to discuss with Herr Huld.

Leni: *[calmly, patting Huld's hand]* You can see yourself that the solicitor is in no state to discuss personal matters.

Huld: Any news you bring from Albert you can share with Leni here.

K: No—I. It doesn't concern him/.

Huld: /Then whom does it concern/?

K: Me. *[beat. As a reminder]* Joseph K.? Chief Clerk?

Huld: Oh. Forgive me, I didn't recognize—*[clasping Leni's hand with great feeling]*
Go now, Leni. *[with newfound vigor]* So you haven't come to pay me a sick visit, but to discuss the Law.

K: I don't understand—

Huld: Oh, perhaps I've misunderstood you? I've been too hasty. What do you want to speak with me about?

K: Sorry—I'm just—how do you know about my case?

Huld: Oh, that's it. I'm a lawyer, so I move in legal circles where all the various cases are discussed, and the more striking ones are bound to stick in my mind, especially one that concerns the relative of an old friend of mine.

K: So you move in those legal circles?

Huld: Yes. Although you must remember that the initial proceedings of the Initial Review Court are not initially public. Therefore, any initial records of a case—initial arrest warrants, initial charges—are not initially available to either the accused or his initial attorney. But my intercourse in these circles enables me to benefit my clients in all sorts of ways, some of which...I cannot even divulge.

K: Do you want to cross-examine me then?

Huld: That won't be necessary. First, let me assure you that I have outright or partially won many cases similar to yours. Maybe not in reality quite so difficult as this one, but which were outwardly even more hopeless. I would show you my list of these cases, but—they're classified. Nevertheless, I've gained vast experience through these cases, which I plan to redound to your benefit. We'll start in on your first plea right away. The first impression made by the Defense often determines the whole course of subsequent proceedings. Although I consider it my duty to warn that it sometimes happens that first pleas are not read by the Court at all.

The interjections of the Director throughout this scene can be purely dialogic, but I would also explore encourage mirroring the interjections from Scene 1. Try transmit this information via projection. Or perhaps something more metaphysical, where one of the ensemble members carries a placard with a condensed version of the information, game show style, across the stage. I think the interjections should stay grounded in the

literal reality of the anecdotes, so that they serve as a truly irruptive moment of the “real world” in the world of the play, but their manner of transmission can be more metaphysical.

The Judge’s interjections should be treated the same way. Perhaps the Judge is a human puzzle physically erected by the Ensemble, who issue his pronouncements as a group.

Director: *[finding a paper]* Ah yes! In 2006, the 7th Circuit Court of Appeals in Chicago, IL condemned the treatment of one immigrant by their Judge by stating, “We hold that the [Immigration Judge’s] credibility determination was speculative and lacked substantial supporting evidence. The purported inconsistencies upon which the IJ based his ruling were...so inconsequential that the determination cannot be supported. Nor was the IJ entitled to hold the petitioners responsible...when the evidence the IJ expected to see was irrelevant.”

Huld: Now I need you to remember that the Defense is often in a very awkward and difficult position. We are not actually countenanced by the Law anymore, but tolerated, and there are differences of opinion even on that point, whether the Law could be interpreted to admit such tolerance at all.

Director: *[finding another paper]* There you are! Let’s see...Right. Ok. The 3rd U.S. Circuit Court of Appeals in Philadelphia, PA, denounced the immigration judge Donald V. Ferlise—who had already been taken to task by U.S. Attorney General Alberto Gonzales earlier that year...hmmm...violation of due process...no that’s not it...indefinite suspension of habeas corpus of detainees? No...oh, here we go—“The case now before us exemplifies the severe wound inflicted when not a modicum of courtesy, or respect or of any pretense of fairness is extended to a petitioner and the case he so valiantly attempted to present. Yet once again, under the bullying nature of the immigration judge...a petitioner was ground to bits.” K, the next time you visit the offices of the Courts, you must take a look at the lawyers’ room.

K: Why?

Director: Just for the sake of having seen it once! The room is cramped, lit only by a small skylight that is recessed at such a great height that, if you wanted to look out, you have to step on a colleague's back, and even then the smoke from the chimneys close by chokes you and blackens your face. It shows contempt.

K: And the lawyers don't organize and demand changes?

Huld: Now there's a story!

Director: You want to tell it?

Huld: *[as if recounting around a campfire]* Alright, so, this is a recent story I heard, and it's got the appearance of truth. An old Court official, a well-meaning, quiet man, was especially frustrated with a petitioner—who can say why. He had studied the case continuously, trying to figure out how to get rid of this detainee—turns out these bureaucrats actually can be efficient! Well, toward morning, after twenty-four hours of work with little to show for it, he went to the entrance door, hid himself behind it, and flung down the stairs every lawyer who tried to enter!

Director: *[laughing]* That's hardly unusual! *[finding another paper]* I remember in this one investigation by the American Civil Liberties Union's Border Litigation Project and the International Human Rights Clinic at the University of Chicago School of Law, a 16-year old detainee in custody with her infant child reported a Customs and Border Protection agent telling her, in Spanish, "...right now, we close the door, we rape you and fuck you."

Huld: No, no, my story is better! Yours shocks the body—look at K staring in amazement—but reveals little about the system. Listen to me, K, all these lawyers,

right, they gathered down at street level and debated what to do. On the one hand they had no “legal” claim to be admitted, only moral, and consequently could hardly take any legal action against the official. And on top of that, they had to guard against antagonizing the officials’ body politic. Then again, every day not in the Court was a day lost, and a great deal depends on them getting into the Court.

K: What did they do?

Huld: They all agreed that the only course of action was to tire the old gentleman out. One lawyer after another was sent rushing up the stairs, to offer the greatest possible passive resistance and let himself be thrown down again into the arms of his colleagues! One after another! That lasted for about an hour, then the old gentleman—who was exhausted anyway from his work—really grew tired and went back to his office. The lawyers couldn’t believe it and sent one of them up, slowly, to peep behind the door and assure the group that the entrance was actually vacant. Only then were they able to enter. And they didn’t even dare make a fuss! Do you understand? Do you see why? Look, although even the lowliest lawyer might be, to some extent, capable of analyzing the greater State of Things, it never occurs to them that they should insist on any improvements in the system, while—and this is very characteristic of the Court—almost every accused person discovers from the earliest stages of their process, a passion for suggesting reforms which often waste time and energy that could be better employed in other directions.

K: Wait—

Huld: —The only sensible thing is to resign yourself to the conditions of the system as it is, K.

Beat

K: That’s your advice to me?

Huld: I know, I know. Event if it were possible to alter for the better a small detail here, a minor procedure there—and honestly it's madness to even think of it—any benefit would only profit accused in the future, while your own interests would be immeasurably injured by attracting the attention of the ever-vengeful bureaucracy. Anything but that, K! Anything but that. You must never arouse attention, no matter how much it goes against your instincts. Try to understand that this great Organization remains, so to speak, in a state of delicate balance, and that if someone took it upon herself to alter the disposition of things around her, she runs the risk of losing her footing and falling into destruction, while the organization would simply right itself by some compensating reaction in another part of its machinery—since everything is interlocked—and remain unchanged, unless, indeed, which is very probable, it becomes still more rigid, more vigilant, severer, and more ruthless. Forget your rage, Joseph K. It will do you no good here.

K: No! Then we need a revolution, we need to dismantle the system!

Director: Soon, there will be revolution. Soon, there will be freedom.

K: Don't take that tone, Alex.

Huld: You must really leave us lawyers to do our work, instead of interfering. Of course, I'm somewhat handicapped now from the viral rot of the Courthouses, but in spite of that, good friends of mine from the Law Courts visit me now and then and I learn lots of things from them. I have one visiting me at this very moment.

K: [*rudely*] Where?

From the ensemble, movement stirs, before a Figure, the Chief Clerk of the Court, emerges.

Clerk: *[friendly]* Unfortunately I can't stay longer than a few minutes, my duties call!

As Huld and Clerk continue speaking K. goes to stand in the SS, among the audience.

But I don't want to miss this opportunity of becoming acquainted with a friend of my friend here.

Huld: You are too kind, old friend, taking time away—what's the backlog on cases up to now?

Clerk: Over one million—

Huld: It does keep growing, doesn't it?

Clerk: Don't you know the difference between a good prosecutor and a bad prosecutor?

Huld: No, what is it?

Clerk: A bad prosecutor might let a case drag on for several years. A good prosecutor knows how to make it last even longer.

Huld: True! I mean, what am I supposed to do when a Judge requests proof of torture when there isn't any documentation?

A crash. All turn towards the source of the noise.

K: I'll go and see what's happened.

K exits slowly, into darkness. Suddenly, Leni's hand appears and grabs onto K. The Director begins singing: Music ("I Only Have Eyes for you" by The Flamingos). Is this scene intimate and small? Or a sweeping, romantic, musical?

Leni: *[whispering]* Nothing's happened. I just threw a plate against the wall to bring you out.

K: *[embarrassed]* I was thinking of you too.

Leni: Even better. Come on.

K and Leni walk into Huld's office, a dark space brightly illuminated symmetrically in two spots. The space feels lofty.

Leni: *[gesturing to sit; Leni sits very close to K, squeezing against K]* I thought you would come out on your own accord, without having to call for you. What a queer way to behave! First, you couldn't take your eyes off me from the very moment you came in, and then you let me wait. You'd better just call me Leni, by the way.

K: Gladly. I can explain my behavior, Leni. I had to listen to those old men jabbering on and on, sucking up all the air. I couldn't just walk out and leave them. *[Beat]* And, anyway, I'm not in the least bit bold, but rather shy. And, truthfully, I didn't think you could be mine.

Leni: *[laying her arm along the back of K's seat and leaning in]* It isn't that. But you didn't like me at first and you probably don't like me now!

K: "Liking" is such a feeble word.

Leni: *[smiling]* Oh!

Beat. Music shifts. Gradually, K notices a large representation of a dignified-looking Judge, in a long robe, sitting on a high throne-like seat. His left arm is braced along the back of the seat, his right arm extended and the hand clutching the other arm of the

chair. He appears ready to spring up with a violent and wrathful Geste to make some decisive observation or pronounce a sentence.

K: *[pointing]* Maybe that's my Judge.

Leni: I know him, he comes here often. That picture was painted when he was young, right after a landmark ruling for the Court.

The Judge: In *Jennings v. Rodriguez* I hold that Sections 1225(b), 1226(a) and 1226(c) of Title 8 of the U.S. Code do not give detained aliens the right to periodic bond hearings during the course of their detention; the U.S. Court of Appeals for the 9th Circuit misapplied the canon of constitutional avoidance in holding otherwise. In *Nielsen v. Preap* I hold that the judgments of the U.S. Court of Appeals for the 9th Circuit -- that respondents, who are deportable for certain specified crimes, are not subject to Title 8 of the U.S. Code Sections 1226(c)(2's) mandatory-detention requirement because they were not arrested by immigration officials as soon as they were released from jail -- are reversed, and the cases are remanded.

Leni: But it never could have been in the least like him, for he's a small, sad man. But he had himself drawn out to that length in the portrait. He's madly vain like everybody else here. He loves to carry the dead hand of the Court in here and show it to Dr. Huld, who hates such inflexibility. *[Beat]* But I'm a pure, conceited person, too, and I'm very upset that you don't like me.

K puts her arm around Leni and pulls her to her. Leni leans her head against K's shoulder. Original Music returns.

K: What's his rank?

Leni: *[taking K's hand and playing with her fingers]* He's an Examining Magistrate.

K: Only an Examining Magistrate, again. The highest officials keep themselves hidden. And he sits on such a throne!

Leni: That's all just invention. *[bending her face over their interlocked hands]* Look again.

The representation of the Judge shifts. The Throne becomes a lowly kitchen chair, perched on top of an old rug, folded over twice, to give it added height.

The Judge: I hold that indefinite detention of migrants, newly arrived asylum seekers, and any immigrant convicted of a crime, including lawful permanent residents, is legal. Furthermore, I require that the Court begins deporting a broad range of Illegals, including those who have been released from criminal custody years before their immigration arrests, no matter their connections to our land and our people. Especially if they have lived uneventfully in the community with their families for that entire period! Foreigners! Out!

Leni: Must you always be brooding over your case?

K: Not at all. I probably brood far too little over it.

Leni: That isn't the mistake you're making. I've heard you're too rigid.

K: Who told you that?

Leni leans into K.

Leni: Just listen to me! Don't be so rigid. You can't fight this Court, you must confess to guilt. Make your confession the first chance you get. Only then will you be given the opportunity to slip away, only then. Although even then it will be impossible without outside help. But don't worry about that, I'll see to it myself.

K: [*lifting Leni onto her lap*] You know a great deal about this Court!

Leni: That's better!

Leni clasps both her hands around K's neck. There is a long silence.

K: And if I don't confess to guilt, then you can't help me?

Leni: No. Then I can't help you.

Music shifts again.

Leni: But you don't want my help! You're too stubborn and will never be convinced.

[*Beat*] Do you have a lover?

K: No.

Leni: Oh, yes, you do!

K: Well, yes, I do. Imagine that, I've denied her existence although I am carrying her photograph.

K shows Leni.

Leni: I don't like her, she looks clumsy and crude. Maybe she's soft and kind to you. Strong girls often can't help being soft and kind. But would she be able to sacrifice herself for you?

K: No. She isn't soft, or kind, nor would be be able to sacrifice herself for me. But I've never asked that of her.

Leni: So she doesn't mean that much to you! She's not your lover after all.

K: Oh yes, she is. I won't take that back.

Leni: Well, I'll grant that she's your beloved, but you wouldn't miss her very much, if you were to lose her. Or exchange her. For someone else. Me, for instance?

K: *[smiling]* Maybe. But she has one great advantage over you, she knows nothing about my case, and even if she knew she wouldn't be bothered by it. She wouldn't try and get me to be less rigid.

Leni: If that's all she has over me I won't give up hope. That isn't much. Does she have any physical flaws?

K: Flaws?

Leni: Yes. I have a slight one. Look.

K: *[feeling Leni]* What a queer little lion! What a freak of nature!

K kisses Leni's hand

Leni: Oh, you've kissed me!

Leni scrambles up and kneels in K's lap, open mouthed

Leni: You have exchanged her for me.

They kiss.

Leni: You have exchanged her for me, after all!

Leni slips and with a cry falls backwards onto the floor, K. wrapping her arms around her to soften her landing.

Leni: You belong to me now.

Rain. Music.

Leni: Go and see the court painter Titorelli. He will help you. He knows many of the Judges. He'll introduce you to the higher officials you're so desperate to meet.

Transition.

Interlude II: GEO Group

The dramaturg or assistant director of the production enters the stage, carrying a piece of paper. They read the following from it, as a monologue:

This would have been a devised scene. In the original planned production for Spring 2020, the author initiated contact via e-mail with the corporate office of the incarceration corporation GEO Group, headquartered in Boca Raton, Florida with facilities throughout the United States—including a U.S. Immigration and Customs Enforcement (ICE) facility relatively close to the author in Tacoma, WA—the United Kingdom, Australia, and South Africa.

The GEO Group is a notorious entity that holds contracts with both individual states' prison bureaus, as well as federal contracts with U.S. Department of Homeland Security and ICE. They have settled lawsuits and received mandated forced closures related to inmate mistreatment, rioting, denial of services, and sexual violence over the past fifteen years.²⁴

In the lead-up to the 2016 U.S. general election, at the time Deputy Attorney General Sally Yates announced a withdrawal of public/private contracts for inmate and immigrant detention; share prices in GEO Grouped dropped significantly from \$21.53/share to \$13.01/share.²⁵ GEO Group, along with other private prison corporations, rallied around the campaign of then-candidate Donald Trump, ultimately contributing significantly to his campaign and other Republican party PACs, despite federal contractors being prohibited by law to donate to political campaigns. GEO Group revenue has ballooned to almost \$2.5 billion in 2019, up from \$1.8 billion in 2016. In addition, several former Trump administration officials have deep career connections to private prison corporations, including Daniel Ragsdale, the former Deputy Director of ICE, who is now an Executive Vice President at GEO Group, in

24 Gidda, M. (2017, May 11). PRIVATE PRISON COMPANY GEO GROUP GAVE GENEROUSLY TO TRUMP AND NOW HAS LUCRATIVE CONTRACT. *Newsweek*. Retrieved from <https://www.newsweek.com/geo-group-private-prisons-immigration-detention-trump-596505>

25 Ibid.

charge of their contract compliance. To be clear, this is not an issue constrained to one side of the political aisle. Local, state, and federal figures of many ideologies have been shown to accept financial donations from private prison groups—made significantly easier by the U.S. Supreme Court’s decision in *Citizens United v. FEC* in 2010.

The author’s initial point of contact with GEO Group took a serious tone, ironically mirroring GEO Group’s corporate language on social responsibility and commitment to human rights. Furthermore, the author requested a dialogue in relation to the GEO Group potentially funding, through a grant, the author’s original production of “The Trial,” drawing on the GEO Group’s record of large financial contributions to affect political change as justification. In the author’s original idea, this interlude would have been devised in rehearsal, in some way combining the action of The Director comedically reading out loud the e-mail correspondence with GEO Group while contrasting this with a monologue or other form of creative expression from an artistic contributor disrupting the corporate double speak on display.

The philosophical underpinning of this interlude can primarily be traced to the author’s interest in Brechtian distancing within a piece of theater and of erecting, to quote the German artist Christoph Schlingensief, a momentary “[machine] to disrupt images;” the image in this case being that of GEO Group’s corporate veneer over the human suffering it causes. This is also thematically tied to Kafka’s contrast between the veneer of the Court’s organizational machinery and the bawdy and suffering humanity it oppresses, hopefully brought to the fore by the author in the previous scene, as well as in Scene 5 and Scene 3. Finally, this devised interlude would have, ideally, accomplished a similar effect to that described by Theron Schmidt in his article “Christoph Schlingensief and the Bad Spectacle” in *Performance Research* from 2011, juxtaposing which “...gestures and speech acts [are] recognized as valid while others are excluded...[regarding] the conditions of representation...not...as that which must be overcome for a meaningful politics to emerge, but are themselves the domain of politics.”²⁶

26 Schmidt, T. (2011). Christoph Schlingensief and the Bad Spectacle. *PERFORMANCE RESEARCH*, 16(4), 27- 33, 28.

For the purposes of this thesis, the author will simply copy and paste the email exchanges with GEO Group in the coming weeks into the body of the play script.

The figure exits the stage.

Scene 5: The Despair of Creating Without the Possibility of Originality

Int. K enters through a SS door, out of breath. There is a door in the PS leading into Titorelli's apartment, center. The Ensemble forms into a ragtag group of children, blocking K's access to the door. Fräulein Bürstner watches the scene. The space is at the top of a very tall building, peaked, dusty particles swirling in the stifling air.

K: Does Titorelli the painter live here?

The Ensemble stares at K

K: Do you know the painter Titorelli?

Ensemble: What do you want from him?

K: I'd like him to paint my portrait.

Ensemble: To paint your portrait?

Ensemble squeal with joy and then slap K, running ahead towards Titorelli's apartment. The landing is brightly lit, the door painted a bright red. Titorelli emerges, underdressed, sees the mob, and vanishes behind the door again. As K and Ensemble get closer, Titorelli opens the door again, bows to K, the Ensemble trying to rush in, Titorelli practically throwing some of them back towards the group, all laughing, as if it were play. Finally, Titorelli slams the door on them, turning towards K.

Painter: *[bowing]* Titorelli. Artist, painter, seeker of truth.

K: You are much loved by the residents!

Painter: Oh those brats! I painted one of them once—not any of those you just met—and since then they all persecute me. If I'm here they only come in if I let them, but whenever I go away there's always at least one of them waiting for me when I get back. They had a key made for my door, and they pass it around. It can be a real pain in the ass/

K: /Mr. Titorelli, I/

Painter: /If I bring a woman here that I want to paint, I unlock the door with my own key and—bam—there's a little one over at the table, putting red paint on her lips while her brothers scamper on every/surface!

K: I'm sure that must be/

Titorelli pours drinks for himself and K. They drink throughout. _

Painter: /This actually happened last night, I came home very late—, that's why I'm in this disheveled state, and the room too, by the way, please forgive me—I come home late, then, and climb into bed, when something grabs my leg. I look down and pull one out from under my mattress! I don't know why they're always cajoling me! And, of

course, all this disturbs me in my work. If I weren't living here rent free I would have packed up and moved on long ago.

Ensemble: *[behind the door, softly]* Titorelli? Can we come in now?

Painter: No.

Ensemble: What about only me?

Painter: Not even only you. *[beat. Then to K]* What can I do for you?

K: A friend of mine told me to come here and see you.

Painter: Do you want to buy some pictures or have your portrait painted?

Beat

K: You're working on a painting now?

Painter: Yes. It's a portrait. A good work, but it's not quite done yet. I'm still getting comfortable with the subject. And there's a key part that's damaged. But I think it adds a certain amount of charm.

The Ensemble forms into another representation of a Judge

Painter: It's Justice.

K: I recognize it. There's the bandage over the eyes, there are the scales. Are those wings on the figure's heels?

Painter: Well, it's actually Justice and the goddess of Victory in one.

K: That can't be a very good combination. Justice must stand very still, or the scales will tip and a just verdict will be impossible.

Painter: I had to follow my commission's requirements! I've actually never seen this figure, it's all a grand illusion. I am told what to paint, and I paint it.

K: What do you mean? It's a portrait of a Judge sitting on his throne.

Painter: Mmm, it's a Judge, but by no means a high Judge. And he has never sat on a throne like that in his life.

K: But he has you paint him so solemnly? He sits there as if he were on the Supreme Court!

Painter: They're very vain, the gentlemen of the court. But they have permission from the top to be painted like that. Each one of them is told precisely how he may be painted. But you can't judge the detail of the costume and the set itself just from this picture—pastel really isn't suitable for this kind of representation. I need something more exact, less passive, more active.

K: It's strange you used pastel.

Painter: It was my client's wish! He intends the picture to be romantic, like a figure from a novel. Full of dust.

Titorelli manipulates the Judge in the Ensemble, making new images.

K: What's his name?

Painter: That's confidential.

Beat

K: I assume you're a confidant of the Court?

Painter: Oh spit it out it, K. You started talking to me about my paintings to win me over, but you're really here to learn something about the Court.

K: No—I—

Painter: I'm not upset! How could you know that was a misguided approach? Oh shhhh don't apologize! Besides, you're right. I am a confidant of the Court.

The Ensemble crowds the door, watching K

K: Is your relationship public knowledge?

Painter: No.

K: Well, it seems that these unrecognized positions carry more influence with them than the official postings anyway.

Painter: In my case, that's exactly right. Leni told me about your case yesterday. I'm delighted to see you here so soon. The situation seems to lie close to your heart, which doesn't surprise me in the least. Won't you take off your coat and sit down?

The air is stifling to K and very hot.

K: Yes. God the air is oppressive here.

Painter: [*apologetically, pushing a reluctant K deep among the blankets and pillows of the Painter's bed*] I must have warmth. It's cosy in here isn't it? The room is well insulated at least. [*beat*] Are you innocent, K?

K: Yes. I am completely innocent.

Painter: Are you innocent, K?

K: Yes I'm innocent.

Painter: Are you innocent, K?

K: [*beat*] Yes I'm innocent.

Painter: Well. [*beat*] If you're innocent, then it's very simple.

K: My innocence hasn't made any of this simpler! I've fought the indulgent subtleties of the Court countless times. Yet they conjure up a fabric of guilt that I *still* cannot extract from the accusation.

Painter: K, the Court can *never* be dislodged from its conviction. You could paint a picture of your defense in every style imaginable and plead your case with every Judge and you would still have no hope of success. But, since you are completely innocent, I can get you off.

K: How can you do that if the Court is inaccessible?

Painter: It's only impervious to proof that you present *before* the Court. But in the conclaves, in the hallways, or in my studio—that's different. Look, I'm sorry if my tone strikes you as overly bureaucratic. My uninterrupted association with the gentlemen of

the Court affects me. I've gained a lot from it, of course, but I'm losing most of my artistic spark.

K: How did you even come into contact with the Judges?

Painter: I inherited this connection. My father was the Court Painter. It's the only position that's always hereditary. You can't use new artists for this kind of thing. They've erected so many complicated and secret rules to govern the portraiture of different ranks of functionaries—the knowledge is compartmentalized to certain families. Over in that drawer I keep all of my father's notes, which I *never* show to anyone. Only someone that's studied them carefully qualifies to paint the Judges. And even if I lost them, I have so many rules lodged in my memory that I'm safe from any challengers. You see every Judge insists on being painted just like the great old Judges were painted, and nobody can do that but me.

K: God, imagine having that in this economy. Your job is really that secure?

Painter: Yeah. And because of that I can occasionally help some poor detainee with their case.

K: How?

Painter: Well, since you are completely innocent, this is what I will do.

Titorelli leans forward conspiratorially. As the following conversation ensues, the staging should become less and less tied to a dialogic form of acting and staging. The writing will reflect that deconstruction, as well. This is the main origin point for the complete transformation into a mythic/choric delivery that the author envisions for Scene 6.

Painter: Let me ask you. What kind of absolution do you want? There are three options: the True Acquittal, the Virtual Acquittal, and the Delay. A True Acquittal is the best, of course, but I'm afraid I don't have the slightest influence on that kind of resolution. To my mind there isn't a single person who could push your case towards a True Acquittal, because the only deciding factor is the innocence of the accused. I guess since you're innocent it would be possible for you to ground your case on your innocence alone. But then you wouldn't need my help, nor that of anyone, really.

K: You're contradicting yourself. How can you say the Court is impervious to proof, and that proof works behind the scenes, *and* that an innocent person requires no help before the Court?

Painter: Easy. You have to distinguish between what is written in the Law and what I have found to be true in my personal experience. Don't confuse the two. I've never met one case of True Acquittal, but I have met countless cases that benefitted from intervention. Does that mean that in every case I've known, none of the accused were innocent? Maybe. But isn't that unlikely? Among so many cases, not one single instance of innocence?

K: Have you never heard of True Acquittals happening in the past?

Painter: They are said to have occurred. Whispers of rumors through the ages. These legends can be believed, but they've never been proven. Although they're very beautiful. I've painted some.

K: But I can't appeal to them in front of the Court can I?

Painter: *[laughing]* No you can't. So, Virtual Acquittal or Delay, these are the only possibilities. But won't you take your jacket off? You look very hot.

K: It's almost unbearable.

Painter: Do you need fresh air?

K: Yes. I—I—feel like I can't get any oxygen. Virtual Acquittal or Delay?

Painter: Virtual Acquittal or Delay.

K: Virtual Acquittal or Delay?

Painter: Virtual Acquittal or Delay.

K: I can't breathe. Virtual Acquittal or Delay. Couldn't we open a window?

Painter: No it's only an inlaid pane of glass in the ceiling, it can't be opened.

K: That's both uncomfortable and unhealthy.

Painter: Come on take off your jacket, K.

K: God, I can't breathe. What did you say the other two possibilities were again?

Painter: Virtual Acquittal and Delay. With my help, you have your pick. One requires significant, but temporary, focus. The other far less focus, but far more endurance and constant vigilance. If you choose the first, I will draft an affidavit of your innocence and begin collecting signatures from friendly Judges on your behalf, attesting to your innocence. Sure we might have to visit a few in person, but I'll coach you through that. Once I have enough signatures, I'll deliver the petition to the Judge who is actually presiding over your trial—maybe I'll manage to get his signature too. From there everything should be settled quickly. The Judge is covered by the guarantees of the other Judges' signatures and he'll absolutely grant your acquittal to satisfy me and his

other friends. And you can walk out of the Court having changed something, a free woman.

K: So I'm free.

Painter: Yes. Ah...but only practically free, or more specifically, temporarily free. The lower Judges don't have the power to grant a True Acquittal. Your dossier remains, with the affidavit attached, floating back and forth between the lower and the higher Judges. At some point sooner or later the Court will grind into action again and some Judge will pick up the documents, see that the accusation is still valid, and order your arrest. No document is ever lost, the Court never forgets. Back to square one. I guess the Court hasn't changed so much after all.

K: And I start again?

Painter: Exactly! But remember, you can secure another Virtual Acquittal, if you devote all your energy to your case—

K: What about my life Titorelli? My work at the bank?

Painter: —You can never give in, K! Work within the Court and—

K: —Wouldn't gaining a second acquittal be more difficult than the first?

Painter: That can't be said with certainty.

K: But this next acquittal wouldn't be final.

Painter: Of course not. The second acquittal is followed by the third arrest, the third acquittal by the fourth arrest...that is contained in the very concept of a Virtual Acquittal.

Beat

Painter: The Delay.

Ensemble: The Delay.

K: The Delay.

Painter: The Delay.

K: The Delay.

Painter: The Delay consists of preventing your case from getting any further than its first stages. We will have to stay continuously in close personal contact with the Court, although again, this does not require the same focus and concentration as with a Virtual Acquittal, but far greater vigilance. We can't lose sight of the case, not even for a moment, and you'll visit the Judge at regular intervals to keep him on your side. If you do this, then most likely the Case will stay frozen, and you'll be as likely to escape sentencing as if you were free. And although your future is less certain, you're protected from the terror of a sudden arrest. Of course, you will have to continuously provide plausible grounds for keeping your case artificially restricted. Both methods are successful in preventing the accused from being sentenced.

K: But they also prevent an actual, real acquittal.

Painter: You've gotten to
the heart of the

matter.

K: It's like splitting hairs.

Fräulein Bürstner: K, they're goading you.

Titorelli and K begin to fight. Dialogue flows quickly on top of itself. Music. (“Emerald Rush — Edit” by Jon Hopkins) Lights flash.

Painter: Now wait. Wouldn't you like to see a picture or two to buy?

K: I can't breathe in here anymore!

Painter: A painting of a moor.

K: What about my rights?

Painter: Rights are not Laws, my friend.

K: Then there is no responsibility left. (*Titorelli does not hear what K. is actually saying. Instead they react as if K. has said: “I'll buy it.”*)

Painter: That's good, you'll like this second one too.

K: It looks exactly the same!

Painter: Do you need fresh air?

K: I'm suffocating in here. (*“They're fine prospects, I'll buy them both and hang them up in my office.”*)

Painter: You seem to like the subject. Luckily I have another study.

K: It's exactly the same! (*“How much for the three pictures?”*)

Painter: We'll settle that next time. You're in a hurry today, and I'll see you again. I'll throw in all the others under the bed, too. I've painted dozens of these moor studies.

Some people despise them because they're too somber, but there are always people like you that prefer somber paintings.

K: You're goading me. You're goading me. I can't live like this!

Painter: Then do something about it.

K: This whole time, you've been goading me, ripping me off.

Painter: *[to the audience]* Play the music louder! Play the orchestration louder!

Ensemble: Louder! You've suffered an injustice!

K: Did you say injustice? Injustice? What a strange word. It is so hot in here!

Ensemble: Injustice!

K: Goading me! You've ripped me off! Alex, I can't survive, I can't live, under either of those conditions.

Painter: Then do something about it!

K takes a swing at Titorelli. Titorelli ducks, throws K into a wall.

Beat

Painter: Latscher.

Ensemble: K, go to the Cathedral!

Transition.

Interlude III: Torn Apart

Any set pieces on stage are cleared away. The Director sings some of the lyrics below to Robert Schumann's "Auf Einer Burg:" but to the tune of an adagio, demented, chromatic rewrite of the "Star Spangled Banner."

The Director: Eingeschlafen auf der Lauer

Oben ist der alte Ritter;
Drüben gehen Regenschauer,
Und der Wald rauscht durch das Gitter.

Eingewachsen Bart und Haare,
Und versteinert Brust und Krause,
Sitzt er viele hundert Jahre
Oben in der stillen Klause.

Draußen ist es still und friedlich,
Alle sind in's Tal gezogen,
Waldevögel einsam singen
In den leeren Fensterbogen.

Eine Hochzeit fährt da unten
Auf dem Rhein im Sonnenscheine,
Musikanten spielen munter,
Und die schöne Braut, die weinet.

K. is seated, Fräulein Bürstner standing. They look at each other.

Time passes. Music underscores the scene, coming in and going out, something very different than the Director's song. Something gentle, lifting, beautiful, and sad. ("Abandon Window" by Jon Hopkins).

Bürstner: You know I can't go with you.

K: Please.

Beat

K: Then, why—? You're leading me on.

Bürstner: No.

K: Uhh, I'm gonna be sick.

Touch.

K: I've already rented a room for us, the closet is full of clothes, the curtains are hung, the rugs are put down. Can't you see it?—

Bürstner: —They won't let me, I have to stay here.—

K: —It'll give your father a heart attack, you know your mom will drink too much—

Beat

K: I need you—It's not about the apartment.

Bürstner: You need me, and I need you—

Director: But you have to get to the cathedral!

Beat

K: And what about us? Don't you care anymore?

Bürstner: It's not like that—

K: It's all the same to you—

Bürstner: No. It's just...we don't get to finish this story, K.

K: Harsh.

Bürstner: That's the way it was written—

K: Maybe that's how the Law has written it. But we can change it, we don't have to—

Bürstner: No. You, you're not gonna be able to change it. *[to the audience, but small, subtle]* Maybe they can. But not you. You've rented a room for us, the closet is full of clothes, I folded them one by one, the curtains are hung, the rugs are put down...But we won't need them anymore. There's no interview, K., ...they're going to take you away, and just like that, our little light will be snuffed out.

K: And all because I don't have a flimsy fucking piece of paper.

Director: You put it far too severely.

K: Well, what is there to say?

Director: It's just that, in general, in the Law, interviews are neither deliberately accepted nor refused. But it may happen, for reasons of which I am ignorant, that they see no point in an interview, and that might be the case here. You have begged them to communicate with you by letter or by telephone or by word of mouth, and in preliminary investigations you cannot count on access to the proper channels, and you need to go to the Cathedral any—

K: Alex? For once, can you shut the fuck up?

Beat.

Bürstner: *[gently, poetically]* The Law is coming for you now. And behind it is a swirling vortex...with a tiny riptide. And it is very strong. And it's stronger than everything. And it's pulling you away from me. Forget about the carpets. It's over between us, between me and you. So I'm leaving now. Where will we go and how wide is the world? Goodnight, Joseph K.

Bürstner runs off, gesturing for The Director to follow.

Beat

K: Where has she gone? Into the wind. She runs away, and I stay here, and it is cold. And she says the Law comes for me, in all its apathetic bitterness. But I am still warm! When it gets even colder, she'll come back. Like throwing open in the spring, in a country house, a window painted shut for the winter. All the old proverbs still feel wrong.

—she goes...*[with a Geste]* and I will go to the cathedral.

Scene 6: Before the Law

Int. The Cathedral. The space should be completely bare, except for several standing microphones, lofty, shaped by dramatic contrast between light and dark—an installation. Unless noted, actors deliver dialogue into the microphones, straight out at the SS.

Director: Joseph K. The Court devours her. Will she escape?

Music underscoring.

Director: Scene 6. Before the Law. Inside the Cathedral. Twilight.

Enter entire cast other than Joseph K.

Ensemble: Joseph K!

Ensemble: Joseph K!

Director: You are Joseph K.

Ensemble: Yes.

Ensemble: You are accused. Yes, so I have been informed.

Ensemble: Then you are the one I seek. I am the Prison Chaplain.

Ensemble: I am the Prison Chaplain.

Ensemble: Here comes the Prison Chaplain. The Prison Chaplain

Ensemble: I see. I had you summoned to speak with you. I didn't know that. I came here to show an Italian around the Cathedral. That is beside the point.

Ensemble: What is that in your hand? Is it a prayer book? No. It is an album of sights worth seeing in the town. Put it down. Your case is going badly.

Ensemble: I know. I've done what I could, but without any success so far.

Ensemble: Of course, my petition isn't finished yet. How do you think it will end? At first I thought it must end well, but now I have my doubts. I don't know how it will end. Do you? No.

Ensemble: But I fear it will end badly. You are considered guilty. Your case will perhaps never get beyond a lower Court. Your guilt is supposed, for the present, at least, to have been proven. But I am not guilty, it's a mistake. And, if it comes to that, how can any person be called guilty? We are all simply men here, one as much as the other. That is true.

Ensemble: But that's how all guilty men talk.

Ensemble: BUT I AM NOT GUILTY! Are you prejudiced against me too?

Ensemble: I have no prejudice against you.

Ensemble: *[without microphone]* BUT I AM NOT GUILTY! COME DOWN FROM THERE! AH THESE PIGS!

Ensemble: I have no prejudice against you.

Ensemble: *[without microphone]* Come down from there! Am I supposed to listen to your sermon from down here?

Ensemble: The door opens.

Ensemble: *[without microphone]* YOU PIGS!

Ensemble: Door closes. Candles flicker. Wind blows. Now, Joseph K steps onto the threshold.

Ensemble: Joseph is forlorn, pacing the Cathedral.

Ensemble: Now, there will be Justice. Now, there will be Freedom.

Music out

Director: A story. A story.

Ensemble: So. Close the door, and tell us your story.

Director: They took away her beloved, who stood with her throughout the Process. Now, she has run away to the Cathedral.

Ensemble: Tell us. Tell us a story.

K: *[without microphone]* I don't know any. I don't know anything yet.

Ensemble: Are you deluded?

K: *[without microphone]* No, I'm not deluded.

Ensemble: Are you deluded?

K: *[without microphone]* No I'm not deluded.

Ensemble: Are you deluded?

K: *[without microphone]* No I'm not deluded!

Ensemble: Are you deluded?

K: *[with microphone]* No, I'm not deluded.

Ensemble: Tell us a story. She will tell us a story.

Ensemble: The door is closed. K paces the Cathedral with the priest. The Parable of Before the Law.

K: I am deluded about the Court.

Ensemble: Shhh!

Beat

Fräulein Bürstner steps into the space.

Music swells.

Ensemble: Ok.

K: I am deluded about the Court. In the writings which preface the Law my particular delusion is described thus: before the Law stands a doorkeeper. To this doorkeeper there comes a man from the country who begs for admittance to the Law.

Bürstner: For admittance to the Law?

K: Yes, for admittance to the Law. But the doorkeeper says that he cannot admit the man at the moment. The man, on reflection, asks if he will be allowed, then, to enter later. "It is possible," answers the doorkeeper, "but not at this moment." Since the door

leading into the Law stands open as usual and the doorkeeper steps to one side, the man bends down to peer through the entrance. When the doorkeeper sees that, he laughs and says: "If you are so strongly tempted, try to get in without my permission. But note that I am powerful. And I am only the lowest doorkeeper. From hall to hall, keepers stand at every door, one more powerful than the other. And the sight of the third man is already more than even I can stand." These are difficulties which the man from the country has not expected to meet, the Law, he thinks, should be accessible to every man and at all times, but when he looks more closely at the doorkeeper in his furred robe, with his huge, mirrored eyes and long, thin, American beard, he decides that he had better wait until he gets permission to enter.

The doorkeeper gives him a stool and lets him sit down at the side of the door. There he sits waiting for days and years. He makes many attempts to be allowed in and wearies the doorkeeper with his importunity. The doorkeeper often engages him in brief interrogations, asking him about his home and about other matters, but the questions are put quite impersonally, as great men put questions, and always conclude with the statement that the man cannot be allowed to enter yet. The man, who has equipped himself with many things for his journey, parts with all he has, however valuable, in the hope of bribing the doorkeeper. The doorkeeper accepts it all, saying, however, as he takes each gift: "I take this only to keep you from feeling that you have left something undone." During all these long years the man watches the doorkeeper almost incessantly. He forgets about the other doorkeepers, and this one seems to him the only barrier between himself and the Law. In the first years he curses his evil fate aloud; later, as he grows old, he only mutters to himself. He grows childish, and since in his prolonged study of the doorkeeper he has learned to know even the fleas in his fur collar, he begs the very fleas to help him and to persuade the doorkeeper to change his mind.

Finally his eyes grow dim and he does not know whether the world is really darkening around him or whether his eyes are only deceiving him. But in the darkness he can now perceive a radiance that streams inextinguishably from the door of the Law. Now his

life is drawing to a close. Before he dies, all that he has experienced during the whole of his sojourn condenses in his mind into one question, which he has never yet put to the doorkeeper. He beckons the doorkeeper, since he can no longer raise his stiffening body. The doorkeeper has to bend far down to hear him, for the difference in size between them has increased very much to the man's disadvantage. "What do you want to know now?" asks the doorkeeper, "you are insatiable." "Everyone strives to attain the law," answers the man, "how does it come about, then, that in all these years no one has come seeking admittance but me?" The doorkeeper perceives that the man is nearing his end and his hearing is failing, so he bellows in his ear: "NO ONE BUT YOU COULD GAIN ADMITTANCE THROUGH THIS DOOR, SINCE THIS WAS INTENDED FOR YOU. I AM NOW GOING TO SHUT IT."

Play the music louder! Play the damn music louder!

Shouted/Sung/Chanted:

K: Can you hear me?

Ensemble: My name is Joseph K!

K: Here I am!
Can you hear me?

Ensemble: Here I am!
My name is Joseph K!

K: Here I am!

K: Can you hear me?

Ensemble: My name is
Joseph K!

K: Here I am!
Can you hear me?

Ensemble: Here I am!
My name is Joseph K!

K: Here I am!

Director: All that's left of her is a black hole from whose edges blood flows.

Ensemble: The world isn't too old for a better age.

Ensemble: My name is Joseph K!

K: Here I am!
Can you hear me?

Ensemble: Here I am!
My name is Joseph K!

K: Here I am!

K:/Ensemble: Yes you! You at the very back! Yes! You who have been held down!
Kicked! Beaten! Yes! You! You who have been sent out as cannon fodder! Yes you!
You who know what is right! You the homeless and the drunks and the true! You who
are treated like dogs! Yes you! You have to all come with! Everyone! All of you!

The sound and music is almost deafening.

Ensemble: My name is Joseph K!

K: Here I am!
Can you hear me?

Ensemble: Here I am!
My name is Joseph K!

K: Here I am!

Director: But are you guilty, K?

K: It's not that simple! What would happen if we were all together?

Director: Ok, but are you guilty?

K: Then we would be the masters and there would be no more slaves! We would go to every house where people know what is right, just like you! And we would gather in the streets and shout of insurrection, of revolution, of the injustice that was done!

Director: Just a simple question, are you guilty?

K: You can't do this! Even if you think I am, that's fucked up! I shouldn't be—

Director: *[to the audience]* Alright, but a very concrete question, is K innocent? Is she innocent? Is she innocent?

K: Are you?

The Director stabs K.

Fräulein Bürstner: No! Joseph!

K: LIKE A DOG.

K dies.

Long silence.

Scene 7: The Concept

Director: Scene 7. The Concept.

Ensemble: The Concept.

Ensemble: The Concept.

Ensemble: The Concept.

The Director sings the lyrics to Nicolas Jaar's "History Lesson." The Ensemble dances. Production number.

The Director: Darlin'

You're late

For your history lesson.

Don't you worry, I'll give you my notes.

Chapter One: We fucked up.

Chapter Two: We did it again, and again, and again, and again.

Chapter Three: We didn't say sorry.

Chapter Four: We didn't acknowledge.

Chapter Five: We lied.

Chapter Six: We're done.

Oh, but, baby...Don't you decide it?

K stands up, blood on her neck and chest, interrupting The Director.

K: Shut up, Alex. I don't need a defense attorney. *[turning to the audience]* Oh, you're watching me, yeah? Sympathize with me, right? Paid money for a ticket, hm? Alex, you're drunk on your own sympathy, and so are all of you. The tragic story of a woman wronged by an unjust bureaucracy? Melodrama! Don't drown in your own tears over my fate. Your blood is full of dusty novels and your head overflowing with poetry. Oh, how dramatic it was, right, me, lying in a river of blood. But this is just plain, normal, ordinary, theater, ladies and gentlemen! There are the boards. There are the flats, off to the side. I'm covered in regular, sticky, stage blood. Red. Red, red, blood. As red as your snotty noses. Who would have thought I had so much blood in me?

The only thing that sticks, is the idea. And, what, I'm supposed to throw my swollen, waterlogged corpse into the ground every night, for you? I have it up to *here* dying for you, dying so that all of you can talk about something finally changing. Wipe your tear stained face clean. Aw, you want to *feel* something? Why don't you try *feeling* the beat of your own heart!

Tomorrow, we will all be in the streets. Tomorrow, we will all be equal.

Sounds of revolution. Interlude that ends with K, stabbing The Director. Immediate blackout.

K: Shit! I got stage blood in my mouth!

*Silence. Then, music. ("You Only Live Once," by The Strokes) **End.***



Media

Fig. 1.1: Three-Penny Opera, Open Fist Theatre Company, Los Angeles, CA, 2005

Fig. 1.2: Three-Penny Opera, Idaho State University, Pocatello, Idaho, 2010



Fig. 1.3: Three-Penny Opera, University of Alberta, Alberta, Canada, 2015

Bibliography

- Alvarez, Priscilla. "A Brief History of America's 'Love-Hate Relationship' With Immigration." *The Atlantic*, Atlantic Media Company, 19 Feb. 2017, www.theatlantic.com/politics/archive/2017/02/donald-trump-immigration/517119/.
- Arendt, Hannah. *The Human Condition* (2nd edn). Chicago: University of Chicago Press, 1998.
- Arendt, Hannah. *The Origins of Totalitarianism* (Revised edn). New York City: Harcourt, 1973.
- Brecht, Bertolt. *Kleines Organon Für Das Theater*. Vol. 32, Berlin: Suhrkamp Verlag, 1948.
- Bryant, Levi R. "Two Types of Assemblages," Larval Subjects (blog). February 20, 2011, <https://larvalsubjects.wordpress.com/2011/02/20/two-types-of-assemblages/> Accessed May 16, 2020.
- Chatterjee, Partha and Nivedita Menon. "A Brief History of Subaltern Studies (1998)." *Empire and Nation: Selected Essays*, Columbia University Press, New York, 2010, pp. 289–301. *JSTOR*, www.jstor.org/stable/10.7312/chat15220.21. Accessed May 17, 2020.
- Chishti, Muzaffar, and Jessica Bolter. "Vulnerable to COVID-19 and in Frontline Jobs, Immigrants Are Mostly Shut Out of U.S. Relief," *Migration Policy Institute*, Migration Policy Institute, 24 Apr. 2020, www.migrationpolicy.org/article/covid19-immigrants-shut-out-federal-relief. Accessed May 16, 2020.
- Costabile-Heming, Carol Anne. "The Other Brecht II/Der Andere Brecht II." *German Studies Review*, vol. 18, 1994, p. 412-487., doi:10.2307/1432505.
- DeGooyer, Stephanie, Alastair Hunt, Samuel Moyn, and Lida Maxwell. *The Right to Have Rights*. London, UK: Verso, 2018.
- Deleuze, Gilles. *Difference and Repetition*. Translated by Paul Patton. New York City: Columbia University Press, 1968.
- Deleuze, Gilles, and Felix Guattari. *Kafka: toward a Minor Literature*. Univ. of Minnesota Press, 2012.
- Dickerson, Caitlin. "Hundreds of Immigrant Children Have Been Taken From Parents at U.S., Border." *New York Times*, April 20, 2018, accessed May 16, 2020, <https://www.nytimes.com/2018/04/20/us/immigrant-children-separation.html>.

- Eagly, Ingrid and Steven Shafer. *Access to Counsel in Immigration Court*. Washington D.C.: American Immigration Council Special Report, 2016.
- Harney, Stefano, and Fred Moten. *The Undercommons: Fugitive Planning & Black Study*. Minor Compositions, 2013.
- Kafka, Franz. *Der Proceß*. Frankfurt Am Main: S. Fischer Verlag GmbH, 2007.
- Kafka, Franz. *The Trial*. Translated by Willa Muir, Edwin Muir, and E. M. Butler. New York City: Knopf, 1992.
- Kesby, Alison. *The Right to Have Rights: Citizenship, Humanity, and International Law*. Oxford: Oxford Scholarship Online, 2012, doi: 10.1093/acprof:oso/9780199600823.001.0001 Accessed May 16, 2020.
- Kucukgocmen, Ali. Istanbul district bans play about dictator by Erdogan critic, Reuters, January 19, 2018, <https://www.reuters.com/article/us-turkey-play/istanbul-district-bans-play-about-dictator-by-erdogan-critic-idUSKBN1F825D>, Accessed May 16, 2020.
- Lehmann, Hans-Thies. « Le fragment Fatzer (1926-1931) : pièce didactique et forme théâtrale », *Revue de littérature comparée*, vol. no 310, no. 2, pp. 177-187, 2004.
- Maggio, J. “‘Can the Subaltern Be Heard?:’ Political Theory, Translation, Representation, and Gayatri Chakravorty Spivak.” *Alternatives: Global, Local, Political*, vol. 32, no. 4, 2007, pp. 419–443. *JSTOR*, www.jstor.org/stable/40645229. Accessed May, 17 2020.
- Müller-Schöll, Nikolaus. “Epic Theatre: Theatre as a Representation of the Experience of Modernity in Franz Kafka’s Streetscene.” In *Theater Als Paradigma Der Moderne? Positionen Zwischen Historischer Avantgarde Und Medienzeitalter*, vol. 28, Francke, pp. 189–201, Mainzer Forschungen Zu Drama Und Theater, 2003.
- Müller-Schöll, Nikolaus. “Fragments of a (Still Forthcoming) Theatrical Form (without an Audience): Brecht’s Incommensurable Fragments ‘Fatzer’ and ‘Messingkauf.’” In *The Brecht Yearbook*, Translated by Alexander Mentzel, vol. 39, pp. 30–56, 2014, www.academia.edu/26472904/Bruchst%C3%BCcke_eines_immer_noch_kommenden_Theaters_ohne_Zuschauer_.B_rechts_inkommensurable_Fragmente_Fatzer_und_Messingkauf_.
- Pierce, Sarah and Andrew Seele. *Immigration under Trump: A Review of Policy Shifts in the Year Since the Election*. Washington D.C.: Migration Policy Institute, 2017.
- Plato. *The Laws*, trans. A. E. Taylor, 700 a-d, In *Plato, The Collected Dialogues*, ed. Edith Hamilton and Huntington Cairns, Princeton: Princeton University Press, 1973.

- Prakash, Gyan. "Subaltern Studies as Postcolonial Criticism." *The American Historical Review*, vol. 99, no. 5, 1994, pp. 1475–1490. *JSTOR*, www.jstor.org/stable/2168385. Accessed 14 May 2020.
- Ramos, Ferchil. *Neglect and Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection*. San Diego: ACLU-SDIC, 2018.
- Rokem, Freddie. "'Suddenly a stranger comes into the room': Interruptions in Brecht, Benjamin and Kafka," In *Studies in Theatre and Performance*, vol. 36, no. 1, 2016, 21-26, DOI: [10.1080/14682761.2015.1114334](https://doi.org/10.1080/14682761.2015.1114334). Accessed 17 May 2020.
- Maria Sacchetti, "ACLU sues Trump administration over detaining asylum seekers." *Washington Post*, March 15, 2018, accessed May 16, 2020, https://www.washingtonpost.com/local/immigration/aclu-sues-trumpadministration-over-detaining-asylum-seekers/2018/03/15/aea245e2-27a2-11e8-bc72-077aa4dab9ef_story.html?noredirect=on&utm_term=.9bcdf7bf1bf3.
- Schroth, Peter W., and Linda L. Foster. "Perspectives on Migration and Law in the United States." *The American Journal of Comparative Law*, vol. 62, 2014, pp. 1–36. *JSTOR*, www.jstor.org/stable/26425389. Accessed 17 May 2020.
- Silberman, Marc. "The Other Brecht I/Der Andere Brecht I." *German Studies Review*, vol. 17, 1992, p. i-iii., <http://digital.library.wisc.edu/1711.dl/German.BrechtYearbook017>.
- Spivak, Gayatri Chakravorty. *A Critique of Postcolonial Reason: toward a History of the Vanishing Past*. Harvard University Press, 1999.
- Spivak, Gayatri Chakravorty. *Can the Subaltern Speak?* Macmillan, 1988.
- Spivak, Gayatri C. "Close Reading." *PMLA* 121, no. 5 (October 2006): 1608-617. <http://www.jstor.org/stable/25501633> Accessed May 16, 2020.
- Tebo, Margaret G. "Asylum Ordeals: Some Immigrants Are 'Ground to Bits' in a System That Leaves Immigration Judges Impatient, Appellate Courts Irritated and Lawyers Frustrated." *ABA Journal* 92, no. 11 (November 2006): 36-42. <http://www.jstor.org/stable/27846364>. Accessed May 25, 2018.
- Weber, Samuel. *Theatricality as Medium*. New York, NY: Fordham University Press, 2004.