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Dr. Nirmala Sharma
Assistant Professor,
Department of English,
Jyotiba Phule Govt. College,
Radaur, Yamunanagar,
Haryana, India

Naresh Kumar
Assistant Professor,
Department of English,
Jyotiba Phule Govt. College,
Radaur, Yamunanagar,
Haryana, India

Corresponding Author:
Dr. Nirmala Sharma
Assistant Professor,
Department of English,
Jyotiba Phule Govt. College,
Radaur, Yamunanagar,
Haryana, India

Jurisprudence of criminal punishment: A critical study of Albert Camus' the outsider

Dr. Nirmala Sharma and Naresh Kumar

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Abstract

Albert Camus's *The Outsider* led the contemporary literature in many respects. Tormented by the horrified experiences of World Wars along with fears of holocaust of Hitler's Nazi regime made the intellectuals including Albert Camus to dig at the rationality of human life and its redemption. The major protagonist of *The Outsider*, Meursault; not a self-centred but a self-absorbed person, is arrested for his irrational act of killing an Arab. The narrative mainly dealt with his injudicious trial; the trial that focuses on his personality, individuality and his set of value, being different. The writer, through the case of Meursault, highlights the working of system of Justice and its applicability in a rather apt manner. Very forcefully, Camus, strikes the synthesis of truth on the basis of unrelated facts. The present paper is designed to find out the philosophy of jurisprudence of criminal punishment in the novel *The Outsider* written by French - Algerian philosopher, author, dramatist, journalist and political activist Albert Camus.

Keywords: Life, truth, values, individuality and justice

Introduction

Algerian philosopher, author, dramatist, journalist and political activist Albert Camus was the recipient of the 1957 Nobel Prize in Literature at the age of forty four, the second youngest recipient in history. His works include *The Outsider*, *The Plague*, *The Myth of Sisyphus*, *The Fall* and *The Rebel*. He made significant contribution to a wide range of issues in moral philosophy in his novels, reviews, articles, essays and speeches- terrorism, political issues, suicide and death penalty are the issues taken up in his writings. *The Stranger*, also published in English as *The Outsider* (1942), is the first of Camus' novels published in his lifetime; published as *The Outsider* in England and as *The Stranger* in the United States. Jurisprudence is a word, derived from the Latin term *Jurisprudentia* that means the study, knowledge or science of law. Jurisprudence deals with legal reasoning, legal instructions and legal system; in simplest form Jurisprudence is the philosophy of law. It generally includes the study and analysis of law, at the same time its systems, institutes and principles. Law and Literature focus on the analysis and criticism of literary works that have legal themes; depict lawyers and legal practice. The theory of Jurisprudence is aptly applicable to the novel *The Outsider* written by the French novelist Albert Camus.

Discussion

The protagonist, of *The Outsider*, with its famous quote 'My Mother died today. Or may be yesterday, I don't know' (1), accepts the absurdity of life. The narrator, being the protagonist himself, narrates the story of his life; he is punished by the law court /the jury not for the crime that he had committed, but because he could not weep and express his grief at the death of his mother. The protagonist, a young man named Meursault is condemned to death; not for murder of an Arab that he committed but for not yielding to the rules of the society, and being an atheist: not believing in the existence of God. He did not weep at his mother's funeral, or show warranted emotions; this compounds his guilt in the eyes of society, and the juror who convicts him. Meursault, a stranger and also an outsider, originally belongs to France, lives in Algiers, is an independent young man and works in an office as a clerk. Meursault is happy with his life, and is not the least concerned with what is happening around him in the society. He kills an Arab, though unknowingly, and is punished for it; goes

through a trial in the court and faces the jury; but is not able to save himself from the punishment. Actually Meursault is psychologically detached with the world around him; some touching and passionate incidents of life seem to have no value for him such as marriage, death etc.

The novel is divided into two parts: the first part of the novel is related to the incident of Meursault-mother's death, his life afterwards leading to the murder done by Meursault, and the second part includes the trial and his subsequent death sentence on guillotine. The telegram, received from Old People's home Marengo reads as: 'Mother deceased. Funeral tomorrow. Very sincerely Yours' (1), prompted Meursault to visit his boss from whom he, in return, expects condolences. 'But he will no doubt say something the day after tomorrow when he sees me dressed in black. For now, it's still a little as if mamma hadn't died' (1) delineates heartfelt sentiments of a son at the death of his mother; and nothing shows him to be a criminal. Not intentionally but under compulsion Meursault has to keep his mama in the old age home just because he 'weren't able to look after all her needs. She required a nurse and he 'earn a very modest living' (2). Meursault himself accepts 'when we lived together, mama spent all her time silently watching me come and go' (2), while manager of the home holds the opinion that she was 'happier here with us; and also she had friends here 'you know',' people of her own age', the advantage of all this was that 'she could share her interests from the past with them (2). Though a caring son, he is inexpressive; emotionally, and cannot shed tears like others; it seems as if he has learnt to hide his sentiments whether sad or happy. After the death of his mama, and whom he found 'attractive at the time', with whom he enjoys swimming and shared so many moments of intimacy including body pleasures; and it was all mutual, accepts Meursault. It was the destiny that made him befriended with Raymond; a pimp and his neighbor. Raymond, a highly practical person, coaxed Meursault to write, being a person of expressive writing, a harsh letter to Raymond's mistress who was simultaneously dating someone else. The chain of events led to the murder of an Arab; brother of Raymond's mistress. Meursault, had not killed him knowingly, explains: 'the Arab himself pulled out his knife and raised it towards me in the sun. The light flashed off the steel and it was as if a long gleaming blade was thrust deep into my forehead. At that very moment, the sweat that had gathered on my eyebrows suddenly rushed down into my eyes, blinding me with a warm, heavy veil of salt and tears' (53). This stance of the Arab instigated him, the sun was shining brightly and its ablaze closed his eyes, the bullet 'rapped sharply, four times' destroying 'the natural balance of the day, the exceptional silence of a beach'. (Camus 53)

The 2nd part of the novel encapsulates Meursault being imprisoned, his trial in the court: proven to be an emotionless, hard hearted criminal, and a potential threat to the society; he is pronounced death sentence on guillotine. The trial and its verdict form an important part of the novel; Camus uses the trial and persecution of Meursault to prove flawed system of justice. It, indeed, highlights the futility of human life, and its co-relation with truth. After a lightening trial, the hastened jury declared Meursault a murderer; to be executed on the guillotine at the town square. The facts, the prosecutor presented in the court, are true and valid; though irrelevant to the case. The readers are well aware of what is going on inside Meursault's mind during the whole of the

hearing of case; and also know well the absurdity of the accusations of the prosecutor. Life is very precious; but it took only forty five minutes to the jury to decide, unanimously, to send Meursault to the guillotine, and that is unreasonable. Meursault commits crime against an Arab, Raymond had also done so earlier; but law overlooks him and Meursault is caught; he 'was interrogated several times' but 'no one seemed interested in' his case.

However, Meursault was least scared. His casualness could be ascertained from the fact that he did not consider requirement of defense lawyer as 'absolutely necessary'; his case, being, very simple; he is provided a defense lawyer as 'the legal system took responsibility of such details', even though being a clear soul. Meursault thinks it to be unnecessary and 'it all seems like a game' to him; that he even tried to shake hands with the judge but 'remembered just in time that I'd killed a man' (58). Instead of case details like circumstances, the motive and other evidences, the prosecution, as voiced by the defense lawyer, tilted the case towards his emotional bareness; he had 'shown no emotion on the day of Mama's funeral' (58). Being an inexpressive, Meursault's answers were always clear, precise and unequivocal; he explains:

I'd rather lost the habit of analyzing my emotions and so it was difficult to explain; I undoubtedly loved Mama very much, but that didn't mean anything. Every normal person sometimes wishes the people they love would die. (Camus 58)

Meursault is a human being; a normal man. He usually got carried away by 'one of the characteristics of his personality'; 'physical sensations often got in the way of my emotions. The day of Mama's funeral, I was very tired and sleepy' (59). Meursault's inhibited and honest replies did not go down well with the lawyer. He, very sternly and maliciously, warned Meursault that 'the director and staff of the home would be called as witnesses and that things could turn very nasty for' (59) him. Discarding Meursault's viewpoint regarding incongruity between old-age home and his crime, the defense lawyer indirectly hinted at the working of the judicial system.

The defense lawyer abruptly ended the meeting, and the manner of his exit put Meursault to introspect himself. He had been proven 'taciturn and uncommunicative' in the investigation; and his reply that 'just that I don't ever have much to say, so I keep quiet' (60) was mocked at by the judge. Meursault's placid and composed nature was the only reason for his repeated interrogation; the frequent narration of that day's incidents: 'Raymond, the beach, swimming, the fight, the beach again, the little spring, the sun and the five shots I'd fired' (60) made him jaded and weary. Many irrational and irrelevant questions that too without any attentiveness, were asked by the judge: if he loved Mama, if he fired five shots in a row, why did he wait between the firsts and second shot etc. And suddenly, brandishing a silver crucifix, he; almost quivering, disarrayed the case in changed voice, brings God and religion in the case and by showing him a crucifix asks in a very passionate way:

"he told me that he believed in God, that he was positive that no man was so guilty that God could not forgive him, but that in order to be forgiven the man must repent and once more become a child whose soul is bare and prepared to accept everything." (page 61) Law has nothing to do with emotions and religion; the court should and must be always impartial. This trial pertains to a murder case, and not for his

emotions towards his mother: whether Meursault loved his Mama or not; it is entirely inappropriate and pointless. Meursault, who had admitted his offence, was puzzled where the judge was stuck: 'that I had waited before firing the second shot'. Very humorously, he had been proved guilty not for killing an Arab but being Atheist: not believing in God. When Meursault tried to correct him, the judge snubbed him, very indignantly.

Everyone believed in God even those who turned away from Him. This was his firm belief, and if he ever had cause to doubt it, his life would no longer have any meaning. 'Do you want my life to have no meaning?' he shouted. (Camus 62)

The judge, examining the case, had coerced Meursault to believe in God; against his will; though it was none of his business. Meursault patiently underwent the interrogation, answered with a clear conscience disregard of impending consequences; though Meursault's answer that 'rather than feeling genuine regret I found it all rather tedious' upset the judge. However, in the later interrogations/meetings, the judge used to address him as 'our Antichrist'. Marie's first visit, though marred with certain hurdles, impressed upon Meursault that his 'life would end there' with the acceptance that 'people ended up losing their notion of time in prison' and 'yesterday and tomorrow were the only words that meant anything to me'. (74)

The defense lawyer had assured him; though falsely, that the case will conclude shortly because 'not the most important one of the session. There is a parricide scheduled right after' (74) that. The court was packed of 'anonymous passengers' including the journalists; 'a small piece' of story 'about the case stirred the people in 'the slow season for newspapers'. (76) They were devoid of human feelings for a human being; assembled to see only if he, Meursault, 'looked like a criminal'. Surprisingly, the defence lawyer had already advised; rather beguiled Meursault, 'to reply as briefly as possible' and instructed 'not to offer any additional information and to count on him to do the rest.' (76)

The trial which apparently seemed impartial and objective, digress from the main course; the state's witnesses testified not about crime but about Meursault's calmness, not crying on the day of funeral, not spending any time at the graveside, not saw Mama's face in coffin, smoked a cigarette, accepted coffee, fallen asleep, his affair after Mama's death, swimming sessions, saw a comic movie in theatre etc. Rejecting objection of defence lawyer: 'is this man on trial for having buried his mother or for having killed a man', the prosecutor advocated that 'these two events were essentially, emotionally, profoundly connected' (87); and established that this man, Meursault's, had 'buried his mother with the heartlessness of a criminal' (87). The presiding judge, and the prosecutor picked up the pieces, very selectively, from the statements of the witnesses; that speak more about Meursault's personal life than about his crime, to synthesize an assumption that the 'crime was premeditated' (90).

During the trial, Meursault's explanation regarding mother-son bonding: 'neither mama nor I expected anything of each other, nor from anyone else for that matter and that we had both got used to our new lives' (79), was buried in the haste to arrive at the conclusion: rather illogical one. He remained silent most of the time because his 'desire to engage with people never lasted very long', though in all senses, unaware of guillotine; every now and then he 'sometimes tempted to intervene'. He was tried, 'everything happened without' his involvement and his 'fate was being decided without anyone asking' his opinion.'(89). The prosecutor

'had tried to look into my soul' and declared, without any evidence, that:

In truth, I had no soul, and that nothing that makes a man human, not a single moral principle, could be found within me. 'Of course,' he added, 'we should not reproach him for this. We cannot complain that he lacks what is not in his power to acquire. But where this court is concerned, tolerance, a virtue that in this instance is entirely inappropriate, must give way to the higher, more demanding virtue of justice. Especially when the lack of a soul in a man such as this becomes an abyss in which all the society can be engulfed and destroyed.' (Camus 92).

The chain of events presented, by the prosecutor lawyer, before the jury was sufficient to tag Meursault a hard hearted criminal, a man without soul and moral principles; and his ultimate conviction. Definitely Meursault had killed an Arab, and must be punished for the murder, but the way; prosecution and the examining judge proceeded with the case, the infructuous arguments, immaterial and intangible statement of non-witnesses': not of crime scene, and a conclusive decision based on extraneous, impertinent and inconclusive facts. Meursault's contemplation underlines the working of extant of criminal justice system: 'how the natural qualities of an ordinary man could be turned into overwhelming proof of his abominable crime.'(Camus 91).

Conclusion

Meursault, an ill-fated young man, is waiting to be put on guillotine not because he had murdered an Arab; but as a victim of faulty and erroneous system of justice. The nihilistic approach of Meursault: 'but everyone knows that life isn't really worth living. In the end, I knew that it didn't matter much you died at thirty or at seventy, If you are going to die, it didn't actually matter how or when, that much was obvious' (Camus 103), can be a reason for his victimization; further strengthened by the visit of a chaplain. His assurance to Meursault, certainly, highlights the give and take approach of the system of justice. The system of justice fails to understand Meursault as a person: As human being, his concept of social relations and moreover, his system of values: quite ultra-modern. Law cannot be irrational or selective: as in the case of Raymond and Meursault. The novel, in fact, slams the popular but detrimental system of justice 'What did it matter if accused of murder he was executed for not crying at his mothers' funeral?'

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