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‘Kafka’s Last Trial’ tells the story of a literary legal battle

• By HANNAH BROWN

It’s a cliché to call the story of the Israeli court case over Franz Kafka’s manuscripts and papers “Kafkaesque,” but the adjective truly applies, and the whole story is brought to life in the fascinating new movie, *Kafka’s Last Trial*, which will be shown on Kan 11 on March 1 (and will later be available on kan.org.il).

This documentary, which won two awards at the Haifa International Film Festival last month, is by Eliran Peled, who made *Victory*, a musical drama about the Six Day War and its aftermath, and is based on the acclaimed book, *Kafka’s Last Trial: The Case of a Literary Legacy*, by Benjamin Balint. He is one of the main interviewees in the film, which combines extensive discussions with all those involved and animation depicting key moments from Kafka’s life.

It’s fitting that this movie is being released now, just after the centenary of Kafka’s death was marked, and as an exhibit is running at the National Library of Israel (NLI) about his life and work. Admirers of Kafka’s masterpieces such as *The Metamorphosis* know well that Kafka entrusted all his manuscripts and papers to his friend and fellow author, Max Brod, insisting that Brod burn everything, including the still unpublished manuscripts of *The Trial*, *The Castle*, and *Amerika*. Brod, of course, did no such thing, and always insisted that he told Kafka that he would never destroy his work. Instead, Brod published and preserved everything, including Kafka’s notebooks in Hebrew – a language he learned in the years leading up to his death. Kafka dreamed that he and his final girlfriend, Dora Diamant, would move to Tel Aviv and open a restaurant there, but his poor health made the move impossible.

Brod fled Prague in 1939, carrying Kafka’s manuscripts and papers in a suitcase, and settled in Palestine, where he worked with a secretary, Esther Hoffe. After his death in 1968, control of Kafka’s literary archive passed to Hoffe.

Fast-forward to the early 21st century, which is when most of the action of *Kafka’s Last Trial* takes place. Esther Hoffe, then around 100, was living on Spinoza Street (another Kafkaesque touch) with her daughter Eva. A writer who moved into the building recalls that the whole building had a terrible smell emanating from the Hoffe apartment, where, it turns out, Eva was raising dozens of cats and dogs.

Many of Kafka’s manuscripts and papers were already in the Marbach Library in Germany and the Bodleian Library at Oxford, and some manuscripts, such as *The Trial*, had been sold for millions of dollars. But there were still others in that apartment on Spinoza Street. When Esther died at the age of 101 in 2007, control of the remaining literary archive passed to Eva and her sister, Ruth. The National Library of Israel (NLI) asked Eva to hand over the archive, but she refused.

In the documentary, many of those who knew Eva and the Hoffe family contend that Brod gave Esther the archive to make up for the fact that he had not paid her regularly for years and that the papers were hers to



A SHOT from ‘Kafka’s Last Trial,’ being screened Saturday night. (Kan 11)

do with whatever she wished. Some say that Brod and his married secretary were in a kind of ménage à trois and that Brod’s closeness to the family further muddied any clear disposition of the papers.

Soon, lawyers got involved and the case went on for about a decade, during which time, according to Eva’s friends, her bank accounts were frozen and she had difficulty supporting herself. Eva died in 2018, an embattled and sad figure, but the court case was not over yet.

The movie makes the figures involved in the trial very vivid, and, as is fitting in anything that can be called Kafkaesque, you may find yourself questioning your preconceptions and opinions as the story unfolds. My instinctive reaction was to side with Israeli scholars and the NLI against a woman who might well have sold the rest of the papers to German libraries.

Kafka’s sisters were killed by the Nazis and had he lived until World War II and remained in Europe, he would likely have died in the Holocaust, too, so it seems more fitting that the papers would remain in Israel. But Eva is a sad figure, not a predatory one. Had she been free to sell the papers, it’s not clear what she would have done with the money, other than buy her cats and dogs more food. It’s hard to understand why she dug in and fought so hard, although it seems she was fighting to preserve the legacy of her mother’s working life.

This well-made movie, in which every side is given a voice, may make you want to pick up Kafka’s work again, as the sections in which Kafka appears, as an animated figure, are especially compelling. It may also inspire people to read Balint’s acclaimed book.

One thing is clear about the case: It was a bonanza for the lawyers. Kafka, a law school graduate who spent much of his working life assessing claims for an insurance company, would likely have seen the tragedy in this protracted legal case, as well as the dark comedy: Had Brod honored his wishes, quite a few law firms around the world would have less cash today.