

“I advise you to settle the matter in a friendly way.”

“Indeed, I was thinking myself that would be best. She’s a woman, after all. Women have no souls, says Mohammed, with good reason. To forgive would be more humane, too, more Goethe-like.”

“Certainly. And then you wouldn’t have to give up the recitation evening, either, which would otherwise be lost, after all.”

“But what should I do now?”

“Go to them tomorrow and say that this one time you are willing to assume it was unconscious influence.”

“That’s very good. That’s just what I’ll do.”

“But because of this you needn’t give up your revenge, either. Simply have the essay published somewhere else and then send it to Mrs. Durège with a nice dedication.”

“That will be the best punishment. I’ll have it published in the Deutsches Abendblatt. They’ll take it; I’m not worried about that. I’ll just not ask for any payment.”

Then we speak about his talent as an actor, I am of the opinion that he should really have training. “Yes, you’re right about that. But where? Do you perhaps know where it can be studied?” I say: “That’s difficult. I really don’t know.” He: “That doesn’t really matter. I’ll ask Kisch. He’s a journalist and has a lot of connections. He’ll be able to give me good advice. I’ll just telephone him, spare him and myself the trip, and get all the information.”

“And about Mrs. Durège, you’ll do what I advised you to?”

“Yes, but I forgot; what did you advise me to do?” I repeat my advice.

“Good, that’s what I’ll do.” He turns into the Café Corso, I go home, having experienced how refreshing it is to speak with a perfect fool. I hardly laughed, but was just thoroughly awakened.

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Franz Kafka

Intellectual Property

28 February 1912

Sunday morning, while washing, it occurs to him that he hadn’t seen the Tagblatt yet. He opens it by chance just at the first page of the magazine section. The title of the first essay, “The Child as Creator,” strikes him. He reads the first few lines—and begins to cry with joy. It is his essay, word for word his essay. So for the first time he is in print, he runs to his mother and tells her. What joy! The old woman, she has diabetes and is divorced from his father, who, by the way, is in the right, is so proud. One son is already a virtuoso, now the other is becoming an author!

After the first excitement he thinks the matter over. How did the essay get into the paper? Without his consent? Without the name of the author? Without his being paid a fee? This is really a breach of faith, a fraud. This Mrs. Durège is really a devil. And women have no souls, says Mohammed (often repeated). It’s really easy to see how the plagiarism came about. Here was a beautiful essay, it’s not easy to come across one like it. So Mrs. D. therefore went to the Tagblatt, sat down with one of the editors, both of them overjoyed, and now they begin to rewrite it. Of course, it had to be rewritten, for in the first place the plagiarism should not be obvious at first sight and in the second place the thirty-two-page essay was too long for the paper.

In reply to my question whether he would not show me passages which correspond, because that would interest me especially and because only then could I advise him what to do, he begins to read his essay, turns to another passage, leafs through it without finding anything, and finally says that everything was copied. Here, for instance, the paper says: The soul of the child is an unwritten page, and “unwritten page” occurs in his essay too. Or the expression “surnamed” is copied too, because how else could they hit upon “surnamed.” But he can’t compare individual passages. Of course, everything was copied, but in a disguised way, in a different sequence, abridged, and with small, foreign interpolations.

I read aloud a few of the more striking passages from the paper. Is that in the essay? No. This? No. This? No. Yes, but these are just the interpolated passages. In its spirit, the whole thing, the whole thing, is copied. But proving it, I am afraid, will be difficult. He’ll prove it, all right, with the help of a clever lawyer, that’s what lawyers are for, after all. (He looks forward to this proof as

an entirely new task, completely separate from this affair, and is proud of his confidence that he will be able to accomplish it.)

That it is his essay, moreover, can be seen from the very fact that it was printed within two days. Usually it takes six weeks at the very least before a piece that is accepted is printed. But here speed was necessary, of course, so that he would not be able to interfere. That's why two days were enough.

Besides, the newspaper essay is called "The Child as Creator." That clearly refers to him, and besides, it is sarcasm. By "child" they really mean him, because he used to be regarded as a "child," as "dumb" (he really was so only during his military service, he served a year and a half), and they now mean to say with this title that he, a child, had accomplished something as good as this essay, that he had therefore proved himself as a creator, but at the same time remained dumb and a child in that he let himself be cheated like this. The child who is referred to in the original essay is a cousin from the country who is at present living with his mother.

But the plagiarism is proved especially convincingly by a circumstance which he hit upon only after a considerable amount of deliberation: "The Child as Creator" is on the first page of the magazine section, but on the third there is a little story by a certain "Feldstein" woman. The name is obviously a pseudonym. Now one needn't read all of this story, a glance at the first few lines is enough to show one immediately that this is an unashamed imitation of Lagerlöf. The whole story makes it even clearer. What does this mean? This means that this Feldstein or whatever her name is, is the Durège woman's tool, that she read the Guts Geschichte, brought by him to the Durège woman, at her house, that in writing this story she made use of what she had read, and that therefore both women are exploiting him, one on the first page of the magazine section, the other on the third page. Naturally anyone can read and imitate Lagerlöf on his own initiative, but in this case, after all, his influence is too apparent. (He keeps waving the page back and forth.)

Monday noon, right after the bank closed, he naturally went to see Mrs. Durège. She opens her door only a crack, she is very nervous: "But, Mr. Reichmann, why have you come at noon? My husband is asleep. I can't let you in now"—"Mrs. Durège you must let me in by all means. It's about an important matter." She sees I am in earnest and lets me come in. Her husband, of course, was definitely not at home. In the next room I see my manuscript on the table and this immediately starts me winking. "Mrs. Durège, what have you done with my manuscript. Without my consent you gave it to the Tagblatt. How much did they pay you?" She trembles, she knows nothing, has no idea how it

could have got into the paper. "J'accuse, Mrs. Durège," I said, half-jokingly, but still in such a way that she sees what I really mean, and I keep repeating this "J'accuse, Mrs. Durège" all the time I am there so that she can take note of it, and when I go I even say it several times at the door. Indeed, I understand her nervousness well. If I make it public or sue her, her position would really be impossible, she would have to leave the Women's Progress, etc.

From her house I go straight to the office of the Tagblatt and have the editor, Löw, fetched. He comes out quite pale, naturally, is hardly able to walk. Nevertheless I do not want to begin with my business at once and I want to test him first too. So I ask him: "Mr. Löw, are you a Zionist?" (For I know he used to be a Zionist.) "No," he says. I know enough, he must be acting a part in front of me. Now I ask about the essay. Once more incoherent talk. He knows nothing, has nothing to do with the magazine section, will, if I wish, get the editor who is in charge of it. "Mr. Wittmann, come here," he calls, and is happy that he can leave. Wittmann comes, also very pale. I ask: "Are you the editor of the magazine section?" He: "Yes." I just say, "J'accuse," and leave.

In the bank I immediately telephone Bohemia. I want to give them the story for publication. But I can't get a good connection. Do you know why? The office of the Tagblatt is pretty close to the telephone exchange, so from the Tagblatt it's easy for them to control the connections as they please, to hold them up or put them through. And as a matter of fact, I keep hearing indistinct whispering voices on the telephone, obviously the editors of the Tagblatt. They have, of course, a good deal of interest in not letting this call go through. Then I hear (naturally very indistinctly) some of them persuading the operator not to put the call through, while others are already connected with Bohemia and are trying to keep them from listening to my story. "Operator," I shout into the telephone, "if you don't put this call through at once, I'll complain to the management." My colleagues all around me in the bank laugh when they hear me talking to the telephone operator so violently. Finally I get my party. "Let me talk to Editor Kisch. I have an extremely important piece of news for Bohemia. If you don't take it, I'll give it to another paper at once. It's high time." But since Kisch is not there I hang up without revealing anything.

In the evening I go to the office of Bohemia and get the editor, Kisch, called out. I tell him the story but he doesn't want to publish it. Bohemia, he says, can't do anything like that, it would cause a scandal and we can't risk it because we're dependent. Hand it over to a lawyer, that would be best.

On my way from the Bohemia office I met you and so I am asking your advice.