

**LAW AND LITERATURE:  
THE ABSURD IN LAW IN *THE STRANGER* BY ALBERT CAMUS**

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**ABSTRACT:** From an understanding of the philosophy of absurd developed by Camus, it is possible to think about *The Stranger* from a legal point of view, not only in relation to the criminal elements addressed during the trial of Mersault, the protagonist, but also in relation to the implications that the notions of "stranger" and "enemy" bring to studies on identity and otherness, as well as the proximity of man and law, freedom and moral, presented in this article as foundations for the philosophy of Camus. Thus, this work explores the emergent richness of an interdisciplinary study that uses Literature to think about Law, for understanding the paradoxes in literary art allows us to trace a fruitful path to critical reflection on the very nature of Law, showing the important intersection between both spheres.

**KEYWORDS:** law; absurd; *The Stranger*; Albert Camus.

**INTRODUCTION**

A good starting point to understand the deep connections between Law and Literature is to think of the former as a field of logos that goes beyond the Positivist limits of legal norm. As both spheres result of human reflection on existence – one organizes it, the other questions it – Law and Literature feed each other in a mirrored dialogue: while the former produces a formalized content of human action on the world, the latter, abstracting this result, gives back to the human being the reaction produced in the world.

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Literature, as an art form, operates by breaking the rational vices ingrained in a given time period, shattering reality to infinite possibilities. By inverting concatenations of facts and consequences, moral assumptions and ethical developments solidified by everyday repetition, art shows the brittleness and abstract character of a foundation previously seen as solid. From a deep dive in the subjectivism thus revealed, new logical formats are created, new dimensions are formed in the folds of reality, and a new world is opened to the eyes of those who choose to see.

Therein lies the richness made possible by literature in the study of Law. From the endless wealth of possibilities that can be creatively expressed through writing, the infinite complexity of the human world emerges; this world is forever ordered and reordered by Law, bringing to light the paradoxes of existence that create, concurrently, new problems and new ways to solve them.

The novel *The Stranger*, by Albert Camus, falls masterfully within this images game between Law and Literature, which allows, during every reading, new reflections on the tension between society and individual, as well as its illusory dissolution through the exploitation of Law. Written within a historical context disturbed by the horrors perpetrated during World War II, *The Stranger* is characterized by how the narrative exposes through imagery the contradictions in moral values and the legal system built on them.

From this analytical point of view, this work aims to unravel the denunciation presented in *The Stranger* in order to transfer it to the study of Law, making use of the critical benefits generated by the imaginative intelligence of the artist when addressing the instrumental rationality of legal dogmatism.

### **THE ABSURD IN CAMUS'S WORKS**

Published in 1942 and written by Albert Camus, who won the Nobel Prize in Literature in 1957, *The Stranger* tells the story of Mersault, a French living in Algeria, in two parts: the first one presents the character and the unfolding of the events that lead him to commit murder; the second one is a description of the trial of his crime.

“Maman died today. Or yesterday maybe, I don't know” (Camus, 1988, p. 3). With this opening statement, in a clean and direct way, the first chapter of *The Stranger* begins with a drastic display of Mersault's character, which is characterized by detachment and indifference. It dictates the tone of strangeness that the reader will experience throughout the narrative. Afterwards, when notified of his mother's death, the main character describes his travel to the nursing home in which she lived, without displaying any emotion and intrigued by how everyone seems to find strange that he did not express any sign of sadness or low spirits due to his mother's death. The sobriety of Mersault is constant throughout the narrative. In the first part, the impassive posture of the main character is made visible in his romance with Marie Cardona, the friendship offered by Raymond and the final homicide committed by shooting five times one of the Arabs who were pursuing him; in the second part, this posture is made visible by the way the main character perceives his trial and sentence: distant and unshakable.

The novel fits within what its author called “aesthetics of the absurd” in accord with the theory explained in his works *The Myth of Sisyphus* ([1942], 1991) and *The Rebel* ([1951], 1996). These writings result from a blend between his university studies in Literature and Philosophy, the experience of being engaged in the French Resistance during the occupation of France by Germans in World War II, and his close relationship with Existentialist philosopher Jean-Paul Sartre. However, it is precisely his refusal of bringing his theory of absurdity closer to Existentialist theory that made the young Camus diverge from the French philosopher. Despite also rejecting the existence of God and of an absolute rationalism (notable elements in Sartre's ideas), Camus understood Existentialism as an all-encompassing theory, a world vision permeated of metaphysical and moral principles. These are some of the elements presented in his criticism in *The Myth of Sisyphus*. This created a divergence between the two thinkers.

In *The Myth of Sisyphus*, Camus uses Greek mythology to create a metaphor to explain his concept of "man in revolt". This subjectivity had already been presented in the figure of Mersault in *The Stranger*. In the allegory, Sisyphus is sentenced by the gods to roll an immense huge boulder up a hill. However, after he accomplished the task, the boulder rolled back down, condemning Sisyphus to a pointless and endless task for all eternity. The story is originally told as a symbol of perseverance and patience, Sisyphus being a representation of man, passionate about life and accepting the task of living under the conditions imposed on him, despite his condemned situation.

The story of Sisyphus is read by Camus as representing how man accepts to live in an irrational world which, instead of being organized to direct men toward the understanding of a presumed creator or meaning of life, reveals itself as meaningless, and from which man, naturally rational and organizer, feels excluded; man, due to this, fools himself by claiming meanings to an external reality that is essentially chaotic and random.

Camus defines absurd as the confrontation between these facts and ideas, which are naturally irreconcilable. Its essence is not separate from man or the world, but in their related existence that culminates in the oppression that results from the confrontation between man, gifted with will, and the involuntary world surrounding him. As a consequence, absurdity ends in death, as do all other elements of life that surround the human condition:

Likewise and during every day of an unillustrious life, time carries us. But a moment always comes when we have to carry it. We live on the future: "tomorrow," "later on," "when you have made your way," "you will understand when you are old enough." Such irrelevancies are wonderful, for, after all, it's a matter of dying. Yet a day comes when a man notices or says that he is thirty. Thus he asserts his youth. But simultaneously he situates himself in relation to time. He takes his place in it. He admits that he stands at a certain point on a curve that he acknowledges having to travel to its end. He belongs to time, and by the horror that seizes him, he recognizes his worst enemy. Tomorrow, he was longing for tomorrow, whereas everything in him ought to reject it. That revolt of the flesh is the absurd.  
[...]

This world in itself is not reasonable, that is all that can be said. But what is absurd is the confrontation of this irrational and the wild longing for clarity whose call echoes in the human heart. The absurd depends as much on man as on the world. For the moment it is all that links them together. (Camus, 1991, p. 13-21).

Camus recognizes and conveys in his works the absurdity of human existence, which, lacking an objective meaning of its own, can only achieve its ends, attaining meanings and truths, through a subjective signification process to be conducted by the human being itself. In this process, the author perceives, among the existential signs and meanings, merely random human choices, which are constantly frustrated by ironies of fate—which is itself systematically built from many other human choices.

However, diverging from a nihilism that accepts stagnation, the problem of the Camusian man becomes the possibility of giving meaning to existence amid an absurd universe. From this endeavor rises the man who lives according to the philosophy of absurd, essentially characterized by its self-conscience and who thus affirms himself in revolt by accepting to live a life admittedly devoid of meaning. Such a man accepts the absence of hope and, in accordance with his critically formed truths, rejects *a priori* the subjective meanings imposed by others, creating his own meaning in the choice of living:

The laws of nature may be operative up to a certain limit, beyond which they turn against themselves to give birth to the absurd. Or else, they may justify themselves on the level of description without for that reason being true on the level of explanation. Everything is sacrificed here to the irrational, and, the demand for clarity being conjured away, the absurd disappears with one of the terms of its comparison. The absurd man, on the other hand, does not undertake such a leveling process. He recognizes the struggle, does not absolutely scorn reason, and admits the irrational. Thus he again embraces in a single glance all the data of experience and he is little inclined to leap before knowing. He knows simply that in that alert awareness there is no further place for hope. (Camus, 1991, p. 36-37)

This absurd man described by Camus appears in *The Stranger* as Mersault, the completely sincere man who is released from the conforming forces surrounding him. He who transcends social standards, not only by acts removed from the current morality that qualifies them, but, especially,

by his own indifference adopted in front of judgments recognized as devoid of meaning (for they are essentially external to the individual sphere of the judged being, the only one capable of giving meaning to his own acts), making himself in this self-affirmation a man who, left to existential absurdity, reaches the limit of life without having denied it, revealing the inherent incoherence between individual and society. In the words of Camus, in the preface of *The Stranger*, it is about a hero who is condemned for not playing the social game.

### **THE STRANGER IN LAW STUDIES**

#### **The enemy**

From the philosophical notion of absurdity adopted by Camus, it is possible to draw up an analysis of Mersault's behavior in *The Stranger* in face of the events narrated, by adopting a legal perspective.

Born in 1913, in Algeria, during French colonization, Camus comes from a family of limited resources that emigrated from Alsace in 1870, when the region was brought into Prussian control. His father died during the Battle of the Marne in World War I, and Albert grew under the care of his mother, Catherine Sintès, a Moroccan of Spanish origin. Nearly thirty years later, Camus went to Paris, in 1940, and moved back to Algeria. Both moves resulted from his nonconformity to press censorship during World War II, which greatly affected the newspapers to which he wrote, *Alger Republicaine* and *Paris-Soir*. In 1942, subtly portraying this hopeless, dark atmosphere, he published *The Stranger*, in which his own experience of physical displacement is latent in the description of psychical displacement caused by the notion of absurdity, serving as starting material to the characterization of Mersault.

The metaphorical strangeness is then revealed in layers in Camus's novel. The stranger who writes is talking about a citizen who is a stranger to the legal process that judges his action; this situation, in turn, represents the reality of the individual who is a stranger to his own existence. It is no coincidence that the narrative creates a strangeness in the reader, who also

moves itself in the virtual space of his position in relation to the protagonist, thus denouncing the moral disengagement of man. If, at first, the reader recognizes itself as displaced in relation to the subjectivity of Mersault, characterized by indifference, disregard and apathy, during the story the reader realizes that it is accomplice to the protagonist, upset with the moral arbitrariness that takes legal form during the trial and, finally, the reader feels even wronged by the final conviction of a murderer.

In his work *The Vocabulary of Indo-European Institutions*, Émile Benveniste develops an etymological study, which reveals that "the notions of enemy, stranger and guest, which for us constitute three distinct entities – semantically and legally – are intimately connected in ancient Indo-European languages" (1995, p. 354). From this point on, the author reveals the symbolic strength of these terms, semantically linking the terms *hostis* (enemy) and *hospes* (guest) as two sides to the same phenomenon: the stranger.

First, Benveniste identifies a deep semantic correlation between the expression "free man" and the antonym "slave", as the first one is "born inside" the acknowledged society and is thus entitled to full rights, and the second one, conversely, as someone who is not free, for he is necessarily someone who does not belong to that society, a stranger with no rights. (Benveniste, 1995, p. 354).

This connection between the stranger and the slave would come from ancient customs in which the slave is always someone "from outside", a prisoner of war. Thus, in both Indo-European and non-Indo-European primitive societies, the slave was a man without rights, subjected to this condition due to laws of war; therefore, there were no citizen slaves (Benveniste, 1995, p. 349).

This contrast between citizen and stranger, which positions the latter as political enemy of the former, involves the ontological affirmation of a social group that defines itself including from that which it is not. That is, in an identity process of association and dissociation, the political enemy appears as the existential other, who "brings the denial of the existence of

the former and must therefore be repealed and fought for him to preserve his own way of life according to his mode of being" (Schmitt, 1992, p. 52). Jacques Derrida retrieves the issue of the stranger, clearly represented in the Platonic dialogues, in which the character of the stranger frequently appears as the one who questions the traditional logos of the city<sup>2</sup>, that is, the rationality that supported the social organization and defined both not only the citizen, but the Greek man itself (Derrida, 2003).

The recognition of "not belonging" to the moral premises that provide the foundation of Mersault's personality is the reason for a trial that defines him as a person essentially inadequate, who must therefore be removed from his social environment. This conception of stranger linked to the notion of enemy is solidified in Penal Law since the treaties of the Classical School, founded upon the theory of Social Contract, which, conceived in the context of the Enlightenment, assumed absolute equality among all men as beings gifted with a universal reason capable of reaching absolute truths. Then, it was developed under the foundation of the possibility of a consensus between rational men on morality, reaching the conclusion that all deviant behavior is inherently pathological, irrational and defective. In this sense, the author of the action is consequently considered either incapable of signing contracts, and thus must be corrected/reeducated through a sanction, or a deserter, who has broken the pact consciously, becoming automatically an enemy of society, and this enmity will make him bear the punishment imposed on him (Bitencourt, 2008, p. 51).

This understanding was developed by Gunther Jacobs in the theory named Enemy Penal Law, created in 1985, which states that an enemy of the State is a person who distances himself permanently from legal norms and has no possibility of rehabilitation. Once thus qualified, the individual would suffer the imposition of a form of penalty enforcement different from that applied to citizens. This kind of punitive rationality goes back to Mezger, notorious collaborator of Nazism, and to the practice of "culpability

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<sup>2</sup> See the dialogues *Sophist* and *Statesman*, by Plato (1991a; 1991b).



by conduction of life" by which the nucleus of culpability is not the fact, but the author:

What really matters to censorship is the personality of the agent, or his character or social conduct, ultimately what he is, and not what he does or how he does it. A conception such as this, focused solely on the author and missing the fact itself, its objective aspect, may lead, as it indeed did, in Nazi Germany, to a rampant arbitrariness of the state and to an undue intervention on the individual way of life. Thus, someone is ultimately punished for being a certain person, for having certain personality traits, and not for doing anything. This conception could justify, for example, interventions progressively more removed from the protection of rights and individual guarantee, and might reach, in a later stage, a subtle arbitrage, even modeling the personality of the individual (Bitencourt, 2008, p. 345).

Taking into account the influence of World War II in the reflections of Camus, we can see clearly how the theory of the enemy and the universalist principles that support it are related to the criticism portrayed in Mersault's trial. The protagonist, defined as a model of the man who accepts the absurd in the incongruity between individual and collectivity, fits perfectly the category of enemy in Jacobs's theory. After all, Mersault not only commits a specific, illicit and culpable, but also does not repent and, especially, is not affected by the values or social punishment with which he is threatened. The very fact that the main character does not agree to build a defense based in false statements shows his disregard, which represents his self-affirmation in refusing the external modeling they try to inflict on him.

Therefore, if the stranger and enemy is etymologically related to the idea of slave, whose freedom is hampered in favor of someone else's will, in Camus the revolt appears as a necessary self-affirmation of the stranger as a free man, whose will stands firm in face of all the chains imposed on him. After all, as befits the men in revolt, who lives his life in perseverance and acceptance of absurd, it is better to be coherent to his principles and convictions.

## The trial

The protagonist of Camus is then presented as the man in revolt himself, that is, he who, besides realizing that he does not belong to a subjectivity external to his individuality, denies it to the point that his behaviors are hostile and who, even so, accepts the absurdity of this collision. This is clear in the second part, when Mersault is convicted for not yielding to the legal tricks and keeping himself loyal to his truth, to his own being.

The life of Mersault, his sequence of choices or random, sensory, temporary events, responsible for the constitution of a natural spatial-temporal sphere in which his subjective and individual character was build, materializes at a certain moment as a punctual result, which conflicts with the legal predeterminations of an external social environment. In other words, the existence imposed on man, his fate governed by the largest star—the stunning sun—which appears incessantly throughout the narrative, culminates in a fact that will be signified *a posteriori* as antilegal—a homicide:

It occurred to me that all I had to do was turn around and that would be the end of it. But the whole beach, throbbing in the sun, was pressing on my back. I took a few steps toward the spring. The Arab didn't move. Besides, he was still pretty far away. Maybe it was the shadows on his face, but it looked like he was laughing. I waited. The sun was starting to burn my cheeks, and I could feel drops of sweat gathering in my eyebrows. The sun was the same as it had been the day I'd buried Maman, and like then, my forehead especially was hurting me, all the veins in it throbbing under the skin. It was this burning, which I couldn't stand anymore, that made me move forward. I knew that it was stupid, that I wouldn't get the sun off me by stepping forward. But I took a step, one step, forward. And this time, without getting up, the Arab drew his knife and held it up to me in the sun. The light shot off the steel and it was like a long Hashing blade cutting at my forehead. At the same instant the sweat in my eyebrows dripped down over my eyelids all at once and covered them with a warm, thick film. My eyes were blinded behind the curtain of tears and salt. All I could feel were the cymbals of sunlight crashing on my forehead and, indistinctly, the dazzling spear Hying up from the knife in front of me. The scorching blade slashed at my eyelashes and stabbed at my stinging eyes. That's when everything began to reel. The sea carried up a thick, fiery breath. It seemed to me

as if the sky split open from one end to the other to rain down fire. My whole being tensed and I squeezed my hand around the revolver. The trigger gave; I felt the smooth underside of the butt; and there, in that noise, sharp and deafening at the same time, is where it all started. I shook off the sweat and sun. I knew that I had shattered the harmony of the day, the exceptional silence of a beach where I'd been happy. Then I fired four more times at the motionless body where the bullets lodged without leaving a trace. And it was like knocking four quick times on the door of unhappiness. (Camus, 1988, p. 58-59).

In the human condition, absurdity is the law of existence, and an attitude of dissent, even if it is constituted in the heart of the social existence itself, has thus a price when confronted with the legal/moral order that rules society, presupposed as an order guided by timeless human principles and that, as a consequence, does not admit the deviations that it generates. The absurd is thus fully revealed in the second part of the work, when Mersault's trial is much more focused on typical individual elements of the character than on the fact of the homicide itself. That is to say, the system that considers itself objective, removed from existential contingencies and that does not admit these kinds of moral deviance, is guided during the narrative almost exclusively by exceptional subjective aspects.

When a lawyer is provided for his defense, the former asks Mersault if he had suffered with his mother's death, to which the protagonist answers that he “would rather Maman hadn't died” (Camus, 1988, p. 65). The lawyer explains to him that such insensitivity would be a strong point stressed by the prosecution and that the trial would involve factors external to the case itself, involving the entire private life of the author of the crime. When the case is given to the examining magistrate, the first interrogation starts exactly in the direction pointed by the lawyer, investigating even the protagonist's lack of faith in God. We can see clearly that the Mersault's trial is much more focused on his personal life than on the crime and its objective facts, revealing that the atypical fact was not the crime itself, but the deviant identity of its author:

Even in the prisoner's dock it's always interesting to hear people talk about you. And during the summations by the prosecutor and my lawyer, there was a lot said about me,

maybe more about me than about my crime. But were their two speeches so different after all? My lawyer raised his arms and pleaded guilty, but with an explanation. The prosecutor waved his hands and proclaimed my guilt, but without an explanation. One thing bothered me a little, though. Despite everything that was on my mind, I felt like intervening every now and then, but my lawyer kept telling me, "Just keep quiet-it won't do your case any good." In a way, they seemed to be arguing the case as if it had nothing to do with me. Everything was happening without my participation. My fate was being decided without anyone so much as asking my opinion. There were times when I felt like breaking in on all of them and saying, "Wait a minute! Who's the accused here? Being the accused counts for something. And I have something to say!"

[...]

"Has he so much as expressed any remorse? Never, gentlemen. Not once during the preliminary hearings did this man show emotion over his heinous offense." At that point, he turned in my direction, pointed his finger at me, and went on attacking me without my ever really understanding why. Of course, I couldn't help admitting that he was right. I didn't feel much remorse for what I'd done. But I was surprised by how relentless he was. I would have liked to have tried explaining to him cordially, almost affectionately, that I had never been able to truly feel remorse for anything. My mind was always on what was coming next, today or tomorrow. But naturally, given the position I'd been put in, I couldn't talk to anyone in that way. I didn't have the right to show any feeling or goodwill. And I tried to listen again, because the prosecutor started talking about my soul.

He said that he had peered into it and that he had found nothing, gentlemen of the jury. He said the truth was that I didn't have a soul and that nothing human, not one of the moral principles that govern men's hearts, was within my reach. "Of course," he added, "we cannot blame him for this. We cannot complain that he lacks what it was not in his power to acquire. But here in this court the wholly negative virtue of tolerance must give way to the sterner but loftier virtue of justice. Especially when the emptiness of a man's heart becomes, as we find it has in this man, an abyss threatening to swallow up society." It was then that he talked about my attitude toward Maman. (Camus, 1988, p. 98-101).

In the following chapters, Mersault talks about the loneliness in prison, the deprivation of liberty and the ways of fighting boredom. In the day of the trial, the protagonist talks about the presence of the media, the unfolding of the jury and how he felt isolated from the process about his own crime. The prosecution witnesses only reported the insensitive behavior of Mersault in relation to his mother's death. The defense

witnesses talked about his good character. Despite the constant strangeness experienced by the reader in relation to the protagonist's trial, we highlight its relevance and coherence with the current legal framework and practice in Brazil, in which subjectivity blatantly prevails, despite the objectivity recommended by law theory. The typical, antilegal and culpable fact, artificially objectified in several different formal categories, is analyzed during the trial under the sign of reproachability of the action of the individual, which, in turn, has in its center the predefined morality of the group that judges it in its system of checks and balances. This operating moral, personified in the physical figure of judges, prosecutors, witnesses, jurors and other people involved, mostly in media trials, is mixed with the subjective individualism of each individual, multiplying exponentially the subjectivity of the trial.

Using a shallower comparison, we can say that, during the trial, the insistent valuing of the protagonist's personal life has a clear similarity with Article 59 of Brazilian Penal Code, which states that the social conduct and personality of the agent must be considered in the moment of sentencing<sup>3</sup>. As a consequence, there are many trials that include questioning of witnesses attesting on the character of the defendant, as well as letters from relatives to judges, or even speeches from lawyers to the jury, appealing to sentiments external to the alleged objective facts. Thus, absurd is once again revealed in the swinging contradictions in a trial that considers itself objective while focusing in subjective characters, at the same time alienating the analyzed subject itself, when it intends to care only about the facts.

That is the criticism directed to the penal process, which not only extends for long periods, putting the defendant through the suffering of waiting for an institutional outcome, but also excludes the defendant itself,

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<sup>3</sup>“Article 59 - The judge, according to the culpability, criminal record, social conduct, personality of the agent, motives, circumstances and consequences of the crime, as well as the victim's behavior, shall establish, as necessary and sufficient to reproach and prevent the crime: I - appropriate sentences; II - the quantity of the appropriate sentence, under the limits provided; III - the initial regimen of the custodial sentence; IV - the replacement of the custodial sentence by another kind of sentence, if applicable.”

who often does not understand how it works and is limited to trusting his lawyer. This situation is very clearly represented in this excerpt:

For example, I got bored very quickly with the prosecutor's speech. Only bits and pieces—a gesture or a long but isolated tirade—caught my attention or aroused my interest.

The gist of what he was saying, if I understood him correctly, was that my crime was premeditated. At least that is what he tried to show. As he himself said, "I will prove it to you, gentlemen, and I will prove it in two ways. First, in the blinding clarity of the facts, and second, in the dim light cast by the mind of this criminal soul." He reminded the court of my insensitivity; of my ignorance when asked Maman's age; of my swim the next day—with a woman; of the Fernandel movie; and finally of my taking Marie home with me. It took me a few minutes to understand the last part because he kept saying "his mistress" and to me she was Marie. Then he came to the business with Raymond. I thought his way of viewing the events had a certain consistency. What he was saying was plausible. I had agreed with Raymond to write the letter in order to lure his mistress and submit her to mistreatment by a man "of doubtful morality." I had provoked Raymond's adversaries at the beach. Raymond had been wounded. I had asked him to give me his gun. I had gone back alone intending to use it. I had shot the Arab as I planned. I had waited. And to make sure I had done the job right, I fired four more shots, calmly, point-blank—thoughtfully, as it were.

"And there you have it, gentlemen," said the prosecutor. "I have retraced for you the course of events which led this man to kill with full knowledge of his actions. I stress this point," he said, "for this is no ordinary murder, no thoughtless act for which you might find mitigating circumstances. This man, gentlemen, this man is intelligent. You heard him, didn't you? He knows how to answer. He knows the value of words. And no one can say that he acted without realizing what he was doing."

I was listening, and I could hear that I was being judged intelligent. But I couldn't quite understand how an ordinary man's good qualities could become crushing accusations against a guilty man. (Camus, 1988, p. 99-100).

The narrative shows a clear criticism by Camus of the institutional absurd of society, denouncing a theatrical justice not committed to the objectivity and clarity it espouses in the discursive creation of the so-called "real truth" sought in the process. Recognizing the obscurity of this sought truth and justice, Camus compares, through the parody contained in the sarcastic carelessness of Mersault, the incoherent workings of the legal and

institutional apparatus with the no less absurd workings of existential chance (Olivo; Siqueira, 2008, p. 12).

Not accepting a universal rationality capable of leading men to a single moral sense, Camus makes us reflect on the roots of the norms that make up the legal framework, constituted in an exorbitant excess of norms, resulting from an incessant activity of codification of reality, which, as it is essentially human, is consequently unpredictable and changeable and, thus, always exceeds previous regulation.

Therefore, if the norm is formalized after the acts that it seeks to conform through the mechanism of exception<sup>4</sup>—including what used to be located in the field of the unpredictable—, it is necessary to think about where does its first foundation of legitimacy comes from. Matos approaches the question presenting it as the experience of violence, which imposes an order whose main function would be to sustain the system of domination that results from the conflict of forces, justifying it afterwards under the aegis of a discourse on an alleged metaphysical rationality:

The *nómos* is not limited to the law; it guards in itself a signification foundational of law, which the contemporaneity seems to have forgotten by functionalizing it. Schmitt explains that the noun *nómos* comes from the Greek verb *némein*, presenting three complementary meanings: 1. taking, conquering (same sense of the German verb *nehmen*); 2. splitting and distributing what has been taken; 3. grazing, that is, cultivating and exploring the possession, that which has been conquered. In fact, all normative ordination depends on a previous violence, that consists in taking the land. Order (*Ordnung*) and location (*Ortung*) are co-extensive.

Using the Pythagoreans as source, Foucault claims that *nómos* comes from *nomeús*, that is, "shepherd". The government of men, then, would derive from the medieval Christian notion of shepherding. The shepherd is the one who makes the law and points the right direction to the herd, staging an authority experience that the Greeks only knew in a secondary, marginal way. Thus, they located it in the private domain of the house, never

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<sup>4</sup> Here it refers to the exception, in the sense discussed by Schmitt and Agamben, of a moment/space in which the legal framework is suspended to introduce in itself the naked life, the unqualified biological life, without political apparel, repeating the founding moment of Law (Agamben, 2007, p. 16-17).

in the political field: it is about the submission of one human being (the son, the wife, the slave, etc.) to the pure will of another (the father) rather than to an abstract system of norms and social standards, be it democratic, aristocratic or monarchic (Matos, 2014, p. 260).

The symbolic reduction of legal studies to law appears here as a concealment of the systemic reproduction of a power relation consolidated in time. With the intention of being sustained this way, it guarantees the stability and social control through norms intended to secure the predictability of behavior in the individuals to be governed, based in discourses of truths on subjective categories as good/evil, right/wrong, moral/immoral, obscure notions in Camus's philosophy. In this context, the author demonstrates how an unpredictable subjectivity such as Mersault's is a much larger threat to the system than the act itself.

### CONCLUSION

The brief story of *The Stranger* is a remarkable example of connection between Law and Literature. In the face of the deep reflections inspired by the narrative of Camus, an author who accomplishes an abstraction and creation of close connections between Philosophy, Law and Literature, in the sense of creating such contemporaneous criticism, we can see that the work stays fresh during the years due to the essentiality and complexity of its themes.

Despite the fact that the theme of strangeness in which Camus was immersed and the influences of the military-legal context may appear to be outdated subjects, the work manages to abstract the timelessness of these experience, using the best tools of historical memory to think about the present. The singularities that consolidate us as unique beings, the possibility of transposing this void that separates us and the absurds that dogmatics and the uncritical thought may generate, when shared by a group that values a homogeneity of identities artificialized by ideological discourses, are issues that should always be present in legal discussions.

By demonstrating the antisocial behavior of Mersault and allowing us the sensory strangeness that his story creates, Camus reminds us of ourselves and of the intrinsic incoherence that lies in the life of human



being in society. Revealing the incompatibility between the individual freedom that the subjects of law intend to take as a basis and a legal social order that affirms itself as objective and equally applied to everyone, consolidated by a coherently established, is the way of making explicit a paradox, demonstrating what the author called existential absurd.

If, for man, living according to all the social rules imposed on him is to deny its freedom, element that gives meaning to its existence as an autonomous being, on the other hand, life in disagreement with these social rules imposes on him punishments that may be death, as in the case of Mersault, and this is also a complete noncompliance with life as its final denial. Then emerges a need of thinking about the reach of sanctions and the limits of institutional action on society, searching the middle ground in which the paradox may be balanced.

Of course, the philosophical/literary posture of the author is made hyperbolically when using a homicide as a way to talk about freedom. However, one of the largest qualities of art is the very possibility of creating extreme situations in which the reader/viewer locates himself and starts to think about reality under a perspective hardly reachable in the real normative world. This is, thus, the mastery of Camus: make the jurist not only an accomplice to the murderer, but outraged with a system that sentences him, the same system in which the jurist blindly conducts his daily activities.

From these questions brought by the imaginary field used by Literature, this exercise of reflective displacement that perceives and accepts the paradox exposed in its entirety, the jurist must guide his considerations in the daily practice of Law.

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