

Drew University
College of Liberal Arts

L'esprit de résistance:
Legality in Albert Camus's Philosophy of the Absurd

A Thesis in History and French
by
Jake Levine

Submitted in Partial Fulfillment
of the Requirements
for the Degree of
Bachelor in Arts
With Specialized Honors in
History and French

May 2019

ABSTRACT

This thesis traces Albert Camus's philosophical development from his experiences in the French Resistance to his famous stance on the impossibility of murder and his equation of Marxism with murder in *L'homme révolté* (1951), which is viewed by many historians as the catalyst for his acrimonious falling-out with Jean-Paul Sartre and split from the rest of the mainstream French intellectuals. In examining this period, the work examines legality in Camus's philosophy of the absurd and how his engagements with the law shaped and ultimately decided his eventual opposition to murder in all forms, particularly the concerning prevalence of *judicial murder*, or capital punishment.

In doing so, this thesis attempts to shift the turn of Camus's political consciousness back to the immediate postwar era and the *épuration* (purge) trials of Nazi collaborators and the Vichy régime and illustrate the persistence of Resistance-era in Camus's philosophical development. It was at Liberation, with the purge trials impending that Camus believed in the possibility of the instantiation of justice in the purge courts and the possibility of murder as a proportionate response to the crime of collaboration.

The course of the trials, however, were to demonstrate to Camus that murder as a pronouncement of justice was impossible and that the law, both in its metaphysical proportions and actual proceedings, was inextricable to the absurd. It was this understanding that Camus carried with him as he navigated the divided postwar political arena of France and eventually translated into his philosophical meditation on *revolt* in *L'homme révolté*. The notion of *l'esprit de résistance* then assumes a vital role in this philosophical development and assumes a meaning in this thesis as the resonance of Camus's experience in the Resistance in his later political activity and attempts to assert justice in the world in the face of legitimized murder, irrational legality, and most overarching, the *absurd*.

AUTHOR'S NOTE

This is a bilingual thesis, written in both French and English. As a result, many works appear translated, either into French or English. For the sake of semantics and chapters that are written in English, I have consulted the English translations – in addition to the original French – for the following works: *Camus À Combat* (*Camus at Combat*), *Le Mythe de Sisyphe* (*The Myth of Sisyphus*), *La Chute* (*The Fall*), *Caligula*, *L'État de Siège* (*State of Siege*), *Les Justes* (*The Just Assassins*), and *L'homme révolté* (*The Rebel*). That being said, unless specified in the footnotes, the majority of translations that appear in the thesis are entirely my own. The difficulty that has arose in this process is, as is only natural, the issue of untranslatable phrases.

I have come across certain words, phrases, sentences, or ideas that do not entirely translate into one language or another. One pertinent example is the title of one of Camus's most famous works that I have focused on in this thesis: *L'homme révolté*. The popular English translation for this title is "The Rebel," but if we look at the French, there is something missing in that translation. *L'homme* is a noun which means man, while *révolté* is an adjective that roughly translates to "revolting." With that understanding, *L'homme révolté* roughly translates to "The Revolting Man," or truer to Camus's own intentions with the word choice of his title: "Man in Revolt." Placing the two translations side-by-side – "The Rebel" or "Man in Revolt" – we can see the subtle, but significant difference between the two. The former articulates a certain kind of person; *he who revolts*, who the latter conveys a certain of action on the part of the individual – *the man who is in the process of revolting* (this is something, as will be seen in the thesis, Camus wanted to convey in articulating the role of rebellion in man's history). We can see then, how easily things are lost in translation.

In translating, I have strived to work as closely with the original text as possible and keep the core of the author's words and thoughts intact. Writing in different languages has been a time-consuming process and over the course of writing this thesis, I have been entirely immersed in the process of translation. I have found myself confusing my French with English, my English with French, and either speaking or writing in some hybrid language between the two. What appears on the following pages is the result of that process with generous help from my longtime advisor and one of my readers, Professor Marie Pascale-Pieretti of the French/Humanities department. *C'est comme Jacques Derrida, le célèbre déconstructionniste français, a dit sur traduisant :*

Si le traducteur ne restitue ni ne copie un original, c'est que celui-ci survit et se transforme. La traduction sera en vérité un moment de sa propre croissance, il s'y complétera en s'agrandissant. Or il faut bien que la croissance [...] ne donne pas lieu à n'importe quelle forme dans n'importe quelle direction. La croissance doit accomplir, remplir, compléter. [...] Et si l'original appelle un complément, c'est qu'à l'origine il n'était pas là sans faute, plein, complet, total, identique à soi.

ACKNOWLEDGEMENTS

There are many people who I owe endless thanks to in helping me throughout the process of writing this thesis. First, Professor Edward Baring, whose expertise in French intellectual history has been extraordinarily helpful and whose guidance has shaped how I think and write as a historian. I can't think of a better thesis advisor and I am enormously grateful for all of your help – both in writing this thesis and beyond. I would also like to thank Professor Seung-Kee Lee, who has been a crucial part of this process and who graciously agreed to be part of my committee despite not having looked at French in a number of years. Thank you for that.

I must also thank Professor Marie Pascale-Pieretti. She has been with me from the moment I first stepped foot on campus four years ago. It is fitting that she is here to see me through to the end. I have been extremely fortunate to have had Professor Pieretti as an adviser throughout my college career and it is because of her that I have experienced such highs at Drew: *Je suis très reconnaissant pour tout que vous faites*. Additional thanks go out to Professor Muriel Placet-Kouassi, who has been ever-helpful on Camus related issues and always willing to discuss French soccer with me (*Allez SCO!*), and Dr. Jesse Mann, for his enthusiasm in helping me research for this topic. I would also like to thank Professor James Carter who has been my advisor since I first declared as a history major at Drew.

I also acknowledge the help that Messieurs Vincent Sablayrolles and Philippe Ferrand at the *Fonds Albert Camus* at the Bibliothèque Méjanés provided in assisting me in sorting through Camus's personal writings, correspondences, journals, and fragments. As my first research experience in an archive it was enlightening and I am also extremely grateful to Mme. Catherine Camus for graciously allowing me access to her father's archive.

It would be remiss of me to not thank my friends and family for their constant support. I thank my parents for always supporting me no matter what and always encouraging my passion for learning. In no particular order I thank my friends: João Pedro Martins Pinheiro, Filetti, Olivia Winters, Heather DuPont, Alcides Costa, Inji Kim, Mikaela Simon, Matt Ludak, Hannah Ponturo, Pascal Ibe, Boshuda Khan, Nate Flauto, Zach Johnson, Teddy Costianes, Nathan Keiller, Olivia Sznaza, Chloe Martins, and Juliet O'Connor. If I missed anyone, please know I am grateful to you as well.

I lastly thank my high school English teacher, Mrs. Milano, for igniting my passion for learning and making me a better student. It was her that, in a seemingly random act in an absurd universe, assigned me *The Stranger* in my senior year of High School and seeing my interest in Camus, furthered it. She recommended that I read *The Plague* and *The Fall*, and existentialist works like Sartre's *Nausea* and Dostoevsky's *Notes from Underground*. It is thanks to her that I am the student I am today.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER ONE: « <i>LA JUSTICE EST NOTRE AFFAIRE</i> » : CAMUS ET LA QUESTION DE LA LOI	16
L'HISTORIQUE CAMUS	18
« <i>LA LOI ÉTAIT BIEN FAITE</i> » : LA QUESTION DE LA LOI	25
LA RÉSISTANCE ET UNE JUSTICE POSSIBLE : LA FIN DE L'OCCUPATION	38
CONCLUSION	44
CHAPTER TWO: INSTANTIATING A HIGER JUSTICE: THE HOPE AND FAILURE OF THE PURGE.....	47
<i>L'ÉPURATION SAUVAGE</i> AND THE JUSTIFICATION FOR EARLY VENGEANCE	49
<i>L'ÉPURATION LÉGALE</i>	61
THE PURGE FAILS	70
CONCLUSION	76
CHAPTER THREE: FIGHTING JUDICIAL MURDER IN THE ERA OF <i>L'HOMME RÉVOLTÉ</i>	79
A PLEA FOR REASON: MURDER AS IMPOSSIBLE	82
LEGITIMIZED MURDER	88
MURDER AND JUSTICE IN THE CYCLE OF REVOLT	96
CONCLUSION	102
CONCLUSION.....	104
BIBLIOGRAPHY.....	114
WORKS CONSULTED	119

INTRODUCTION

« *Les citoyens sont entre eux inviolables et sacrés et ne peuvent se contraindre que par la loi, expression de leur volonté commune.* » - Albert Camus, *L'homme révolté*

Among postwar French intellectuals, Albert Camus was often the odd man out.

Considering his prominence in the immediate postwar scene in Paris, this is significant. At the onset of the Liberation in 1944, Camus enjoyed “a singular prestige,” dominating, if only for a brief moment, the intellectual pulse of a France seemingly rejuvenated by the lifting of the heavy burden sown into the hearts of Frenchmen dishonored and disgraced by the great shame of Occupation.¹ With *L'Étranger* (1942) and a subsequent *essai* on the absurd in *Le Mythe de Sisyphe* that same year, he had announced himself as a fresh new voice in the Parisian intellectual scene, that, in the opinion of his publisher, the famed Gallimard, had just written “the best book...since France’s surrender.”² He further solidified his standing with a well-received opening of *Caligula* (1945) at the *Théâtre Hébertot*, a widely acclaimed novel in *La Peste* (1947), and a burgeoning friendship with Jean-Paul Sartre and Simone de Beauvoir. The latter, perhaps more than anything else, seemed to suggest that Camus, the young upstart in his early thirties, truly belonged among the Parisian intelligentsia as one of their own.³

If his early novels, essays, and plays had immediately placed Camus, as it had done in Sartre’s estimation, “next to Hemingway and Voltaire,” then his role as editor-in-chief of *Combat*, which he enjoyed simultaneous to his initial rise to success (though clandestinely until mid-1944), only furthered his star.⁴ It had made him, as Tony Judt notes, “the French

¹ Raymond Aron quoted in Tony Judt. “The Reluctant Moralizer: Albert Camus and the Discomforts of Ambivalence.” In *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century*. Chicago: Chicago University Press (1998), 88. This position, in Tony Judt’s words, was an overture to a more profound role of Camus’ in the postwar period as “...the moral voice of his era...”

² Olivier Todd. *Albert Camus, A Life*, translated by Benjamin Ivry. New York: Knopf (1997), 155.

³ For a recounting of Camus and Sartre’s friendship and acrimonious falling out, see Ronald Aronson. *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended it* (Chicago: University of Chicago Press, 2004).

⁴ Annie Cohen-Solal. *Sartre: A Life*. London: Heinemann (1987), 189.

intellectual” in postwar France.⁵ Having addressed the atrocities of Occupation, written of the plight of the Resistance, and elatedly proclaimed on the night of Liberation, 25 August 1944, that “this night is a word onto itself: it is the night of truth,” Camus had won over the Parisian readership with an eloquent writing style, palpable morality, and legitimacy as a member of the French Resistance.⁶ It was only natural then that in the fragmented and often bitterly contentious world of post-Liberation politics, readers would turn to Camus as their guide. Praise abounded.

Raymond Aron, a fellow resistance member who flitted between *Combat* and Sartre’s *Les temps modernes* in the postwar scene wrote that “the editorials by Albert Camus commanded extraordinary respect: a genuine writer [who] was commenting on the events of the day.”⁷ Henri Frenay, the founder and leader of the *Combat* syndicate, also praised Camus’s editorship: “Albert Camus, whose high moral value, generous spirit, and rigorous style...set the tone for the newspaper.”⁸ Sartre too could not hide his admiration for Camus at this time and “in a lecture before an American audience...in 1945...he talked about Camus as the outstanding example of the politically engaged writers who emerged from the Resistance.”⁹

Yet, this was not to last. As the postwar years progressed, Camus took a number of stances that saw him become increasingly isolated amongst his contemporaries. At the center of this was an adamant opposition to the death penalty that influenced a gradual skepticism towards Communism that saw the Camus, who had wooed readers with the elegant prose of his novels and the passionate ruminations of *Combat* slowly, but surely break from the mainstream of

⁵ Tony Judt. “The Reluctant Moralist.” In *The Burden of Responsibility*, 87.

⁶ Albert Camus. “25 August 1944.” In *Camus at Combat: Writing 1944-1947*,” edited and annotated by Jacqueline Lévi-Valensi and translated by Arthur Goldhammer. Princeton: Princeton University Press (2006), 17.

⁷ Raymond Aron. *Memoires: Fifty Years of Political Reflection*, translated by George Holloch. New York: Holmes & Meier (1990), 149.

⁸ Henri Frenay. *La Nuit Finira : Mémoires de résistance (1940-1945)*. Paris: Michaelon (2006), 662-63.

⁹ Ronald Aronson. *Camus & Sartre*, 37.

French intellectual life.¹⁰ As the 1940s drew to a close, Camus “[struck] a solitary figure” amongst contemporaries who, until fairly recently, had regarded him as an up-and-coming sensation.¹¹ The publication of *L’homme révolté* in 1951 then, and its equating of Marxism with murder, signaled a famous moment in French intellectual history and completed his rupture with the Sartrean sect of French intellectuals, the dominant, Marxist current of the postwar era. This break from “the conventional intellectual community of discourse of which he had...been a prominent representative” was over his criticism of Communism and for many, it seemed to suggest that Camus was a traitor to his fellow philosophers and the largely communistic ideals of the French intellectual tradition.¹² In that regard, Sartre, once his fellow traveler, feeling somewhat nostalgic in his otherwise intensely antagonistic response to Camus’s position, admitted to his once-friend: “you were not far from being exemplary.”¹³

There are a number of studies that attempt to trace Camus’s break with Sartre and the rest of the mainstream postwar French intellectuals, placing much of the focus on the issue of Communism and the Cold War. Tony Judt, for instance, speaks for the majority in stating that the publication of *L’homme révolté* constituted the “moment at which Camus’s relationship to his world shifted definitively.”¹⁴ Ronald Aronson follows in his analysis of Camus and Sartre’s close, yet ultimately turbulent friendship, that Camus’s “interaction with Communism” constituted a turning point in both his philosophical and political leanings.¹⁵ While it is true that *L’homme révolté* was a vital moment in Camus’s intellectual life, for better or worse, such a

¹⁰ Albert Camus. “no.55 March 1944” In *Camus at Combat*, 3.

¹¹ Jonathan H. King. “Philosophy and Experience: French Intellectuals and the Second World War.” *Journal of European Studies* 1, no.3 (1971): 204.

¹² Tony Judt. “The Reluctant Moralists,” 93.

¹³ Jean-Paul Sartre. « Réponse à Albert Camus. » Dans *Situations VI*. Paris : Gallimard (1964), 111.

¹⁴ Tony Judt. “The Reluctant Moralists,” 93.

¹⁵ Ronald Aronson. *Camus & Sartre*, 68.

conclusion is limited and does not explain how Camus came to his famous conclusion in the essay or why he came to completely oppose the death penalty in the first place. Moreover, it overlooks the importance of Camus's experiences of World War II and his engagement with the immediate political happenings of postwar France.

After all, Jonathan King notes that “the famous quarrel between Camus and Sartre refers back, explicitly or implicitly, to the common experience of the war,”¹⁶ and likewise, Jeffrey C. Isaac details that Camus was “disturbed by the possibility that his compatriots might learn nothing from...their resistance.”¹⁷ Camus himself, in 1955, years after the publication of *L'homme révolté* but in the midst of intense scrutiny for his position (or rather *lack* of position) on the Algerian War, wrote of his dismay at a Liberation-related issue: “...attacks so low they pain my heart. [Lucien] Rebatet dares speak of my longing to order the firing squads when he was one of those whom I, along with the other Resistance writers, asked to be pardoned when he was sentenced to death.”¹⁸

This study will attempt to place Camus's intellectual progression within the context of the immediate post-war period, demonstrating how it was foreshadowed and shaped by his engagement with the law. It is notable that Camus's interest in the manner in which the law was applied peaked under Occupation, with the practice of injustice by the Vichy régime done under the co-option of the law. The resulting *épuration* (purge) of Nazi collaborators and the Vichy régime in post-Liberated France, which was primarily a legal event (literally a series of trials, verdicts, and sentencings), thus assumes emphasis here as shifting the turn of Camus's political consciousness. It is through a consideration of the purge and an overall legal reading of Camus

¹⁶ Jonathan H. King. “Philosophy and Experience,” 204.

¹⁷ Jeffrey C. Isaac. *Arendt, Camus, and Modern Rebellion*. New Haven: Yale University Press (1992), 35.

¹⁸ Albert Camus. *Notebooks 1951-1959*, translated by Ryan Bloom. Chicago: Ivan Dee (2008), 197.

that it becomes clear that his opposition to the death penalty and the philosophical stances seen in *L'homme révolté* were earlier than 1951 and more local than the issue of Communism; instead, they were implicitly based in Camus's wartime experiences and his time in the Resistance.

This study will *not* examine Camus's break with Sartre and mainstream French intellectuals. That is a story that has already been told in a number of engaging histories. Rather, I intend to focus on how Camus got to the point of denouncing Communism, using the structure of an intellectual history to examine the intersection of thought, history, and in this study, *law* in analyzing the role of wartime experiences in the development of Albert Camus's philosophy of the absurd. In this study then, law is the main focus; the conduit through which Camus's engagement with the political realities of his time – from the *épuration* to the issue of legitimized murder in Marxism – becomes understood.

Law, as the convergence between the abstract and tangible; the juncture of the ideals of society and its actual functioning – what Max Orme describes as “institutionalized justice [apportioning] and [harmonizing] conflicting desires and claims in social interaction” – was central to Camus's philosophy of the absurd as the manner in which justice was apportioned into reality.¹⁹ His experience of the purge, what this study identifies as the turning point in his philosophical and political attention and a serious grappling, on his part, with profound questions of national identity, state-sponsored vengeance, and political memory, was thus shaped and guided by an express detail to legal proceedings at the heart of the purge that was done within the framework of absurdism.

¹⁹ Max Orme. *The Development of Albert Camus's Concern for Social and Political Justice*. Madison: Farleigh Dickinson University Press (2007), 20.

What emerges then, from such a consideration, is a clearer understanding of Camus's philosophical development; mainly his attempt to actively engage in the world through a pronounced theory of justice that was based in the law. On the philosophical side of this work, the relationship between legality and morality; what we see as discussions of justice, was significant for Camus as a foundational component of his philosophy of the absurd. Consequently, this study identifies certain "levels of justice" in Camus's thinking: a higher, intermediate, and human justice. For him, the impetus for justice was a natural one based on the need to "increase happiness and joy because this universe," that being an absurd universe devoid of inherent meaning and a higher power (*à la* a God), "is unhappy."²⁰ This is his "higher justice" – an ideal, though admittedly abstract, justice based in a sense of righteousness for a collective humanity as a reference for good in a Godless world. "Human justice," then, is the means by which that higher justice is placed into society through the law; i.e. the legal system.

Yet, a problem persists within this distinction of *justices*. As is only natural, humans are imperfect and by consequence, so is their justice. For Camus, this was all too evident under the Vichy régime, who had "used the tools of legal reasoning" to deport Jews, discard due process, and murder its enemies all within the strictures of the law.²¹ With this in mind, Camus came to understand a distinction between the written law and moral law; that legal morality was relative and based on who controlled the law. He then came to articulate a "higher justice" that existed extra-legally and it was his hope that at Liberation, the victorious Resistance could instantiate that higher justice into the justice of men (the legal system) and create an intermediate justice of

²⁰ Albert Camus. *Notebooks: 1935-1951*, translated by Justin O'Brien. New York: Marlowe & Company (1965), 98.

²¹ Richard H. Weisberg. *Vichy Law and the Holocaust in France*. New York: New York University Press (1996), xxi.

sorts; one between the higher, elusive justice and the precarious human justice that, in the wrong hands, could just as easily harm as it could help.

The purge then, as the postwar priority of the provisional government of France headed by Charles de Gaulle, was viewed by Camus as way to imbue France with a sense of righteousness in the aftermath of Occupation. This was also directly related to Camus's postwar ideal of "*l'esprit de résistance* (the spirit of resistance);"²² "an alliance of morality and politics" that was decidedly drawn from Camus's perception of the inextricable relationship between the Resistance and a higher justice.²³ It was his hope that postwar France would imbue the new Republic with the Resistance's morality and experience a political realignment that would be Socialist-leaning and bring about an open politics that would be accessible to the everyday man.²⁴ The purge then, was the perfect opportunity for France to reaffirm its commitment to justice – the tenets of the Republic: *Liberté, Égalité, et Fraternité* – but also reconfigure its political class, or rather, *expunge* itself of certain parts of it – the Vichyites, Nazi sympathizers, and more egregious fascists.

In this moment, more than any other, Camus believed that through the law, the French could be "men of justice" based on a notion of legal proportionality, that, in the circumstance of crimes of collaboration, based on a notion of proportionality, that, in the circumstance of collaboration, "justice dictates that those who killed and those who permitted murder are equally responsible before their victims."²⁵ Here, a markedly different Camus from the one seen in

²² Albert Camus. "19 Septembre 1944." In *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris: Gallimard (2002), 198.

²³ Jonathan H. King. "Philosophy and Experience: French Intellectuals and the Second World War." In *Journal of European Studies* 1, no.3 (1971): 205.

²⁴ Robert Gildea discusses the postwar hopes of many of the Resistance groups, including Camus's *Combat* in "Liberation." In *Fighters in the Shadows: A New History of the French Resistance* (Cambridge: The Belknap Press of Harvard University Press, 2015).

²⁵ Albert Camus. "22 Août 1944." In *Camus À Combat*, 146.

L'homme révolté believed in the possibility of the death penalty on the basis of proportionality as an equitable response to certain crimes committed under occupation; for example, if one murdered, one should die.

The reality of the purge however, disheartened Camus. It became about something more than just establishing a legal mechanism for the punishment of wartime collaboration, instead becoming as much about political expediency (the propagation of the “Gaullist Myth” or the legitimacy of *la France libre* as the “true” heirs to the Republic) as actual, impartial determinations of guilt. As a dismayed and utterly frustrated Camus would later remark in August 1945 in one of his last direct comments on the purge: “politics got mixed up in it.”²⁶ The prevalence of emotion, directly linked to the trauma of Occupation, coupled with a sense of political and national mythmaking (*la France résistante* versus the Vichy régime) imbued the purge, a series of trials meant to bring those who had wronged France to justice, not with a sense of legal clarity and definite justice, but rather a legal ambiguity that put, in the words of Camus’s contemporary and oftentimes rival, François Mauriac, those “whose guilt was not proven...in danger of suffering the same fate as the guilty.”²⁷

That was particularly the case in the trials of intellectuals, which Camus watched with a growing sense of disquiet. Under a legal rationale that equated thoughts with actions, the purge courts made writings as condemnable as actions, and thus punishable by death – through a legal distinction of *indignité nationale* (national indignity) that was linked to Articles 75-86 of the French Penal Code (the articles of treason).²⁸ For Camus, this was in no way just or proportionate. He saw a court system “less concerned with establishing facts than with

²⁶ Albert Camus. « 30 Août 1945. » Dans *Camus À Combat*, 596.

²⁷ Malcom Scott. *Mauriac: The Politics of a Novelist*. Edinburgh: Scottish Academic Press (1980), 92-3.

²⁸ See Christian Lépagnot. *Histoire de Vichy : Vol 5. L'épuration*. Geneva: Vernoy (1980).

confirming a man's assumed guilt," that in the course of its proceedings, prioritized factors beyond the actions of those accused in determining guilt.²⁹ Camus's initial enthusiasm for the purge gave way to adamant opposition of a system that "[judged] with...laws...which were useless."³⁰ In that sense the legal proceedings of the purge revealed itself to have the semblance of rationality, with irrationality at its core.

With this experience, Camus began to shift his understanding of responsibility and consider the actual implications of the death penalty. Though initially supportive of capital punishment as a potentially equitable pronouncement of justice for certain crimes, Camus came to be perturbed by the finality of the death sentence and the unsettling fact that a process meant to contribute "to the defense of society," to rationalize justice and delegate it, seemed to instead exercise the ultimate injustice of death – "a penalty that seems to be without bonds" – as a permanent solution to something forever uncertain.³¹ More so, the issues of responsibility and silence became central to his skepticism, as in the purge, the courts attempted to make those guilty responsible for their actions. Over its course, Camus came to question if someone can truly be responsible if they are killed and forever silenced.

In that regard, he came to the understanding that responsibility is not only about punishing or assuming guilt, it is also about the ability to respond. One might think that a criminal faces up to their responsibility in the death penalty as a proportionate response to a crime that to murder or death, but the actuality of the purge had revealed to Camus that if one is killed, they can no longer respond and responsibility is shut out by silence. Thus the death

²⁹ Brian Cozier. *De Gaulle*. New York: Charles Scribner's Sons (1973), 370.

³⁰ Albert Camus. "5 January 1945" In *Camus at Combat*, 164.

³¹ Michel Foucault. *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan. New York: Pantheon Books (1977), 90.

penalty was entirely antithetical to responsibility and Camus came to view capital punishment as an impossible form of justice. Killing, whether criminally or legally, excludes individuals from humanity; the community of men he so adamantly fought for, and by that consequence, Camus came to disavow the death penalty as unjust and despotic. For him, no human ever has the authority to eliminate someone from that community and no human ever has the authority to kill.

Camus would later reference the importance of silence and responsibility in *Réflexions sur la guillotine* (1957), referring back to the purge and writing that “without the death penalty, Gabriel Péri and Brasillach [the former executed by Nazi forces, the latter by Liberation forces during the *épuration*] would perhaps be among us; We could then judge them according to our opinion and proudly proclaim judgement, whereas now they judge us and we keep silent.”³² In death, the inability to respond, to affirm or reject responsibility, weighed heavily, and it was in that echoing silence, that Camus felt the responsibility of what he came to call judicial murder³³ (capital punishment) most reverberating. Such a weight would follow him throughout the latter half of the 1940s and ultimately the publication of *L’homme révolté* (1951) and his famous break with Sartre and other French intellectuals.

Thus, the Camus that emerged from the purge was one that had seen the pitfalls of the legal system’s attempt to implement justice and it is in the issue of capital punishment, as experienced through the purge, that the seeds of Camus’s intellectual development towards his philosophical stance in *L’homme révolté* can be detected. In a sense, the purge had demonstrated for Camus that the law acted as both a means to assume responsibility, but also evade it. Legality

³² Albert Camus. “Reflections on the Guillotine.” In *Resistance, Rebellion, and Death*, translated by Justin O’Brien. New York: Alfred A. Knopf (1961), 228.

³³ See Albert Camus. « Ni Victimes Ni Bourreaux. » Dans *Camus À Combat* for his distinction of capital punishment as ‘judicial murder.’

could punish those guilty but in the process, allow the punishers to hide behind the law and exert injustice. As outlined in *Le Mythe de Sisyphe*, “death exalts injustice” and when a certain sort of murder (at least in Camus’s estimation) becomes legitimized through the legal system, as it had in purge and throughout postwar Europe for that matter, then Camus could only view legality as impossibly flawed.³⁴ He saw how easily the law perpetuated injustice and furthered suffering and, most profoundly, death; something that was innately at odds with the philosophical precept for finding “happiness” in an absurd existence.³⁵ Murder must be impossible in a just world and Camus would adopt a staunch opposition to, and be active in the fight, against its legitimization through the legal system.³⁶ It is as Henri Peyre writes:³⁷

[Camus] had more than once to advise severity and the inflicting of capital punishment upon some who had betrayed their country to collaborate criminally with the occupying power. He then realized that the claim to punish, and even kill, others, opens a door to fanaticism and oppression...the Prometheus among us, easily becomes convinced that he knows more and acts with sharper insight than other men. He has been a savior once, and he naturally wants to continue being one, imposing his own leadership...A Prometheus turns into a Caesar.

Camus had seen that capital punishment, may have had – in some capacity – the potential to apportion justice, but all too often, it only furthered injustice. It was his resolve to continue to fight that injustice in any form, whether in the guise of revolution, Marxist doctrine, or judicially-based executions.

³⁴ Albert Camus. *The Myth of Sisyphus*, translated by Justin O’Brien. London: Hamish Hamilton Ltd. (1955), 74.

³⁵ *Ibid*, 98.

³⁶ See Albert Camus. « Ni Victimes Ni Bourreaux. » Dans *Camus À Combat*.

³⁷ Henri Peyre. “The Crisis of Modern Man as Seen by André Malraux and Albert Camus.” In *Historical and Critical Essays*. Lincoln” University of Nebraska Press (1968), 281.

In tracing this philosophical development, this study will look at a number of works – from Camus’s own personal letters, correspondences, journal entries, and articles to a myriad of secondary sources examining the political, legal, and cultural history of Camus, the *épuration*, and the immediate postwar period in France. However, it must be noted that there is a serious gap in the consideration of the role of law in Camus’s *oeuvre* and philosophy of the absurd. Works like Olivier Todd’s seminal biography *Camus: A Life*, emphasize Camus’s role in French intellectual life as a unique figure without examining the profundity of the purge as a transformative moment for him. Likewise, historical works on the period, such as Herbert R. Lottman’s *The Purge*, interestingly include mention of Camus, but do so largely in the context of his star power as a noteworthy journalist and intellectual during the purge period.³⁸

Ève Morisi’s *Albert Camus contre la peine de mort* is a seminal work on Camus’s perception towards capital punishment, laying out his personal writings and letters as demonstrative of his staunch opposition to the death penalty in all forms.³⁹ It is noteworthy that she includes legal pieces from his engagement with the purge. However, Morisi’s focus is on compiling a collection of Camus’s writings on the death penalty rather than including a full analysis of the legal proceedings, practices, and procedures that shaped Camus’s view. Instead, she focuses on the relation of the included texts to Camus’s overall philosophical view on the death penalty. In that regard, we can see that legal considerations of Camus are often overlooked, or placed within grander narratives that are grounded in the legalities of the purge, but somewhat discount the resonance of law in the evolution of Camus’s thought towards capital punishment.

³⁸ Herbert R. Lottman. *The Purge*. New York: William Morrow and Company, Inc. (1986). For a more in-depth and French-based analysis of the purge in its functions and effects across all aspects of the French state during this period, see Robert Anon, *Histoire d’Épuration* (vol. 1-5), Fayard (1967).

³⁹ Albert Camus and Ève Morisi. *Albert Camus contre la peine de mort*. Paris: Gallimard (2011).

Likewise, Max Orme, in *The Development of Albert Camus's Concern for Social and Political Justice*, also considers the law to some extent, though largely in relation to the overarching role of justice in Camus's philosophy of the absurd. Orme explores "the reality of Camus as a man imbued with the ideal of justice," with that sense of justice imbedded in "punishment and rewards...codified in institutional laws and practices." Ironically, however he never considers the specificities of these "institutional laws and practices," focusing instead on the rather abstract and vague nature of law as defining the ideals of a just society and placing order on human affairs. Here, Camus's interest in the specificity of law is overlooked in favor of a more general view of the role of justice, a related concept, in his philosophical development.⁴⁰

Law, as the foundation of society's structure and the guide-point by which society operates, had a deep impact on how Camus viewed the issue of justice. In that sense, it is noteworthy that some legal works concentrating on the period, such as Richard Weisberg's *Vichy Law and the Holocaust in France*, make reference to Camus. In commenting on the repudiation of Vichy law in the *épuration* as a reflection of France attempting to re-establish classical Republican-based law, Weisberg compares the legality of the Vichy period to Camus's *La Chute*, stating that "like hundreds of French magistrates, lawyers, bureaucrats, and law professors during Vichy, Clamence [the novel's protagonist, or rather anti-hero] uses his gifts of reason and eloquence to tolerate what he was trained as a lawyer to oppose."⁴¹ Here, perhaps more than anywhere else, we see the linkage between Camus and legality noted but not fleshed out. It is the goal of this work to do just that.

⁴⁰ Max Orme. *The Development of Albert Camus's Concern for Social and Political Justice*. Madison: Farleigh Dickinson University Press (2007).

⁴¹ Richard H. Weisberg. *Vichy Law and the Holocaust in France*, 7.

In many ways, this is a history of disillusionment, Ideas hardly ever match reality, but for Albert Camus, he truly believed that an intermediate justice performed through the auspices of the legal system could instantiate a higher justice on earth and suffuse righteousness. This research is centered around Camus's relationship with the law, and will cover a little over a ten-year span: roughly 1939-1951. It will analyze the legal history of the Vichy régime (in which Richard Weisberg notes that "legal activity during the full four years of Vichy was pervasive"), the purge, and Camus's later postwar engagements with the law until the publication of *L'homme révolté* in 1951 and his famous split with Sartre and the French intelligentsia.⁴²

Chapter One places Camus under the Vichy régime where the law is suspect, showing how he went about working for a clandestine resistance newspaper and developed different levels of justice for the promotion of good in society. This will follow his wartime experiences and the importance of his role in the Résistance in the question of legality for Camus, and how, in the aftermath of Liberation, he believed in the possibility of the death penalty as an affirmation of justice for the crime of collaboration. Chapter Two is the story of disillusionment, examining his engagement with the purge and his shift in support from staunch support to adamant opposition of its proceedings. This will highlight that over the course of the purge it became apparent to Camus that a higher justice was impossible and human justice was all too fallible. In particular, it will emphasize Camus's shift from supporting the possibility of the capital punishment to an opposition to it for *all* – not just intellectuals accused of collaboration.

Chapter Three will place justice back on earth, where it started. It will examine how Camus's exclusion of the possibility of justice in executions, grounded in his experiences with

⁴² Ibid, xviii.

the purge, ultimately signaled an understanding of the *limits* of justice, that Marxism is murder in *L'homme révolté* and that such an understanding necessitated a call to action against any implementation of injustice. Finally, an epilogue will follow, focusing on Camus's later engagement with legality throughout the remainder of his life (cut tragically short in 1960 at the age of 46) as demonstrating the further resonance of *l'esprit de résistance* in his philosophical and political activities. After all, it is in the opening of *L'homme révolté* that Camus warns, in a markedly legalistic manner that, as this work will attempt to demonstrate, can be traced back to his discontent with the postwar order established by the failure of justice in the *épuration*:
“Yesterday [crime] was judged, today it legislates.”⁴³

⁴³ Albert Camus. *The Rebel*. Paris: Gallimard (1985), 3.

CHAPTER ONE:

« *LA JUSTICE EST NOTRE AFFAIRE* » : CAMUS ET LA QUESTION DE LA LOI

L'importance des lois était au cœur de la « 'Révolution Nationale' » du régime de Vichy.⁴⁴ Vichy peut sans doute se discuter de diverses manières, mais peut-être plus qu'autre chose, c'était un mécanisme politique qui « avait supplanté [l']héritage de la Révolution (la liberté individuelle, la démocratie, et la séparation des pouvoirs) par une philosophie politique où l'individu ne pouvait pas exister en dehors de la société... » sous l'égide des lois.⁴⁵ Pour les représentants du nouveau régime, qui cherchaient à rejeter le républicanisme qui avait contribué à l'atrophie de la France dans sa défaite, la loi allait en effet pouvoir réaliser une 'révolution' contre la structure et le fonctionnement de la République très calomniée (justement par la loi).⁴⁶ En conséquence, Vichy a transformé l'ordre politique préexistant en France, créant un état autoritaire centralisé autour de l'aura du Maréchal Philippe Pétain, le soi-disant « lion de Verdun, » et il a utilisé la loi pour faciliter une politique d'exclusion (contre ceux qui se trouvent en dehors de la vision Vichyssoise de la France) et la centralisation du pouvoir. Sous Vichy, le fonctionnement de la loi, de plusieurs façons, est devenu un camouflage pour toutes les actions infâmes de ce régime.

Arrivé en France métropolitaine en mars 1940 juste avant la chute de Paris, Albert Camus est témoin du changement inquiétant de la philosophie juridique du pays sous Vichy. À propos

⁴⁴ Richard Vinen. "Vichy." Dans *The Unfree French: Life Under the Occupation*. New Haven: Yale University Press (2006), 71.

⁴⁵ Marc-Olivier Baruch. "Vichy and the Rule of Law." Dans *Bulletin du Centre de recherche français à Jérusalem*, 6 (2000), 142-43.

⁴⁶ Dans *Fighters in the Shadows*, Robert Gildea discute le rôle de la vengeance de l'extrême droit dans l'incipit de Vichy contre ceux qui n'aime pas dans une perception politique (tel que les communistes, les socialistes, le franc-maçon, et les juives entre autres) tandis que Richard H. Weisberg remarque le rôle central de la race dans les lois de Vichy dans *Vichy Law and the Holocaust in France*. New York: New York University Press (1996).

de la légalité de Vichy, il écrivait pendant l'été 1940 que ce régime offrirait « une constitution comme ceux des régimes totalitaires. »⁴⁷ Au fil du temps, Camus est devenu de plus en plus préoccupé par la pratique de « la justice sous Vichy [comme elle] fut constamment sollicitée par le pouvoir pour collaborer. »⁴⁸ L'effondrement de la Troisième République aurait beaucoup de répercussions, mais peut-être des plus concernantes pour Camus à ce moment-là était la prise du pouvoir par le régime de Vichy et son usurpation de la loi. Il était arrivé en France à la mort de la République et la naissance de l'État, dont la genèse, pas si différente de l'inverse de l'Avent par William Yeats dans son poème remarquablement prophétique « La Seconde venue » – dans lequel une « bête brute » est « [née] enfin » – viendrait à signifier, pour lui une lecture de la loi qui peut mener à l'injustice.⁴⁹

C'est sous Vichy que la question de la loi est devenue omniprésente pour Camus. La manière dont Vichy détournait la loi pour garder son pouvoir est ce qui a attiré l'attention de Camus sur l'application même de la loi plutôt que sur sa nature. Comme Richard H. Weisberg le remarque : Vichy « était un phénomène pleinement opérationnel, et en grande partie 'franco-français' » et « nul ne devait présumer... que la simple promulgation des lois aboutirait à un résultat particulier. »⁵⁰ Le régime a peut-être promulgué plusieurs lois cruelles dans son existence,⁵¹ mais à part le serment d'Allegiance à Pétain, le personnel de la sphère légale en France a fonctionné comme il l'avait toujours fait. Pour Camus ensuite, la manière dans Vichy a

⁴⁷ Olivier Todd. "Exodus." Dans *Albert Camus: A Life*. New York: Alfred A. Knopf (1997), 115.

⁴⁸ Jean-Pierre Royer. "La pratique judiciaire sous Vichy." Dans *Le droit sous Vichy*, édité par Bernard Durand, Jean-Pierre Le Crome, Alessandro Somma. Frankfurt : Vittorio Klostermann (2006), 406.

⁴⁹ William Yeats. « La Seconde venue, » traduit par Yves Bonnefoy. Dans *Anthologie bilingue de la poésie anglaise*. Paris : La Pléiade (2005).

⁵⁰ Richard H. Weisberg. *Vichy Law and the Holocaust*, xxi.

⁵¹ Jean-Pierre Le Crome met ce nombre à ce nombre à « ...16 786 lois et décrets en quatre ans » dans « L'avenir des lois de Vichy. » Dans *Le droit sous Vichy*, édité par Bernard Durand, Jean-Pierre Le Crome, Alessandro Somma. Frankfurt : Vittorio Klostermann (2006), 464.

appliqué son contrôle de la loi et du système juridique était plus concernant. En effet, « l'écart de Vichy des normes juridiques françaises, » résidait dans « la substitution des formes pour la substance [et donc] ...*les attributs de la tolérance* qui ont révoqué l'impartialité réelle. »⁵²

Cela ne veut pas dire que Camus n'avait pas pris conscience de la spécificité de certaines lois abominables, mais plutôt que le système légal de Vichy était devenu prioritaire dans son travail. À cet égard, c'était par la pratique du droit sous Vichy qui a façonné la forme de ses lois. Comme Camus le comprendrait, celui qui contrôlerait et interpréterait la pratique du droit déterminerait la manière dont il serait appliqué et Vichy, avec son mauvais usage de la loi, a représenté une trahison légale de la justice. Avec une compréhension que la loi était faillible et la justice menacée par elle, Camus a rejoint la Résistance, dont ce qu'il faut retenir est qu'elle était illégale, et il décrirait d'ailleurs plus tard sa légitimité comme « pas au nom de loi écrite » mais au nom d'une moralité extra-légale fondée sur « le nom de la loi des cœurs. »⁵³ Ce qui est ensuite révélé dans ce chapitre est une tentative par Camus de construire une justice perceptible basée sur cette notion d'une justice *supérieure* qui a été basée dans son expérience de la Résistance sous l'Occupation et le régime de Vichy.

L'HISTORIQUE CAMUS

Une considération historique de Camus est essentielle pour comprendre les connexions entre son arrivée à Paris, son succès qui l'a fait connaître parmi les intellectuels français, son rôle dans la Résistance, et son engagement par rapport aux questions de légalité.

⁵² Ibid, 31.

⁵³ Albert Camus. « 27 Septembre 1944. » Dans *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002), 210-11.

Au déclenchement de la deuxième guerre mondiale en 1939, Albert Camus était loin de ce conflit international. Travaillant d'abord en Algérie pour le journal *Alger républicain* et plus tard son successeur *Le soir républicain*, le jeune philosophe a développé très tôt un intérêt pour le droit. Camus, à bien des égards, était « un journaliste de croisade, » qui écrivait sur les musulmans d'Algérie avec une empathie surprenante pour un *Pied-Noir*.⁵⁴ Il a même soutenu des gens en procès, dans plusieurs cas importants, et il a joué un rôle dans leurs acquittements. De même, Olivier Todd note que « Camus...en écrivant des articles sur des procès, » s'était fait « un nom en tant qu'un journaliste de la salle d'audience. »⁵⁵ Plus important pour notre propos, « il a révélé une compréhension sardonique du système juridique et la presse...dans son roman en cours ; » qui allait devenir *L'Étranger*.⁵⁶

Grâce à son expérience au *Soir républicain*, où il avait travaillé de près avec son ami Pascal Pia, Camus a été capable de trouver un emploi (avec l'assistance de Pia) à Paris en tant que membre de la rédaction du journal *Paris-Soir* peu avant la prise du pouvoir du régime de Vichy. Bientôt cependant, la réalité de la guerre a atteint Camus. La fin de la 'drôle de guerre' et l'offensive occidentale des Allemands ont été un désastre pour les Français. Un mois plus tard, la France était envahie par les Allemands et l'armée française s'est effondrée. Camus remarquerait la défaite des forces françaises à Clermont-Ferrand, où le personnel du journal avait été évacué. Dans son carnet, il a décrit le pays, sur un ton un battu, pendant *l'exode* de l'été 1940, comme un

⁵⁴ Ronald Aronson. "Occupation, Resistance, Liberation." Dans *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended it*. Chicago: University of Chicago Press (2004), 26.

⁵⁵ Olivier Todd. "Battles." Dans *Camus: A Life*, 78.

⁵⁶ *Ibid*, 78.

« ...corps tourné vers deux pôles, la mer ou Paris. »⁵⁷ La date du 14 juin 1940 correspond à la chute de la France lorsque les Allemands sont rentrés victorieusement dans Paris.

À la suite de la catastrophe qu'a été la bataille de la France, le pouvoir politique en France était passé du gouvernement de Paul Reynaud à celui de Pétain le 16 juin 1940. Lassé des affrontements et cherchant à faire une place pour la France dans le nouvel ordre (avec l'Allemagne en tant que premier pouvoir), il a « immédiatement cherché à conclure un armistice qui a été signée en 22 juin. »⁵⁸ Peu après, il a convoqué un nouveau gouvernement dans la ville de Vichy et il a assumé le contrôle complet de l'exécutif, du législatif, et du judiciaire. La loi constitutionnelle du 10 juillet 1940 qui en résulte a rendu cela officiel, donnant tous pouvoirs au Maréchal Pétain pour « promulguer par un ou plusieurs actes une nouvelle constitution... » qui « [abolirait] la République. »⁵⁹ Dans un discours public s'adressant au Français peu après, Pétain en tant que 'chef de l'État,' a déclaré pour toute le français : « J'ai été avec vous dans les jours glorieux je resterai avec vous dans les jours sombres. »⁶⁰ C'est ainsi qu'est né l'état de Vichy.⁶¹

Comme beaucoup, Camus a ressenti une inquiétude dans cette défaite, sentiment peut être exprimé le mieux par Jean-Paul Sartre dans une lettre à Simone de Beauvoir qui a considéré la grande défaite comme « une abondance d'humiliations. »⁶² Camus lui-même a décrit cette période comme « une folie... » et c'était dans la face de l'Occupation qu'il s'est senti

⁵⁷ Albert Camus. « Cahier Numéro 3 : 1939-1942. » Dans *Carnets : Mai 1935-Février 1942*. Paris: Gallimard (1962), 216.

⁵⁸ David Drake. "The Occupation 1940-44." Dans *French Intellectuals and Politics from the Dreyfus Affair to the Occupation*. New York: Palgrave MacMillan (2005), 151.

⁵⁹ « La loi constitutionnelle du 10 juillet 1940, » [archive]. assemblee-nationale.fr.

⁶⁰ « Les Conditions de l'armistice seront bientôt connues. » *Le Petit Parisien*, 21 Juin 1940. »

⁶¹ Robert Gildea. "Awakenings." Dans *Fighters in the Shadows*, 22.

⁶² Jean-Paul Sartre. *Quiet Moments in a War: The Letters of Jean-Paul Sartre to Simone de Beauvoir 1940-1963*, edited by Simone de Beauvoir and translated by Lee Fahnestock and Norman MacAfee. New York: Charles Scribner's Sons (1993), 230.

« ‘vraiment français. »⁶³ La prise du pouvoir par Vichy n’a pas particulièrement dissipé leurs peurs.

La loi constitutionnelle du 10 juillet 1940 susmentionnée, en dehors du pouvoir accordé à Pétain et à l’exécutif, a aussi effacé les limites de la jurisprudence et a permis aux autorités juridiques de réorganiser la loi à leur image.⁶⁴ La loi était suspecte sous Vichy presque immédiatement et assez rapidement elle a pris une forme autoritaire ignorant l’impartialité qui marque les systèmes juridiques d’un ordre libéral. Dans le cas de Vichy, Nathalie Mallet-Poujol remarque que « toutes [ses] dispositions [juridiques] prises ...[sont] de nature à limiter la liberté d’expression, »⁶⁵ tandis que Richard H. Weisberg expose en détail « le venin spirituel et la vengeance intellectualisée exagérée qui...caractérisait la justice de Vichy » sous le premier Garde des Sceaux de Vichy Raphaël Alibert (1940-1944).⁶⁶ Ici, la notion d’un système juridique juste a été remplacé en faveur d’une sorte de justice plus vindicative et antagoniste.

À cet égard, l’application des lois de la Troisième République, ayant été promulguée dans les traditions juridiques françaises datant de l’époque napoléonienne a été mise de côté par les pratiques d’un régime autoritaire. C’était ce que Marc-Olivier Baruch décrit comme l’« idée de l’État, la source de toute loi, imposant les limitations dans sa propre capacité de dominer » et « une équation entre l’État et la loi, quand la loi a pris la forme d’un ordre parfaitement hiérarchique et établi – a été mise de côté par les pratiques d’un régime autoritaire.⁶⁷ Symbolisant ce basculement, la devise de la France, *Liberté, Égalité, Fraternité*, a été remplacée par *Travail*,

⁶³ Olivier Todd. “Exodus.” In *Camus: A Life*, 113-14.

⁶⁴ Richard H. Weisberg décrit la pratique de la légalité sous Vichy comme la capacité du système légale français dans la situation des lois raciales à autoriser la flexibilité pour les acteurs légaux dans *Vichy Law and the Holocaust*.

⁶⁵ Nathalie Mallet-Poujol. « Le droit de la presse sous Vichy. » Dans *Le droit sous Vichy*, édité par Bernard Durand, Jean-Pierre Le Crom, Alessandro Somma. Frankfurt: Vittorio Klostermann (2006), 210.

⁶⁶ Richard H. Weisberg. *Vichy Law and the Holocaust in France*, 121.

⁶⁷ Marc-Olivier Baruch. “Vichy and the Rule of Law,” 142.

Famille, Patrie. C'est ainsi qu'en éliminant les valeurs clés de la République qui tendaient à promouvoir l'ouverture d'esprit, la justice, et l'impartialité, Vichy a établi une identité sélective du Français excluant certains groupes d'individus.

Dans les premiers mois de son mandat, Vichy a promulgué un nombre de lois qui visaient à structurer le gouvernement, le système juridique, et la composition raciale du pays se référant aux juifs et aux étrangers.⁶⁸ Une loi datant du 17 juillet 1940 a essentiellement établi une épuration⁶⁹ des « magistrats et fonctionnaires et agents civils ou militaires »⁷⁰ qui avait travaillé sous la Troisième République, tandis qu'une loi du 30 juillet 1940 a supprimé « l'institution du Sénat en Haute cour de justice » ce qui, selon Dominique Rémy, « permettait donc de prendre une *loi* spéciale, instituant [ainsi] pour [les] crimes [présumé] une juridiction d'exception. »⁷¹ Olivier Todd remarque que plus tard « au début d'Octobre, *avant* que l'Allemagne fasse pression à ce sujet, le gouvernement français à Vichy a annoncé les nouvelles lois raciales contre les juifs. »⁷² Camus a été frappé en particulier par ces lois-ci comme on le voit dans une lettre qu'il a adressée à une amie où il décrit ces lois comme « ...particulièrement injustes et abjectes. »⁷³

En particulier, une loi qui a été ratifiée au 27 juillet 1940 a réutilisé le Code pénal français. Dans cette loi, l'article 75 du code pénal – récemment mis à jour en 1939 avant le début de la guerre – a adapté « [pour étendre] les dispositions de l'article » pour y inclure « tout Français qui, sans l'autorisation du Gouvernement français, prend ou conserve [son] service dans

⁶⁸ Pour une liste complète des lois de Vichy, avec des annotations et des commentaires, regarde Dominique Rémy. *Les lois de Vichy : Actes dit 'lois' de l'autorité de fait se prétendant 'gouvernement de l'État français*. Paris : Éditions Romillat (1992).

⁶⁹ Pas embrouiller avec *l'épuration à la Libération en France* comme discuté dans le prochain chapitre.

⁷⁰ Dominique Rémy. « Numéro 9 : Loi du 17 juillet 1940, concernant les magistrats et les fonctionnaires et agents civils ou militaires de l'État relevés de leurs fonctions. » Dans *Les lois de Vichy*, 53.

⁷¹ Dominique Rémy. « Numéro 13 : *Acte Constitutionnel* numéro 5 du 30 juillet 1940, supprimant l'institution du Sénat en Haute cour de justice. » Dans *Les lois de Vichy*, 60-1.

⁷² Olivier Todd. *Camus : A Life*, 117.

⁷³ Ibid.

une armée étrangère » ou qui s'engage « pour une puissance étrangère. »⁷⁴ Pas intrinsèquement malveillante (chaque gouvernement a des articles sur ce qui est considéré comme « trahison contre l'état »), cette adaptation était néanmoins problématique dans le fait que l'article 75 juge « coupable de trahison et puni de mort » tous ceux qui sont en violation de ce principe.⁷⁵

Ce dernier coïncide avec ce que Richard Weisberg décrit comme « une approche enracinée dans l'interprétation des textes juridiques » ou « on lit le texte constitutionnel d'une manière flexible afin tout à la fois d'accommoder les valeurs nobles des années 1790 et *tout en excluant* de ces protections le groupe « des autres. »⁷⁶ C'est en ce sens que Vichy a promu certaines lois dans un esprit d'inimitié contre leurs ennemis ou les individus qui ne satisfaisaient pas l'image de l'État français sous Vichy. Ce système était plus profond que la pratique de la jurisprudence et a vraiment façonné par un usage insidieux de la loi par le personnel de Vichy.

Dans cet esprit, la loi du 27 juillet 1940 était particulièrement pernicieuse comme elle a été étendue aux « Français libres, » qui seraient « coupables du crime de trahison et d'intelligence avec l'ennemi » par leurs « atteintes à la défense nationale. »⁷⁷ Ainsi, elle a constitué un exemple assez frappant de la manière dont Vichy a utilisé un semblant du droit et des traditions juridiques pour persécuter certains groupes. Camus serait plus tard condamné précisément par de telles lois, signées au quotidien par Pierre Pucheu, le ministre de l'intérieur de Vichy de 1941 à 1942. Dans « un article pour *Les Lettres Françaises* en avril 1944 » Camus a fustigé Pierre Pucheu par la remarque suivante : « il a manqué d'imagination pour vraiment voir

⁷⁴ Dominique Rémy. « Loi du 27 juillet 1940, étendant les dispositions de l'article 75 du code pénal. » Dans *Les Lois de Vichy*, 59.

⁷⁵ « Article 75 (Décret-loi du 29 juillet 1939). » Dans *Code Pénal*, annoté par Emile Garçon et refondue et mise à jour par Marcel Rousselet, Maurice Patin, et Marc Ancel. Paris: Recueil Sirey (1952), 282.

⁷⁶ Richard Weisberg. *Vichy Law and the Holocaust*, 4.

⁷⁷ Dominique Rémy. « Notes sur Loi du 27 juillet 1940, étendant les dispositions de l'article 75 du code pénal. » Dans *Les Lois de Vichy*, 60.

que [ces lois] se traduiraient un agonie pour des Français innocents mis à mort... »⁷⁸ Son exécution par les forces françaises libres en Algérie 20 mars 1944, que Camus a soutenue, est « traditionnellement considéré[e] comme le premier [exemple d'un] Français à avoir été épuré sur des bases légales » ou comme le début de *l'épuration à la Libération* par les forces de la Résistance.⁷⁹

Face à ces développements, Camus a recherché une issue pour sortir de France dans les premiers mois de l'Occupation. Après une court séjour en France occupée, il a pu retrouver l'Algérie au début de 1941, où il a fini *L'Étranger*, *Le Mythe de Sisyphe*, et *Caligula* (ses œuvres du *cycle de l'absurde*). Dans le cadre de l'armistice avec les Nazis, la Zone libre, la portion de Sud où Vichy avait le contrôle, a continué à tenir ses colonies, y compris l'Algérie. Là, Camus y voyait encore les effets du régime de Vichy, à savoir ses lois raciales.⁸⁰ Décritant son expérience en Algérie de Vichy, il a écrit dans un cahier privé en Avril 1942 sur l'incapacité à partir de « manuscrits de guerre, de prisonniers, de combattants » de décrire la réalité de la France occupée.⁸¹ Aigre, il a ajouté que ces documents simplement « répètent les journaux » et « [ce] qu'ils y ont lu les a bien plus frappés que ce qu'ils [voient] de leurs yeux. »⁸² Les effets de la guerre et de l'Occupation ont pesé lourd sur Camus et les injustices de Vichy étaient abondantes.

Il est retourné en France l'été de l'année suivante, mais, après l'invasion de l'Afrique du nord par les Alliés à la fin de 1942, Camus a été coupé de sa famille et sa patrie jusqu'à la fin de

⁷⁸ Olivier Todd. "Resistances." Dans *Camus : A Life*, 181.

⁷⁹ Henry Rousso. « L'épuration en France : une histoire inachevée. » Dans *Vingtième Siècle. Revue d'histoire*, no.33 (Jan – Mars 1992), 85.

⁸⁰ Olivier Todd dans *Albert Camus : A Life*, discute les réactions de Camus à des lois de Vichy a visé aux juives (Camus avait des amis juifs ont banni de travailler).

⁸¹ Albert Camus. « Avril 1942 – Cahier Numéro 3 : 1939-1942 » Dans *Carnets : Mai 1935-Février 1942*. Paris: Gallimard (1962), 234-35.

⁸² Ibid, 234-35.

la guerre.⁸³ Séparé de l'Algérie et de retour en France, la peine de l'aliénation qu'il ressentait était mêlée avec ses succès remportés par les publications de *L'Étranger* et *Le Mythe de Sisyphe*, deux œuvres qui l'ont catapulté à un haut niveau de célébrité presque immédiatement mais en rien calmé ce sentiment d'aliénation. Peut-être plus important ici est que c'est à ce moment-là qu'il deviendrait plus attentif aux effets du droit et de son implémentation sous Vichy sur les plans métaphysiques et concrets, s'engageant dans ce questionnement de la loi à travers une perspective absurde. Ce qui apparaît dans ses œuvres du *cycle de l'absurde* (les œuvres du temps de guerre de Camus) est une méditation subtilement dissimulée sur la situation juridique de l'époque et une considération de la loi complément basée sur les réalités de Vichy. Ce serait dans cet état d'esprit qu'il arriverait à ce que H. Stuart Hughes appelle sa « période historique : » quand « il s'est inscrit dans la Résistance. »⁸⁴

« LA LOI ÉTAIT BIEN FAITE » : LA QUESTION DE LA LOI

La vie philosophique, jusqu'ici mise de côté pour considérer les développements historiques le concernant, passe en priorité ici. Ceci dit, sa philosophie ne devrait pas être considérée séparée de son personnage politique ou écrivain, mais comme une et même chose. Le rôle de la philosophie était sous-jacent tout au long de sa vie jusqu'à 1942, où il a exposé sa philosophie de l'absurde avec *L'Étranger* et *Le Mythe de Sisyphe*.⁸⁵ Le rôle de la loi dans sa philosophie se révéla dans le contexte de la guerre et les actions de Vichy.

⁸³ Regarder Ronald Aronson. *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended It*. Chicago: University of Chicago Press (2004).

⁸⁴ H. Stuart Hughes. *The Obstructed Path: French Social Thought in the Years of Desperation (1930-1960)*. New York: Harper Torchbooks (1968), 232.

⁸⁵ John C. English relie la philosophie de Camus à ses expériences de la guerre dans "Existentialism and the Study of History." *Social Science* 41, no.3 (1966) : 153-60. Mais il devrait être noté qu'il qualifie mal la philosophie de Camus comme « l'existentialisme » plutôt que « l'absurdisme. »

Dans la philosophie de l'absurde de Camus, la question de la loi est une question qui est liée à la condition humaine. Si l'univers est compris comme dénué du sens et si l'existence, selon les mots de Camus dans *Le Mythe de Sisyphe*, est une « confrontation entre l'appel humain et le silence déraisonnable du monde, » quel est l'objet de vivre ?⁸⁶ Comment vit-on heureux dans un univers qui laisse un sentiment d'incertitude perpétuelle ? Qu'est-ce qui nous pousse à vivre et d'où dérive-t-on l'ordre ? Pour Camus, « l'absurde ne délivre pas, il lie » et les questions que nous nous posons sur le sens de l'existence – de quoi dérive l'ordre et comment trouver le bonheur – sont aggravés par la nature de l'existence.⁸⁷ La loi ensuite, comble la faille entre le besoin pour d'ordre et le manque d'ordre dans le monde. Camus identifie cette discorde de l'existence dans *L'homme révolté* (1951) avec le seul chose que l'humanité, dans un monde absurde sans raison peut faire : « ...trouver l'ordre et la loi. »⁸⁸ Ceci, plus que toute autre chose, incarne la responsabilité des hommes pour structurer la société.

Pour Camus, cette responsabilité est inextricable de l'absence de Dieu. Il écrit dans *Le Mythe de Sisyphe* que « l'absurde, qui est l'état métaphysique de l'homme conscient, ne mène pas à Dieu. »⁸⁹ Dans le silence de l'univers, il n'y a pas de puissance supérieure – un Dieu dans les nuages qui orchestre des événements du monde – qui crée l'ordre à partir du chaos. L'absence de Dieu dans sa philosophie de l'absurde est une grande partie de l'importance de la loi pour Camus. Parce que l'absurde « chasse de ce monde un dieu qui y était avec l'insatisfaction et le goût des douleurs inutiles...[elle] fait du destin une affaire d'homme, qui

⁸⁶ Albert Camus. *Le Mythe de Sisyphe*. Paris : Gallimard (1942), 45.

Camus se consacre le début de *Le Mythe de Sisyphe* à la question fondamental de la philosophie : la « raison d'être » ou pourquoi ne pas simplement se suicider dans un monde absurde.

⁸⁷ Ibid, 94.

⁸⁸ Ibid, 78.

⁸⁹ Albert Camus. « Le suicide philosophique. » Dans *Le mythe de Sisyphe*. Paris : Gallimard (1942), 41.

doit être réglée entre les hommes. »⁹⁰ L'humanité assume ainsi un sens du pouvoir dans l'ordre et le fonctionnement de la société et Camus remarque qu'« [i]l n'y a qu'un seul luxe pour [l'humanité] est celui des relations humaines, » une « amitié si forte et si pudique des hommes entre eux. »⁹¹ À cet égard, l'ordre des hommes est basé sur un sentiment de l'honneur supérieur parmi une « fraternité » des hommes.⁹²

Ici, la motivation pour l'organisation de la vie en *bonne foi* parmi les hommes ainsi repose sur des processus légaux comme la fondation de la structure de la société ; elle fait converger l'abstrait avec le tangible. Camus décrit ce rôle dans *L'homme révolté* : « Les citoyens sont entre eux inviolables et sacrés et ne peuvent se contraindre que par la loi, expression de leur volonté commune. »⁹³ À cet égard, la loi est le point de rendez-vous des idéaux de la société et de son fonctionnement réel, car elle ancre l'intangible sur la réalité. Elle fournit aux humains une base pour la formulation et le fonctionnement de la société de base dans un monde absurde. Peut-être plus important pour Camus, elle réunit la justice abstraite avec une justice réelle dans un mélange de moralité et de conduite de société active.

L'énigme de la justice et son application dans le monde pour Camus réside au cœur de ses enquêtes phénoménologiques. Pour lui, la justice est synonyme d'une quête pour une vie faite « de bonheur et de raison » qui est ce qu'il exprime dans *Le Mythe de Sisyphe*.⁹⁴ Traduit en la loi, la justice comporte une « point de liberté. »⁹⁵ Camus parle des niveaux de la justice : une justice divine basée sur « l'idée de Dieu qui fondait les lois » ; une justice supérieure basée sur la

⁹⁰ Albert Camus. « Le mythe de Sisyphe. » Dans *Le mythe de Sisyphe*, 112.

⁹¹ Albert Camus. « La conquête. » Dans *Le mythe de Sisyphe*, 81.

⁹² Ibid.

⁹³ Albert Camus. « La mise à mort du roi. » Dans *L'homme révolté*. Paris : Gallimard (1951), 128.

⁹⁴ Albert Camus. « Les murs absurdes. » Dans *Le mythe de Sisyphe*, 31.

⁹⁵ Albert Camus. « L'affirmation absolue. » Dans *L'homme révolté*, 79.

« fraternité » des hommes ; une justice matérielle (une justice perceptuelle vue par le système juridique) ; et une justice intermédiaire (entre les justices supérieures et matérielles).⁹⁶

Immédiatement, la justice divine est exclue comme une justice possible dans le monde absurde. Comme Camus écrit dans *Le Mythe de Sisyphe* : « Je ne puis comprendre ce que peut être une liberté qui me serait donnée par un être supérieur. »⁹⁷ À cet égard, il est intéressé par la justice des hommes, qui est plus en conformité pour faire du « destin une affaire d'homme, qui doit être réglée entre les hommes » et est matérielle ou perceptible dans les mécanismes du monde ; à savoir le système juridique.⁹⁸

Mais, Camus reconnaît qu'une infusion d'une justice supérieure dans la justice des hommes n'est pas possible complètement. Il reconnaît ça, remarquant que « dans nos plus extrêmes démences, nous rêvons d'un équilibre que nous avons laissé derrière nous et dont nous croyons ingénument que nous allons le retrouver au bout de nos erreurs. »⁹⁹ Les hommes par nature, sont faillibles ; donc, leur justice est naturellement aussi imparfaite. Les imperfections de la justice humaine, en particulier l'application des lois, deviennent très évidentes à Camus sous Vichy et c'était dans sa philosophie qu'il a considéré la possibilité de la justice dans le monde. Par conséquent, il a exprimé cette justice supérieure qui est comparable à la justice humaine mais fondée sur la somme de l'humanité et dans laquelle on peut reconnaître la faillibilité de la justice des hommes et se comporte en tant que guide pour la justice et sa réalisation par l'égide de la loi.

Pour Camus, son engagement avec la loi dans sa philosophie sert d'indication frappante de son intérêt dans la relation entre, ce que Malcolm Shaw décrit comme, « le *concept* de

⁹⁶ Albert Camus. « La négation absolue. » Dans *L'homme révolté*, 47.

⁹⁷ Albert Camus. « La liberté absurde. » Dans *Le mythe de Sisyphe*, 54.

⁹⁸ Albert Camus. « Le Mythe de Sisyphe. » Dans *Le mythe de Sisyphe*. Paris : Gallimard (1942), 112.

⁹⁹ Albert Camus. « L'exil d'Hélène. » Dans *L'été*. Paris : Gallimard (1954), 110.

loi...une définition abstrait et formelle universellement applicable » et « l'*idée* de loi, qui incarne les buts et la direction du système. »¹⁰⁰ Comment les idées derrière le droit dirigent ce qui devrait être une loi et son application ? Comment est-elle lue par les juristes et les corps juridiques et par conséquent, mise en œuvre ? Au centre de cette mise en œuvre est la notion de justice, qui se comporte comme une force directrice pour comment la loi devrait être conçue et plus tard appliquée. Mais quelle est cette justice et comment elle est appliquée n'est pas certain. C'est dans *L'Étranger* (1942) et les autres œuvres du *cycle de l'absurde* que Camus a tenté de démontrer le fonctionnement véritable de la justice et son application dans le monde : la loi en pratique et sa structure métaphysique.

Dans *L'Étranger*, le procès ressort comme peut-être le moment le plus considérable du roman. La scène du procès se comporte comme le point culminant de l'indication par le roman de l'absurdité de l'homme, avec Meursault assigné en justice et condamné, pas pour le meurtre de l'Arabe sur la plage, mais plutôt son indifférence générale envers la société et l'existence. Ici, l'importance de la légalité est vraiment marquée comme la méthode par laquelle la société affirme que ses principes basiques et *épure* lui-même de ce qui viole ses fonctionnements. À cet égard, Camus, par la voix du Meursault froid et indifférent, commente l'absurdité du système judiciaire comme indicatif des perceptions individuelles de la moralité et de la culpabilité, avec les jugements et les condamnations émanant de telles suppositions. Comme Roger Grenier, un collègue de Camus, le remarque : « Ce n'est pas un pur hasard...si une affaire judiciaire occupe plus du tiers de *L'Étranger*. Ces écrivains ont vu, dans le malentendu de l'accusé croyant être jugé

¹⁰⁰ Malcom Shaw. "International Law Today." Dans *International Law*, Eighth Edition. Cambridge: Cambridge University Press (2017), 39.

par des hommes, raisonnablement, et se trouvant brusquement devant la révélation d'une mécanique monstrueuse qui va l'écraser... »¹⁰¹

Mais peut-être ce qui est le plus notable sur l'inclusion du procès dans *L'Étranger*, est l'exactitude avec laquelle il est représenté. En effet, Camus y décrit, dans le plus menu détail le procès et tout ce qui s'y attache, y compris la couleur des robes portées par le magistrat président, le fonctionnement de la cour – les rôles des différents officiels, la structure physique de la salle d'audience, où certaines s'asseyent, l'ordre dans lequel le procès se déroule, et ce qui se passe avec le prisonnier avant et après le procès. Par exemple, Meursault décrit « entrer dans le box des accusés, »¹⁰² voyant « le procureur...mince, vêtu de rouge, portant lorgnon , »¹⁰³ et regardant « trois juges, deux en noir, le troisième en rouge [entrent] avec des dossiers et [marchent]...vers la tribune qui dominait la salle » au commencement de son procès.¹⁰⁴

Le détail précis avec lequel Camus décrit le procès de Meursault, le mène à la critique de la justice comme absurde que suit, car il apporte lentement le fonctionnement rationnel du système légal à une conclusion irrationnelle. Camus reconstruit petit à petit les procédures judiciaires, de l'interrogatoire de Meursault par « le président »¹⁰⁵ de la cour au discours final et « la plaidoirie du procureur, »¹⁰⁶ par la narration détachée de Meursault. Richard Heraud remarque que « ...le destin de Meursault après ce point, est déjà déterminé. La vie à ce moment-

¹⁰¹ Roger Grenier. « Les Possèdes. » Dans *Le Rôle d'Accusée*. Paris : Gallimard (1948), 178.

¹⁰² Albert Camus. *L'Étranger*. Paris : Gallimard (1942), 126.

¹⁰³ Ibid, 129.

¹⁰⁴ Ibid, 130.

¹⁰⁵ Ibid, 132.

¹⁰⁶ Ibid, 150.

là doit voir se dérouler, mais dans l'arène légale, la logique de l'attitude qu'il a poursuivie. »¹⁰⁷ À cet égard, il se rend à la machine de la justice.

Cette exactitude de loi dans le roman mène Camus à la déclaration par un gardien de prison dans le roman que « la loi était bien faite » à la lamentation plus tard contre la finalité de sa sentence étant « crédit d'une notion aussi imprécise que le peuple français » et l'absurdité général de la loi comme « [enlevant] beaucoup de sérieux à une telle décision. »¹⁰⁸ Cette critique de la loi, particulièrement la référence à l'importance de la condamnation en tant que menée au nom de l'association vague des « Français, » démontre la nature absurde de toute l'épreuve. Qu'entend-on par « Français » ? Est-ce la société qui a déterminé la culpabilité de Meursault basée sur une perception commune de la culpabilité et l'innocence, ou est-ce le jugement individuel des personnes particulières dans le système légal ?

Le procès de Meursault, bien que suivant les gestes de la justice française, en grande partie existe en dehors sa structure et ses intentions. Avec les spécificités d'un procès français et à ce processus qui se veut imprégné avec beaucoup de logique, Camus apporte une conclusion illogique – une égalisation entre « un homme qui tuait moralement sa mère » et « celui qui portait une main meurtrière... »¹⁰⁹ À cet égard, ce qui a suivi dans *L'Étranger* n'est pas seulement une différence entre les procédures judiciaires du procès de Meursault et l'essai pour déterminer sa culpabilité en tuant l'Arabe, mais aussi un essai d'imposer sur quelque chose d'intrinsèquement dénué d'ordre ; la définition de l'absurde.

¹⁰⁷ Richard Heraud. "The Stranger: Adventures at Zero Point." Dans *Educational Philosophy & Theory* 45 (11): 1130.

¹⁰⁸ Albert Camus. *L'Étranger*, 53 et 88.

¹⁰⁹ Ibid, 154.

De plus, cette fausse imposition de l'ordre fait aussi allusion à un sentiment de la responsabilité inextricable de l'absurdisme de Camus. C'est notable que Meursault est condamné au nom des « Français. » La société le condamne, plutôt que seul le jury ou les juges à qui on a confié son dossier.¹¹⁰ Camus implique tout dans la société dans sa présentation d'une justice faillible, assignant un sentiment de responsabilité à l'humanité plutôt que de se soucier des particularités du système légal.

Dans cet esprit, la légalité se comporte comme un mécanisme pour une considération sérieuse de l'application de l'absurde dans le monde réel, à savoir comment la responsabilité est reconnue et adoptée par le système légal. Pour Camus, la nature faillible de la légalité crée un sentiment disproportionné non seulement dans la mise en œuvre de la justice (la punition n'est pas proportionnelle au crime), mais aussi dans la prise de la responsabilité. Selon lui, si ces procès ne reflètent pas un sentiment d'équité et si les individus sont condamnés à mort pour leurs natures plutôt que leurs actions, la responsabilité pour cette injustice retombe alors sur tous ceux qui soutiennent ce système légal. Camus ne questionne pas seulement la capacité d'affirmer la justice dans un monde absurde dans *L'Étranger*, mais aussi il les implique dans l'imposition d'un ordre faux et finalement futile. Camus montre comment une justice matérielle est facilement orientée vers l'irrationalité et que la justice des hommes est, par essence, faillible. Non seulement il dérive un ordre sous l'égide de la légalité dans *L'Étranger*, mais aussi démontre l'absurdité innée de cette légalité.

¹¹⁰ Il devrait être noté qu'à cet égard, l'inclusion des « Français » est probable plus qu'une accusation contre l'opération absurde de la société qu'une accusation de la responsabilité personnelle, ce que nous discuterons dans les chapitres suivants). Camus implique tout dans la société dans sa présentation d'une justice faillible, assignant un sentiment de responsabilité à l'humanité plutôt que de se soucier des particularités du système légal.

Il est important de noter comment il montre un échec de la tentative des hommes pour implémenter la justice dans le monde. L'absurdisme de Camus impliquait que l'existence est dénuée du sens, qu'il n'y a pas un Dieu pour ordonner et pour incorporer la vie. De telles responsabilités étaient plutôt données à l'humanité, avec les processus judiciaires compris comme une partie de la formation et l'opération de la société de base dans un monde absurde. Il est clair dans *L'Étranger* que cet essai d'incorporer et de formuler un sentiment basique est finalement imparfait. Meursault n'est pas en procès pour le meurtre de l'Arabe, mais plutôt pour son comportement, qui est considéré contraire aux normes prescrites par la société. Le procureur incarne cet usage impropre de la justice, remarquant que « la vertu toute négative de la tolérance doit se muer en celle, moins facile, mais plus élevée, de la justice... » dans le cas de Meursault qui est, à son avis, « ...un gouffre où la société peut succomber. »¹¹¹ La seule option pour ce qui existe dans les paramètres d'une telle « normalité » est d'exécuter l'étranger et de réaffirmer le sentiment de *l'ordre* qui est arrivé à définir la structure sociale du reste de la société.

Face à un homme qui se comporte hors des restrictions de la société normale ensuite, il est alors évident que « la tolérance » devient une vertu « négative » lors l'implémentation d'une « justice...plus élevée. » La société dans laquelle Meursault est jugée ignore le sens de la rationalité du système légal pour utiliser la justice en faveur de la mort. Ainsi, la mort de Meursault se comporte comme la culmination d'un procès qui est un moment de l'absurdité absolue ; une démonstration de la fausse imposition de l'ordre dans le monde que la légalité essaie d'affirmer. La critique de la loi par Camus dans *L'Étranger* démontre sa centralité dans l'absurdité de l'univers et vise à affirmer le sens d'une rationalité finie face au chaos d'un monde infini. Nous voyons une parodie de la justice humaine et comment elle facilite le désordre d'un

¹¹¹ Ibid, 153.

processus avec l'intention d'être guidé par l'ordre. Le procureur « osait espérer que la justice des hommes punirait sans faiblesse » à Meursault, et ainsi, sous l'égide de la loi et la justice humaine, l'absurdité triomphe sur l'homme et l'injustice est l'application de la loi promulgue l'injustice et la mort.¹¹²

Dans *Caligula* (1945)¹¹³, l'injustice et la mort sont prévalantes. La pièce donne à comprendre l'absurde et la difficulté d'exercer la justice dans le monde. Caligula, l'empereur romain qui respire l'absurde dans sa quête du bonheur et son désir de maîtriser la mort, exprime ces idées également en termes légaux. Il fait l'expérience d'une prise de conscience de l'absurde, reconnaissant que « ce monde, tel qu'il est fait, n'est pas supportable » et que « les hommes meurent et ils ne sont pas heureux ; » principes fondamentaux de l'absurde.¹¹⁴ Pour résoudre ça, il remet en cause les notions de justice tout en gardant un air de légalité. Caligula remarque qu'il « ne [croit] pas que tu aies besoin de preuves pour faire mourir un homme, »¹¹⁵ se demande « qui oserait me condamner dans ce monde sans juge, où personne n'est innocent, »¹¹⁶ et note sa « puissance [d']absoudre » avec seulement « une flamme » en tant qu'empereur ; quelque chose que « les dieux eux-mêmes en peuvent pas...sans auparavant punir. »¹¹⁷ Caligula, libéré complètement des Dieux ou d'une puissance supérieure, se trouve réveillé à l'absurdité de l'univers. Avec cette prise de conscience, il prend les rênes de l'ordre et de la justice et exerce les moyens pour la justice absolue : un monde sans la mort.

¹¹² Ibid.

¹¹³ *Caligula* était écrit pendant la guerre en 1941, comme mentionnée plus tôt, mais il ne serait pas premier avant 1945.

¹¹⁴ Albert Camus. *Caligula*, acte I. Paris : Gallimard (1993), 48.

¹¹⁵ *Caligula*, acte III. Paris : Gallimard (1993), 133.

¹¹⁶ *Caligula*, acte IV, 171.

¹¹⁷ *Caligula*, acte III, 135.

Mais, Caligula dans sa connaissance est fondamentalement malavisé. Camus a décrit Caligula comme une représentation de « la passion de l'impossible, » dans ses actions mais aussi dans son interprétation de la nature absurde de l'existence.¹¹⁸ Caligula se saisit de la liberté de l'homme pour exercer la justice et il tombe dans une logique absurde (quelque chose n'a pas de sens) où la meurtre passe en priorité. Avec une « [infidélité] à l'homme, par fidélité à lui-même, » Caligula « tente d'exercer, par le meurtre et la perversion systématique de toutes valeurs, une liberté dont il [découvre] pour finir...n'est pas la bonne. »¹¹⁹ Il se trompe à son tour loin de l'humanité, utilisant sa puissance pour promulguer des lois injustes fondées sur le meurtre. Ici, l'absurdité est fusionnée dans le système légal et nous voyons la difficulté inhérente à la liberté des hommes qui contrôle l'ordre de la société, et en conséquent, la légalité au cœur de cet ordre dans la société.

Dans *Caligula*, l'éponyme antihéros célèbre son contrôle des choses avec « une fête sans mesure, à un procès général avec des spectateurs, des victimes et des coupables. »¹²⁰ C'est la légalité qui va initier la liberté que Caligula décernera aux gens. Mais, comme nous l'avons vu, cette liberté est irrationnelle, et la légalité également. La « passion de vivre » de Caligula l'a « empoisonné de mépris et d'horreur, » et le trouve au-delà des limites de la justice qu'il souhaite imposer.¹²¹ Il utilise injustement le système judiciaire, en se considérant comme « le seul homme libre » pour exécuter cette compréhension de l'absurde sur tout l'empire avec « tous...[être] coupables ; » les « juges, témoins, accusés, tous condamnés d'avance. »¹²² Par la légalité, la

¹¹⁸ « L'auteur vous parle... » Texte de présentation de Caligula par A.C, CMS2. Ab2-01-04, Bibliothèque Méjanes, Aix-en-Provence, France.

¹¹⁹ Ibid.

¹²⁰ Albert Camus. *Caligula*, acte I, 64.

¹²¹ « L'auteur vous parle... » Texte de présentation de Caligula par A.C, CMS2. Ab2-01-04, Bibliothèque Méjanes, Aix-en-Provence, France.

¹²² Ibid.

vision folle de Caligula est d'imposer une justice supérieure – avant l'intention de permettre aux hommes d'être justes – dans l'absence de Dieu, succombe à l'absurde et permet l'injustice. Ce qui devient clair dans *Caligula* est qu'il y a une divergence apparente entre l'abstraction de la justice et le fonctionnement actuel du système juridique. Il semble que sous l'égide de la légalité, un processus tende à affirmer la rationalité et la justice, mais ce sont l'irrationalité et l'injustice qui ressortent ce processus. Caligula illustre ce problème par son contrôle de la loi. En effet, c'est par son application de la loi qui promet l'injustice et la mort, que Camus condamne la justice des hommes comme faillible.

Dans *Le Mythe de Sisyphe* (1942), nous voyons le plus l'aspect métaphysique de la considération de la loi par Camus. C'est ici que Camus développe son concept d'une justice supérieure par sa considération de la justice dans l'absurde. Spécialement, il utilise la langue juridique dans ce développement, suggérant une aptitude à considérer la légalité et l'importance de la langue de la justice humaine (la langue du système juridique) pour considérer ce qu'une justice supérieure pourrait être. *Le Mythe de Sisyphe* commence avec un jugement – « ... juger que la vie vaut ou ne vaut pas la peine d'être vécue » dans un monde sans un sentiment du sens ou de l'ordre. »¹²³ L'usage du terme « juger » est intéressant, puisqu'il évoque le registre lexical de la légalité et identifie donc l'absurde avec un langage juridique immédiatement. Selon Camus que la vie vaille d'être vécue ou non, est « la question fondamentale de la philosophie, » question sur laquelle l'individu doit porter un jugement qui permet de décider comment de vivre dans une existence sans les réponses sur son être.¹²⁴ Ici, l'individu doit utiliser toutes ses facultés rationnelles. Puisque le suicide est irrationnel parce qu'il affirme un sentiment de nihilisme dans

¹²³ Albert Camus. « L'absurde et le suicide. » Dans *Le Mythe de Sisyphe*, 15.

¹²⁴ Ibid, 15.

le monde (l'existence n'a pas de sens, donc je devrais me tuer), l'individu doit faire passer cette crainte de l'absurde et reconnaître le rôle autoritaire que l'homme assume pour implémenter le bonheur, la vivacité, et *la justice* dans le monde.

De cette prise de conscience, Camus en évoque de manière plus approfondie les termes juridiques. Il décrit que pour qu'un individu fasse le bilan de sa vie basé sur l'absurde, il ne doit pas « juger » les similarités des expériences de vie dans le monde moderne, mais plutôt « [arranger] l'évidence immédiate » des propres expériences.¹²⁵ Plus tard dans l'essai, il évoque le Kirilov de Dostoïevski dans sa prise de conscience de sa « qualité indiscutable de plaignant et de répondant, de juge et d'accusé, » dans un monde absurde.¹²⁶ La encore, le registre lexical du juridique apparaît par des termes qui évoquent un procès dans lequel l'évidence d'une existence absurde est arrangée par l'individu, qui se comporte comme le plaignant et le répondant, accusant l'univers d'être dénué de sens et le juger en tant quel tel. Avec cette image d'une procédure légale, c'est assez évident que la légalité est proposée comme méthode qui permet de déterminer la vérité : l'absurdité du monde et l'absence de Dieu dans l'ordre d'existence.

Cette vérité est au centre de *Mythe de Sisyphe*, et de la notion de l'absurde. Camus se réfère au rôle d'une justice supérieure basée dans la fraternité des hommes qui assumerait l'autorité sur l'ordre de la société et ainsi en surmonteraient l'absurde. Le nombre de choix qui nécessitent un jugement de la part de l'individu, et bien que ces jugements ne soient pas pris spécifiquement au sens juridique, mènent à penser que Camus les envisage sous l'angle de la légalité dans laquelle « [l'] esprit pénétré d'absurde juge » des choses en accord avec une compréhension que « toutes les morales sont fondées sur l'idée qu'un acte a des conséquences

¹²⁵ Albert Camus. « La liberté absurde. » Dans *Le Mythe de Sisyphe*, 85.

¹²⁶ Albert Camus. « Kirilov. » Dans *Le Mythe de Sisyphe*, 143.

qui le légitiment ou l'oblitérent. »¹²⁷ Donc, l'ordre de l'univers absurde, compris par les moyens juridiques, une justice supérieure que remplace le Dieu révèle « ...une revendication de l'homme contre son destin ;> son rôle dans l'attribution et la détermination de la justice.¹²⁸

En considérant l'inclusion de la loi dans *le cycle de l'absurde*, il devient clair que ce thème est centrale à la philosophie de Camus, dont la recherche du sens de la vie se trouve apaisée par la légalité qui devient un lieu central d'où les humains ont tenté d'imposer un ordre dans le monde. Dans un sentiment idéal, l'absurde n'implique pas que l'ordre est imposé sur le monde, mais plutôt un ordre juste et naturel se comporte comme une force influente. Pour Camus, une vigilance constante était la clé pour combattre le chaos d'un univers indifférent, mais non pas aller trop loin et exercer un ordre faux ; la juste définition de l'absurdité. C'est dans un monde où le régime de Vichy a utilisé son contrôle de la loi pour appliquer l'injustice avec enthousiasme, d'une situation absurde par excellence que Camus perçoit de plus en plus clairement la réalité de cette ordre illusoire.

LA RÉSISTANCE ET UNE JUSTICE POSSIBLE : LA FIN DE L'OCCUPATION

Initialement, Camus n'est pas intéressé exactement par la Résistance. Début 1943, peu après avoir « explosé » sur la scène littéraire, il cherchait un moyen de rentrer en Algérie, qui à l'époque, était encore coupée de la métropole à cause de la guerre.¹²⁹ Cependant, son opinion a changé au fil de temps et Camus, qui a été introduit à la Résistance par Pascal Pia, rejoint le groupe de la Résistance *Combat* (dont Pia était membre) fin 1943 ou début 1944.¹³⁰ Travaillant à Lyon, qui, à l'époque, était le centre des opérations pour l'organisation, sa familiarité avec « la

¹²⁷ Albert Camus. « L'homme absurde. » Dans *Le Mythe de Sisyphe*, 95.

¹²⁸ Albert Camus. « La conquête. » Dans *Le Mythe de Sisyphe*, 80.

¹²⁹ Olivier Todd remarque qu'« il a espéré encore un espoir revenir à l'Algérie par l'Espagne avec l'assistance d'un prêtre. » *Albert Camus : A Life*, 162.

¹³⁰ La date exacte de l'adhésion de Camus à *Combat* n'est pas certaine.

production de journaux, »¹³¹ lui a permis de contribuer, selon lui, « [utilisant] [s]es petits talents de mieux qu'[il] peu[t]. »¹³² Son travail et sa rencontre (pour la première fois) de René Leynaud, qui a l'influence que Camus portait sur « un équilibré [à trouver] entre un engagement total et le respect de l'autre, » idée qui a germé en Camus lorsque qu'il s'est engagé dans les luttes réelles de l'Occupation.¹³³ En un an, il a suivi les opérations du journal à Paris et il a été promu au titre de rédacteur en chef du journal clandestin de l'organisation.

En tant que rédacteur en chef de *Combat*, Camus a vécu une double vie. De jour, il était lecteur pour sa maison d'édition Gallimard et l'auteur célèbre de *L'Étranger*. De nuit, il travaillait au noir en tant qu'écrivain éloquent de *Combat*. Bientôt son talent et son travail avec le journal l'ont catapulté *Combat* à un prestige raréfié pendant et après l'Occupation, avec « de nombreux lecteurs qui s'étaient habitués à obtenir leurs pensées quotidiennes de lui. »¹³⁴ Il y a une ironie dans le succès dont a joui Camus précisément sous l'Occupation comme les années de guerre, époque de violence extrême (particulièrement sous Vichy avec la Milice, une organisation paramilitaire du régime), mais qui a été des plus productives pour la célébrité de Camus malgré le danger qu'il courrait avec son travail de résistant. Il faut noter cependant que Camus a gardé son anonymat pendant l'Occupation dans l'ensemble.¹³⁵ Comme le souligne H.

¹³¹ Ronald Aronson. *Camus & Sartre*, 35.

¹³² Olivier Todd. "Resistances." Dans *Albert Camus : A Life*, 170.

¹³³ Yves Marc Ajchenbaum. « Préface. » Dans *Correspondance : 1939-1947*, présentée et annotée par Yves Marc Ajchenbaum. Paris : Gallimard (2000), xix.

¹³⁴ Tony Judt. "The Reluctant Moralists: Albert Camus and the Discomforts of Ambivalence." In *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century*. Chicago: University of Chicago Press (1998), 88.

¹³⁵ Olivier Todd décrit une situation en mai 1944 quand « ...les communistes français [comme une partie d'une querelle avec autres groupes de Résistance] ... ont dénoncé [imprudemment] dans un tract, certaines personnes prétendant d'être dans la Résistance et la résistance, citant par nom Camus, Sartre, et Jean Lescure. C'était comparable à une lettre anonyme, et que les tracts étaient très rapidement dans les mains des Allemands. » Cependant, (et franchement heureusement pour Camus), rien n'en est sorti. *Albert Camus: A Life*, 182.

Stuart Hughes, « il a été capable de poursuivre une existence ouverte dans les milieux littéraire et théâtral de Paris » tandis qu'il risquait sa vie avec *Combat*.¹³⁶

Malgré ce sens de sécurité relative (après tout, personne ne savait quand la police ou les nazis finiraient par venir), Camus vivait sous la menace constante de la violence sous Vichy. En particulier, la cooptation de la loi par Vichy a laissé les membres de la Résistance dans un danger mortel. Ces personnes ont été considérées en violation « ...du code pénal, » spécifiquement, « ... la section 'atteintes à la défense nationale.' »¹³⁷ En effet, les personnes accusées verraient leur droit au processus en bonne et due forme éliminé et seraient susceptibles d'arrêts et de déportations, ou même assassinées, tout ceci était devenu assez ordinaire, sinon simplement ignoré par le régime. Pour Camus, le risque était toujours présent, même s'il n'en était pas nécessairement la cible. Quelqu'un qu'il connaissait ou avec qui il travaillait pouvait le devenir. Ronald Aronson remarque que « Claude Bourdet, le chef de *Combat*, qui s'est rappelé avoir introduit Camus dans le mouvement en Janvier [1943] a été arrêté...et envoyé à Buchenwald » tandis que « Jacqueline Bernard, qui a travaillé dans *Combat* avec Camus, a été prise par les Allemands et envoyée au camp de concentration à Ravensbrück. »¹³⁸ Simone de Beauvoir elle-même, ayant été invité avec Jean-Paul Sartre par Camus pour rejoindre *Combat* (dans une très petite capacité), a rappelé le sérieux de Camus (et un petit sentiment de peur) au siège du journal.¹³⁹ Ces expériences – la peur répandue, le manque de droits, l'autoritarisme sous Vichy influenceraient Camus qui considèrerait « de nouvelles façons pour réfléchir à la vie politique » dans la suite de l'usage impropre de la loi par Vichy.¹⁴⁰

¹³⁶ H. Stuart Hughes. *The Obstructed Path*, 232.

¹³⁷ Dominique Rémy. « Loi du 27 juillet 1940. » Dans *Les Lois de Vichy*, 60.

¹³⁸ Ronald Aronson. *Camus & Sartre*, 34-5.

¹³⁹ Regarde Ronald Aronson. *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended it*.

¹⁴⁰ Jeffrey C. Isaac. *Arendt, Camus, and Modern Rebellion*. New Haven: Yale University Press (1992), 12.

Alors que la guerre a commencé à tourner pour les Alliés, Camus a commencé à réfléchir sur l'application d'une justice possible dans le monde d'après-guerre. Comme évident dans *le cycle de l'absurde*, il y a une discorde inhérente dans l'idéal de sa justice supérieure et l'application de la justice humaine. Dans la première lettre de *Lettres à un ami allemand* (juillet 1943) Camus est aux prises avec ce casse-tête. Il a écrit que « nous [Français] y avons appris que contrairement à ce que nous pensions parfois, l'esprit ne peut rien contre l'épée, mais que l'esprit uni à l'épée est le vainqueur éternel de l'épée tirée pour elle-même, » que peut-être ils « [peuvent] ajouter à l'atroce misère de ce monde » pour leur « justice. »¹⁴¹ Dans ce cas, pour répondre aux injustices de Vichy, qui a blessé et tué au nom de la loi, il fallait peut-être condamner ceux qui avaient trahi la justice dans leurs actions sous Vichy, et les considérer aussi responsables proportionnellement à leur crimes. Ce que nous voyons ici, est le début des considérations de Camus sur la possibilité de la peine de mort pour le crime de la collaboration.

Cette considération était inextricable à la présence continuée, sinon exacerbé, de l'injustice – même dans l'avance des Alliés et la dissolution lente de Vichy en 1944. Dans cette « même période tard supposée par la plupart des historiens à signifier le déclin politique de Vichy, l'activité légale a augmenté... »¹⁴² Une loi particulièrement sévère était passée au début de 1944 (et active jusqu'au 30 juin) par Vichy en réponse aux activités de la Résistance. Le 10 janvier 1944, Joseph Darnand, le secrétaire général de la Milice, « recevait...les pleins pouvoirs pour la répression de la Résistance, » et avec l'enthousiasme caractéristique de la Milice il a utilisé le besoin du gouvernement pour « la sécurité publique et la sûreté intérieure de l'État » pour persécuter par des moyens de la loi.¹⁴³

¹⁴¹ Albert Camus. « Première Lettre. » Dans *Lettres à un ami allemand*. Paris : Gallimard (2013), 19.

¹⁴² Richard H. Weisberg. *Vichy Law and the Holocaust in France*, 355.

¹⁴³ Dominique Rémy. « Notes sur Loi du 20 janvier 1944. » Dans *Les Lois de Vichy*, 230.

La « loi [résultant] du 20 janvier 1944, » et qui visait la Résistance, « [a institué] des cours martiales, » selon l'article 2 de cette loi, les individus visés « [mènent] des activités terroriste[s]. »¹⁴⁴ Elle a suspendu la procédure prévue par la loi pour ceux qui étaient accusés, les plaçant « à la disposition de l'intendant de police de la préfecture régionale, » « suspendue...l'application des lois sur l'instruction criminelle, » et dictant que tous ont déclaré coupables des « conditions prévues à l'article 2...[seront] immédiatement passés par les armes. »¹⁴⁵ Bien que la jurisprudence d'une telle loi se dissipait lentement à la face des alliés envahissants et une fin de ces injustices sous Vichy était en vue, pour Camus et les autres dans la Résistance, le sentiment de colère provoqués par les actions telles que celle-ci ne seraient pas oubliés.

Dans *Combat*, Camus a décrit la Milice et d'autres collaborateurs comme « se mettant hors de la France »¹⁴⁶ et un mois plus tard, il a suivi celle-ci en mentionnant « ...les forces de la vengeance. »¹⁴⁷ Des articles comme ça et autres, tel que sur l'engagement de combattre, le massacre d'Ascq en 1944, et encore la Libération de Paris semblaient susciter les passions et les émotions d'une France en dérive de son honneur, son identité, et plus important pour Camus, son sentiment de la justice. C'était particulièrement pertinent face à la fin du régime de Vichy, comme il nourrissait certainement l'espoir que le long cauchemar de l'Occupation serait terminé et la promulgation de l'injustice par la loi avec ça.

¹⁴⁴ Dominique Rémy. « Loi du 20 janvier 1944. » Dans *Les Lois de Vichy*, 229-30.

¹⁴⁵ Ibid.

¹⁴⁶ Albert Camus. « No, 56 Avril 1944. » Dans *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002), 128.

¹⁴⁷ Albert Camus. « No, 57 mai 1944, » Dans *Camus À Combat*, 128.

En l'été 1944, il a écrit (anonymement encore¹⁴⁸) sur les injustices commises par Vichy à travers les lois, déclarant que « c'est l'impunité derrière laquelle se sont abritées tant de lâchetés, tant de combinaisons néfastes. »¹⁴⁹ Faisant référence à l'enchevêtrement de la justice par Vichy à l'aube de sa défaite imminente (les forces françaises libres se dirigeaient vers Paris), « l'impunité » dont Camus parle, peut-être peut être étendue pour inclure « l'impunité de la loi » à travers laquelle Vichy a commis les actions abominables.

C'est dans la quatrième lettre de *Lettre à un ami allemand*, écrite en juillet 1944 que Camus a rassemblé les notions d'une justice supérieure et une justice humaine pour indiquer l'importance d'une justice intermédiaire entre les deux dans la face à la Libération. Il a écrit qu'il était préférable de choisir une « justice qu'il [l'homme] est le seul à concevoir »¹⁵⁰ plutôt que de vouloir « détruire...[la] puissance sans...mutiler dans [l'] âme. »¹⁵¹ Pour résoudre la pratique de la justice par les Allemands, Camus présente le problème de la justice humaine : trouver une justice des hommes (où l'homme « est le seul à concevoir ») qui ne succombe pas à la tyrannie ou au « Césarisme » de Camus (« mutiler dans [l'] âme »).¹⁵² Particulièrement dans l'application de la loi sous Vichy, le problème pour Camus reposait sur la manière d'exercer la justice sous Vichy, tout en étant toujours prudent pour éviter l'injustice.

De plus, la question de traiter les collaborateurs était aussi une énigme de la justice pour lui. Si la Résistance allait détenir le pouvoir, avec la dissolution imminente de Vichy à la suite de l'Occupation, elle devrait exercer cette justice supérieure, mais qui apparaissait précaire à

¹⁴⁸ *Combat* n'appâterait pas transparent jusqu'au 21 août 1944.

¹⁴⁹ Albert Camus. « No. 58, Juillet 1944. » Dans *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002), 138.

¹⁵⁰ *Ibid*, 36.

¹⁵¹ Albert Camus. « Quatrième Lettre. » Dans *Lettres à un ami allemand*, 38.

¹⁵² *Ibid*.

Camus. Comme évident dans son engagement avec la loi sous Vichy et dans sa philosophie de l'absurde, cette frontière est mince entre la rectitude et l'injustice. Ici, nous voyons que le rôle d'une justice intermédiaire devient clair. Si sa notion d'une justice supérieure est basée sur une compréhension d'une humanité collective (et donc au-dessus des individus), une justice intermédiaire est imprégnée de cette justice supérieure de la justice des hommes. Donc, la possibilité de la peine de mort pour les collaborateurs sous Vichy a reposé dans le sentiment de la proportionnalité, dans lequel « ...la justice veut que ceux qui ont tué et ceux qui ont permis le meurtre soient également responsables devant la victime. »¹⁵³ Ainsi, avec le retour du Republicanisme¹⁵⁴ en France et la victoire lente mais sûre des Gaullistes, Camus a cru que la rectitude et la justice de la Résistance pourrait être instituée dans le cours de l'épuration imminente des éléments vichyssois en France. Pour Camus ensuite, la justice était possible par une application juste de la loi par ceux cherchant à promouvoir la justice : la Résistance.

CONCLUSION

Pour Albert Camus, ce qui était peut-être le plus important sur la Résistance c'était qu'elle était illégale. Si Vichy a fait quelque chose pour lui, c'était de lui démontrer l'importance de la manière dont la justice est institutionnalisée.¹⁵⁵ C'est clair que c'est au cours du régime de Vichy que Camus a compris la loi comme les moyens pour le régime dictatorial de Vichy a appliqué leurs actions abominables. Basé sur sa connaissance du système juridique, acquise par son travail de journaliste lorsqu'il couvrait les crimes et la cour en Algérie, Camus comprenait

¹⁵³ Albert Camus. « 22 Août 1944. » Dans *Camus À Combat*, 146.

¹⁵⁴ Regarde Dominique Rémy. « Ordonnance du 9 août 1944, relative au rétablissement de la légalité républicaine sur le territoire continental. » Dans *Les Lois de Vichy*, 236.

¹⁵⁵ Regarde Max Orme. *The Development of Albert Camus's Concern for Social and Political Justice*. Madison: Fairleigh Dickinson University Press (2007).

parfaitement l'importance de la manière dont la loi est appliquée.¹⁵⁶ Son engagement avec la loi ici, démontre l'importance de ses expériences sous Vichy et dans la Résistance dans son développement des niveaux de la justice. Face à la promulgation de l'injustice de Vichy par la loi, représentant de la faillibilité de la justice humaine, la seule justice possible était une justice intermédiaire entre une justice supérieure et la justice des hommes. Avec cette faillibilité à l'esprit, le seul chemin de la justice était en dehors de la loi. À cet égard, Camus ensuite, peut-être plus que d'autres intellectuels, dans les mots de Tony Judt, « [incarne] tout ce qui était typiquement français sur l'intersection de la littérature, la pensée, et l'engagement politique. »¹⁵⁷ Il suggère la manière dont Camus a tenté de concilier voire fusionner, ses idéaux avec la réalité.

L'occupation lui avait montré l'imposition de l'injustice, et les actions de Vichy démontraient la faillibilité des hommes en implémentant la justice et « l'irrationalité et l'imprévisibilité » au cœur d'une société où la violence et le meurtre, le plus inquiétant pour Camus, avaient été promus par l'état.¹⁵⁸ Son expérience de la guerre a démontré « une pollution de l'esprit » de l'humanité où la loi s'est comportée sous l'égide de personnes et d'institutions abominables.¹⁵⁹ Les actions légales de Vichy dans son application de la loi pour persécuter ont donc démontré pour Camus que « l'homme moderne » vit dans un monde où « [la criminalité]... a ébranlé les normes établies de la justice. »¹⁶⁰ Mais, cette justice des hommes, peut-être considérée injuste dans la manière dont Vichy l'appliquait, pouvait devenir juste si y incorporait une justice supérieure. Ce mélange offrait la possibilité d'une justice juste et impartiale sous le contrôle des hommes et réalisant l'espoir nourri par Camus d'une société dans

¹⁵⁶ Ronald Aronson. *Camus & Sartre*, 26.

¹⁵⁷ Tony Judt. "The Reluctant Moralist," 87.

¹⁵⁸ Jeffrey C. Isaac. *Arendt, Camus, and Modern Rebellion*, 25.

¹⁵⁹ *Ibid*, 24-5.

¹⁶⁰ *Ibid*, 33.

un monde absurde. C'est comme Stepan exclame dans *Les Justes* (1948) : « la justice est notre affaire. »¹⁶¹

Entre autres, Vichy a démontré aussi l'importance de « la pratique judiciaire en France » comme une réflexion « du pouvoir que la justice incarne, [comme]...le pouvoir qu[i] l'inspire, la guide, la surveille, et contrôle sa production. »¹⁶² On comprend alors que la loi et la main qui la tient, exerce une grande puissance au-dessus de la structure de la société avec l'importance de la loi comme un point de contrôle de la société selon Camus, qui révèle sa centralité, pour le meilleur ou le pire, dans l'engagement de la justice dans le monde.¹⁶³ C'était avec ce mélange d'optimisme et de réserve que Camus a exprimé sa joie lors de la Libération de Paris en 25 août 1944, en lançant qu' « on ne peut pas toujours vivre de meurtres et de violence. »¹⁶⁴

¹⁶¹ Albert Camus. *Les Justes*, act iv. Paris : Gallimard (1950), 143.

¹⁶² Jean-Pierre Royer. « La pratique judiciaire sous Vichy. » Dans *Le droit sous Vichy*, 403.

¹⁶³ Regarde Ronald Aronson. *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended it*.

¹⁶⁴ Albert Camus. « 25 août 1944. » Dans *Camus À Combat*, 153.

CHAPTER TWO:

INSTANTIATING A HIGHER JUSTICE: THE HOPE AND FAILURE OF THE PURGE

In the wake of the Occupation, the particularly pressing question of what was to follow rested on the minds of the victorious Resistance, Camus included. For many, the liberation of Paris had signaled that “the balance of power had shifted” and that “the moment of insurrection was over.”¹⁶⁵ Vichy was vanquished, the Gaullists had consolidated power, and the immense task set upon France was one that involved the totality of the political system and markedly based in the law. Legality, as seen in the previous chapter, had defined the manner in which Vichy had operated and conducted its more nefarious actions (i.e. its authoritarian political structure and virulent racial laws). Thus, “in the face of this massive evidence of inhumanity,”¹⁶⁶ one of the more pressing matters at hand for the incoming provisional government was the dismantling of the Vichy legal apparatus and the punishment of those who had headed and supported it.¹⁶⁷ This chapter places focus on the latter: the *épuration* (purge) of Vichyites and Nazi collaborators.

The purge was, in many ways, a political necessity vital to the legitimacy of the Resistance and Gaullist leadership. Caught “between an authoritative regime and the restored Republic,” it was paramount for the provisional government to dispel notions of continuity between Vichy and republicanism in France and expunge the country of Vichyites and other

¹⁶⁵ Robert Gildea. “Afterlives.” In *Fighters in the Shadows: A New History of the French Resistance*. Cambridge: The Belknap Press of Harvard University Press (2015), 412.

¹⁶⁶ Brian Crozier. *De Gaulle*. New York : Charles Scribner’s Sons (1973), 369.

¹⁶⁷ Henry Rousso describes the statistical composition of Vichy’s injustices: 135,000 imprisoned, 70,000 suspects interned (this included “numerous political refugees from central Europe), and 35,000 civil servants dismissed. More disturbingly, he notes that the “French government apparatus, together with parties in the pay of the Germans, abetted the deportation of 76,000 French and foreign Jews, fewer than 3 percent of whom survived.” In *The Vichy Syndrome: History and Memory in France Since 1944*, translated by Arthur Goldhammer. Cambridge: Harvard University Press (1991).

collaborators.¹⁶⁸ Vichy was meant to be an anomaly and notions of its illegitimacy – de Gaulle, for instance, stated that he “never considered any act passed by the false government of Vichy as legal” – lay at the heart of the purge.¹⁶⁹ In that sense, the purge was implemented as a means to produce a complete rupture with Vichy and allow the provisional government to assume its role as a “trustee of French democracy” and reintegrate democracy into French political life.¹⁷⁰ But that sense of a break was complicated by the practical realities on the ground, and the break with Vichy was never as absolute as official decrees suggested.

Despite such misgivings, Albert Camus’s initial support for the purge was quite intransigent. It seemed that here, was the chance for an instantiation of his notion of higher justice through the auspices of human justice that would right the legal wrongdoings of Vichy. For him, collaborators had “rationed everything except shame, [had] dispensed blessings with one hand while they killed with the other...and [had] for four years treated us to an appalling mixture of sermons and executions, homilies and torture” and thus “could not expect neither forgiveness nor indulgence from France.”¹⁷¹ In that sense, his initial support of the purge was grounded in a notion of proportionality inextricable to the law. Death sentences for collaborators, those whose “job was to prove that human dignity is a lie,” were permissible in the understanding that it was a punishment equitable to some (and certainly not all) of the crimes committed under the regime.¹⁷² Moreover, it would allow France to emerge from Occupation a

¹⁶⁸ Henry Rousso. « L’épuration en France : une histoire inachevée. » *Vingtième Siècle. Revue d’histoire*, no. 33 (Jan-March 1992) : 79.

¹⁶⁹ Charles de Gaulle. “Speech Made by General de Gaulle in the Consultative Assembly, July 29th 1945.” In *War Memories: Salvation 1944-1946 Documents*, translated by Joyce Murchie and Hamish Erskine. New York: Simon and Schuster (1960), 324.

¹⁷⁰ Dorothy M. Pickles. *France: Between the Republics*. London: Love & Malcomson Ltd (1966), 142.

¹⁷¹ Albert Camus. « 22 Août 1944. » In *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002), 146.

¹⁷² Albert Camus. « No, 58 Juillet 1944. » Dans *Camus À Combat*, 135.

more just society and was linked to his postwar ideal of *l'esprit de résistance*. The purge's failure to do any of that, would be significant for him.

This chapter will consider the political and legal legacy of Vichy in its influence on the adoption of purge laws and the general proceedings of the *épuration*. It will follow Albert Camus's engagement with these proceedings, noting a shift in opinion from initial support to adamant opposition. Over the course of the purge, it became clear to Camus that there was a notable discord between the purge's intentions and its actualities, especially in the appeal to the concept of *indignité nationale* (national indignity) in trials for intellectuals accused of collaboration. Sentencings became as much about ideas as actions, and consequently, what determined treason against the state and thus warranted death became increasingly vague. Camus thought the purge's failure to adhere to a sense of proportionate justice gave way to a misapplication of justice through the law. What emerged in the purge was a failure to infuse the courts with a sense of higher justice and instead, a perpetuating of injustice through the auspices of legality. Camus's shift from believing that "court martials would be useless" because collaborators "[have] judged and sentenced [themselves] to death"¹⁷³ to hoping, rather despondently, for "[trials]" to "be conducted properly,"¹⁷⁴ was thus grounded in his attention to the purge's legal ambiguity and disproportionality. Such an apparent discord, exacerbated by the persistence of Vichy ideals into the purge, thus demonstrated to Camus that instituting justice through legality was a fundamentally flawed process and that murder, even if legitimized in the form of capital punishment, could never be conflated with justice.

L'ÉPURATION SAUVAGE AND THE JUSTIFICATION FOR EARLY VENGEANCE

¹⁷³ Albert Camus. « No.56 Avril 1944. » In *Camus À Combat*, 128.

¹⁷⁴ Albert Camus. « 2 Août 1944. » In *Camus À Combat*, 560 and 563.

Images are often powerful indicators of a change in status-quo, especially in the face of a regime change. What was seen in Paris following its Liberation perfectly encapsulated the return of Republicanism and the transition of power from Vichy to the Gaullists. Gone were the images of Pétain, the anti-republican devise of *Travail, Famille, Patrie*, and perhaps more profound for those who had lived through Occupation, “the uniforms of the hated Germans and the despised Vichy militia were off the streets.”¹⁷⁵ In their place, was the striking image of Charles de Gaulle’s “famous victory parade down the Champs-Élysées” on 26 August 1944, the adoring crowds, and the sign reading “*Vive De Gaulle.*”¹⁷⁶ All this seemed to signal the end of a profoundly humiliating chapter in French history, the wiping away of the image of Vichy and its despotism, and in the hopeful eyes of the Resistance, the beginning of something new.

Robert Gildea describes this hope, noting that Albert Camus and others “who had fought in the Resistance...wanted...to sweep away the remains of Vichy and indeed the Third Republic that had failed, and to bring in a brave new world of greater equality and fraternity.”¹⁷⁷ It was the hope of many of the left-leaning French Resistance to usher in a more fair and open political process; one far removed from the authoritarianism of Vichy and markedly distinct from “the partisanship of the old regime” of the Third Republic.¹⁷⁸ Camus wanted to do away with the elitist practice of politics in France (very much a “gentlemen’s club” at that time) and instead make it accessible to all; a political process that would “reconcile justice and freedom.”¹⁷⁹

¹⁷⁵ Ronald Aronson. “Postwar Commitments.” In *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended It*. Chicago: University of Chicago Press (2004), 44.

¹⁷⁶ Robert Gildea. “Liberation.” In *Fighters in the Shadows*, 404.

¹⁷⁷ *Ibid*, 409.

¹⁷⁸ Max Orme. “From Resistance to Revolution.” In *The Development of Albert Camus’s Concern for Social and Political Justice*. Madison: Farleigh Dickinson University Press (2007), 128.

¹⁷⁹ *Ibid*.

Within this sense of a pervasive optimism in liberated France, was the promotion of the particular vision of the nation during the Occupation as *la France résistante*: the notion that all of France was actively opposed to the Nazi invaders and authoritarian governance of Vichy. In fact, much of the notion of *la France résistante* was based on the absolute illegitimacy of Vichy as a political body and legislator and the legitimacy of the De Gaulle's French Free Forces and the French Resistance as the true heirs of the Revolution of 1790. Vichy, on the other hand, was meant to be seen as an irregularity within the French system, having "[surrendered] the sovereignty of France... for the first time in French history," and in no way analogous to the Resistance or the new government.¹⁸⁰ In that sense, the victorious Gaullists were not meant to be viewed as the next regime in the annals of French political history, but rather as the "saviors" of France from a hostile power. From that mindset, Camus's writing in April 1944, that "by turning against France, [collaborators] exclude[ed] themselves from France," became a common viewpoint towards those individuals who had constituted the Vichy regime.¹⁸¹ In the late summer of 1944, France, freed from the grip of the Vichy regime, was ripe for an early sort of vengeance.

For Albert Camus, the immediate aftermath of Liberation found him a "spokesman for one of the major Resistance movements at the moment of its victory,"¹⁸² especially in light of "a new law...proclaimed...[by] De Gaulle...that banned the collaborationist press and that put Resistance titles like *Combat* and *Liberation* in the forefront of the French press."¹⁸³ Perhaps more significantly, "he had become the editor of a leading platform of the Resistance itself in time to interpret, evaluate, and if possible, guide a national transformation."¹⁸⁴ His initial support

¹⁸⁰ Brian Crozier. *De Gaulle*, 368.

¹⁸¹ Albert Camus. « No. 56, Avril 1944. » In *Camus À Combat*, 128.

¹⁸² Ronald Aronson. "Occupation, Resistance, Liberation" In *Camus & Sartre*, 35.

¹⁸³ Olivier Todd. "180,000 Copes." In *Albert Camus: A Life*, translated by Benjamin Ivry. New York: Knopf (1997), 189.

¹⁸⁴ Ronald Aronson. "Occupation, Resistance, Liberation" In *Camus & Sartre*, 35.

for the purge, articulated within *Combat* as an acute sense of anger aimed at the Vichy régime during the early transition to the provisional government in August 1944, was thus inextricable to his general desire for a new and changed France in the postwar era. It was his belief that the purge, in its onset, offered the best change for the realization of his notion of *esprit de résistance* and the possibility that France would emerge from World War II a better and more just nation.

Collaborators then, could not exist in this new France. Camus's experience in the Resistance had shown him first-hand the injustice and tyranny practiced by those who had collaborated during the years of Occupation. For him, "by turning against France, they exclude themselves from France."¹⁸⁵ Those who had killed or harmed in the name of Vichy or in support of the Nazis "could expect neither forgiveness nor indulgence from France," and that for the sake of justice, they must be punished.¹⁸⁶ Though this notion of "justice" is admittedly vague, Camus's early support for the purge reflected the importance "of dealing effectively and rapidly with traitors" and confirming the return of democracy and Republicanism to France.¹⁸⁷ In fact much of Camus's early aboveground articles in *Combat*¹⁸⁸ were devoted to what he described as the "strength of vengeance;" strong sentiments of a vengeance of sorts for those who had betrayed their country to the enemy or had participated in the authoritarian practices of Vichy.¹⁸⁹ This largely coincided with a period referred to as the *épuration sauvage*: the unofficial "wild purge" that acted as "a volatile mixture [of] moral outrage, suppressed fear, jealousy and guilt" and was largely outside the strictures of legality.¹⁹⁰

¹⁸⁵ Albert Camus. « No. 56, Avril 1944. » In *Camus À Combat*, 128.

¹⁸⁶ Albert Camus. "22 Août 1944." In *Camus À Combat*, 146.

¹⁸⁷ Dorothy M. Pickles. *France: Between the Republics*, 178.

¹⁸⁸ *Combat* had first appeared above ground 21 August 1944.

¹⁸⁹ Albert Camus. « No. 57 Mai 1944. » In *Camus À Combat*, 132.

¹⁹⁰ Anthony Beevor and Artemis Cooper. *Paris After the Liberation: 1944-1949*. New York: Doubleday (1994), 80.

The period of the *épuration sauvage* is often considered the unofficial beginnings of the purge in mainland France,¹⁹¹ though it was entirely extra-judiciary. In the chaos of Liberation and in the power vacuum left by expelled by Nazi forces, local “activists in the internal Resistance” sought to consolidate power regionally and facilitate the liberation process.¹⁹² Henry Rousso notes that a “general climate of violence” engulfed France during the Liberation process, particularly as the Allied forces forced their way through France on two fronts – the east (famously on 6 June 1944) and later in the southeast (from the Italian side) – and that “the hardest phase of cleansing” occurred shortly before and after Liberation.¹⁹³ Likewise, many historians point to a civil war of sorts that occurred during this brief period, largely in regard to the “numerous...internal divisions” of the different Resistance groups all struggling to consolidate some semblance of authority in regions throughout France in the absence of the provisional government, which would not assume power until the liberation of Paris in August 1944.¹⁹⁴

In that regard, much of the *épuration sauvage* was chaotic, disorderly, and raucous. Henry Rousso posits that the “wrenching events” of the gradual dissolution of German authority in France and the struggle for Liberation “were squeezed into a period roughly equal to the term of a single legislature in peacetime; [that] the French had no time to grasp, come to terms with, and mourn what had befallen them in one catastrophe before they found themselves caught up in yet another.”¹⁹⁵ In the face of such uncertainty, the removal of German and Vichy authorities certainly brought a sense of relief to the French people, but confirming the success of Liberation

¹⁹¹ There had been purge-related activities in Algeria under *les forces françaises libres* – discussed later in this chapter.

¹⁹² Robert Gildea. *Fighters in the Shadows*, 409

¹⁹³ Henry Rousso. « L’*épuration* en France. » Dans *Vingtième Siècle. Revue d’histoire*, 79.

¹⁹⁴ Henry Rousso. “Why Vichy?” In *The Vichy Syndrome*, 7.

¹⁹⁵ *Ibid*, 5.

was something entirely still up in the air. Compounding this unease, and perhaps more impactful to what occurred in the so-called “wild purge,” was the mindfulness of many of those among them who had been arrested, tortured, deported, or murdered during Occupation – many by their fellow Frenchmen who had enthusiastically acted in the name of the law under Vichy.

Though many historians have played down notions of the *épuration sauvage* as predominantly murderous or indicative of widespread violence throughout France, it is clear that there was a struggle between the incoming provisional government and the resistance groups on the ground in France to maintain law and order in the face of war.¹⁹⁶ Antony Beever and Artemis Cooper point to the example of “sentences handed out by FFI military tribunals and by Comités de Libération, looting under the guises of searches, and the lynching of prisoners set free by conventional courts” as evidence of this somewhat dual nature of the *épuration sauvage* as imbued with both a sense of chaos and order.¹⁹⁷ However, for the purposes of this study, we must consider the impetus behind such actions. In that regard, outbursts of violence towards perceived “traitors,” who in some cases, as noted by Robert Gildea, “were summarily shot,”¹⁹⁸ suggest a sort of vigilante justice deemed necessary by the Resistance to rightfully punish the crime of collaboration.¹⁹⁹ Here we see the impact of Vichy’s actions under its control of the law once again take precedence.

¹⁹⁶ Many works are devoted to the question of how violent the *épuration sauvage* really was. This includes, but is certainly not limited to, Christian Lépagnot’s volumed history of Vichy. See, Christian Lépagnot. *Histoire de Vichy: Vol 5. L’épuration*. Geneva: Vernoy (1980).

It should also be noted that the period of the *épuration sauvage* very much coincided with the fighting on the western front of World War II.

¹⁹⁷ Antony Beever and Artemis Cooper. “The *Épuration sauvage*.” In *Paris After the Liberation*, 82.

¹⁹⁸ *Ibid*, 409.

¹⁹⁹ For statistical information regarding the *épuration sauvage* see Henry Rousso’s “L’*épuration* en France : une histoire inachevée.” 105

The desire of these autonomous Resistance groups to expedite their own forms of extra-legal justice was as much a consequence of Vichy's control of the law and nefarious application of it, was an exacerbation of four years' worth of resentments towards those who had aided in the misery and suffering of some under Occupation.

The *épuration sauvage* can thus be seen as an extension of the Resistance, which had fought for four years, on the basis of an extra-legal morality. For Camus, in particular, the aftermath of collaboration warranted a serious consideration of questions of justice, particularly in regard to its relationship with the law. For four years Vichy had carried out its nefarious actions through its control of the law, acting within the strictures of established law, but as evident by its stifling of political opposition, compliance in the deportation and murder of French and foreign Jews, and the tortures and murders of dissidents; it in no way practiced a just form of legality.

With that in mind, Camus's call for "justice...redeemed with men's blood" on the eve of Paris' liberation and other instances of support for the early purge, reflects an attempt to think through what would be an appropriate form of justice in the aftermath of collaboration, a crime committed under the auspices of legality.²⁰⁰ He addressed the necessity for the extra-legality of the *épuration sauvage* as inextricable to his notion of a higher justice, based on a higher sense of goodness of a collective humanity. If Vichy acted within the name of the law, then opposition to Vichy for Camus naturally reflected what he called a "higher justice" or "a law of honor."²⁰¹ This was a consideration of what went beyond a base following of the law (what is codified and legislated) and instead considered the morality of a law. As established in the previous chapter,

²⁰⁰ Albert Camus. "24 Août 1944." In *Camus À Combat*, 149.

²⁰¹ *Ibid*, 211-12.

this notion of a higher justice, led Camus towards an initial support of the *épuration sauvage* on the basis of proportionality, that “justice dictates that those who killed and those who permitted murder are equally responsible before their victims.”²⁰²

The actions of the “wild purge” were thus, in Camus’s opinion, equitable responses to certain crimes of collaboration. He would later refer to the courts of the purge as “tribunals of honor,” that examined “offenses that fall outside the strictures of the law,” that they presented an opportunity to infuse the legal system with that higher justice, and enact an intermediate justice that combine the abstractedness of his notion of a higher justice with the innately flawed, but realistic human justice (embodied by the legal system).²⁰³

That is, the righteousness of resistance members during the *épuration sauvage* lay in what Camus, in markedly legal language, expressed shortly after Liberation in September 1944 as a distinction between “the written law” and “law...[carried] in our hearts.”²⁰⁴ Whereas Vichy had used its control of the law to justify its often malicious actions, the Resistance acted on the basis of a morality beyond the written law. For Camus and the Gaullists, laws passed by Vichy were meant to be invalidated, or considered as “false reforms,”²⁰⁵ while the Resistance, “who acted outside the law,” were regarded as “acting within the truth.”²⁰⁶ But with the tables turned and the Resistance now in control of the law, it was Camus’s hope that the authorities would purge on the basis of a moral application of the law.

²⁰² Albert Camus. “22 Août 1944.” In *Camus À Combat*, 146.

²⁰³ Albert Camus. « 27 Septembre 1944. » In *Camus À Combat*, 210-11.

²⁰⁴ *Ibid*, 211.

²⁰⁵ Charles De Gaulle. “Speech Made by General de Gaulle to the Consultative Assembly, March 2nd 1945.” In *War Memories : Salvation 1944-1946 Documents*, 177.

²⁰⁶ Albert Camus. « 27 Septembre 1944. » *Camus À Combat*, 211.

It is significant then that the rather impromptu justice that guided the “unofficial purge” was almost entirely independent of the provisional government. Robert Gildea notes that the “*commissaires de la République*, who replaced Vichy’s regional prefects,” actually ran into some difficulty with some of the more retaliatory factions of the Resistance.²⁰⁷ Besides dealing with the bureaucratic mess of repudiating Vichy’s institutions while also keeping the state operating, they had to deal “with collaborators, who were often being punished summarily by FFIs and other vigilantes...”²⁰⁸ In fact, in a report to an official from the Midi shortly after Liberation, de Gaulle noted that “the Liberation...on whole...[had] taken place...with little bloodshed,” and that examples of more egregious actions conducted against collaborators, such as “summary executions,” were “unique” or circumstantial.²⁰⁹ De Gaulle wanted to present the extra-legal violence during the *épuration sauvage* as largely confined to rare occurrences without “national directive” from the provisional government, which clearly did not endorse such behavior or want to encourage independent action among Resistance groups.²¹⁰ Moreover, the provisional government’s assumption of power was wrapped in an aura of legality where the return of democracy and the expunging of traitors would be conducted under the application of law. This is evident in “the provisional government’s efforts to put a skeleton administration into place across the country to restore law and order” in the aftermath of the victorious liberation.²¹¹

This all considered, despite the fact that the *épuration sauvage* did not engender spontaneous or anarchic explosions of uncontrollable violence²¹², the dissolution of Vichy’s

²⁰⁷ Robert Gildea. “Afterlives.” In *Fighters in the Shadows*, 421.

²⁰⁸ Ibid.

²⁰⁹ Charles De Gaulle. *War Memories: Salvation 1944-1945 Documents*, 12.

²¹⁰ Claire Gorrara. “Reviewing Gender and the Resistance: The Case of Lucie Aubrac.” In *The Liberation of France: Image and Event*. Oxford: Berg Publishers (1995), 155.

²¹¹ Antony Beevor and Artemis Cooper. “The *Épuration sauvage*.” In *Paris After the Liberation*, 82.

²¹² Meaning here nationwide instances of anarchy or mass killings of collaborators.

power left the French legal system in a sort of limbo. The implementation of purge laws drafted by the then-*Comité Français de la Libération Nationale* (later provisional government) in Algeria were yet to be implemented on the mainland. Consequently, the transition from the “wild purge” to a more systematized and legally-based process of *purging*, was slow and marked by a general confusion in the legal system, which was torn between the desire to co-opt the infrastructure of the French state under Vichy and the hope of also implementing the necessary changes for the restoration of democracy. As mentioned, one of the first actions of the provisional government on the French mainland was to establish “improvised...court martials” throughout the country in an attempt to enforce a more “expeditious...[form of] justice” and assure order and stability and dissuade individuals from arbitrary and muddled judgments; a rather stark rejection of the “vigilante justice” practiced by some in the *épuration sauvage*.²¹³

Camus, though supportive of a more harsh stance towards collaboration during this period, recognized in the early aftermath of Liberation “the difficult and prodigious task” in “[establishing] justice in the most unjust of worlds” and in forming a legal mechanism that would fairly punish collaborators.²¹⁴ The *épuration sauvage*, in that sense, was a beginning for the implementation of justice, but with the assumption of authority by the provisional government and the beginnings of it implementing a sense of stability to a fractious France, Camus realized that a more regulated legal set-up, such as the court martials and other judicial institutions instituted by the provisional government, would better ensure the proportionality that justice requires. It was Camus’s hope that a transition towards a more formal legal system would further that sense of justice, and facilitate the ushering in of a “renewed” France.

²¹³ Herbert R. Lottman. *The Purge*. New York: William Morrow and Company, Inc. (1986), 69.

²¹⁴ Albert Camus. « 8 Septembre 1944. » In *Camus À Combat*, 178.

Part of this change, from the support of an extra-legal justice, to one conducted by a formalized legal system, can be understood through Camus's debate with the famed Catholic intellectual and staunch critic of the purge, François Mauriac in October 1944. Mauriac had accused Camus (and others) of supporting a process that was entrenched in emotions and would consequently lead towards prejudice and injustice for those on trial. Following from his Catholic faith, Mauriac believed that notions of a state-wide purge should be set aside in the interests of national reconciliation, and that any lingering need for justice would be satisfied through divine means. In response, Camus criticized Mauriac's notion of "divine justice" and his disregard for the importance of human actions in achieving justice.

To Camus, Mauriac's adherence to a divine justice posited a "dilemma [to] those to whom the notion of divine judgement is foreign, yet who retain a taste for man and hope for his grandeur."²¹⁵ It was completely antithetical to Camus's absurdist reading of responsibility in justice as order being derived from the individual actions of men. Consequently, if there was to be justice and righteousness in the world, it would need to be done under the auspices of men and their own structure of justice: the legal system. In the formalization of justice under the provisional government and the beginnings of the purge trials, it became clear that concerns over how justice would be implemented, expressed here by Mauriac, certainly resonated with Camus.

For Camus the absurdist, a *just* law, one based on the dignity of man, had to live up to standards of responsibility and proportionality. Expanding upon his discussion of his support for the death penalty for collaborators, Camus explained in August 1944 that "we are not men of hate," but rather "men of justice."²¹⁶ Here, proportionality was vital to an individual's assessed

²¹⁵ Albert Camus. "October 25 1944." In *Camus at Combat: Writing 1944-1947*, edited and annotated by Jacqueline Lévi-Valensi and translated by Arthur Goldhammer. Princeton: Princeton University Press (2006), 89.

²¹⁶ Albert Camus. "22 Août 1944." In *Camus À Combat*, 146.

guilt, and that any call for the execution of any accused collaborator was only appropriate to the extent of their crimes. Camus did not believe that death was the only punishment appropriate for collaborators, but that certain actions warranted certain condemnations, that “justice [dictated] those who killed and those who permitted murder [should be] equally responsible before their victims.”²¹⁷ The extremity of capital punishment was not something taken lightly by Camus, whose experiences with “the question of the death penalty,” as noted by Ève Morisi, were “linked with that of the war.”²¹⁸ At this stage, Camus believed that the death penalty could be just, as an equitable response to certain crimes and offered the possibility of instantiating the courts with a higher justice.

Legality here followed a rational procedure in line with Camus’s philosophy of the absurd, allowing a natural and just imposition of order – that of mankind – to dictate justice. His support for the court martials, and later (though not lastingly) the *cours de justice* and the High Court, reinforced the importance of legality in “[consolidating] injustice” and dictating the recognition of responsibility.²¹⁹ Here, the purge would serve as basis to hold men accountable for actions during the Occupation and ensure that the new France that would emerge from Vichy would be one based on democratic principles. *L’esprit de résistance* demanded a “general principle of justice” that was “in proportion” to whatever actions it was judging.²²⁰ Camus’s support for the institutionalization of the courts by the provisional government was reflective of his belief in that systematic legal procedures ensured the proportionality of justice - something not always certain in an informal purge.

²¹⁷ Ibid, 146.

²¹⁸ Albert Camus and Ève Morisi. *Albert Camus contre la peine de mort*. Paris : Gallimard (2011), 47.

²¹⁹ Albert Camus. “2 Septembre 1944.” In *Camus À Combat*, 167.

²²⁰ Albert Camus. “18 Octobre 1944.” In *Camus À Combat*, 264.

L'ÉPURATION LÉGALE

Camus's first mention of the *formelle* incarnation of the purge was the arrest of Louis Renault, the titan of industry who had supplied the Nazis with industrial goods throughout the Occupation, in late September. Despite his evident distaste for Renault's actions, Camus noted the importance of the legal system "preserving liberty even when it benefits those who have always fought against it," conceding that however guilty Renault appeared, the prosecution must provide substantial and legally obtained evidence to prove his criminality.²²¹ Here, Camus clearly approved of the government's actions in trying Renault, going as far as to praise the government's "bold and novel step of setting the law to one side for the sake of higher justice."²²² For him, the beginnings of a more formalized and legally institutionalized purge process was demonstrative of a proportional application of legality.

Despite writing on Renault's arrest and impending trial²²³, Camus did not explicitly refer to the purge until nearly a month later. By this time the Court of Justice of the Seine, the Parisian jurisdiction of the purge's *cours de justice* had opened and trials of civilian collaborators had begun.²²⁴ In *Combat*, Camus laid out his support for the purge as necessary for France to reform itself, stating that "the point is not to purge a lot but to purge well,"²²⁵ meaning that the country must punish those who deserve punishing while "[respecting] the general principle of justice."²²⁶ The importance of judicial fairness for Camus in shaping the conduct of the purge was vital to his initial enthusiasm for it, but more importantly, demonstrated the centrality of law in his

²²¹ Albert Camus. « 26 Septembre 1944. » In *Camus À Combat*, 208.

²²² Albert Camus. « 27 Septembre 1944. » In *Camus À Combat*, 212.

²²³ Renault would die in prison 24 October 1944 while awaiting trial.

²²⁴ There had already been substantial military purge trials in Algeria and Tunisia, notably Pierre Pucheu in 1943.

²²⁵ Albert Camus. « 18 Octobre 1944. » In *Camus À Combat*, 264.

²²⁶ *Ibid*, 264.

support. For France to truly distance itself from Vichy, it would have to respect legal precedence and adhere to due process and fair trials. At this point the necessity (or perhaps tolerance) for an extra-legal justice was supplanted by the need for an orderly process that would proportion justice on the basis of impartiality and truth – tenets of a legal system. Thus, despite believing in the innate guilt of figures such as Renault, Laval or Pétain, Camus recognized that they would have to be tried fairly, and that “we must therefore substantiate the charges against them.”²²⁷

In the shift to the *épuration légale* and the implementation of a formal legal setting for the trials and sentencings of collaborators, such a perception of justice became increasingly complicated.

While the Gaullist vision of the purge largely coincided with the “Gaullist myth” – the idea that all of France actively opposed Vichy and collectively *resisted* – and, in the view of the provisional government, ended with a new constitution in the process of being drafted and ratified, Camus’s post-Liberation aspirations went further. They can be seen in the slogan for *Combat*: “De la Résistance à la Révolution,” what he describes in an August 1944 article as “having begun with Resistance, [those who have resisted] want to end with Revolution.”²²⁸ This indicates, to an extent, the manner in which Camus followed the Gaullist myth and fused his perception of Vichy as an aberration and consequently illegitimate with his broader vision of *l’esprit de résistance*. As a member of the Resistance, Camus certainly believed in the Resistance as true heirs to French Republicanism; the champions of democracy as opposed to the despotism of the Vichyites, but he also believed that France must go further than merely reviving the Republic. It was Camus’s hope a socialist France would emerge from the ashes of Vichy and

²²⁷ Albert Camus. « 26 septembre 1944. » In *Camus À Combat*, 208.

²²⁸ Albert Camus. “21 août 1944.” In *Camus À Combat*, 142.

ensure a more inclusive society. Anything less, especially a return to the politics of the Third Republic, would be a disappointment.

More so, Camus's concerns about the new Republican regime were fueled by his worry that its purported break with Vichy (and the Third Republic) was not definite. In *De Gaulle*, Brian Crozier notes that the importance of a rupture with Vichy was "essential to...the Gaullist myth" and ultimately "underlay his decision to bring the major figures of the Vichy regime to trial."²²⁹ At the core of the purge was the understanding that Vichy could not, and would not, be considered as the legitimate French authority during the war years, that it was the Resistance who had spoken in the "language in which France can recognize herself."²³⁰ But, such a rupture was only as deep as the myth's legitimacy. There was, in fact, a considerable legal overlap between the end of the Third Republic, Vichy, and the provisional government, notably in what legal historian Richard H. Weisberg describes as "*an ingrained approach to the reading of legal texts*" that emphasized interpreting "constitutional text[s] flexibly."²³¹ Under Vichy such a legal interpretation was seen in a number of judicial decrees, constitutional acts, or court decisions that had persecuted its enemies. Such a continuation of that legal practice brings into question the myth of *la France résistante*.²³² This becomes more pronounced when considering the complex legal transition from Vichy to the provisional government, which "involved disentangling and reformulating the thousands of laws and decrees made by the Vichy government."²³³ If France were to rid itself of "those who attempted to annihilate it" as Camus suggested, certain

²²⁹ Brian Crozier. *De Gaulle*. New York: Charles Scribner's Sons (1973), 368.

²³⁰ Albert Camus. « No. 58 juillet 1944. » In *Camus À Combat*, 135.

²³¹ Richard H. Weisberg. *Vichy Law and the Holocaust in France*. New York: New York University Press (1996), 4.

²³² Among many historians, the questioning of *la France résistante* also deals with the continuation of political and legal institutions from the Third Republic into Vichy. In particular, it is notable that for a time, most foreign powers either recognized or at the very least tolerated the Vichy government (as opposed to De Gaulle in London).

²³³ Dorothy M. Pickles. *France: Between the Republics*, 143.

components of governmental and legal proceedings what would have to remain in place, purely for functional purposes.²³⁴

In deciding what would be done with Vichy and other collaborators, architects of the purge attempted to balance the need to root out collaborators with the imperative of maintaining functionality in what was to become an immense legal task. They noted that Vichy “had made a travesty of French jurisprudence by imposing a series of circumstantial special courts and passing laws applied retroactively,” but also attempted to work within the existing French legal system to draft the purge laws.²³⁵ Most likely aware that Vichy itself had used recent updates to the Penal Code, largely regarding treason and “intelligence with the enemy,” to persecute its enemies, legal experts within the Resistance, notably those making up the *Comité Général d’Études* and the *Comité Nationale Judiciaire*, adopted a similar approach, preparing articles 75-86 of the French Code as the basis for indictments.²³⁶ With the *Ordonnance Interprétative du 31 Janvier 1944*, in particular, they conflated the actions with treason, in particular, Article 75. Subsection 2 of the French Penal Code: “intelligences with a foreign power.”²³⁷

The effect of this was that the subjectivity and overall ambiguity of what constituted treason for Vichy versus what constituted treason for the Resistance was only exacerbated. With the script somewhat reversed, the legal foundation of the purge was to transform the extra-legal character of the Resistance to a legitimate one and *vice-versa* for Vichy. Yet, it did so within the

²³⁴ Albert Camus. « No.58, Juillet 1944. » In *Camus À Combat*, 137.

²³⁵ Alice Kaplan. *The Collaborator: The Trial and Execution of Robert Brasillach*. Chicago: The University of Chicago Press (2000), 78.

²³⁶ See Art. 83 (*Décret-loi du 29 juillet 1939, art 1^{er}*) – *Ordonnance Interprétative du 31 Janvier 1944*. Dans *Code pénale annoté*, édité par Emile Garçon et refondue et mise à jour par Marcel Rousselet, Maurice Patin, et Marc Ancel. Paris : Recueil Sirey (1952).

²³⁷ « Article 75 (*Décret-loi du 29 juillet 1939*). » In *Code Pénal*, annoté par Emile Garçon et refondue et mise à jour par Marcel Rousselet, Maurice Patin, et Marc Ancel. Paris : Recueil Sirey (1952), 282.

legal structure that Vichy had utilized for its own means. To further complicate any sense of a legal distinction, both Vichy and the legal bodies of the Resistance derived their jurisprudences from one of the foundational documents of the Republic: The Napoleonic Penal Code of 1810; still in use throughout the Third Republic, Vichy and most of the twentieth century.

Perhaps more problematic to the Gaullist myth of discontinuity and certainly more visible was the prevalence of Vichy-era judges in the legal apparatus in charge of the purge. In both the *cours de justice* and High Court (the legal bodies of the purge), officials who, until recently, had themselves served under Vichy and in some cases even contributed to the execution of some of the more egregious laws and trials committed under the regime, were to try others who had supported Vichy. Dorothy Pickles does note that “the judges themselves had to have their ranks purged of collaborators,” yet even then, the provisional government needed sufficient magistrates to match the enormity of the task that the purge presented.²³⁸ The “serious shortage of legal personnel” needed for the purge saw a somewhat restrained purge of the judiciary, who, in general, were viewed as having only done the bare necessities for survival under Vichy and had, for the most part, acted within French legal tradition.²³⁹ The more outrageous legal offenses, were considered to have been committed by Vichy administrators; particularly Pierre Laval, Head of Government and his predecessor, the deceased François Darlan.²⁴⁰

Magistrates, judges and lawyers that served under Vichy were required to demonstrate proof of “national sentiment” in order to “pass judgement on collaborators.”²⁴¹ What this meant was that individuals who had sworn allegiance to Pétain (the prerequisite for anyone to serve

²³⁸ Dorothy Pickles. *France: Between the Republics*, 187.

²³⁹ *Ibid*, 187.

²⁴⁰ François Darlan had been assassinated by a young member of the Resistance, Fernand Bonnier de la Chappelle, in Algiers in 1942.

²⁴¹ Alice Kaplan. *The Collaborator*, 93.

under the Vichy apparatus) or had participated in the drafting of Vichy legislation – a legal farce in the eyes of the provisional government – had to prove that their loyalty lay with the French state, not the particular regime of Vichy. Largely determined by the various Liberation Committees of the Resistance, the legal personnel of the purge demonstrated the inherent difficulty in completely separating the legal application of the purge from Vichy’s practice of legality.

Thus, despite his general support of the purge, Camus recognized its arbitrariness, noting that it was “proposing to solve...a difficult problem.”²⁴² Though he staunchly supported it in its infancy, Camus understood that attempting to determine what constituted collaboration, guilt, and punishment was not an easy endeavor. The Vichy legacies in the purge courts had the consequence of making Camus more sensitive to questions of proportionality in its verdicts. This became quite evident with the sentencing of Georges Suarez, a fascist writer who had headed the collaborationist paper *Aujourd’hui* during occupation and more significantly, was the first person to be sentenced to death by the Parisian *cours de justice* in October 1944. For Camus, this was particularly concerning. It was one thing for individuals who had killed in the name of Vichy, notably the Milice, to be sentenced to death; but quite another for an intellectual to receive the same sentence. Yet it was clear in the legal setup of the purge that in regards to its verdicts, its basis of Articles 75-86 of the Penal Code all amounted to the death penalty in most cases, as articulated by the preamble of Article 76: “Will be guilty of treason and punished by death.”²⁴³ The actuality of such processes, easily made abstract in the elation of liberation, revealed morally

²⁴² Albert Camus. « 27 septembre 1944. » In *Camus À Combat*, 212.

²⁴³ « Article 75 (*Décret-loi du 29 juillet 1939*). » In *Code Pénal*, annoté par Emile Garçon, 282.

trying questions for Camus's staunch support of the purge. Was this the instantiation of justice he had so fervently wished for?

Though Camus wrote in the same article, rather defiantly, that he had "chosen to embrace human justice, with its terrible imperfections," it was clear that the sentencing of a writer to death made him uneasy.²⁴⁴ If "man," and an explicit "hope for his grandeur" were meant to be affirmed by the purge, the sentencing of an intellectual to death seemed at odds with the adherence to judicial proportionality that would facilitate such a triumph.²⁴⁵ Yes, human justice was flawed; that much was certain to Camus. But the sense of responsibility implicit in Camus's absurdist understanding of law and justice, dictated that issues of emotionality or dubious equivocations of *thinkers* and *doers* in terms of guilt, just be outside of the strictures of the impartial legal system. For the first time in his engagement with the purge, he was forced to acknowledge that this responsibility was not so straightforward and reconcile a profoundly trying quandary: *do ideas warrant death?*

Thus in his first polemic with François Mauriac, who had placed himself as a staunch opponent of the purge in general and certainly the death penalty, Camus carefully noted that he "[has] no taste for murder," and that his "instinctive response to this sentence is therefore one of repugnance."²⁴⁶ It was at this point Camus's early concerns, largely relegated in light of his belief that the purge constituted a chance to imbue the legal system with justice, became more pronounced. The issue of murder and responsibility lay at the center of this disquiet. Trials in which guilt was determined based on an individual's ideas rather than actions, seemed to Camus

²⁴⁴ Albert Camus. « 25 Octobre 1944. » In *Camus À Combat*, 289.

²⁴⁵ Ibid, 289.

²⁴⁶ Albert Camus. « 25 Octobre 1944. » In *Camus À Combat*, 288.

as a distortion of “justice [as lying] in proportion.”²⁴⁷ If the legal process, which was meant to be impartial and operate on the basis of equitable justice, equated ideas with actions – as it had done in the sentencing of Georges Suarez – then for Camus, the legal system was imposing a false narrative and false justice. There was also something inherently uncomfortable about the foundation of a Republic on the deaths of certain individuals who though perhaps guilty, did not deserve to die. Camus realized that the “calculus of responsibilities” inherent in the legal process of judging those accused was not easily defined, and “to do something for the good of the country” and “not...destroy men” was easier said than done.²⁴⁸ If the purge were to establish justice through the basis of the law, it would need to do so through balanced and fair verdicts of guilt. As was becoming apparent for Camus, the purge was doing almost the exact opposite. His early enthusiasm for the purge was beginning to weaken.

The establishment of a High Court to try Vichy officials, made official by a decree written by *Garde des Sceaux* François de Mentheon and issued by de Gaulle in November 1944, culminated in the completion of the institutionalization of the purge in the French legal system. Though conceived while in Algeria, its direct implementation was clearly impossible until after Liberation when the Resistance forces would have control of French legal and political institutions. Interestingly, the basis of the High Court was formed around the presumption that Vichy, as an anomaly, was not concurrent with French political or legal tradition. This is seen in Article 2 of the decree:²⁴⁹

The High Court of Justice is competent, to the exclusion of any other jurisdiction, to judge: the head of the state, the head of the Government, Ministers, Secretaries of State, Under-Secretaries of State, general commissioners, Secretaries General of the head of the

²⁴⁷ Albert Camus. “18 Octobre 1944.” In *Camus À Combat*, 264.

²⁴⁸ Albert Camus. “25 Octobre 1944.” In *Camus À Combat*, 288.

²⁴⁹ General De Gaulle. “Decree of November 18th 1944 Establishing a High Court of Justice.” In *War Memories : Salvation 1944-1946 Documents*, 132.

state, the head of the Government and the Ministers, Residents General, Governors General and High Commissioners, who held office under Governments or pseudo-Governments in Metropolitan France between June 17th 1940 and the date of the establishment on the continent of the Provisional Government of the French Republic, for crimes or derelictions committed in the exercise of their functions.

In this decree, legal officials also drew a distinction between the Vichy regime and individual citizens or “accomplices of the people mentioned in the foregoing paragraphs.”²⁵⁰ In that sense, the implementation of the High Court was meant to tie up all loose ends in terms of recognizing, trying, and sentencing collaborators.

Camus was quite interested in the High Court. On the eve of its inception, he wrote in *Combat* that “the fictional legality that Vichy created,” that being the false notion that it “was pursuing a double policy” in which it worked with the Nazis in order to save France, had forced the country “to substitute moral justice for legal justice and [supply] arguments to people who ought to hold their peace forevermore.”²⁵¹ Though aware of the moral complexity that the purge entailed, Camus still believed in the guilt of the collaborators, stating in the same article that those who would face such courts deserved “the most merciless and decisive justice.”²⁵² He felt that Vichyites had violated the higher justice of men and thus were innately guilty. But at the same time, if the Resistance were to act on a basis of a just jurisprudence, they would need to utilize the legal system in sentencing Vichy. Moreover, Vichy’s co-option of the law had so blurred distinctions of morality in legal and extra-legal matters, that it had become nearly impossible to disentangle myth from reality. In order to establish some semblance of order, it was paramount for Camus that the purge’s legal apparatus follow due process. In that vein, it was

²⁵⁰ Ibid, 133.

²⁵¹ Albert Camus. « 2 Novembre 1944. » In *Camus À Combat*, 301-2.

²⁵² Ibid, 303.

his hope that the High Court, through the impartiality of the legal system, would do just that and provide such justice with proportionality, fairness, measured verdicts.

THE PURGE FAILS

Despite such hopes, Camus's opinion of the purge would only continue to sour. The effects of trials, such as that of René Hardy at the end of 1944, a member of *Combat* accused of working for the Gestapo and said to have been instrumental in the arrest of Jean Moulin, did little to assuage his concerns. Once again, Camus evoked a differentiation between moral law and practiced law, stating that "an official tribunal may find [Hardy] guilty tomorrow...but in the depths of our hearts we know he is innocent," suggesting a split between the purge as demonstrative of the "spirit of resistance" and the purge as calamitous to such notions.²⁵³ By this point, Camus could no longer ignore the purge's partiality and its imbalanced proceedings. It was clear to him that rather than remaking France in the image of justice, it was only furthering injustice.

This carried over into the new year, and one of Camus's first *Combat* articles in 1945 was entirely devoted to what he perceived to be the failings of the purge's court system. He scathingly accused the "courts [of] doing what they [could] to justify" the assertion that "there is no justice except in hell,"²⁵⁴ reflecting a general trend in which "convictions and executions during 1945 continued" and were exacerbated.²⁵⁵ Camus's increasing concern with the direction of the purge had led him to completely question the proportionality of the court and to judge instituted law as severely compromised. It was clear to Camus that the application of the law in

²⁵³ Albert Camus. « 30 Décembre 1945. » In *Camus À Combat*, 418.

²⁵⁴ Albert Camus. « 5 Janvier 1945. » In *Camus À Combat*, 430.

²⁵⁵ Henri Frenay. « Retour de prisonniers et des déportés. » In *La Nuit Finira : Mémoires de résistance (1940-1945)*. Paris : Michaelon (2006), 714.

these trials was increasingly disproportionate and largely detached from the impartiality and equilibrium required for the legal system to apportion justice. He warned that “a country that fails to purge itself is preparing to fail to remake itself,” and it was his fear that the purges would become a springboard for frenzied executions rather than just sentencings.²⁵⁶ A proliferation of capital punishment aimed at intellectuals would place injustice and murder at the basis of society, rather than Camus’s predisposition towards order and justice. To him, a “republic...founded on...murder...repudiates mankind” and death, in any form, seemed to defeat the purpose of renewing France, and if the country were to prioritize executions, the human justice that Camus hoped the purge would bring to a higher level was failing.²⁵⁷

Camus once again found himself engaged in a polemic with François Mauriac in early 1945, this time attacking Mauriac’s religious interpretation of the purge while almost attempting to clarify what he perceived to be misconceptions regarding his own stance. Camus was particularly incensed by Mauriac’s notion of “charity...in connection with the purge,” as opposed to his notion of “*justice*,” as it suggested that Camus’s arguments were intrinsically violent.²⁵⁸ There is sense of agitation in Camus’s response to Mauriac, as he used Mauriac’s Catholic intellectualism against him, stating that he, Camus, was “searching for the just voice that will give us truth without shame” that rests between the options proposed by Mauriac: justice *or* charity.²⁵⁹ It is here that Camus fully articulated his opposition to the purge.

The prevalence of the death sentence, especially for intellectuals, appalled Camus, and he had come to oppose capital punishment in any form, whether for intellectuals or high officials in

²⁵⁶ Albert Camus. « 5 Janvier 1945. » In *Camus À Combat*, 433.

²⁵⁷ Albert Camus. *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991), 37-9.

²⁵⁸ Albert Camus. « 11 Janvier 1945. » In *Camus À Combat*, 438.

²⁵⁹ *Ibid*, 439.

the Vichy regime. Stating that all “death sentences horrify me,” Camus was particularly disturbed by the question of responsibility that was almost inextricable to the question of justice and murder.²⁶⁰ He had seen how a process meant to embody fairness, integrity, and impartiality had reached the conclusion that ideas and actions are equally, if not more in some cases, deserving of condemnations of death and in doing so, allowed injustices to occur under the guise of legality. Therefore, the jury, acting in the name of the law, did not have to take responsibility for condemning to death (no matter disproportionate the sentencing may have been) as it had followed the legal strictures to that conclusion. More worrisome to Camus, was the issue of silence that emanated from concerns of responsibility. If individuals are killed, they become incapable of responding, of assuming guilt or perhaps in some cases, affirming their innocence. Murder is permanent and in its place, it only leaves a “virile silence.”²⁶¹

In that regard, the trial and execution of Robert Brasillach stands as a seminal moment in Camus’s engagement with the purge. Though Camus did not directly refer to Brasillach in *Combat*, his trial began on 19 January 1945, a few days after the publication of the Mauriac article in *Combat* on 11 January 1945. Camus would have certainly been aware of it approaching, as Alice Kaplan notes that “the Purge trials were enthusiastically attended – the great social theater of the Liberation era” and that “Camus’s *Combat*” was accounted for at the onset of Brasillach’s trial.²⁶² Brasillach, a notorious fascist, virulent anti-Semitic, and ardent Vichy supporter, was perhaps the best known of the intellectuals put on trial for collaboration. An extremely gifted writer and engaged intellectual, Brasillach had served as editor of *Je Suis Partout* during the occupation, openly calling for the deportation and extermination of French

²⁶⁰ Ibid, 441.

²⁶¹ Albert Camus. « L’homme absurde. » Dans *Le Mythe de Sisyphe*, 46.

²⁶² Alice Kaplan. *The Collaborator*, 145.

Jewry, while also criticizing the Resistance and calling for the capture and execution of its members. Brasillach, the court argued, had endangered a number of lives, including that of François Mauriac, who he had denounced to the Germans.

Brasillach and his lawyer, Jacques Isorni (who would later defend Philippe Pétain) immediately requested “a mistrial on political grounds,” noting that the Vichy leadership had yet to be tried and thus there was no precedent for him to be charged yet.²⁶³ Isorni also attempted to point out the hypocrisy of Vichy-era judges residing over Brasillach’s case as part of the prosecution. Marcel Reboul, the government prosecutor in the Brasillach trial, had served under Vichy but had shown “proof of sentiment,” allowing him to judge collaborators. The defense attempted to argue that it was paradoxical that Brasillach be tried by officials who, until recently, had acted under the auspices of Vichy. The court rejected this move rather immediately.

Throughout his trial, Brasillach playfully sought to expose the fragile implications of Vichy and the provisional government as completely disconnected. He was unapologetic and rather proudly acknowledged his support of fascism and his role as an influential writer in support of the Vichy state. In that regard, Brasillach sought to demonstrate the relative nature of his situation, stating at one point in the trial, with a sense of irony that “a good man could be either a collaborator or a resister.”²⁶⁴ For him, the Resistance and Vichy were two sides of the same coin, and despite post-liberation notions of Vichy as a legal sham, were inextricable.

Despite such playfulness, the prosecution emphasized “Brasillach’s responsibility as an influential writer,” noting that his words had consequences and that his denunciations in *Je Suis Partout* had resulted in the suffering and deaths of people (though this was inherently, if not

²⁶³ Ibid, 149.

²⁶⁴ Ibid, 159.

outright impossible, to prove).²⁶⁵ Charging him with “*l’intelligence intellectuelle avec l’ennemi*,” the prosecution argued that Brasillach had violated Article 75 of the Penal Code, and was thus subject to death.²⁶⁶ The evocation of the death penalty in this scenario confirmed the seriousness of the written word for purge officials and Tony Judt notes that “with Brasillach, the court was proposing that for an influential writer to hold shocking opinions and advocate them to other was as serious as if he had followed through on those opinions himself.”²⁶⁷ For Camus, such a conclusion was inherently unjust. An equivocation of ideas and actions in assessing one’s guilt was in no way proportional or fair. It was clear to him that Brasillach had gleefully denounced the Resistance, Jews, and others outside of the vision of France held by Vichy, it seemed at odds with his understanding of justice in an absurd world to condemn and execute on the basis of what one wrote rather than what one did. The jury’s conclusion that Brasillach was guilty and thus sentenced to death, forced Camus to confront the irrationality at the core of the purge.

In the aftermath of Brasillach’s verdict, an effort started by playwright Jean Anouilh and led by François Mauriac (ever the embodiment of Christian forgiveness) led to “a campaign among writers and artists which produced a petition to de Gaulle asking for commutation of the death sentence”²⁶⁸ It was somewhat surprising that Camus was included in this list, considering his rather public “support of a purge” and “his public opposition to Mauriac’s politics of pardon.”²⁶⁹ Yet it was clear by this time Camus had largely reversed his opinion on the purge and, moreover, he held a strong position against the death penalty. That aside, Camus struggled immensely with the decision of whether or not to add his name to the list of cosigners, wrestling

²⁶⁵ Tony Judt. “The Reluctant Moralist: Albert Camus and the Discomforts of Ambivalence.” In *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century* (1998), 108.

²⁶⁶ Alice Kaplan. *The Collaborator*, 165.

²⁶⁷ Tony Judt. “The Reluctant Moralist.” In *The Burden of Responsibility*, 109.

²⁶⁸ Herbert R. Lottman. *The Purge*. New York: William Morrow and Company, Inc. (1986), 138.

²⁶⁹ Alice Kaplan. *The Collaborator*, 198.

between a staunch dislike of collaborationists and the imperative of fighting to keep legality proportional. On the one hand, Camus detested Brasillach as a “writer [and] man who had encouraged the brutal treatment of his friends,”²⁷⁰ but on the other hand he “felt that a writer should not be judged too strictly by his words.”²⁷¹ Was this the type of punishment necessary for the expression of justice needed in the aftermath of Vichy? Or was this merely just an avenue for a further continuation of injustice through the auspices of the law?

Camus detailed this difficulty in his decision about supporting clemency for Brasillach in a private letter to Marcel Aymé, a friend of Brasillach’s who himself had been published by a collaborationist journal during occupation and who had approached Camus to co-sign the writer’s appeal. His decision, he declared, “[was] not for the writer that [he] hold[s] nothing for,” nor even in consideration of “two or three friends, mutilated and killed by the friends of Brasillach while his journal was encouraging them.”²⁷² It was only “after long reflection,” that Camus added his name to Mauriac’s petition, on the “grounds of general principle:”²⁷³ “strictly [an] anti-death penalty position.”²⁷⁴ Explaining the deciding factor of his support to Aymé, Camus stated: “I always hated the death sentence and have judged, as an individual at least, I could not participate in it, even by abstention.”²⁷⁵

He had come to see the finality of capital punishment; its irreparability. More so, if the purge courts were to legitimize such a practice, it would be implicating France with a judicial

²⁷⁰ Herbert R. Lottman. *The Purge*, 139.

²⁷¹ Olivier Todd. *Albert Camus: A Life*, translated by Benjamin Ivry. New York: Knopf (1997), 200.

²⁷² Albert Camus. « 27 Janvier 1945. Lettre à Marcel Aymé Concernant la Demande de Grâce de Robert Brasillach. » *In Albert Camus contre la peine de mort*, 79.

²⁷³ Tony Judt. “The Reluctant Moralists.” *In The Burden of Responsibility*, 109.

²⁷⁴ Alice Kaplan. *The Collaborator*, 198.

²⁷⁵ Albert Camus. « 27 Janvier 1945. Lettre à Marcel Aymé Concernant la Demande de Grâce de Robert Brasillach. » *In Albert Camus contre la peine de mort*, 80.

sort of murder – one that killed according to a basis of *disproportionality* – rather than with justice and fairness. In that regard, it was paramount for Camus that the courts behave responsibly in their assessments of guilt and pronouncement of verdicts. A court that allowed political factors to influence its decision then, as it had done with Brasillach, was in no way living up to that standard. Camus had come to see that the higher justice that he had hoped would be instantiated into the legal system through the purge failed. In its place, was a vindictive, disproportionate, and tyrannical injustice that killed for offenses where capital punishment was not appropriate. Perhaps more concerning, the attempt to institute that higher justice in the justice of men and create an intermediate justice between the two, also demonstrated the clear limitations of all forms of human justice. Yet, as Camus had written in his January response to Mauriac, “while we are willing to do without God or hope, we cannot give up as easily on man.”²⁷⁶ If the purge had revealed itself as irrational, passing disproportionate and unbalanced sentences that led to executions, Camus realized that he had to oppose such an outcome in every capacity.

CONCLUSION

This stands in stark contrast to the earlier Camus who, as noted by Max Orme, “had been prepared to sacrifice his own moral standards (i.e. his belief in the sacrosanctity of the human life) in the interests of his perception of justice” in the aftermath of liberation.²⁷⁷ The failure of the purge, in its flawed justice, demonstrated that considerations of *l’esprit de résistance* would not be achieved through the mechanism of the legal system, which increasingly revealed itself to Camus as inherently paradoxical and contradictory. An emphasis on the death penalty had

²⁷⁶ Albert Camus. “11 January 1945.” In *Camus at Combat*, 169.

²⁷⁷ Max Orme. *The Development of Albert Camus’s Concern for Social and Political Justice*. Madison: Farleigh Dickinson University Press (2007), 150.

seemed to confer a sense of implicit irrationality in the justice disbursed by the provisional government and more disturbingly, added to injustice. In executing intellectuals, the legal basis of the purge had demonstrated to Camus the impossibility of maintaining absolutes of morality,” thus revealing the limitations of all forms of human justice.²⁷⁸ Moreover, his engagement with the purge suggested that while law may act as the basis for the functioning of society according to abstract ideals, its very attempt to exert order and structure in society, was ultimately flawed and misplaced.

We can see this specifically in the issue of silence, which will form the basis of the next chapter. Here, Camus came to the conclusion that silence negates responsibility, that in death, an individual is not able to face accountability for their actions; nor, for that matter, are they able to assert their innocence. In the trials of intellectuals, who were killed disproportionately, Camus saw first-hand how individuals – like Brasillach, who never assumed his guilt and died somewhat, to his glee, a martyr’s death – were almost absolved by death. More concerning, those who sentenced such individuals themselves deflected responsibility, hiding behind the law in exerting (what Camus came to consider as) political vengeance. In that sense, they too failed to assume responsibility, as their injustice was codified in the law and thus their actions, however disproportionate, were considered legal and, by association, just. With this understanding in mind, Camus could not help but shift his understanding of responsibility in regard to capital punishment and view it as entirely antithetical to the sense of responsibility he had in mind in considering the law.

²⁷⁸ Ibid.

A legal rationale that encouraged death sentences was nothing short of murder to Camus and for him, “the contrary of suicide is precisely those condemned to death.”²⁷⁹ In that vein, murder, like suicide, only survived as an affirmation of the absurd (something innately impossible as paradoxical) but more concerning, negated happiness and justice. The execution of intellectuals during the purge then, saw Camus reach an understanding that murder in any form must be considered impossible because it could not confer justice, nor could it contribute to the “passion of living,” the only existence possible in an absurd world; a rebellion against death.²⁸⁰ Instead, it silenced and excluded from the community of existence; the fraternity of men. No human, even if seemingly justified, then ever has the authority to remove someone from that community and kill. To do so, would only further injustice in the world. Rebellion, against death and injustice, will in many ways be the focus of the next chapter, but here, we can see how Camus reached a complete rejection of murder in all its facets, whether extra-legal or especially judicially-based. But just as capital punishment silenced, Camus realized that “silences must make themselves heard.”²⁸¹ To sit back in despondency, and let capital punishment falsely impose a semblance of order and justice through legality, and consequently let irrationality take hold, would be nothing short of *absurd*.

²⁷⁹ Albert Camus. « La Liberté Absurde. » Dans *Le Mythe de Sisyphe*, 53.

²⁸⁰ Ibid, 52,

²⁸¹ Albert Camus. « La Comédie. » Dans *Le Mythe de Sisyphe*, 74-5.

CHAPTER THREE:

FIGHTING JUDICIAL MURDER IN THE ERA OF *L'HOMME RÉVOLTÉ*

In November 1945, months after Brasillach's execution and with the trials of Maréchal Philippe Pétain, the lion of Verdun and *grand collaborateur*, and that of his *chef du gouvernement* Pierre Laval in recent memory, an exhausted Albert Camus temporarily stepped away from *Combat*. Writing in a personal journal that month "I am not made for politics because I am incapable of wanting or accepting the death of the adversary," he had become completely disillusioned with the political direction of postwar France.²⁸² The recent election of a Consultative Assembly that would draft and ratify a new constitution for the forthcoming Fourth Republic, done so with the exclusion of the Communist party, coupled with the legal injustices of the purge that had continued throughout the year was the last straw for Camus. In the face of the disheartening reality of a badly flawed legal system and a return to the political elitism of previous regimes, he was left rather despondent that his postwar ideal of *l'esprit de la résistance*, a moralistic practice of politics, had increasingly proven to be incompatible with the political and legal practices of postwar France.

Camus expanded upon this disillusionment in a private letter to Pascal Pia that month. Incensed at what he perceived to be an inconsistent position taken by *Combat* in the run-up to the election of the Consultative Assembly in October 1945, in addition to what he believed to be Pia's pro-Gaullist stance, Camus expressed his despondency at the state of French politics. Writing of "hesitations [that] take away the seriousness of the newspaper as a whole," Camus then shifted tone towards his own experiences navigating the political landscape of post-

²⁸² Albert Camus. "Notebook V: 1945 – November." In *Notebooks: 1935-1951*. New York: Marlowe & Company (1965), 119.

Liberation France.²⁸³ Feeling intellectually isolated in his moral centrism (which would later come to a head in his famous fallout with Jean-Paul Sartre), Camus felt postwar France had failed in its attempt to remake itself. Moreover, by this time he felt a sense of discomfort in being, as suggested by H. Stuart Hughes, “obliged to pronounce on all topics of public controversy, many of which lay far outside the sphere of his natural interests.”²⁸⁴ In the face of continued misapplications of justice and failings of the political system in restructuring itself to be more applicable to the common man, Camus could not help but feel the following frustration: “I continue to speak every day, but not with my voice, I continue to say things every day that I do not agree with two days out of five.”²⁸⁵ In a France where the purge had failed to remake the country, such developments seemed overwhelming and more profoundly, seemed to signal a death blow to Camus’s hope of a postwar revolution of ideals.

In stark contrast from the pre-purge Camus, who seemed to relish the idea of a higher justice ripe to be instituted into the courts, this Camus (post-Brasillach) lamented the actuality of human justice’s fallibility in the legal process and, in this instance, political developments. Too often, this fallibility was evident in the months following Brasillach’s execution. In May 1945 Camus wrote in *Combat* that “the regime in France today is outside of the law” and “is obliged to compromise between the legislation passed by Vichy and those of the Third Republic;”²⁸⁶ a complete reversal of his earlier appraisal of the government’s legal activities in the purge as a “bold and novel step of setting the law to one side for the sake of higher justice.”²⁸⁷ For Camus,

²⁸³ Albert Camus et Pascal Pia. *Correspondance : 1939-1947*, annotée et présente par Yves Marc Ajchenbaum. Paris: Gallimard (2000), 145.

²⁸⁴ H. Stuart Hughes. *The Obstructed Path: French Social Thought in the Years of Desperation (1930-1960)*. New York: Harper Torchbooks (1968), 233.

²⁸⁵ Albert Camus et Pascal Pia. *Correspondance: 1939-1947*, 145.

²⁸⁶ Albert Camus. « 26 Mai 1945. » In *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris: Gallimard (2002), 537.

²⁸⁷ Albert Camus. « 27 Septembre 1944. » In *Camus À Combat*, 212.

the Résistance had certainly acted within a sense of higher justice,²⁸⁸ but for the provisional government on the other hand, that was questionable. Camus had seen both in structure and practice the application of justice in the hands of a regime meant to be imbued with righteousness and legitimacy actually played out in the purge trials. Camus had believed that capital punishment had, in some capacity, the potential to apportion justice as a legitimate response to certain crimes – equitable in the sense that it was a proportional application of justice; i.e. the punishment fitting the crime – but the purge proved otherwise. Capital punishment all too often exacerbated injustice and as such, Camus came to exclude it as a possibility for justice.

At the center of this change, was the importance of silence; the exclusion from the circle of the “we,” or his “fraternity” of men. By exercising a disproportionate justice in executing those whose crimes did not warrant execution, the *épuration* had silenced intellectuals, removing “a superior reason” from legality’s attempt to administer justice and instead opening the door for tyranny, or as Camus puts it, “silence and murder.”²⁸⁹ Such a judicial conclusion was innately irrational to him, as it not only deflected responsibility from those who issued such sentences (having done so within the confines of the legal system) but more concerning, it placed that responsibility on the “natural community” of men, which Camus notes in *L’homme révolté* (1951) is equitable to “the community of victims...which unites victim and executioner.”²⁹⁰ Thus in his post-épuration engagements, Camus would “be intensely preoccupied – one might say *haunted* – by the issue of (legalized) murder” and he would be incentivized by its legitimization

²⁸⁸ Camus would hold the Resistance to an almost untouchable level of morality for the remainder of his life.

²⁸⁹ Albert Camus. « Révolte et Meurtre. » Dans *L’homme révolté*. Paris : Gallimard (1951), 298.

²⁹⁰ Albert Camus. “The Rebel.” In *The Rebel*, 12.

through the legal process to oppose it in every capacity.²⁹¹ What is revealed in this chapter then, is the run-up to *L'homme révolté* and the centrality of silence in judicial murder.

A PLEA FOR REASON: MURDER AS IMPOSSIBLE

The political phase of the purge, initiated in the summer of 1945, saw Camus mention the purge in *Combat* for the first time since Brasillach's execution. In a series of articles, he strongly condemned the entire process. He opened his first article on the ongoing trial, the talk of Paris, blasting the purge's legal system, suggesting that "the *Cour de Justice* has acknowledged it has been wasting its time up until now" while at the same time hoping that Pétain's case could actually allow the French to "speak without too much passion."²⁹² Camus's skepticism towards the ability of the purge's legal system to produce a fair sentence, regardless of however guilty Pétain appeared, was apparent throughout this article and though hopeful, he was pessimistic at the chances of that actually occurring.²⁹³ His "[hope]" then, "that this trial makes sure that, if [Pétain's guilt] exists, it becomes clear"²⁹⁴ through a balanced legal process is followed by a warning of sorts, a sentiment forged from experience and developed by the misapplication of justice throughout the purge: "...every death sentence is repugnant to morality."²⁹⁵

What followed, with the conclusion of Pétain's trial on August 15th, was just that: a condemnation of death. The jury, by a one-vote majority had found the Maréchal guilty of

²⁹¹ Max Orme. *The Development of Albert Camus's Concern for Social and Political Justice*. Madison: Farleigh Dickinson University Press (2007), 139.

²⁹² Albert Camus. « 2 Août 1945. » Dans *Camus À Combat*, 560-61.

Camus's hope to "speak without too much passion" is reminiscent of Mauriac's opposition against the purge, in which he feared, rather correctly, that the implementation of a nation-wide purge would be too entrenched in emotion. That being said, Camus would later admit in 1948 that he had been wrong and Mauriac had been right.

²⁹³ Camus was certainly no Pétainiste or Pétain sympathizer, stating in the same article: « ...la responsabilité de Pétain nous paraît cependant immense » (563)

²⁹⁴ Albert Camus. « 2 Août 1945. » Dans *Camus À Combat*, 563.

²⁹⁵ Ibid.

indignité nationale as well as in violation of almost all clauses within Articles 75-86 of the Penal Code.²⁹⁶ Yet, in consideration of Pétain's age and his service to France in World War I, De Gaulle commuted the sentence to life imprisonment on the Île d'Yeu, where he effectively spent the rest of his life. Despite the sparing of Pétain's life, Camus ended the month completely blasting the purge for its disproportionality. In part angered by his perception of a disproportionate sentencing in the case of René Gérin, a pacifist who had been briefly published by the collaborationist paper *L'OEuvre*, to eight years of hard labor, Camus focused more on the widespread failings of the purge and its misapplication of the law in implementing justice.

He opened an article at the end of the month stating, in largely confrontational language, that "it is certain at this point that the purge in France has not only failed, but is now discredited."²⁹⁷ Distraught at the manner in which the purge continuously, in both the *cours de justice* and the *Haute cours de justice*, demonstrated an inability on the part of magistrates, judicial officials, and other legal figures to punish fairly on a basis of proportionate justice. Moreover, the prevalence and wide usage of the death penalty, seemed to only confirm to Camus "that the path of simple justice is not easy to find," and that "[respecting] the proportions" of justice and "[judging] men according to what they are" was something outside of the capabilities of the legal apparatus of the purge.²⁹⁸ Camus's hope for the implementation of a higher justice based on a sense of proportionality and fairness through the legality of the purge was shattered.

²⁹⁶ For more on the trial of Philippe Pétain, see Christian Lépagnot's *Histoire de Vichy: Vol 5. L'épuration*, Geneva: Vernoy (1980). Pétain's lawyer, Jacques Isorni (who also defended Robert Brasillach) wrote several books on the Maréchal and his trial which may be of interest. However, some caution must be exercised to any reading his works as Isorni's works may fall into somewhat of a revisionist account of the Maréchal as a protector of France and unfairly tried. That being said, there may be some insight in considering the accounts of Pétain's lawyer.

²⁹⁷ Albert Camus. « 30 Août 1945. » Dans *Camus À Combat*, 594.

²⁹⁸ *Ibid*, 595-96.

Justice, it seemed, had been brought back to earth. For Camus, this meant that if he were to continue to fight injustice and attempt to realize his hopes for a more just and open postwar France, he would need to reconsider the application of the law in the world and its connection to the issues of silence and responsibility. In his carnet Camus wrote that “justice in a silent world, the justice of mutes destroys complicity, denies revolt and restores consent, but this time in the lowest form.”²⁹⁹ To ignore injustice and to allow injustice to take hold in the world would be to acquiesce, and even worse, *facilitate* further injustice.

Just how Camus implemented these concerns into his perception of the law became increasingly evident in his engagement with politics events after the Pétain trial, the last mention of the purge in *Combat*. Though the purge was to continue on until the early 1950s, its size and scope was significantly smaller in the aftermath of 1945.³⁰⁰ In that sense, Camus’s move away from an intense scrutiny of its proceedings was a result of the fact that the main trials of intellectuals and power players of the Vichy régime had finished by the end of 1945, in addition to Camus also having, for the most part, left *Combat* for other endeavors.³⁰¹ This does not suggest that Camus did not seriously consider the purge after this period. In fact, Camus would periodically return to issues related to the purge, as is evident in a notebook dated between March and May 1946 where he teased the idea of preparing “a book of political texts around Brasillach” and a 1946 letter to the *Garde des Sceaux*, Pierre-Henri Teitgen, in December 1946

²⁹⁹ Albert Camus. « Cahier Numéro IV – 1945. » Dans *Carnets 1942-1954*. Paris : Gallimard (1964).

³⁰⁰ By 1951 the first amnesty laws would be passed and by 1953 the purge would be officially ended by a series of legislation.

³⁰¹ Camus would briefly return to *Combat* late in 1946, leave again, and return again in 1947 for a few months, before finally quitting the editorship for good in the summer of 1947.

asking for clemency for Lucien Rebatet, a writer for Brasillach's *Je Suis Partout* sentenced to death in the *épuration*.³⁰²

This appeal was one of Camus's more direct engagements with the purge and done so within the comprehension of the impossibility of capital punishment. Returning to the issue of the disproportionality of a death penalty for a thinker, Camus sought to actively combat the death penalty this time around, rather than merely co-sign an appeal for clemency. He brought the issue directly to the source: The French Minister of Justice. Writing directly to him, Camus sought not to diminish "the fault of Rebatet," or hold "indulgence" for a man that like "the Court of Justice, [he] consider[s] guilty."³⁰³ Instead, he fought for Rebatet's release under the pretext of "a movement stronger than any justice."³⁰⁴ This sense of "justice" here, can qualified as a justice of the court rather than a distinction of Camus's. The former equated ideas with actions and thus encouraged a silencing of the accused, whereas for Camus, it was within his understanding that proportionality required equitability in the verdict. Moreover, the death sentence, in any form, was irreparable and permanently displaced responsibility, for both the accused and adjudicators.

In that sense, though he agreed in the guilt of Rebatet as a collaborator, he was unable and unwilling to support that guilt as being punishable by death. He qualified the imperfect nature of the justice issued through the purge, expressed in the following portion of the letter³⁰⁵:

I have long believed that this country could not do without justice. But I will not offend you, nor anyone around you, in saying that the justice since the Libération has proved difficult enough for us not to feel now that human justice has its limits and that this country, finally, may also need pity.

³⁰² Albert Camus. "Notebook V." In *Notebooks 1935-1951*. New York: Marlowe & Company (1965), 147.

³⁰³ Lettre d'A.C au GARDE DES SCEAUX [5 déc. 1946], CMS2. Ak3-01.01. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

Besides painting those who condemn as overly vindictive, the death sentence for Camus in this instance, constituted a disproportionate sentence and instead of applying justice to the situation of collaboration, it only exacerbated injustice.

In that regard, Camus masked his strong anti-death penalty sentiments in balanced language, arguing that his *raison d'être* here was being moved to “pity” by the conditions of the prisoner and a “[hope] that in place of a shameful and miserable death, [they] will have contributed to providing [Rebatet and others] the opportunity to better the extent of their fault.”³⁰⁶ The issue of pity here draws parallel to what Olivier Todd describes as “Camus [feeling] that in every guilty man he could detect a ‘portion of innocence,’” which he regarded as a reservoir for a potential assumption of responsibility.³⁰⁷ Based in the “irreparable innocence” of man established in *Le Mythe de Sisyphe*, killing someone forever removes, or silences, them from the ability to claim responsibility.³⁰⁸ Camus expanded upon this at the end of his letter, writing that rather than argue for clemency on the basis of “justice,” he did so in consideration of “simple pity,” that “instead of a dishonorable and miserable death, [they] will have contributed to providing [those guilty of collaboration] with an opportunity to better measure the extent of their fault.”³⁰⁹ To do otherwise, would to silence forever, and thus forever hold that guilt. Rebatet would be later pardoned.

In a sense, the purge, as a small moment of disillusionment, acted as an impetus for further action in the postwar world. Roger Grenier, who had been appointed to the editorial

³⁰⁶ Ibid.

³⁰⁷ Olivier Todd. “Combats.” In *Albert Camus: A Life*, translated by Benjamin Ivry. New York: Alfred A. Knopf (1997), 201.

³⁰⁸ Albert Camus. “An Absurd Reasoning.” In *The Myth of Sisyphus*, translated by Justin O’Brien. London : Hamish Hamilton Ltd. (1955), 35.

³⁰⁹ Lettre d’A.C au GARDE DES SCEAUX [5 déc. 1946], CMS2. Ak3-01.01. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

board of *Combat* himself, later wrote that “the trials of collaborators had highlighted the absurd structure of justice,” that the false imposition of order through the auspices of legality had demonstrated the fallibility of human justice and the impossibility of a higher justice on earth.³¹⁰ The irrationality at the core of a legality that imbalanced justice in a proliferation of death sentences was not just confined to intellectuals but rather all those accused. Also influential was Camus’s recognition of the rather causal relationship between vengeance and retribution. Borrowing from John C. English’s existentialist appraisal of the dark first half of the twentieth century, the trials of the purge had “disproved the myth of the essential goodness and rationality of mankind” to Camus and instead signified that injustices merely repeated themselves.³¹¹ To acquiesce to one instance of judicial murder would be to legitimize it and allow further injustices to be carried out; stated in *L’homme révolté* as “murder must be repeated.”³¹²

Additionally, this concern with the dispersion of capital punishment was not confined to the specificity of the purge as a postwar event, or France as a country recovering from a peculiar occupation. Rather, it was evident throughout Europe, and for that matter, the entire world, that in the aftermath of World War II, humanity lived in “a world where murder is legitimate.”³¹³ It was with an increasing sense of despondency that Camus noticed an abundance of silence and consequently a diversion of responsibility in the proliferation of executions. As a consequence, Camus’s engagement with the issue of a legally-based murder spread to political developments across the continent as the postwar years progressed. Concerned by revolutions in Hungary and Greece, the totalitarian rule in the Soviet Union, oppression in Franco’s Spain, and

³¹⁰ Roger Grenier. *Le rôle d’accusé*. Paris : Gallimard (1948).

³¹¹ John C. English. “Existentialism and the Study of History,” *Social Science* 41, no.3 (1966): 154.

³¹² Albert Camus. “Absolute Negation.” In *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991), 45.

³¹³ Albert Camus. « 19 Novembre 1946 – *Ni Victimes Ni Bourreaux* : Le siècle de la peur. » Dans *Camus À Combat*, 612.

continued tensions in colonial Algeria, Camus was preoccupied by the widespread struggle for democracy and justice. Though largely outside the scope of this particular research, these developments, in addition to Camus's general mindset regarding the failure of the Résistance to lead to revolution – that being, a more just society that integrated the common man into politics – saw Camus prioritize the issue of murder in his consideration of justice and legality.

As Camus wrote in his conclusion in *L'homme révolté*: “Logically, one should reply that murder and rebellion are contradictory. If a single master should, in fact, be killed, the rebel, in a certain way, is no longer justified in using the term community of men from which he derived his justification. if this world has no higher meaning, if man is only responsible to man, it suffices for a man to remove one single human being from society of the living to automatically exclude himself from it.”³¹⁴

LEGITIMIZED MURDER

After a year away from *Combat*, Camus briefly returned in November 1946 with a series of eight articles under the general title *Ni Victimes Ni Bourreaux*.³¹⁵ Though these articles are wide-reaching in their scope, it is clear that Camus's staunch opposition to what he deemed to be the prominence of murder in postwar Europe and the development of anti-democratic practices among different states, was founded in his experience of the purge. Here, the issue of what he deemed the legitimization of murder took center stage. For someone such as Camus, who had felt attacked for his moralistic inclinations and centralist position, this was precipitated, as noted in the opening November 19th article, by “the long dialogue of men [having] come to an end”

³¹⁴ Albert Camus. “Thought at the Meridian.” In *The Rebel*, 281.

³¹⁵ The editor of the 2002 Gallimard publication of *Camus À Combat*, Jean Lévi-Valensi, notes that information on the publication of *Ni Victimes Ni Bourreaux* can be found in *Carnets II*, which contains a note by Camus describing the writing process of the articles.

and executions becoming predominate in the application of justice in the world.³¹⁶ In the place of words notably, was “a vast conspiracy of silence.”³¹⁷

Camus continues in *Ni Victimes Ni Bourreaux*, describing that it was within the “experience of...the last two years” – 1944 and 1945 – that he reached a point in which it was clear that the legal basis of capital punishment was nothing more than a judicially-based murder.³¹⁸ It was concerning enough for him that murder was becoming a somewhat predominate method in judicial systems, but even more disquieting that in utilizing the death penalty, those very apparatuses were legitimizing it. If the legal system was imbued with absurdity, as it had demonstrated in the purge, so too were its decisions. Legitimizing capital punishment then, would legitimize the absurd – something inherently paradoxical. Michel Foucault, in his seminal work *Discipline and Punish* somewhat alludes to this process of legitimization. He notes that the manner in which executions as punishments are utilized, elucidates an equivocation “between the law and those it condemns,” thus creating, in Camus’s estimation, a situation in which the crime, trial, and punishment all elucidate the absurd.³¹⁹ In this way, legality, rather than lead towards a particular conclusion on the basis of the reality of the crime, instead confirms an absolute punishment. It then becomes permissible for a disproportionate assessment of guilt – a verdict where the punishment does not match the extent of the crime – to assume legitimacy. Murder for the sake of justice was not only impossible then for Camus, but it was also extremely dangerous as it acted as an indication for the prominence of

³¹⁶ Albert Camus. « 19 Novembre 1946 – *Ni Victimes Ni Bourreaux* : Le siècle de la peur. » Dans *Camus À Combat*, 610.

³¹⁷ Albert Camus. “19 November 1946 – Neither Victimes nor Executioners: The Century of Fear.” In *Camus at Combat: Writing 1944-1947*,” edited and annotated by Jacqueline Lévi-Valensi and translated by Arthur Goldhammer. Princeton : Princeton University Press (2006), 258.

³¹⁸ *Ibid*, 613.

³¹⁹ Michel Foucault. *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan. New York: Pantheon Books (1977), 15.

irrationality; the absence of order. If states were to prioritize capital punishment and thus institutionalize and affirm murder, then there would be no basis from justice as a safety between victims and their would-be executioners. The silence of victims at the hands of their executioners, the ultimate injustice, would consequently triumph.³²⁰

In *Ni Victimes Ni Bourreaux*, Camus felt that “people like [him],” who “would like a world, not where we no longer kill ourselves...but where murder is not legitimate,” were increasingly isolated, if not outright ignored.³²¹ Standing between executioners and victims, Camus’s plea for a position was based on a rationality that deliberated through the implications of capital punishment. He felt that he had reached a point where “no truth could put him under an obligation, direct or indirect, to condemn a man to death” and that if murder was to be considered a natural component of the application of justice in the world, it was because all men, regardless of political spectrum believed in the quality of their positions in affirming justice in the world.³²² But a justice based on murder could only be paradoxical. By what means could things be just, if progress, in its attempt “to make men happy,” killed them?³²³

For Camus, humanity needed to collectively realize that they must reflect and clearly decide whether [they] must add to human suffering” or “save as much as possible...”³²⁴ It was his hope that the grandeur of men could triumph and that humanity could appeal to a sense of justice based “in the human condition.”³²⁵ With a higher justice seemingly unreachable, an

³²⁰ This could also very well leads towards the slippery slopes of nihilism and historicism, which Camus believed were responsible for the devastations of the twentieth century and the atrocities committed by the Nazis, Soviets, and others.

³²¹ Albert Camus. « 20 Novembre 1946 – *Ni Victimes Ni Bourreaux*: Sauver les corps. » Dans *Camus À Combat*, 614.

³²² Ibid, 613.

³²³ Ibid.

³²⁴ Albert Camus. « 30 Novembre 1946 – *Ni Victimes Ni Bourreaux* : Vers le dialogue. » Dans *Camus À Combat*, 641.

³²⁵ Ibid, 643.

intermediate justice impossible, and a human justice fallible, it was Camus's hope that in the postwar years, people could appeal to one another on the basis of a common humanity. Instead of silence, perhaps "words [could prove] stronger than bullets" in the end.³²⁶ For justice to triumph, that would need to be the case, and for Camus, this meant a particular engagement with the issue of the death penalty.

Ni Victimes Ni Bourreaux, in many respects, signaled the end of Camus's time at *Combat*, as it marked the culmination of his disillusionment with the postwar order in both France and Europe. Camus, in his brief return to the newspaper before finally leaving for good in June 1947, wrote periodically on political developments inside and outside France, but for the most part, he had become fed up with the toxicity of the political atmosphere in France. He soon turned his attention to his literature, publishing several works in the latter half of the 1940s, including *La Peste* in 1947. A year later, he returned to theater with *L'État de siège* (1948), a play set in Franco's Spain about totalitarianism and the struggle for freedom in the face of their implementation of fear as a means of subjugation. In the play a plague arrives in the village of Cadiz, personified in the form of a dictator that is intent on exercising power through fear and death. *L'État de siège* explores the manner in which justice can be obtained in the struggle against judicial murder as the ultimate injustice.

In *L'État de siège*, murder is bureaucratic. The Plague, much like Caligula, decides that in his exercise of power, the freedom of existence calls him to murder for the sake of freedom; an inherently absurd reasoning. He does so with chilling bureaucratic efficiency and general callousness, stating to his victims that they "are going to learn to die in an orderly manner;" what

³²⁶ Ibid, 643.

he deems “a decent death.”³²⁷ Throughout the play, he, along with his nefarious assistant, kill with passion. Camus’s concern with silence becomes central here, as the Plague tells the citizens of Cadiz, with a sense of glee “I bring you order, silence, total justice.”³²⁸ For him, a logistic basis for execution apportions a sense of disturbing rationality and equilibrium, in which the silence of the victim, rather than negate responsibility affirms his own power. Capital punishment here, thus falls in line with a false imposition of order.

What becomes equally concerning is the manner in which the existing political and legal bodies, when confronted with this murderous policy, acquiesce to it and thus contribute to its execution. Of particular interest in this regard is the role of the judge as an individual who supports the actions of the Plague on the basis that since he controls the law, his actions, by consequence determine its legitimizing, regardless of concerns for morality or the justifications of its outcomes. It is noteworthy that the judge is a central character in the play as he represents human acquiescence in the fact of unjust laws – something that Camus would have been well-aware of in his experience in the Resistance. In a play where the law facilitates murder, such an individual is to be despised and held in contempt.

Camus himself stated in a later interview in 1949 that “I hate comfortable violence. It is a little easy to kill in the name of the law or the name of law or doctrine. I loathe judges who do not do the work themselves...”³²⁹ It is through the actions of individuals like this and the auspices of the law that they support, that legality rather than act as a source of justice, becomes a locality of injustice. The judge himself states that “as a judge, I am a servant of the law and

³²⁷ Albert Camus. “State of Siege,” act I. In *Caligula & Three Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958), 171-72.

³²⁸ *Ibid*, 173.

³²⁹ « Dialogue pour le dialogue » [Interview] Publié dans *Défense de l'homme* [Juil. 1949], CMS2. Ak3-02.04. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

must obey it...I do not serve the law because of what it says but because it is the law.”³³⁰ For such a figure, nefarious actions, despite being inherently unjust, are accepted because they are the law. Following a strictly “rational” proceeding – rational in the sense that it follows the specificities of the law without regard to an acknowledgement of what Camus would deem a “higher” sense of justice. Here the judge allows the law to cover for maliciousness.

The question of a judicial sort of murder becomes disregarded, as the judge explains to an exasperated Diego, the play’s protagonist, that “if crime becomes the law, it ceases being crime,” and that one says that “virtue must be punished if it is so presumptuous as to break the law.”³³¹ In that process a crime becomes a “logical crime,” as expanded upon in *L’homme révolté*, when it becomes “justified” in the sense that it “dons the apparel of innocence – through a curious transposition peculiar to our times.”³³² By assigning a sense of moral relativity to the interpretation of laws here, Camus indicates the ease with which injustice permeates the legal system and moreover, demonstrates “how justice today serves as an alibi to the murders of all justice.”³³³

If, as is the case in *L’État de siège*, the law is compatible with murder, then those outside the law are “on the side of...justice.”³³⁴ Similar to the manner in which Camus considered the law when the Vichy régime used it unjustly, the failure of the legal system in the hands of legitimate state actors to adjudicate fairness and equitable sentences forced him to address the prominence of judicial murder in the legal system. This is seen in the play’s denouement, in

³³⁰ Albert Camus. “State of Siege,” act II. In *Caligula & Three Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958), 190.

³³¹ Ibid, 190.

³³² Albert Camus. *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991), 3.

³³³ *L’État de siège* Présentation par A.C pour une traduction, CMS2.Ab4-01-03. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

³³⁴ *State of Siege*, act II, 192.

which Diego stands up to the Plague and, by extension, judicial murder. He bemoans the Plague having “[slaughtered] people logically, legally, cold-bloodedly,” but of greater consequence, he is disturbed by the manner in which it has “legalized...in [its] foul code...[a] wrong that has been done...since the dawn of time:” i.e., murder.³³⁵ In the end, the grandeur of men eventually supersedes the Plague in its exercise of power, rejecting legally-based murder. In a collective effort, led by Diego, the citizens of Cadiz give their voices to renounce the Plague and his policies and affirm justice, rather than allow silence to further oppress. The play ends with an affirmation that “there is no justice – but there are limits,” suggesting that there may be no discernable sense of a higher justice, but there is certainly an understanding of right and wrong.³³⁶

But for the ever-wary Camus, such sentiments – an understanding of a point in which certain actions must be rejected - could easily lead towards tyranny itself and, as he suggested in a response to writer and politician Emmanuel d’Astier de La Vigerie, “the punishment of executioners cannot mean the multiplication of victims.”³³⁷

The issue of retaliation to injustice, that being the manner in which individuals ascertain “justice-like” limits and attempt to punish those guilty of perpetuating injustice, was explored in depth in *Les Justes* (1948). Based on the 1905 assassination of the Russian Grand Duke Sergei Alexandrovich, *Les Justes* explores the issue of murder in relation to justice. Its central characters, a group of revolutionaries plotting the assassination of the Grand Duke of Russia, decide that murder is their only option to achieve justice. To allow the Grand Duke to live would only abet future injustices. Their reasoning is as follows: “...we’re killing so as to build up a

³³⁵ *State of Siege*, act III, 223.

³³⁶ *Ibid*, 231.

³³⁷ Actuelles I « Réponse d’A.C. à Emmanuel de la Vigerie [texte paru dans *Caliban*, n°16, juin 1948], » CMS2. Ae1-01-08. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

world in which there will be no more killing. We consent to being criminals so that at last the innocent, and only they, will inherit the earth.”³³⁸ They have decided to act outside of the boundaries of the written law and instead express a extra-legal morality. For them, they are acting in line with a “higher” law and it is their hope that through the assassination of the Grand Duke, they can bring that higher law into the practiced law. As is seen in the play, carrying out that “righteous” bloodshed for a higher cause only further complicates the struggle for justice.

Ivan Kaliayev, or “Yanek,” the play’s protagonist and revolutionary tasked with carrying out the assassination of the Grand Duke, exhibits reservation. He initially fails to carry out the plot, perturbed by the presence of children in the Grand Duke’s chariot and unable to bring himself to be responsible for the deaths of innocents. In doing so, he comes into contention with Stepan³³⁹, another member of the syndicate who argues against reservation and instead insists that “[t]here are no limits” in the struggle for justice against despotism.³⁴⁰ For Yanek, there is a “threat of another despotism” in Stepan’s position that would make him “a man of blood...[rather than] a doer of justice.”³⁴¹ The idea that murder is justified as a legitimate response to injustice thus leads not to the establishment of justice, but rather further proliferates injustice. As Camus later noted, “the problem is not whether if, as you say, one can kill the prison guard while he has children...but if it is useful to kill...”³⁴² Does murder truly bring about justice or does it only further exacerbate the issue it meant to solve?

³³⁸ Albert Camus. “Les Justes,” act I. In *Caligula and Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958), 245.

³³⁹ Interestingly, Stepan is the only character in the play not based off of an actual person.

³⁴⁰ *Les Justes*, act II, 258.

³⁴¹ *Ibid*, 259.

³⁴² Les Justes Mise au point de Camus à la suite de la publication d’un article dans Caliban (de mars 1950) sur Les Justes : « La justice elle aussi a ses pharisiens » publié dans Caliban, n°39, mai 1950. Ab5-01.07. *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

In *Les Justes*, the answer to that lies in the latter. The play's conclusion, in which Yanek, having carried out the murder of the Grand Duke, accepts his own execution as the cost of his actions. He himself states that "If I did not die – it's then I'd be a murderer."³⁴³ In an act of proportionate justice, Yanek gives himself to the machinations of the legal system, understanding that in the act of killing to protect "a living justice," he has only added to the sufferings of the world.³⁴⁴ In order to deny the legitimacy of killing for justice, he must die to show its impossibility and assume responsibility. At the play's end, it is actions that speak louder than words, and in Yanek's acceptance of his complicity in the facilitation of injustice, he fills the space silence would have otherwise occupied.

MURDER AND JUSTICE IN THE CYCLE OF REVOLT

Thus, with the publication of *L'homme révolté* in 1951, Camus had arrived at a position where he recognized the metaphysical and concrete dangers of legalized murder through a serious consideration of its application in historical and fictional accounts. *L'homme révolté* in many aspects then, served as a reconfiguration of the political and philosophical stance that Camus had originally developed in *Le Mythe de Sisyphe* (1942) nearly a decade ago. In that regard, *L'homme révolté* was to function as the lynchpin to his "cycle of the revolt" and further the questions and issues originally raised in his "cycle of the absurd." Addressing the issue of a *raison d'être* in the face of the absurd and the importance of revolting against it, Camus focused on his second philosophical essay on exploring the extreme logical consequences of a society that had not only legitimized murder, but legalized it. In an age where criminals "have the perfect alibi: philosophy, which can be used for any purpose – even for transforming murderers into

³⁴³ *Les Justes*, act IV, 288.

³⁴⁴ *Ibid.*

³⁴⁴ *Les Justes*, act IV, 288.

judges,” it was pressing for Camus to address the need to fight judicial murder in any and all capacities.³⁴⁵

In *L’homme révolté*, Camus fuses together the philosophical with the practical. Here, revolution takes center stage as the manner in which man asserts his freedom in the face of the absurd, and on a more grounded level, in the face of tyranny. This twofold approach sees Camus identify historical rebellion and the manner in which the attempt to free has, as evident in the case of Europe at the onset of the 1950s, led towards a proliferation of murder. He would later state that “We were in contradiction...It was a Europe in flames, covered with howls and prisons...,”³⁴⁶ that “the extreme consequences of rebellious logic – at least when it forgets the truth to be found in its origins” had the consequences of “complete totalitarianism, universal crime, an aristocracy of cynicism, and the desire for an apocalypse.”³⁴⁷ It had seemed that somewhere in the process of exerting freedom, the rebel had, to his horror, instead facilitated tyranny and death, the latter being considered the ultimate injustice to Camus.

With that in mind, Camus identifies historical examples of this discordance. In a sense, this assumes a somewhat tragic recognition, as Camus notes that “what he [the Rebel] hated most, legal murder, has availed itself of the discoveries that he wanted to put to the serve of instinctive murder” – instinctive murder here being what would be considered necessary for justice.³⁴⁸ But even there, what constitutes a *just* killing is inherently vague, if not imbued with precariousness. If the rebel “recognizes the legitimacy of murder,” then a “reflection on the

³⁴⁵ Albert Camus. *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991), 3.

³⁴⁶ Post-scriptum à *L’homme révolté* Nov. 1952, CMS2-Ad3-02.01. *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France, 6.

³⁴⁷ Albert Camus. “Metaphysical Rebellion.” In *The Rebel*, 46.

³⁴⁸ *Ibid*, 47.

condition of mankind as people sentenced to death only leads to the justification of crime.”³⁴⁹

The man who murders for justice finds that he has opened up the realms of possibility for killing on the basis of a judgements, which in Camus’s estimation, “are based on what is, with reference to what should be.”³⁵⁰ If the taking of one’s life, the ultimate action in an absurd universe, is to be left to the judgements of individuals, then “a slander on life” has been left to determine the very thing it was distorting.³⁵¹ Humanity then, it seems, had been left in a perpetual and persistent guilt that was, in turn, exacerbated by the law.

Legality in *L’homme révolté* assumes a fascinating centrality as both an attempt to quell the murderous failures of men’s attempts at justice, while also perpetuating such injustices. For an individual such as Camus, who had seen firsthand the effects of the law in adding to injustice, the question of how to fight the issue of injustice perpetuated by the legal system was of utmost importance. He stated that “during the 1940s... I learned that crime [or injustice], far from being born and burning, to being put out immediately...could reason with itself, and make a power of its system, spreading its cohorts across the world, finally vanquishing, and reigning...”³⁵² In such a case, the law assumed a sense of omnipresence and supremacy; a basis of morality of justice. The law of imperfect men was meant to be considered perfect.

Camus notes that in “the Republic of law and order...the general will is expressed in laws” and that “disobedience to law therefore comes, not from an imperfection in the law, which is presumed to be impossible, but from a lack of virtue in the refractory citizen.”³⁵³ To rebel against legality, which in almost all capacities is meant to embody reason and justice, is to act

³⁴⁹ Ibid, 58.

³⁵⁰ Ibid, 67.

³⁵¹ Ibid, 67.

³⁵² Post-scriptum à *L’homme révolté* Nov. 1952, CMS2-Ad3-02.01, 2.

³⁵³ Albert Camus. “Historical Rebellion.” In *The Rebel*, 122.

against the very foundations of the society that is guided by that law. In many ways then, the law assumes an almost impenetrable aura that places it above the reach of men – though it is men that have created it. This, despite being inherently illogical, creates a problem when the law is unjust. How is man supposed to act against “laws [that] fail to make harmony reign,” if the law is placed on a pedestal by those who have imbued it with legitimacy?³⁵⁴

Under the Vichy régime, where the law had acted as a cover for unjust actions, Camus had seen such an issue. Those who had acted contrary to the law were regarded as traitors to the state, when they, in Camus and the Résistance’s eyes, were acting within the realms of righteousness – i.e. Camus’s notion of a higher justice. He writes that “Law can reign...so far as it the law of universal reason,” but “it loses its justification if man is not naturally good.”³⁵⁵ In that sense, the root of law is intrinsically paradoxical. Men are naturally fallible and thus so must their laws be. What comes of this natural paradox, is Camus’s understanding that the rebel must approach the “law [as], in its essence...bound to be transgressed.”³⁵⁶

But even in transgressing the law, problems persist. Acting beyond the realms of an unjust law, even for the sake of justice, can just as easily lead to tyranny as following the strictures of an unjust law merely for the sake of it being *the* law. Camus questions whether “a world without laws [is] a free world,” and the answer to such a quandary lies in his consideration of man’s innate fallibility. Even individuals who attempt, by all means, to assert freedom and justice for all, find themselves asserting injustice and tyranny in one form or another. In the case

³⁵⁴ Ibid, 124.

³⁵⁵ Ibid, 131.

³⁵⁶ Ibid, 124.

of the Marxist doctrine, which Camus acknowledges as having good intentions in regard to its concern for the plight of the working class, this too is problematic.

As a former member of the Communist party in Algeria and a close friend of Sartre, ever the dedicated Marxist, Camus's position here was by no means an empty gesture or a general condemnation of the USSR on an ideological level. Rather, Camus thought that Marxism, like many other revolutionary attempts at reshaping the world, fell into a dangerous historicism that, like nihilism³⁵⁷, invalidated the limits of human justice in their efforts to achieve their "perfect" revolutions. Camus classifies such movements as a kind of "messianism [that], in order to exist, must construct a defense against the victims."³⁵⁸ They ignore the sufferings of today and instead exacerbate them and proliferate murder. The Camus who had once embraced Marxism in his early foray into the Algerian political world in the 1930s had seen how such sentiments purported to fight outside the existing legal, political, and economic structures for the sake of justice, only to end up perpetuating injustice. If injustice was to be met by injustice, and murder was to combat murder, then "good and evil" would become confused and "nothing [would be] good or bad...any longer."³⁵⁹ Thus, it is clear that while Camus was certainly concerned with Marxism on an ideological, philosophical, and political level, it was not at the center of *L'homme révolté*. Instead, as is clear, the issue of murder stood at the forefront of his consideration of rebellion. Marxism acts here as a test-case for already developed ideas about murder, with the latter having led him to eventually reject it.

³⁵⁷ Camus famously detested nihilism as a dangerous negation of all. If there is no meaning in anything, what is the point then? For him nihilism, at its most innocent merely distracted. At its most destructive, it led to slaughter (as was the case in the Holocaust and World War II in general).

³⁵⁸ Albert Camus. "The Revolutionary Prophecy." In *The Rebel*, 210.

³⁵⁹ *Ibid*, 209.

Camus had seen how time and time again various efforts to combat injustice and imbue society with a sense of righteousness, or at the very least promote some utilitarian sense of the “greatest possible happiness,” had done just the opposite. In such a world, it seemed that the attempt to fight injustice only naturally furthered it. Absurdity advanced absurdity and it seemed to Camus that potential solutions to this issue only offered “extremely and bloody contradiction[s] [that] could only be resolved by an even more extreme logic and the ultimate acceptance of principles in silence and death.”³⁶⁰ In that regard, justice on earth seemed to be innately impossible. Thus, “the question of the twentieth century,” he wrote, “for which the terrorist of 1905 died and which tortures the contemporary world,” was “how to live without grace and without justice.”³⁶¹ The answer to that, lies in the limitations he spoke of in *L'État de Siège*. Writing in a post-scriptum for *L'homme révolté* shortly after its publication, Camus stated that following: “Far from wanting to be innocent, I wanted to understand the sort of guilt we were in, and I did not believe it possible to reduce it, but only to accept it and give it limits.”³⁶² Camus understood that inherent in the absurd nature of existence, men were imperfect and fallible to injustice. Well aware of accusations of living in a utopia,³⁶³ Camus, as mentioned earlier, did not want a world where murder was removed, but rather where it was limited or “delegitimized.” In fighting judicial murder, the goal was not to eliminate it outright, but rather limit its scope and prominence and push back against the tyranny of silence. After all, Camus acknowledged that “to silence the law until justice is established is to silence it forever,” that as demonstrated above, justice like other human endeavors, is inextricable to the absurd.³⁶⁴

³⁶⁰ Albert Camus. “The Regicides.” In *The Rebel*, 65.

³⁶¹ Albert Camus. “The Failing of the Prophecy.” In *The Rebel*, 225.

³⁶² Post-scriptum à *L'homme révolté* Nov. 1952, CMS2-Ad3-02.01, 5.

³⁶³ Camus discusses accusations of “living in a utopia” for his punishment on the death penalty and judicial murder in « 19 Novembre 1946 – *Ni Victimes Ni Bourreaux: Le siècle de la peur.* »

³⁶⁴ Albert Camus. “Historical Murder.” In *The Rebel*, 282.

CONCLUSION

For Camus, his experiences with the law under both Vichy and later under the democratic auspices of the Provisional Government in the purge, indicated an inherent irrationality in the law's attempt to placate society with order and justice. Any system, regardless of its intention, that utilizes executions as a legalized form of murder to exercise justice, was inherently wrong. Camus, who famously preferred “the ‘We are’ to the ‘We shall be’” could not and did not abide while legalized murder was allowed to flourish.³⁶⁵ Capital punishment silenced men, excluding them from “the kingdom of justice – and the human community,” and thus placing responsibility, or perhaps more appropriately, guilt, on those who continue to live within that fraternity of humanity.³⁶⁶ From that understanding of the impact of murder, Camus understood the crucial need to combat judicially-based murder wherever it was and in whatever form it had assumed in “[his] epoch,” where the answer to questions of championing justice resulted in sentiments of “[killing] everyone in the name of justice for all.”³⁶⁷

From that it is clear that with the publication of *L'homme révolté* that Camus had reached a conclusion that murder must be impossible through a careful and longstanding attention to legality that can be traced back to Occupation and the Resistance. Having seen in the role of legality in its historical successes, and more consequentially, its failures, Camus had come to acknowledge the innate fallibility of the law and human justice and the importance in acknowledging and working to confine its articulations of injustice – murder being the ultimate injustice. More so, from his experiences, Camus knew the consequences of silence and inaction.

³⁶⁵ Albert Camus. “Rebellion and Murder.” In *The Rebel*, 282.

³⁶⁶ Albert Camus. “Nihilism and History.” In *The Rebel*, 53.

³⁶⁷ Actuelles II « Les pharisiens de la justice, » CMS2. Ae1-02.04. *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.

Thus, the impetus for action, in the face of a constant injustice would lead him throughout the 1950s to the end of his life to reject the legal logic of murder as bringing justice to society.

At the end of *L'homme révolté* Camus, with a sense of hope, wrote that “we shall remake the soul of our time, and a Europe which exude nothing.”³⁶⁸ This nothing, however, was not meant to be considered as the absence of things, but rather, the presence of “a limit, under the sun, [that] shall curb” injustices everywhere.³⁶⁹ With a hope to limit the scope of legality’s false imposition of order and its promotion of injustice, Camus, in part challenging those who criticized the passivity of the Rebel as equivalent to being passive against the Nazis, but more so looking back at the prevalence of injustice in the war years, affirmed *L'homme révolté* as the product of a cycle; not a cycle of the *absurd* or *revolt*, but one based in the law: “At the end of the experiences and reflections I recorded in ‘L’homme révolté,’ I can say on the contrary with assurance that if we had to relive today what we lived during the 1940s, I would know at once against who and why I struggle...”³⁷⁰

³⁶⁸ Albert Camus. “Thoughts at the Meridian.” In *The Rebel*, 152.

³⁶⁹ *Ibid.*

³⁷⁰ Post-scriptum à *L'homme révolté* Nov. 1952, CMS2-Ad3-02.01, 15.

CONCLUSION

« *Au sommet de la tragédie contemporaine, nous entrons alors dans la familiarité du crime. Les sources de la vie et de la création semblent taries. La peur fige une Europe peuplée de fantômes et de machines. Entre deux hécatombes, les échafauds s'installent au fond des souterrains. Des tortionnaires humanistes y célèbrent leur nouveau culte dans le silence.* » - Albert Camus, *L'homme révolté*

In the end, Jean-Paul Sartre could not help but refer to the Camus of the immediate postwar era. He wrote in 1952, “You have been for us – tomorrow you can be again – the admirable conjunction of a person, an action, and a work. It was in 1945: we discovered Camus, the Résistant, as we had discovered Camus of *L'Étranger*.”³⁷¹ Having paused in reminiscence before returning to cruelly castigate Camus and his philosophical basis of *revolution* in a twenty-page response in *Les temps modernes*, Sartre recalled a time when Camus commanded the attention of the French public and philosophers alike. But, as we have seen, his philosophical development towards an absolute opposition to the death penalty had led him to equate Marxism with murder in *L'homme révolté* and consequently destroy such connotations. It is notable then, that in making cruel reference to Camus’s past while lambasting him, Sartre did so in noticeably legal language: “You pronounce your sentences and the world does not breath; but your condemnations cancel each other out when they touch [the universe]. It must always start again: if you stopped, you could see yourself; you have condemned yourself to condemn, Sisyphus.”³⁷²

Thus, we come full circle. What is seen here, in perhaps the most visible example of Camus’s break with Sartre the letter that sealed their falling out, is the lasting impact of Camus’s wartime experiences (namely his time in the Resistance) and, more overarching, his engagement with the law in shaping that rupture. It confirms, as has been the focus of this work, the legalistic component of Camus’s philosophy of the absurd and the manner in which the philosophical

³⁷¹ Jean-Paul Sartre. « Réponse à Albert Camus. » Dans *Situations VI*. Paris : Gallimard (1964), 111.

³⁷² *Ibid.*

stances eventually adopted in *L'homme révolté* were not merely emblematic of a Cold War ideological struggle in the guise of, as Ronald Aronson suggests, “a mere morality play” between the Marxist Sartre and moralistic Camus, but more so the product of a response to the issue of legalized murder that had its basis for Camus in the immediate postwar issues he faced.³⁷³

In that sense, Camus’s stance in *L'homme révolté*,³⁷⁴ was moved by a “desire to undermine theoretical justifications for violence” and a disquiet at “the capacity of intellectuals to justify crime on ideological grounds,” Sartre included.³⁷⁵ This work has suggested that these concerns find their incipit in Camus’s experience with the law as a member of the Resistance and later as a spectator in the *épuration*. From there, how Camus approached the issue of Marxism and the general principle of revolt, for that matter, becomes understood as implicitly linked to an understanding of law by Camus that has been overlooked by a number of scholars. Law has taken the center stage in this work and has acted as the thread that connects Camus’s philosophical development from roughly 1939-1951, explaining how he came to reach the conclusion that Marxism desecrates “the universal city of free and fraternal man” in the name of a historicism that distorts “the law, whose function it is to pursue suspects” to unjustly “[fabricate] them.”³⁷⁶ Here, the core of this work’s argument reaches its conclusion.

This work has attempted to lay out the connection between the Camus who preached for resistance and the Camus who called for revolt, carefully tracing his intellectual progression through a focus on his engagement with the law as he navigated the polarized and contentious

³⁷³ Ronald Aronson. “Prologue.” In *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended It*. Chicago: University of Chicago Press (2004).

³⁷⁴ For further information on the specifics of the Camus-Sartre rupture and sections in *L'homme révolté* (such as the final section) that can be considered as subtle digs at Sartre, see Ronald Aronson’s *Camus & Sartre*.

³⁷⁵ Sean Illing. “Between Nihilism and Transcendence,” 241.

³⁷⁶ Albert Camus. “Totality and Trials.” In *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991), 240-42.

political landscape of postwar France. Law was implicit to Camus's metaphysical inquiries into the very nature of existence: the absurd, and emanates from what Sean Illing describes as "Camus's emphasis on solidarity;"³⁷⁷ deemed in this work as a higher, rather elusive justice based in "fraternity, [the] strong and chaste friendship among men" as developed in *Le Mythe de Sisyphe*.³⁷⁸ In many ways, law acted as a means to place humanity's "responsibility to create the justice, order, and unity" into the physical nature of existence through the legal system.³⁷⁹ In that regard then, law was essential to the promotion of such ideals and Camus wrote that man is unable to "live...outside of society, whose laws are necessary to his physical survival."³⁸⁰

But, the practicality of such an ideal becomes questionable when one considers the reality of existence: the innately flawed nature of man and, by extension, human justice. Just as law imbues mankind with order and structure, it also easily "creates a human injustice parallel to divine injustice."³⁸¹ Under the Vichy state, Camus saw firsthand how the control of the law could lead towards injustice and despotism as the Vichy régime had "used the tools of legal reasoning" to create an authoritarian state, that among other nefarious actions, persecuted its enemies (to the full extent of the law; i.e. the death penalty) and zealously contributed to the Holocaust.³⁸² This, combined with his role in the Resistance, further revealed to him that morality was relative to the law and that righteous actions, what he described in *Combat* as "the law we carry in our hearts,"

³⁷⁷ Sean Illing. "Between Nihilism and Transcendence: Camus's Dialogue with Dostoevsky." *The Review of Politics* 77, no.2 (2015): 218.

³⁷⁸ Albert Camus. "Conquest." In *The Myth of Sisyphus*, translated by Justin O'Brien. London: Hamish Hamilton Ltd. (1955), 73.

³⁷⁹ Albert Camus. "Metaphysical Rebellion." In *The Rebel*, 15.

³⁸⁰ Albert Camus. "Reflections on the Guillotine." In *Resistance, Rebellion, and Death*, translated by Justin O'Brien. New York: Alfred A. Knopf (1961), 178.

³⁸¹ Albert Camus. "The Dandies Rebellion." In *The Rebel*, 47.

³⁸² Richard H. Weisberg. *Vichy Law and the Holocaust in France*. New York: New York University Press (1996), xxi.

were sometimes necessarily extra-legal.³⁸³ With such an understanding forged from personal experience, Camus created certain “levels” of justice that this study has identified as attempts to reconcile, on some basis, ideals and reality.

The ideal for Camus was a system based on a higher, elusive justice that emanated from the “fraternity of men” as a collective sort-of-justice that replaced a religiously-based “divine justice” that cast humans as subservient to a higher power (i.e. God). But in reality, human justice, despite being inherently flawed and easily susceptible to co-option, was the only possible practiced justice in an absurd world where “fate [is] a human matter, which must be settled among men.”³⁸⁴ Thus at the onset of Liberation he “[chose] to accept human justice with its terrible imperfections”³⁸⁵ with the hope that the impending *épuration* (purge) of collaborators could instantiate that higher, elusive justice into the existing system and establish an intermediate justice between the two and create a system based on “a law of honor” or a “higher justice.”³⁸⁶ But as is always the case, reality fell short of the ideal and it became clear to Camus throughout the process of the purge that the law, regardless of who assumed control of it, too easily allowed individuals to divert responsibility and hide behind the strictures of legality.

This was particularly the case in the trials of intellectuals during the purge. Here, the issue of proportionality in the application of the law, based in the purge courts equating thoughts with actions and sentencing individuals to death from such a legal rationale, highlighted an irrationality at the core of the legal system’s attempt to punish. If thoughts made one just as

³⁸³ Albert Camus. “27 September 1944.” In *Camus at Combat: Writing 1944-1947*,” edited and annotated by Jacqueline Lévi-Valensi and translated by Arthur Goldhammer. Princeton: Princeton University Press (2006), 49.

³⁸⁴ Albert Camus. “The Myth of Sisyphus.” In *The Myth of Sisyphus*, 98.

³⁸⁵ Albert Camus. « 25 Octobre 1944. » In *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002), 289.

³⁸⁶ Albert Camus. “24 Septembre 1944.” In *Camus À Combat*, 211-12.

culpable as actions, then the purge was in no way compatible with Camus's higher justice. Officials could (and often times did) use the law as a means for what they deemed "legitimate revenge" rather than follow the due process Camus believed necessary for France to rightfully punish those who had betrayed France during Occupation.³⁸⁷ In that sense, Camus saw how the legal operations of the purge reflected a general, rather distressing trend of using legality without adhering to impartiality or fairness as it punished and executed on the basis of disproportionate considerations of guilt. Consequently, he wrote in January 1945, the significant month in which he would fully realize the purge's failure, that "we live in a world in which one can fail to act honorably without violating the law."³⁸⁸

Here the issue of responsibility demonstrated the assumed guilt of "the society that is supposed to represent the victim law" as sentences were done outside of an adherence to an equation of the punishment equaling the crime.³⁸⁹ This was especially disturbing to Camus was the death penalty's punishment of "an always relative culpability by a definite and irreparable punishment."³⁹⁰ Capital punishment proposed a final assessment of guilt to a rather ambiguous situation. Guilt, especially in the case of the purge trials, was never conclusive and by killing, the legal system removed the ability of those accused to assume responsibility for their actions. But, that issue of silence is rather two-sided. Not only does it remove the executed person's ability to respond, it also exacerbates that sense of an assumed responsibility among the executors. It was in this understanding that Camus wrote that "whoever judges [in favor of a sentence of death] condemns himself absolutely" and came to see murder as impossible, not only for intellectuals

³⁸⁷ Henry Rousso. "Unfinished Mourning." In *The Vichy Syndrome: History and Memory in France Since 1944*, translated by Arthur Goldhammer. Cambridge: Harvard University Press (1991), 21.

³⁸⁸ Albert Camus. "5 January 1945." In *Camus at Combat*, 164.

³⁸⁹ Albert Camus. "Reflections on the Guillotine." In *Resistance, Rebellion, and Death*, 206.

³⁹⁰ *Ibid*, 210.

condemned on a basis of disproportionality, but for all.³⁹¹ In that sense, we can see easily how man moves from being “Prometheus...and his love of mankind to the despotic “Caesar...[of] solitude and cruelty.”³⁹²

From that, it becomes clear how Camus, through a consideration of the law, came to actively combat what he deemed judicial murder in the years leading up to the publication of the *L’homme révolté*. It is notable that in the essay “systematic violence” is “imposed silence” and that issue of legitimized murder (capital punishment) takes precedence in Camus’s philosophical breakdown of “revolt.”³⁹³ It is from this position, that Camus rejected Marxism as a messianic theory that, despite having the interests of the downtrodden worker at heart, was murderous in its invalidation of the sufferings of the present for the promised alleviations of the future. Faced with the proliferation of such ideologies that legitimized murder for the greater good, Camus came to believe that “today’s executioners...are humanists, and today’s humanists are likely to be executioners.”³⁹⁴ It is in that stance that Camus reached his famous position in *L’homme révolté* and, as Tony Judt has suggested, “revealed aspects of his outlook that placed him still further outside the conventional intellectual community of discourse.”³⁹⁵

We can see then, that *l’esprit de résistance* does not just refer to a moralistic-based politics, but perhaps more importantly, the prevalence and persistence of Resistance-era ideals in Camus’s approach to the law and justice throughout his life. In a sense, Sartre was not wrong in stating that Camus’s personality “in 1944 was [in] the future,” while “in 1952 it was [in] the

³⁹¹ Ibid, 221.

³⁹² Albert Camus. “Totality and Trials.” In *The Rebel*, 245.

³⁹³ Albert Camus. “Historical Murder.” In *The Rebel*, 288.

³⁹⁴ Jeffrey C. Isaac. “Revolt and the Foundations of Politics.” In *Arendt, Camus, and Modern Rebellion*. New Haven: Yale University Press (1992), 118.

³⁹⁵ Tony Judt. “The Reluctant Moralists: Albert Camus and the Discomforts of Ambivalence.” In *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century*. Chicago: Chicago University Press (1998), 93.

past.”³⁹⁶ Camus would carry his wartime experiences with him for the rest of his life. For him, it was time when morality was clear, good and evil distinct, and the hope of a higher justice possible. If anything, it was a reference point to look back on, “a moving alliance of morality and politics, the mind and the sword.”³⁹⁷ It is notable that shortly after the publication of *L’homme révolté* as 1951 wrapped up, Camus met with Philippe Vianney, a fellow Résistante, and immediately fell upon old-times. He writes in his carnet: “Met P. Vianney yesterday, never seen since the occupation and the marvelous days of the Liberation of Paris. And suddenly an immense nostalgia, to the point of tears, for our comrades.”³⁹⁸

But the story does not end here. Camus’s interest in the law and his fight against capital punishment would continue.³⁹⁹ If the 1940s were contentious, then the 1950s were chaotic. The proliferation of the Cold War, the Algerian War, and the collapse of the Fourth Republic provided ample material for Camus’s political activism – what Ronald Aronson describes as his “20/20 political vision.”⁴⁰⁰ Camus would comment on a number of developments throughout the course of the decade, maintaining a strict moralism and a relatively centrist position in fighting to ensure that justice was regarded and murder rejected. As the decade progressed and issues became exacerbated, “the larger problem...for Camus...was not how to choose between morality and politics, but how to forge a politics of moral engagement, in the absence of which only silence would do.”⁴⁰¹ His efforts were numerous and varied.

³⁹⁶ Jean-Paul Sartre. « Réponse à Albert Camus. » In *Situations VI*, 121.

³⁹⁷ Jonathan H. King. “Philosophy and Experience: French Intellectuals and the Second World War.” *Journal of European Studies* 1, no.3 (1971): 205.

³⁹⁸ Albert Camus. “December 1951.” In *Notebooks 1951-1959*, translated by Ryan Bloom. Chicago: Ivan Dee (2008), 23.

³⁹⁹ The effects of Camus’s rupture with Sartre would be felt throughout the remainder of his life. Camus was largely marginalized by the French intellectual community, even posthumously.

⁴⁰⁰ Ronald Aronson. “Prologue.” In *Camus & Sartre*, 4.

⁴⁰¹ Tony Judt. “The Reluctant Moralists.” In *The Burden of Responsibility*, 131.

Among others, Camus wrote extensively, became involved in a number of movements and attempts to appeal for some sort of peace in Algeria – including a direct appeal to then-President Charles De Gaulle in 1959 to “suspend now the executions” of multiple Algerians accused of assassinating Frenchman Amédée Froger in 1956 – and won the Nobel Prize in Literature in 1957.⁴⁰² That same year he published two legally-minded pieces: an essay on the death penalty titled *Réflexions sur la guillotine* and a novel, *La Chute*. The latter, considered by Sartre as “the most beautiful and least understood”⁴⁰³ of Camus’s novel is markedly based in the law with the central character of Jean-Baptiste Clamence (largely read as based on Sartre) as a “judge-penitent,” permanently judging himself and others for their failings.⁴⁰⁴

Réflexions sur la guillotine deals with the totality of capital punishment in its history, societal impact, and overall, the need for its abolition. It is notable that the essay makes reference to the rather relative nature of law, referring to the fact that “law, by definition, cannot obey the same rules as nature” and that “if murder is in the nature of man, the law is not intended to imitate or reproduce that nature” but instead “correct it.”⁴⁰⁵ This was in stark contrast to the Camus who believed that the law reflected a “common will” of sorts, or at its very basis the accepted behaviors of a society. With the issue of capital punishment, as has been noted, Camus saw the law used to divert responsibility and promote injustice, despite its intentions to right a

⁴⁰² Intervention d’A.C. en faveur d’Algériens menacés de peines capitales Cas présentés à A.C. par Yves Dechezelles et Gisèle Halimi 1957, CMS2.Ak1-03.04, *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

⁴⁰³ Jean-Paul Sartre. « Réponse à Albert Camus. » In *Situations VI*, 127.

⁴⁰⁴ Albert Camus. *La Chute*. Paris : Gallimard (1956).

It should be noted that an analysis of *La Chute* is outside of the realms of this research. That being said, the novel is remarkably based on Camus’s own personal experiences with the historical developments of his time, and more profoundly, the reality of intellectual life. Much has been said about *La Chute* and its incorporation of Sartre, de Beauvoir, and others into the story as a repudiation of their shallowness and their short-sidedness. Camus wrote in his carnet on 14 December 1954: “Existentialism. When they accuse themselves one can be sure that it is always to crush others. Judge-penitents.” In *Notebooks 1951-1959*, 131.

⁴⁰⁵ Albert Camus. “Reflections on the Guillotine.” In *Resistance, Rebellion, and Death*, 198.

wrong and bring justice to the victim. In doing so, it merely created further injustices in vicious cycle. Considering Camus's experience of disillusionment with attempts to instantiate justice, it is no wonder that the essay's end alludes to the *épuration* and the failures of the postwar order to truly implement *l'esprit de résistance* at a time when, perhaps more than any, true justice was needed. Camus wrote, that "those executed during the Occupation led to those executed during the Liberation, whose friends now dream of revenge."⁴⁰⁶ It was his belief that a constant fight against the practice of capital punishment as legalized murder was necessary in order to avoid such a cycle and ensure "that nothing authorizes [the State] to legislate definitively or bring about the irreparable."⁴⁰⁷ After all, "justice is a living thing."⁴⁰⁸

Such considerations of law and justice, however, would be cut tragically short in the early days of 1960. Driving back to Paris with his friend Michel Gallimard, the nephew of Camus's publisher Gaston Gallimard, behind the wheel, Albert Camus was to come face-to-face with the absurd and "the gentle indifference of the world."⁴⁰⁹ On 4 January 1960, he died in a car crash, his life cut from him at the age of 46. It was absurd in every sense of the way, perhaps more so because, as Olivier Todd notes, he "had often told friends that nothing was...more absurd than to die in a car accident."⁴¹⁰ In his eulogy for Camus, Sartre wrote that he represented the "current heir to [the] long line of moralists whose works constitute perhaps what is most original in the French arts," that Camus was a resounding voice in a period of flux and turmoil.⁴¹¹ It is notable

⁴⁰⁶ Ibid, 228.

⁴⁰⁷ Ibid.

⁴⁰⁸ Albert Camus. "Beyond Nihilism." In *The Rebel*, 306.

⁴⁰⁹ Albert Camus. *L'Étranger*. Paris : Gallimard (1942), 183-84.

⁴¹⁰ Olivier Todd. "Grand'rue de l'Eglise" In *Albert Camus: A Life*, translated by Benjamin Ivry. New York: Alfred A. Knopf (1997), 413.

⁴¹¹ Jean-Paul Sartre. « Albert Camus. » Dans *Situations VI*, 127.

that Sartre mentions the issue of silence in his death, that the end of Camus's life posed "a silence that is not even a silence anymore, it is absolutely nothing."⁴¹²

But in silence, words echo. Camus's impact, his warning against the false imposition of order through legality, continues to reverberate and his stringent moralism continues to inspire. Albert Camus stood out among his intellectual contemporaries in postwar France, for better or for worse. He lived through despotism and democracy, seeing the evil of the former and the failings of the latter, but keeping a burning hope alive for the instantiation of justice. His contemporaries, even Sartre at his most vicious, could not help but admire Camus's active engagement in the political realities of their time and his effort to combat injustice. Referring back to the years of Liberation, Sartre wrote, "if I call [this moment] yours, it is because you have lived it more deeply and more completely than many of us (and myself)."⁴¹³ For Albert Camus, who famously "refuse[d] to give up hope in man,"⁴¹⁴ it was this activism, this continuous fight for the betterment of society and for the grandeur of man that even in death, his actions would continue to resonate. Rather prophetically, he anticipated this afterlife:⁴¹⁵

The lie lulls or dreams, like illusion. The truth is the only power, cheerful, inexhaustible. If we were able to live only of, and for truth: young and immortal energy in us. The man of truth does not age. A little more effort, and he will not die.

⁴¹² Ibid, 129.

⁴¹³ Jean-Paul Sartre. « Réponse à Albert Camus. » Dans *Situations VI*, 115.

⁴¹⁴ Albert Camus. "11 January 1945." In *Camus at Combat*, 169.

⁴¹⁵ Albert Camus. "July 1958." In *Notebooks 1951-1959*, 216.

BIBLIOGRAPHY

Camus Primary Sources:

- Camus, Albert. *L'Étranger*. Paris : Gallimard (1942).
- Camus, Albert. *Le Mythe de Sisyphe*. Paris : Gallimard (1942).
- Camus, Albert. *Les Justes*. Paris : Gallimard (1950).
- Camus, Albert. *L'homme révolté*. Paris : Gallimard (1951).
- Camus, Albert. « L'exil d'Hélène. » Dans *L'été*. Paris : Gallimard (1954).
- Camus, Albert. *The Myth of Sisyphus*, translated by Justin O'Brien. London: Hamish Hamilton Ltd. (1955).
- Camus, Albert. *La Chute*. Paris : Gallimard (1956).
- Camus, Albert. *Caligula and Three Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958).
- Camus, Albert. "State of Siege." In *Caligula and Three Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958).
- Camus, Albert. "The Just Assassins." In *Caligula and Three Other Plays*, translated by Stuart Gilbert. New York: Knopf (1958).
- Camus, Albert. "Reflections on the Guillotine." In *Resistance, Rebellion, and Death*, translated by Justin O'Brien. New York: Alfred A. Knopf (1961).
- Camus, Albert. *Carnets : Mai 1935-Février 1942*. Paris : Gallimard (1962).
- Camus, Albert. *Carnets 1942-1954*. Paris : Gallimard (1964).
- Camus, Albert. *Notebooks: 1935-1951*, translated by Justin O'Brien. New York: Marlowe & Company (1965).
- Camus, Albert. *The Rebel*, translated by Anthony Bower. New York: Vintage Books (1991).
- Camus, Albert. *Caligula*. Paris : Gallimard (1993).
- Camus, Albert. *Lettres à un ami allemand*. Paris : Gallimard (2013).
- Camus, Albert and Pia, Pascal. *Correspondance : 1939-1947*, annotée et présente par Yves Marc Ajchenbaum. Paris : Gallimard (2000).
- Camus, Albert. *Camus À Combat*, présentée et annotée par Jacqueline Lévi-Valensi. Paris : Gallimard (2002).
- Camus, Albert. *Camus at Combat: Writing 1944-1947*, edited and annotated by Jacqueline Lévi-

Valensi and translated by Arthur Goldhammer. Princeton : Princeton University Press (2006).

Camus, Albert. *Notebooks: 1951-1959*, translated by Ryan Bloom. Chicago: Ivan Dee (2008).

Camus, Albert and Morisi, Ève. *Albert Camus contre la peine de mort*. Paris: Gallimard (2011).

Camus, Albert. *Lettres à un ami allemand*. Paris : Gallimard (2013).

Historical Primary Sources:

Aron, Raymond. *Memoires: Fifty Years of Political Reflection*, translated by George Holoch.

New York: Holmes & Meier (1990).

De Gaulle, Charles. *War Memories: Salvation 1944-1946 Documents*, translated by Joyce

Murchie and Hamish Erskine. New York: Simon and Schuster (1960).

Frenay, Henri. *La Nuit Finira : Mémoires de résistance, 1940-1945*. Paris : Michaelon (2006).

« La loi constitutionnelle du 10 juillet 1940, » [archive]. *assemblée-nationale.fr*.

« Les Conditions de l'armistice seront bientôt connues. » Dans *Le Petit Parisien* (21 Juin 1940).

Sartre, Jean-Paul. *Quiet Moments in a War: The Letters of Jean-Paul Sartre to Simone de*

Beauvoir, 1940-1963, edited by Simone de Beauvoir and translated by Lee Fahnestock and Norman MacAfee. New York: Charles Scribner's Sons (1993).

Sartre, Jean-Paul. « Réponse à Albert Camus. » Dans *Situations VI*. Paris : Gallimard (1964).

Legal Primary Sources:

Code Pénal, annoté par Emile Garçon et refondue et mise à jour par Marcel Rousselet, Maurice

Patin, et Marc Ancel. Paris : Recueil Sirey (1952).

« Constitution de 1875, 111^e république. » Conseil constitutionnel.

« Loi du 2 novembre 1945 portant organisation provisoire des pouvoirs publics. » Conseil constitutionnel.

Rémy, Dominique. *Les lois de Vichy : Actes dit 'lois'' : de l'autorité de fait se prétendant*

'gouvernement de l'État français. Paris : Éditions Romillat (1992).

Camus Secondary Sources:

Aronson, Ronald. *Camus & Sartre: The Story of a Friendship and the Quarrel that Ended it*.

Chicago: University of Chicago Press (2004).

English, John C. "Existentialism and the Study of History." *Social Science* 41, no.3 (1966): 153-60.

- Heraud, Richard. "The Stranger: Adventures at Zero Point." In *Educational Philosophy & Theory* 45 (11): 1116-132.
- Illing, Sean. "Between Nihilism and Transcendence: Camus's Dialogue with Dostoevsky." In *The Review of Politics* 77, no.2 (2015).
- Isaac, Jeffrey C. *Arendt, Camus, and Modern Rebellion*. New Haven: Yale University Press (1992).
- Judt, Tony. *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century*. Chicago: University of Chicago Press (1998).
- Orme, Max. *The Development of Albert Camus's Concern for Social and Political Justice*. Madison: Fairleigh Dickinson University Press (2007).
- Peyre, Henri. *Historical and Critical Essays*. Lincoln: University of Nebraska Press (1968).
- Stuart Hughes, H. *The Obstructed Path: French Social Thought in the Years of Desperation (1930-1960)*. New York: Harper Torchbooks (1968).
- Todd, Olivier. *Camus A Life*, translated by Benjamin Ivry. New York: Knopf (1997).

Historical Secondary Sources:

- Beever, Antony and Artemis Cooper. *Paris After the Liberation: 1944-1949*. New York: Doubleday (1994).
- Cohen-Solal, Annie. *Sartre: A Life*, translated by Anna Cancogni. New York: Pantheon Books (1987).
- Crozier, Brian. *De Gaulle*. New York: Charles Scribner's Sons (1973).
- Drake, David. *French Intellectuals and Politics from the Dreyfus Affair to the Occupation*. New York: Palgrave MacMillan (2005).
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan. New York: Pantheon Books (1977).
- Gildea, Robert. *Fighters in the Shadows: A New History of the French Resistance*. Cambridge: The Belknap Press of Harvard University Press (2015).
- Gorrara, Claire. "Reviewing Gender and the Resistance: The Case of Lucie Aubrac." In *The Liberation of France: Image and Event*. Oxford: Berg Publishers (1995).
- Grenier, Roger. *Le Rôle d'Accusée*. Paris : Gallimard (1948).
- Kaplan, Alice. *The Collaborator: The Trial and Execution of Robert Brasillach*. Chicago: The University of Chicago Press (2000).

King Jonathan H. "Philosophy and Experience: French Intellectuals and the Second World War."

Journal of European Studies 1, no. 3 (1971): 198-212.

Lottman, Herbert R. *The Purge*. New York: William Morrow and Company, Inc. (1986).

Pickles, Dorothy M. *France: Between the Republics*. London: Love & Malcomson Ltd (1966).

Rouso, Henry. « L'épuration en France : une histoire inachevée. » In *Vingtième Siècle. Revue d'histoire*, no.33 (Jan – Mars 1992), 78-105.

Rouso, Henry. *The Vichy Syndrome: History and Memory in France Since 1944*, translated by Arthur Goldhammer. Cambridge: Harvard University Press (1991).

Scott, Malcolm. *Mauriac: The Politics of a Novelist*. Edinburgh: Scottish Academic Press (1980).

Vinen, Richard. *The Unfree French: Life Under the Occupation*. New Haven: Yale University Press (2006).

Legal Secondary Sources:

Baruch, Marc-Olivier. "Vichy and the Rule of Law." In *Bulletin du Centre de recherche français à Jérusalem*, 6 (2000), 141-156

Durand, Bernard, Jean-Pierre Le Crom, and Alessandro Somma. *Le droit sous Vichy*. Frankfurt : Vittorio Klostermann (2006).

Favard, Jean. *Au cœur de Paris, un palais pour la justice*. Paris : Gallimard (1995).

Shaw, Malcom. *International Law*, Eighth Edition. Cambridge: Cambridge University Press (2017).

Weisberg, Richard H. *Vichy Law and the Holocaust in France*. New York: New York University Press (1996).

Marcel Rousselet, Maurice Patin, and Marc Ancel. *Code pénal annoté par Emile Garçon*. Paris : Recueil Sirey (1952).

Fonds Albert Camus :

Actuelles I « Réponse d'A.C. à Emmanuel d'Astier de la Vigerie [texte paru dans Caliban, n°16, juin 1948], » CMS2. Ae1-01.08, Bibliothèque Méjanes, Aix-en-Provence, France.

Actuelles II « Les pharisiens de la justice, » CMS2. Ae1-02.04, *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

« Arracher la victime aux bourreaux » Réponse d'Emmanuel d'Astier de la Vigerie à A.C., parue

- dans Caliban, n°15 Mai 1948, CMS2. Ae1-01.13, Bibliothèque Méjanès, Aix-en-Provence, France.
- Caligula Fragments, CMS2. Ab2-02.03, Bibliothèque Méjanès, Aix-en-Provence, France.
- « Dialogue pour le dialogue » [Interview] Publié dans Défense de l'homme [Juil. 1949], CMS2. Ak3-02.04, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- Intervention d'A.C. en faveur d'Algériens menacés de peines capitales Cas présentés à A.C. par Yves Dechezelles et Gisèle Halimi 1957, CMS2. Ak1-03.04, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- « L'auteur vous parle... » Texte de présentation de Caligula par A.C, CMS2. Ab2-01.04, Bibliothèque Méjanès, Aix-en-Provence, France.
- Lettre d'A.C. au GARDE DES SCEAUX [5 déc. 1946], CMS2. Ak3-01.01, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- L'État de siège Présentation par A. C. pour une traduction, CMS2. Ab4-01.03, Bibliothèque Méjanès, Aix-en-Provence, France.
- Les Justes Mise au point de Camus à la suite de la publication d'un article dans Caliban (de mars 1950) sur Les Justes : « La justice elle aussi a ses pharisiens » publié dans Caliban, n°39, mai 1950, CMS2. Ab5-01.07, Bibliothèque Méjanès, Aix-en-Provence, France.
- Post-scriptum à L'Homme révolté Nov. 1952, CMS2. Ad3-02.01, Bibliothèque Méjanès, Aix-en-Provence, France.

WORKS CONSULTED

- Actuelles I Interview d'A.C. par Émile Simon, CMS2. Ae1-01.11, Bibliothèque Méjanès, Aix-en-Provence, France.
- Actuelles II « Persécutés-persécuteurs, » CMS2. Ae1-02.03, Bibliothèque Méjanès, Aix-en-Provence, France.
- Actuelles II « Le parti de la résistance, » CMS2. Ae1-02.05, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- Actuelles II « Révolte et servitude, » CMS2. Ae1-02.10, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- Anon, Robert. “Histoire d’Épuration” (vol. 1-5), Paris : Fayard (1967).
- « Appel contre la peine de mort » Par Gilbert WALUSINSKI [27 sept. 1953], CMS2. Ak3-01.06, *Fonds Albert Camus*, Bibliothèque Méjanès, Aix-en-Provence, France.
- Bancaud, Alain and Henry Rousso. “L’épuration des magistrats à la libération (1944-1945)” in *Histoire de justice*, no.6 (1994).
- Brasillach, Robert. *Lettres écrites en prison*. Paris : Plon (1967).
- Camus, Albert. *Between Hell and Reason: Essays from the Resistance Newspaper ‘Combat,’ 1944-1947*, translated by Alexandre de Gramont. Hanover: Wesleyan University Press (1991).
- Camus, Albert. « La Crise de l’homme (28 Mars 1946). » Lecture at Columbia University
- Camus, Albert. “Letters to a German Friend.” In *Resistance, Rebellion, and Death*, translated by Justin O’Brien. New York: Alfred A. Knopf (1961).
- Cooper, David E. *Existentialism: A Reconstruction*. Oxford: Basil Blackwell Ltd (1990).
- Cornick, Martyn. “From Resistor to Knight at the Round Table: Jean Paulhan and the Liberation.” In *The Liberation of France: Image and Event*, edited by H.R. Kedward and Nancy Wood. Oxford: Berg Publishers (1995).
- De Beauvoir, Simone. “Oeil pour oeil.” In *Les Temps Modernes* 5 (1946), 102-11.
- De Gaulle, Charles. *War Memories: Salvation 1942-1944 Documents*, translated by Joyce Murchie and Hamish Erskine. New York: Simon and Schuster (1959).
- « Il nous a été difficile de parler hier de René Leynaud... » [article paru dans *Combat*, 27 oct. 1944, à la mort de René Leynaud], CMS2. An1-02.03, Bibliothèque Méjanès, Aix-en-Provence, France.

Isorni, Jacques. *Le procès de Robert Brasillach*. Paris : Flammarion (1946).

Jean-Claude BRISVILLE à [Claude MAURIAC] 31 mars 1954, CMS2. Ak3-03.09, Bibliothèque Méjanès, Aix-en-Provence, France.

Koestler, Arthur. *Darkness at Noon*, translated by Daphne Hardy. New York: Random House (1941).

Laval, Michel. *Brasillach ou la trahison du clerc*. Paris : Hachette (1992).

Lépagnot, Christian. *Histoire de Vichy : Vol 4. La collaboration*. Geneva : Vernoy (1980).

Lépagnot Christian. *Histoire de Vichy : Vol.5. L'épuration*. Geneva : Vernoy (1980).

Les Possédés Texte de présentation de la pièce par A.C, CMS2. Ab8-04.02, Bibliothèque Méjanès, Aix-en-Provence, France.

Lettre de Francis PONGE à Claude HERVE 9 juin [194 ?], CMS2. Ak3-03.07, Bibliothèque Méjanès, Aix-en-Provence, France.

Lettre adressée à Monsieur Charles de GAULLE Demande d'un statut pour l'objection de conscience 20 déc. 1959, CMS2. Ak3-01.16, Bibliothèque Méjanès, Aix-en-Provence, France.

Lettre ouverte de Jean LESCURE à Claude MAURIAC Au sujet des propos tenus dans le premier numéro de la revue Liberté de l'esprit, CMS2. Ak3-03.08, Bibliothèque Méjanès, Aix-en-Provence, France.

Lévy, Bernard-Henri. *Sartre: Philosopher of the Twentieth Century*, translated by Andrew Brown. Cambridge: Polity Press (2003).

LIGUE FRANCAISE POUR LA DEFENSE DES DROITS DE L'HOMME ET DU CITOYEN à A.C. 25 avr. 1955, CMS2. Ak3-04.04, Bibliothèque Méjanès, Aix-en-Provence, France.

Nord, Philip. *France's New Deal: From the Thirties to the Postwar Era*. Princeton: Princeton University Press (2010).

Novick, Peter. *The Resistance Versus Vichy: The Purge of Collaborators in Liberated France*. New York: Columbia University Press (1968).

Paulhan, Jean. " *Lettre aux directeurs de la résistance*," présenté par John Flower. Exeter: University of Exeter Press (2003).

Paulhan, Jean. *Of Chaff and Wheat: Writers, War, and Treason*, translated by Richard Rand. Chicago: University of Illinois Press (2004). (original edition: 1948)

Pierrat, Emmanuel. *La France des Vaincus passe à la barre : une histoire judiciaire de*

l'épuration en France 1943-1953. Paris : Éditions First (2018).

Réponse d'A.C. à François MAURIAC [Note : ce texte a été publié dans *Combat* en janvier 1949], CMS2. Ak3-03.03, Bibliothèque Méjanes, Aix-en-Provence, France.

Réponse de François Mauriac à A.C, CMS2. Al3-03.04, *Fonds Albert Camus*, Bibliothèque Méjanes, Aix-en-Provence, France.

Rist, Charles. *Une Saison Gâtée : Journal de la guerre et de l'occupation*, établi, présenté et annoté par Jean-Noël Jeanneney. Paris : Fayard (1983).

Tebbit, Mark Tebbit. *Philosophy of Law, 3rd edition*. New York: Routledge (2017).

Weisberg, Richard. "Comparative Law in Comparative Literature: The Examining Magistrate in Dostoevski and Camus." *Rutgers Law Review*, vol. 29 (1976), 237-258.