Kafka's poetics is a poetics of enthusiasm. Remarkably, he often describes his violent moments of inspiration in political metaphors – as questions of "leadership", "insurgence", "violence", "command", etc. In an important diary entry from October 1911, he uses an image from the commune of Paris in 1871 to illustrate these great "ripping up" ("aufreißender") moments. The nightly experiences with literary imagination always make me think, Kafka writes, of the commune when the poor inhabitants of the northern and eastern suburbs moved into central Paris in jerks, like the hands of a clock ("die dem Pariser bis dahin fremde Bevölkerung … förmlich von Stunde zu Stunde durch die verbindenden Gassen stockend wie Uhrzeiger in das Innere von Paris rück"). Doctor of law, Kafka uses the state of exception as model for the state of inspiration. In both cases, a strong feeling of enthusiasm arises from the black hole of a temporary break down of legal and social rules. This paper will explore the temporary legal lacuna in Kafka's works and their function in Kafka's literary production. The analogy of state of exception and state of inspiration will enable us to address the relation between politics and poetics in Kafka.