Camus, Heller, and the Absurd Legal Novel

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ABSTRACT

This thesis takes a critical look at Albert Camus' *The Stranger* and Joseph Heller's *Catch-22* as two works in a new proposed subgenre of literature: the absurd legal novel. *The Stranger*'s court system relies on an instinctual, subjective judgment of Meursault's character in order to judge him and condemn him to death, while *Catch-22*'s military bureaucracy traps its airmen in cruel, meaningless cycles through verbal trickery and coercion. Both are both flawed institutions whose absurd practices are little more than dangerous exercises in power over others. The last chapter of this thesis examines real world instances of absurdity in law, such as qualified immunity and immigration law, and uses the absurd legal novel as a basis to theorize why these absurd policies exist in a legal system ostensibly based on order and rationality. Ultimately, the absurd legal novel can teach readers how to think critically about the nature of power: who holds it, how they use it, who it is used against, and perhaps most importantly, how it maintains itself.

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Introduction

In his 1942 book-length essay, *The Myth of Sisyphus,* Albert Camus articulated his philosophy of the absurd, a concept which would go on to influence many 20th-century writers. In the essay—a meditation on the meaning of life and suicide—Camus argues that it is humankind's nature to look for meaning in a universe that is inherently devoid of any, making existence itself absurd. As he himself puts it, "What is absurd is the confrontation of this irrational and the wild longing for clarity whose call echoes in the human heart" (*Sisyphus* 21). While absurdism is arguably a footnote in existential philosophy, its influence in literature has been widely apparent. Camus noted the absurdist undercurrent in the works of authors like Franz Kafka and Fyodor Dostoyevsky, saying of the latter's works, "these novels . . . propound the absurd question. They establish logic unto death, exaltation, 'dreadful' freedom, the glory of the tsars become human. All is well, everything is permitted, and nothing is hateful—these are absurd judgments" (110). Novels about this "absurd question" only grew in number after the publication of his essay, becoming something of a literary movement.

The Cambridge Introduction to Theater and Literature of the Absurd identifies four "common threads" found in absurdist literature from 1950-70:

> (1) Experimentation with language (generally, working against "realistic" language); (2) tragicomedy is the genre; (3) frequently, though not always, experimentation with non-Aristotelian plot lines (where, often, the plots take the structure of a parable) and maybe most outwardly noticeable, (4) the literary works are set in "strange" (i.e., Kafkaesque, surreal, and ridiculous) situations. (Bennet 19)

Absurdist fiction, therefore, can be largely defined by its subversive nature. It subverts traditional stories, themes, language, and genre. It is unsurprising, then, that it reached the height of its popularity in post-war Europe, when disenfranchisement with the traditional reached a new high. As the *Concise Dictionary of Literary Terms* states, “Many 20th-century writers of prose fiction have stressed the absurd nature of human existence: notable instances are the novels and stories of Franz Kafka, in which the characters face alarmingly incomprehensible predicaments” (“Absurd”). When looking at the authors commonly associated with the absurd—Camus, Kafka, Dostoyevsky, and Heller, to name a few—one begins to notice a recurring element; many novels that fall in the category of “absurdist fiction” subvert traditional notions of law and justice, crime and punishment. This, in and of itself, is nothing new. Law is so often portrayed in literature that it now even has its own recognized genre: the legal novel, which deals almost exclusively with systems of justice, most often criminal trials. However, the intersection of legal and absurdist fiction creates a very narrow subgenre that would include only a handful of texts: absurdist legal fiction.

If “traditional” legal novels, like the works of John Grisham, explore the world of lawyers and the justice system, often with a heavy emphasis on how these systems work, then absurdist fiction explores the potential pitfalls of the justice system with an emphasis on symbolism and the abstract. Kafka’s book, *The Trial,* for example, may not be a strictly accurate depiction of its namesake, but its exaggerated story about a man put on a trial for a crime he is not even aware of raises concerns over due process that a modern audience might find topical. Contemporary novels that deal with institutions of justice are typically referred to as “legal thrillers,” and are often seen as a subgenre of crime fiction.

There are two noticeable characteristics of this genre in comparison to its absurd counterpart. First, “the protagonist is almost always an attorney or officer of the court” (White xix), a lawyer who “exists happily between the extremes of outright criminal investigation (many do, none should) and performing by proxy the need for citizens to administer the basic tenets of ninth-century Anglo-Saxon law in a modern courtroom with all its byzantine convolutions and twists of recondite language” (xxi). On the other hand, absurdist heroes like Camus’ Meursault or Kafka’s Josef K. are regular civilians who do not have a comprehensive grasp on the “byzantine convolutions” of law. In their cases, the law is as opaque and inscrutable as the human condition. The second notable characteristic is that “in legal fiction, it almost always will end right.” The lawyer wins his case and the defendant is “saved from the gallows or worse . . . a life behind bars” (xix). Thus, while legal thrillers may critique real world issues, they ultimately end with a formulaic sense of closure. They acknowledge that, while the legal system may be flawed, it is still ultimately a tool for justice. This stands in direct contrast to the absurd novel, which Camus says “must drop all pretense, must illustrate revolt and divorce, must not sacrifice for illusion or arouse hope” (102). Absurd heroes do not carefully navigate the labyrinthian halls of due process in order to make it out alive, they rebel against it altogether, choosing to be victim of it rather than fool themselves into thinking they can beat it.

It might seem contrived to compare absurd literature to a subgenre of thrillers, since they are often intended to trigger contemplation, not excitement. However, from a Camusian point of view, to contemplate the absurd and to rebel against it can have its own form of excitement. An entire chapter of the *Myth of Sisyphus* is dedicated to

showing that the act of artistic creation is one of rebellion, for “The work of art is born of the intelligence’s refusal to reason the concrete. It marks the triumph of the carnal” (97). Thus, these novels, which “illustrate revolt” and are themselves an act of revolt, can perhaps be called philosophically thrilling. The “thrills” come from watching an absurd hero brave against a system that stands in for the indifferent nature of existence.

In the same vein, it may seem contrived to call the legal thrillers of late “traditional,” since many were written and published long after the 20th-century post-war absurdist novels referenced. However, despite their more contemporary status, legal thrillers encapsulate a traditional view of justice where lawyers are heroes and those who do evil are punished. The “thrills” may come from conflict against the legal system, but it is a conflict that almost always works out in the favor of the just, because the system itself is rational. This traditional, idealistic view of justice dates as far back as Aristotle, who referred to the law as “reason unaffected by desire” (*Politics* III). Not only is this traditional view of justice fundamentally associated with rationality, but it is *because* it is rational that it is just, for “what is true and what is right are naturally stronger than their opposites” (*Rhetoric* 5).

While this traditional view of justice dates back to at least Aristotle, it still exists today. As Clarence Morris, Professor of Law at the University of Pennsylvania, writes:

> Throughout the ages most legal philosophers have characterized law as applications of formulated rules to established facts yielding decisions (or logical steps towards them). Of course, no one says that legal systems furnish wise rules, clearly applicable to any and all legal problems. But most jurists have assumed: (1) that rules of law ascribe a class of legal consequences to a kind of case, and that (2) a magistrate

> deciding a case attaches to facts legal consequences appropriate (in the magistrate's eyes) to that kind of case. When, if ever, this stereotype is what goes on, law is rational at least in the sense that it is a process in which a resolution is kept. This kind of rationality of the judicial process is assumed in most jurists' definitions of the law. (148)

Because law takes on the appearance and structure of something rational, it must, therefore, be rational. This is the assumption about law that the traditional legal novel presupposes, and that the absurdist legal novel actively undermines. Perhaps not coincidentally, traditional legal novels are seen as merely entertainment, while absurd legal novels are often significant contributions to the literary canon. This implies that some universal truth can be found in the absurd novel's cynical, subversive depiction of law and justice, rather than the grounded, idealistic depictions in the traditional legal novel.

There are two absurd novels from the 20th century that can be used to explore these truths. The first is Camus' novel, *The Stranger* (1942*)*, about a French-Algerian man whose murder trial becomes fixated on his indifference towards societal norms, rather than his crime. The novel, a powerful articulation of Camus' philosophy, doubles as an effective interrogation of traditional ideas of justice. The second novel is Joseph Heller's *Catch-22* (1953), a satirical black comedy that portrays the World War II military bureaucracy as "the absurd institutionalized" (Way 260). The attempts of the protagonist, Yossarian, to escape this absurdity only reveals the many ways in which laws and institutions trap individuals with pseudo-logic and manipulations of language. Both of these novels embody absurdist themes and critiques of law. They are both 20th-century

texts written around World War II, during the arguable height of absurdist literature. However, they are also stylistically distinct, *The Stranger* is somewhat more grounded in our reality, while *Catch-22* is just as structurally and conceptually absurd as its subject matter. Furthermore, *The Stranger* questions the legitimacy of courts of law and their application of justice, while *Catch-22*'s prime target is a military bureaucracy where the written rule of law has overthrown basic reason. Thus, these texts are different enough, while still being commonly referred to as absurdist novels, to provide a somewhat broad overview of how absurdist fiction approaches their examinations of legal absurdity. These texts will be an introduction into this proposed subgenre of literature and some of its depictions of law, although they do not constitute a comprehensive list.

To examine what truths about the legal system these novels reveal, one must examine the philosophical points they make about law and justice, the way in which these points reveal themselves within the text, and most importantly, the way in which these points apply to law outside the text. By recognizing the parallels between books like these and real-life institutions of order and justice, one can make a strong argument that philosophy and literature can be relevant, and perhaps even practically useful, by helping readers understand how and when institutions of law and justice fail. These two works of fiction, as well as other absurd legal novels, belong into "the entertainment world [which] has provided the groundwork for academics and theorists who have long labored to advance the view of miscarriages of justice not as aberrations but as deeply revealing, central features of our legal system" (Ogletree and Sarat, 1). Absurd legal fiction is concerned not just with broad, philosophical questions like the nature of existence, but specific questions related to law and justice. These novels offer a subversive perspective

of our legal institutions, one based on absurdity instead of rationality, and that results in tragedy instead of justice. By comparing these real-world institutions to the ones found in absurdist legal fiction, one can find some haunting similarities that question the very legitimacy of law.

Chapter One: *The Stranger*'s Machinery of Justice

The Stranger's narrator, Meursault, believes that life is meaningless: a belief which has a radical effect on how he acts. He abandons responsibility for the pursuit of comfort and pleasure and holds everyone at arm's length with shocking indifference, including his mother and his girlfriend, Marie. When asked by the latter if he loves her, Meursault tells her "that sort of question had no meaning, really" (*Stranger* 44). He is a narcissist, a hedonist, a borderline nihilist; some might even call him a sociopath. When Meursault kills a man at the end of the novel's first part, the murder proves to be "the necessary event that pulls Meursault within the orbit of the law and provokes the elaborate process through which he (and we the readers) can reexamine his life" (Simon 112-113). Suddenly, Meursault's self-centered pursuits of fleeting happiness are turned against him, and he discovers that "familiar paths traced in the dusk of summer evenings may lead as well to prisons as to innocent, untroubled sleep" (*Stranger* 123). In the second half of the book, Meursault is judged not just for his act of murder, but for almost every action detailed in the first part, no matter how seemingly insignificant.

While the novel puts its central character on trial, he is not the only one being scrutinized. *The Stranger* is framed by Meursault's trial, but it is really a trial for the institution of the court, its many representatives, and the ideals on which it operates. Every time the court lobbies a judgment or accusation against Meursault, it reveals an opening that exposes itself to the same treatment. By the novel's end, Meursault describes the legal processes he has just been dragged through as a piece of "implacable machinery" (*Stranger* 136), an "inexorable march of events" (136), a "rattrap" (137), a "foregone conclusion" (139) that was working against him from the start. Throughout the

novel, Camus questions both the legitimacy and the efficacy of this machinery of justice. By depicting a version of a trial filled with hypocrisy and arbitrariness, one that exists to punish those outside the status quo, one that is irremovable from human error and fallibility, Camus undermines the abstract ideals that act as the foundation of the court's power. Through its critical examination of the court system, *The Stranger* exemplifies the mission of the absurd legal novel by arguing that the machinery of justice is fundamentally broken.

All That Can Be Desired

Early during his questioning, Meursault asks the magistrate whether he really even needs a lawyer for his case. The magistrate responds that, since he will not hire a lawyer, one will be provided for him. Meursault finds this "an excellent arrangement that the authorities should see to the details of this kind," to which the magistrate agrees, claiming that "the Code was all that could be desired" (78). This brief scene foreshadows Meursault's inability to face this trial on his own terms. In a preface for *The Stranger*, Camus wrote that "the hero of my book is condemned because he does not play the game" (1). While Camus specifies that this is because Meursault refuses to lie, it more broadly describes his indifference towards defending himself. By refusing to lie when questioned, by questioning whether he really even needs a lawyer, Meursault demonstrates his unwillingness to act as a defendant is expected to act. He has no interest in "playing the game." While the passive Meursault agrees to a court-appointed lawyer, this exchange still acts as a dire warning that any attempts to opt out of his trial will be unsuccessful.

While Meursault is forced to play the game, he is paradoxically denied the opportunity to play an active role in it. His lawyer urges Meursault not to talk, and Meursault himself notes that “there seemed to be a conspiracy to exclude me from the proceedings” (*Stranger* 124). Before the trial even begins, when Meursault watches the people in the courtroom greet each other as if at a social event, he has the feeling “of being *de trop* here, a sort of gate-crasher” (105). Despite ostensibly being the center of this trial, he simultaneously remains at the fringes. He is an outsider: a stranger. However, this position grants Meursault a unique perspective not only on the trial, but on the abstract ideals it so values. Through Meursault, Camus reveals the cracks in the system and the absurd bleeding through. An absurd legal novel like *The Stranger* argues that absurdity is not a byproduct of this “code,” but part of its very foundation.

The magistrate’s remark that the code is “all that can be desired” is thus also an ironic instance of foreshadowing. It is the claim that the rest of the novel will seek to subvert. While Meursault is a newcomer to this world of law, the characters who exist within it—the magistrate, the lawyer, the Judge, the Prosecutor— understand and embrace it. Not only are they familiar with its many intricacies, which they curtly explain to Meursault throughout the trial, but they are confident in its infallibility. When the judge of the trial is first introduced, he explains that he is there “to supervise the proceedings, as a sort of umpire, and he would take a scrupulously impartial view of the case. The verdict of the jury would be interpreted by him in the spirit of justice” (108). This quote reveals the two primary principles of the court: impartiality and justice. Not only do these two coexist, but they are in fact wholly dependent on each other, one leading to the other. It is a decidedly Platonic view of law and justice that Camus

consistently sabotages. As Lissa Lincoln writes, it is "through his treatment of the themes of justice and law [that] the author is in fact disrupting the traditional understanding of these terms" (274). As the trial continues, the strategy of both prosecutor and defense rely more and more heavily on abstract ideals over provable facts, until they debate the very nature of Meursault's soul. The trial has become a mockery of itself. The tragedy has become a farce.

The emotional climax of the trial—although it is undercut by Meursault's emotionless and bored narration—is the Prosecutor's closing statement, where he says, "in demanding a verdict of murder without extenuating circumstances, I am following not only the dictates of my conscience and a sacred obligation, but also those of the natural and righteous indignation I feel at the sight of a criminal devoid of the least spark of human feeling" (*Stranger* 129). This argument relies heavily on abstract, subjective ideas: conscience, sacred obligations, righteousness, and feeling are the invisible marks brought against Meursault. The Prosecutor's case is a moral crusade. Meursault does not spend the effort defending himself against it because he is an absurd man. As Camus writes on moral codes, "the absurd man sees nothing in them but justifications and he has nothing to justify" (*Sisyphus* 67). Camus was famously opposed to such moral justifications. As he writes in *The Rebel*, "to abandon oneself to principles is really to die - and to die for an impossible love which is the contrary of love" (129-30). The Prosecutor may not see a spark of human feeling in Meursault, but it is doubtful he ever even tried. An institution that truly examines a man through the lens of ideals is bound to miss his humanity entirely. Perhaps, Camus posits, that is the entire point.

Mock Trial

One of the ways in which Camus undermines the ideals of the court is by portraying its theater, arbitrariness, and contradictions. The entire trial has a performative aspect to it, which extends to Camus' treatment of the court-based characters. The Judge, the Prosecutor, the lawyer, and the magistrate are all known only by their titles—the roles that they play. Meursault, when forced to play the game, is given the part that he most closely resembles: the criminal. His conversations with his lawyer at the beginning of part two can almost be likened to an inexperienced, apathetic actor who refuses to learn his lines. At one point, the lawyer essentially feeds him a line, asking if Meursault, on the day of his mother's funeral, could say that he can say he "had kept [his] feelings under control." Meursault, too honest to perform, answers "No . . . That wouldn't be true" (80). From the lawyer's disgusted expression, it is clear that Meursault's honesty is not seen as a virtue in an institution where the constant bending of the truth in one's favor is the norm.

Throughout the pre-trial, the dissonance between Meursault's identity and his label of criminal is repeatedly emphasized. His conversations with the magistrate and the lawyer become so cordial that Meursault remarks, "I began to breathe more freely. Neither of the two men, at these times, showed the least hostility toward me, and everything went so smoothly, so amiably, that I had an impression of being 'one of the family'" (88). This is, of course, undercut by the magistrate jokingly referring to him at the end of their meetings as "Mr. Antichrist" (88), addressing him with politeness and condemning him as a monster in the same breath. The friendliness of the proceedings takes on an air of shrouded malice when juxtaposed against the brutal reality of what is truly happening. After the first meeting between Meursault and the magistrate, Meursault

recounts that he "very nearly held out my hand and said, 'Good-bye'; just in time I remembered that I'd killed a man" (78). The formality and cordiality of the proceedings obscure the brutal reality around the trial: not only Meursault's act of murder, but his later execution. Meursault may be treated humanely by the magistrate, his lawyer, and even the prison guards and some of the court press, but it is all a performance that masks a violent hostility.

When the trial begins, and Meursault first feels like a "gate-crasher," he remarks that "all the people in the courtroom were greeting each other, exchanging remarks and forming groups—behaving, in fact, as in a club where the company of others of one's own taste and standing makes one feel at ease" (104). It is a scene that seems misplaced in a trial wherein a man's life hangs in the balance. In fact, it resembles men and women catching up at the playhouse before the show starts, taking their place when the court officials enter and the show begins. After the jury leaves to deliberate their decision, Meursault sees that "some of [his lawyer's] colleagues came to him and shook his hand. 'You put up a magnificent show, old man,' I heard one of them say" (133), as if congratulating an actor after the final bow. The lawyer and Prosecutor both are, in all but name, actors. By the time the trial has begun to focus on Meursault's very soul, the debate between his prosecution and defense has become a contest of monologues. As Meursault remarks during the closing remarks, "Really there wasn't any very great difference between the two speeches" (123). Despite this, Meursault still feels that his lawyer "had much less talent than the Prosecutor" (131). This judgment proves to be correct. Ultimately, Meursault is not executed because it is just, but because the Prosecutor is better at his job than the lawyer. Camus, who found success as a playwright,

makes clear parallels between the trial and a play: it is a social gathering, it is performative, and most tragically, the ending is pre-written. In every possible version of this trial, Meursault will be found guilty, just as every production of *Hamlet* will end with its titular character's death.

Part of the trial's theater is its reliance on arbitrary formalities and distinctions. Meursault's newfound criminal identity, of course, seems often entirely arbitrary. Back during his initial questioning, the magistrate remarks that most criminals, when confronted with the cross he presents to Meursault, begin to weep. An unmoved Meursault recounts, "I was on the point of replying that this was precisely because they *were* criminals. But then I realized that I, too, came under that description. Somehow it was an idea to which I could never get reconciled" (87). Meursault's hesitance to see himself as a "criminal" can perhaps be partially attributed to his self-centeredness. Or, perhaps, he has trouble condensing his entire being into one word based on a single action. As Ernest Simon writes, "the law, in its mechanical application of judgment and its simplistic distinction between guilt and innocence, does violence to human solidarity by separating human beings into two mutually exclusive categories" (123-124). Meursault, the man, is not on trial, but rather a straw man version of him constructed by the prosecutor and the media.

This makes the frequency with which Meursault must answer questions pertaining to his identity absurd. The questions come from an institution that has already decided who he is. As Meursault says during his recollection of his trial, "for the *n*th time I was asked to give particulars to my identity and, though heartily sick of this formality, I realized that it was natural enough; after all, it would be a shocking thing for the court to

be trying the wrong man" (*Stranger* 108). Ironically enough, this is exactly what is happening. The court "is going to judge and condemn the man who fired the four shots that did not kill for the man who fired the first shot that did kill" (Simon 118). The Meursault who exists at the end of part two is not the Meursault who exists at the end of part one. However, it is the Meursault of part one who is tried, and the Meursault of part two who is sentenced to death.

Small, arbitrary formalities—such as Meursault's questioning—reveal the larger arbitrariness surrounding the very nature of the trial. This is subtly seen in Celeste's testimony. When he takes the stand, Celeste describes Meursault as being "all right," and, "when told to explain what he meant by that, he replied that everyone knew what that meant'" (*Stranger* 115). This small exchange indicates the separation of criminal proceedings from everyday life. The request to explain the meaning of a phrase of which everyone knows the meaning is one of the many absurd formalities the trial indulges in. Celeste indirectly points out that such a request is a foregone conclusion. He could explain what the phrase means, but further explanation would not add anything meaningful to his statement. Of course, this is quickly turned around on Celeste. When he tries to defend Meursault, saying the crime was an accident, he is quickly cut off by the court with uncharacteristic efficiency. Even when allowed to continue, Celeste's further explanations are just as arbitrary as the request to define what "all right" means. Celeste repeats the phrase "you got to understand," but, as Meursault notes, "no one seemed to understand" (119). Celeste is confronted with what he implicitly acknowledged earlier. Further explanation will not change the court's decision. The trial is filled with these

arbitrary moments because it, itself, is an arbitrary construction. It is a foregone conclusion: a mock trial.

If the trial is arbitrary at best, then it is outright contradictory at worst. This is clear from almost the beginning, when the magistrate asks Meursault what he thinks of his reputation as a "taciturn, rather self-centered person." After Meursault answers, he clarifies that "it has little or no importance" (82). This is blatantly false, for if it truly was insignificant it would have never been asked, and indeed the trial lingers on the subject of Meursault's reputation. Even some of Meursault's more neutral and positive qualities are turned against him. As Meursault says, "I noticed that he [the Prosecutor] laid stress on my 'intelligence.' It puzzled me rather why what would count as a good point in an ordinary person should be used against an accused man as an overwhelming proof of his guilt" (126). This is an instance of contradictory, paradoxical logic being weaponized against Meursault, which proves to be successful. The trial ends with the judge announcing that "'In the name of the French people' I was to be decapitated in some public place" (135). The juxtaposition of this sentence emphasizes the moral divide between the two phrases. Meursault uses the judge's words for the idealistic phrase, "in the name of the French people," contrasted with his own dry style as he blankly states that he will be gruesomely murdered.

There is an immediate juxtaposition between the brutality of Meursault's execution and the idealistic justification for such an act in the name of the French people. However, there is a larger juxtaposition of this brutality with the cordiality and formality of the proceedings, and the way in which the people treat the trial as a game or spectacle. As Camus writes in *The Myth of Sisyphus*, "we shall deem a verdict absurd when we

contrast it with the verdict the facts apparently dictated" (29). Meursault is being punished for murder by being murdered. Out of all of the contradictions in the novel, it is fair to presume that this is the one Camus wants the reader to notice, as he was famously opposed to capital punishment. In fact, the novel seems to reflect an anecdote about Camus' father—one Meursault even shares at the end of *The Stranger*. In his essay "Reflections of the Guillotine," Camus writes of his father, who had just witnessed an execution of a murderer: "he had just discovered the reality hidden underneath the noble phrases with which it was masked. Instead of thinking of the slaughtered children, he could think of nothing but that quivering body that had just been dropped onto a board to have its head cut off" (152). The court hides behind its intricacies, its formalities, its contradictions, and its ideals in order to carry out the same sentence against Meursault that he is ostensibly being judged for. It may claim justice, but "a justice that makes good people forget the injustices and crimes of the past by compounding and perpetuating them is itself not merely unjust and criminal. It is also abject" (Carroll 88). Of course, as many have noticed, Meursault's crime is not just the act of murder. In many ways, it is the least of his crimes.

The Social Contract

While the trial may be the most important one of his life, Meursault is reminded early on of its larger insignificance. Before his trial even starts, he is told that "The court will dispatch [his] case as quickly as possible, as it isn't the most important one on the Cause List. There's a case of parricide immediately after, which will take them some time" (102). Meursault's trial, by comparison, is almost an afterthought. To an objective eye,

this would seem absurd. Both are cases of murder: the exact same crime. In the eyes if the law, they should be considered equal, but in the eyes of the people, the murder of a father by his own son is an additional layer of transgression. The message is that all crimes are not equal, even the ones that are identical. No criminal act exists in a vacuum, but is perceived in a social context and punished accordingly. *The Stranger*, then, is Camus "questioning how it is that we come to decide what is just in a given situation or context (not whether Meursault is guilty or innocent, for example, but rather how Meursault's innocence or guilt is decided; what brings the court to determine what is just in his case?)" (Lincoln 276). The methodology of the court in determining Meursault's character, his guilt, and his fate are of endless fascination to both Meursault and Camus.

Camus once described *The Stranger* by saying, "in our society, a man who does not cry at his mother's funeral is liable to be put to death" ("Preface" 1). Time and again the trial demonstrates that Meursault's murder is arbitrary: his real crime is his character, his breaking of a social contract. The social contract can be simply defined as the idea that "persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live" (Friend). In most cases, this contract is not explicitly stated, but implicitly understood. While he does not mention this concept by name, Camus does seem to believe in social contract theory at some level, writing that "the individual character of a common code of ethics lies not so much in the ideal importance of its basic principles as in the norm of an experience that it is possible to measure" (*Sisyphus* 61), effectively stating that people are expected to act a certain way not based on principles—which would be impossible to measure—but on the far

more quantifiable idea of what is normal and what is not. This defines what is "right" and what is "wrong."

As thoughts on the nature of power have evolved, the social contract theory has evolved with it. Enlightenment thinkers such as John Locke or Thomas Hobbes thought of the social contract as an agreement between the people and a government that states the people should sacrifice some of their freedoms for security and safety. The people sacrifice these freedoms to a government, which wields the power to maintain order. In a post-modern, increasingly Democratic world, however, the perception of power has changed. While governments still indisputably wield some power, there is also power in the people. Written laws may be codified and enforced by the government, but unwritten laws are drafted by society's culture and values and enforced by their language and customs. This is what French philosopher Michel Foucault would call a society's discourse, or "the fundamental codes of a culture—those governing its language, its schemas of perception, its exchanges, its techniques, its values, the hierarchy of its practices" (*xx*). One can draw this link between this code and the one the magistrate speaks of—the one that is all that can be desired. This code that makes up society is "all that can be desired" in that it is believed to be above questioning. As Lisa Lincoln writes, "This interdependence between power and discourse is of course a predominant idea in the work of many postmodern thinkers" (276), and is present throughout *The Stranger*. It is society's discourse that judges Meursault and sentences him to death.

Meursault, by showing complete disinterest in traditional social values—family, love, responsibility—is deemed self-centered and callous. In Meursault's first conversation with his lawyer, the latter states that "unless I find some way of answering

the charge of 'callousness,' I shall be handicapped in conducting your defense" (*Stranger* 79). This is an early yet strong indication that the primary charge against Meursault is not murder, but his character. When Meursault tells his lawyer that his mother's death has nothing to do with his act of murder, a seemingly logical observation, the lawyer simply responds "that this remark showed [Meursault] never had any dealings with the law" (81). This proves in hindsight to be a frightening declaration. It demonstrates that the judgment and condemnation of Meursault's behavior is not specific to Meursault's case, but integral to the court itself. The Prosecutor later confirms this during the trial. Before beginning his thorough attack on Meursault's character, he tells the jury that he will "trench on certain matters which, on a superficial view, might seem foreign to the case, but actually were highly relevant" (109). When the lawyer objects to the Prosecutor's focus on Meursault's treatment of his mother, asking, "is my client on trial for having buried his mother, or for killing a man?" (121), the answer is already clear; the lawyer proved he knew the answer to this question from the very first meeting with Meursault. The prosecutor accuses the lawyer of "ingenuousness in failing to see that between these two elements were a vital link," and explains that he attempts to show that Meursault 'was already a criminal at heart'" (122). The heart, in this case, is an abstract concept, representing emotion over logic. To show that someone is a "criminal at heart" is to show that he or she transgress implicit, abstract boundaries in the same way a criminal transgresses explicit, legal boundaries. To prove that a man is a criminal at heart is to prove he has broken the social contract.

The specific ways in which Meursault breaks the social contract are in tragically small, seemingly insignificant actions. During his questioning, the warden of the home

states that Meursault "declined to see Mother's body . . . smoked cigarettes and slept, and drunk *cafe au lait*." As Meursault says, "it was then I felt a sort of wave of indignation spreading through the courtroom, and for the first time I understood that I was guilty" (112). The moment in which Meursault is finally able to see himself as a criminal—to bridge the gap between his identity and his newfound label—is not when confronted with the facts of his murder, but in the indignation he faces at acts he committed without second thought and with no immediate consequence. These small acts, however, are seen as serious transgressions of a social contract that is at once invisible and ubiquitous, amorphous but strict. The lawyer finds a brief stronghold in the case when the warden admits that he was the one who suggested Meursault get a cup of coffee. The Prosecutor however, skillfully shuts it down, explaining that "though a third party might inadvertently offer him a cup of coffee, the prisoner, in common decency, should have refused it, if only out of respect for the dead body of the poor woman who had brought him into the world" (113). The Prosecutor explains the byzantine nuances of this social contract as if he were reading out loud its fine print.

The tragedy is that this social contract is not written. Even if it was, even if Meursault could read and understand all of the rules of polite society, his philosophical perspective would provide no compelling reason to abide by it. Meursault would never sign such a social contract if it were made manifest, but he is punished as if he had. He never even considers this social contract until after he has received his sentence, thinking about the newspapers' claim of "'a debt owed to society'—a debt which, according to them, must be paid by the defender" (137). The novel "depicts the judicial mechanics at work as it sets into motion society's power to crush an individual and send him to the

scaffold, not because of the murder he committed, here, but for his beliefs (or lack thereof) and his inability to conform to standard social practices" (Morisi 50). Meursault is like a dog being put down for defecating on an expensive carpet: he simply does not know better. Despite Meursault's indifference, which the court labels as "callousness," he is still, in a way, innocent. He may pursue pleasure and comfort, but he never explicitly means anyone any harm, either emotional or physical. His murder is, at least in part, an accident triggered by the presence of the Arab's knife combined with the glare from the sun. He may tell Marie he does not love her, but he also tells her that "if it would give her pleasure, we could get married right away" (53). He may not mean well, but he is not malicious either. His passiveness and ignorance to society's rules give him a cover of naivety. As Camus writes, "Meursault is not a piece of social wreckage, but a poor and naked man enamored of a sun that leaves no shadows. Far from being bereft of all feeling, he is animated by a passion that is deep because it is stubborn, a passion for the absolute and for truth" ("Preface" 1). This is why the court's eagerness to portray Meursault as a heartless, cruel monster is inauthentic, or at the very least incomplete.

The most disingenuous strategy the Prosecutor employs is likening Meursault's case to that of parricide, the more "important" crime that Meursault was told about before his trial even began. In fact, the Prosecutor not only likens the two cases by accusing Meursault of being "morally guilty of his mother's death," but even goes so far as to claim that "indeed, the one crime led to the other," boldly declaring that Meursault "set a precedent . . . and authorized the second crime" (*Stranger* 128). This is a bafflingly loose connection, given that the details of Meursault's treatment of his mother have only just now been made public. There is no conceivable way that the son who has murdered his

father would have been in any way inspired by Meursault. It is doubtful that the former is even aware of the latter's existence. It is an obvious attempt by the Prosecutor to throw more kindle on the fire that is burning Meursault at the stake, opportunistically invoking societal values to “bring his case home.” It is absurd, it is transparent, and it works. The Prosecutor is able to convincingly paint Meursault as inhuman because he broke this social contract, and the judge accepts this enough to sentence him to death. As Peter Reed writes, a just judge, in the eyes of Camus, “must remember he is judging human beings, not simply administrating legalities” (47). According to Reed, throughout Camus’ ouevre there are the just judges who remember this, and “arbitrary judges,” who do not. These arbitrary judges “warn not just against the dangers of perverted justice in a totalitarian state, but also of the weaknesses which may lurk in the legal system of a democratic country” (57). The court is an institution formed from the society it governs. When it is confronted by someone like Meursault, who operates outside of society, the institution reveals its blind spots and shortcomings. According to absurd legal fiction, an institution that denies the existence of the absurd is ill-equipped to deal with an individual who embraces it.

Is Justice Blind?

As many critics have noted, it would be unfair to call *The Stranger* a thoroughly accurate depiction of a trial, and especially disingenuous to say it perfectly resembles a modern American trial. While Camus’ dedication to portraying the mundanity and formalities of a trial is admirable, the trial’s reliance on character witnesses pushes the novel into a more metaphorical territory, rather than a strictly technical critique of law. After all, it would be absurd to take the novel so literally as to presume that everyone who has been

found guilty of a crime is a victim of societal bias. However, the goal of the absurd legal novel is not necessarily to comment on specific failings of the law, but to demonstrate the problematic assumptions inherent in both the theory and practice behind law.

Lincoln and Simon both note that the novel is concerned not with the nuances of the court itself, but the fundamentals behind it. As Simon articulates it, *The Stranger* is "not a frontal assault on the law, but a critique of judgment itself" (123). While this is accurate, the conclusions that the novel draws make a profound difference on how one may view the legitimacy of law enforcement. As expressed in the judge's quotation that he is "a sort of umpire" for the case, impartiality and justice are the two main ideals of the court. By the court's own admission, a just decision depends on impartial judgment. The problem, as expressed by Camus, is that "impartial judgment" is an oxymoron. To judge one's actions is, in a fundamental sense, to choose not to be impartial. It is a choice to determine which actions and behaviors define a person, and how they should therefore be treated. True justice can only happen if those making the judgments can be truly impartial, and *The Stranger* argues that this is highly improbable, if not outright impossible.

Camus' philosophy is founded on the fallibility of human judgment. It is the very basis of the absurd: "the confrontation of this irrational and the wild longing for clarity whose call echoes in the human heart" (*Sisyphus* 21). The natural inclination of human beings is to try to find meanings and patterns in a meaningless and chaotic world. The Prosecutor is able to capitalize on this human nature in his case against Meursault. When Raymond explains some of Meursault's suspicious behavior on the day of the murder as being purely coincidental, the Prosecutor "retorted that in this case, 'chance' or 'mere

coincidence' seemed to play a remarkably large part" (*Stranger* 120). The Prosecutor, either aware of people's reluctance to accept that some things are consequences of chaos, or incapable of accepting it himself, "finds consequence and value in actions that Meursault had deliberately left arbitrary and insignificant. The law's strategy thus finds an interpretive void, a requirement of some explanation for Meursault's life, and the law is quite ready to provide its own authoritative view" (Simon 120). Meursault, in his absurdist view of life, does not see any deeper meaning in his actions. He forfeits the right to interpret his actions, allowing others to do so for him, manipulating them into a digestible narrative.

The Prosecutor's obvious emotional appeal in likening Meursault's case to the one of parricide is successful precisely because humans are prone to quick judgments. When the magistrate asks Meursault if he loved his mother, he replies "yes," and then notes that "the clerk behind me, who had been typing away at a steady pace, must then have hit the wrong keys, as I heard him pushing the barrier out and crossing something out" (*Stranger* 83). The implication is that, before Meursault even has the chance to answer a question, it is answered for him. It foreshadows the trial itself with one crucial difference: the clerk is willing to go back on his initial assumption. During the trial, Meursault is not granted such luxury. His fate, in fact, is sealed: something he indirectly acknowledges in the novel's final chapter, when he concludes that "what was wrong with the guillotine was that the condemned man had no chance at all, absolutely none. In fact, the patient's death had been ordained irrevocably. It was a foregone conclusion. If by some fluke the knife didn't do its job, they started again . . . This, I thought, was a flaw in the system" (139). While Meursault may be talking about the guillotine itself, Camus is

talking about the nature of judgment itself. The condemnation from which Meursault cannot escape is not the literal condemnation of the court, but the condemnation of society itself and its internal bias.

Meursault recognizes this societal bias when he first sees the jury and notes that he cannot "see them as individuals" (103). He compares the experience to being on a streetcar and seeing "all the people on the opposite seat staring at you in the hope of finding something in your appearance to amuse them" (103). He then acknowledges that this is "an absurd comparison; what these people were looking for in me wasn't anything to laugh at, but signs of criminality" (104). This passage does multiple things. First, it establishes that the jury as a unit is not a collective of individuals, but a symbol for society as a whole. They represent a unified, homogenous being: the in-group to Meursault's outsider. Second, the passage acknowledges that society (as the jury) is actively looking for—perhaps even hoping to find—signs of criminality. They have already failed at being impartial before the trial even begins. They have found Meursault guilty, and are now awaiting the evidence to support the claim; Meursault is guilty until proven innocent. The third and final thing this passage does is to liken the jury to people on a streetcar. The human nature to judge is not specific to a courtroom, but in the mundane aspects of everyday life. Camus, through Meursault, refuses to separate the two scenes. One is no more heightened or objective than the other, yet only one has the power to condemn a man to death.

The novel ultimately succeeds in showing the mundanity of the court that lies behind its heightened language and abstract, moralistic concepts. As Meursault states at the end of the novel:

> when one came to think of it, there was a disproportion between the judgment on which it was based and the unalterable sequence of events starting from the moment when that judgment was delivered. The fact that the verdict was read out at eight P.M. rather than at five, the fact that it was given by men who change their underclothes, and was credited to so vague an entity as the 'French people'—for that matter, why not to the Chinese or the German people?-all these facts seemed to deprive the court's decision of much of its gravity. (137-8)

The court may claim to be an instrument of higher power—and in fact must do so to justify its power—but it is still a human institution, guided by and operated by human judgment and therefore prone to error. As Eve Morisi writes, "Human justice, which is necessarily shaped by our fallible nature, is condemned in *The Stranger*, for its claim to the power of absolute condemnation collides with our profoundly relative and contingent powers of judgment" (50). There is ultimately nothing elevated about this human justice. Meursault may imagine his guillotine resting on a stage, based on paintings of the French Revolution, but when he finally sees an image of it he dully remarks, "actually the apparatus stood on the ground; there was nothing very impressive about it" (*Stranger* 140). Meursault's execution may be in the name of the French people, but it is still murder. Just as there is at first an arbitrary distinction of importance between Meursault's act of murder and the case of parricide, there is an arbitrary distinction of righteousness between Meursault's act of murder and his execution by the state. If the application of justice depends on impartial judgment, and if impartial judgment is inherently impossible, then the very idea of justice is corrupted. Any claims the court may make about justice are therefore, as Meursault would say, unimpressive. The court—both that

of the novel and in the real world—may try to obscure the absurdity that lies at the core of its being, but absurd legal fiction brings that absurdity front and center and puts it on trial; we, the readers, may act as the jury.

Chapter Two: *Catch-22* and Weaponized Absurdity

While *Catch-22* differs from *The Stranger* in many ways, it is thematically indebted to Camus and his philosophy of the absurd. The novel takes place on the island of Pianosa during World War II and follows multiple members of the 256th Squadron of the Army Air Force as they try to survive not only the war, but also the complicated military bureaucracy that constantly endangers them. Bureaucratic institutions and their ecosystems of rules, codes, hierarchies, and values are intended to create a semblance of order. However Heller, through the absurd legal novel, argues that the bureaucracy as seen in the military only creates more chaos. The main protagonist, Yossarian, is one of the greatest absurd heroes in literature; he is painstakingly aware of the absurdity of the military bureaucracy, yet he is nonetheless caught in its vicious cycle. To Yossarian, the enemy is not just the Germans who shoot at him, but the military commanders like Colonel Cathcart, who constantly raises the number of missions required to be sent home. Because of Cathcart, Yossarian and his squadron must continue flying missions until either the war ends or they are shot down.

Circumstances like this are what mainly differentiates *Catch-22* from *The Stranger*. While the absurdity of Meursault's trial is masked in the subtle intricacies of due process, the absurdity of *Catch-22*'s military bureaucracy abandons reason transparently to the point of farce. If *The Stranger* is a critique on the nature of justice, then *Catch-22* satirizes the very nature of power: who holds it, how they use it, whom it is used against, and perhaps most importantly, how it maintains itself. Absurdity in *Catch-22* is often used to maintain the status quo and the balance of power. To understand how this is accomplished, one need not look further than the titular Catch-22.

What is Catch-22?

Catch-22 is first explained in detail in Chapter Five when Yossarian asks Doc Daneeka, the squadron's medic, to rule him insane so that he can be sent home. Daneeka informs him that "there was only one catch and that was Catch-22, which specified that a concern for one's own safety in the face of dangers that were real and immediate was the process of a rational mind" (Heller 46). Just as Camus defined the absurd as the disconnect between a meaningless world and humankind's search for meaning, the absurdity in *Catch-22* stems also from incongruity. The incongruity in this explanation of Catch-22 comes from the fact that even someone obviously insane—like Yossarian's tentmate, Orr—could not be grounded unless he specifically asks, thus negating that notion of insanity for the purpose of military law. In fact, the very existence of the initial provision—that an airman may be sent home if he is insane—is so thoroughly negated by Catch-22 that it may as well not exist at all. It is the logical and linguistic equivalent of Sisyphus rolling a boulder up a hill only for it to roll back down, starting the process again.

Absurdity, in *Catch-22*, is often used to obscure the military's true intentions behind a mask of pseudo-reason. Yossarian himself cannot help but be impressed by Catch-22, which he sees "clearly in all its spinning parts. There was an elliptical precision about its perfect pairs of parts that was graceful and shocking, like good modern art, and at times Yossarian wasn't quite sure he saw it at all" (46). In another bit of incongruity, Yossarian both sees Catch-22 clearly, and barely sees it at all. While there are numerous moments of naturally occurring absurdity in the novel, this is one of several examples of

manufactured absurdity. Catch-22 is, paradoxically enough, absurdity with a purpose, and that purpose is maintaining the military's power over its subjects.

Catch-22 is mentioned several more times throughout the novel, each time saying something slightly different, but maintaining this same purpose. In the very next chapter, Yossarian argues that he would be within his rights to disobey Colonel Cathcart, since his rising mission count goes against Air Force protocol. Doc Daneeka shuts this down, once more citing Catch-22. However, this time, Catch-22 "says you've always got to do what your commanding officers tell you to. . . . That's the Catch. Even if the colonel were disobeying a Twenty-Seventh Air Force order by making you fly more missions, you'd still have to fly them, or else you'd be disobeying an order of his" (58). Towards the end of the novel, an old woman gives perhaps the most succinct definition of Catch-22, which "says they have a right to do anything we can't stop them from doing" (407). Concise as this definition is, it would be a mistake to interpret Catch-22 as a codified set of rules. As Yossarian later theorizes, "Catch-22 did not exist, he was positive of that, but it made no difference. What did matter was that everyone thought it existed, and that was much worse, for there was no physical object or text to ridicule or refute, to accuse, criticize, attack, amend, hate, revile, spit at, rip to shreds, trample upon or burn up" (409). Catch-22's nebulousness is part of its power. Even when it is incongruent, even if it is nonsensical, it cannot be fought. As Brian Way writes, "Catch-22 is defined a number of times during the novel, each time in somewhat different terms although always underlain by the same habit of thinking . . . the principle of non-reason by which bureaucracies and other absurd human institutions perpetuate themselves" (262).

Catch-22 is not a written rule, but a state of mind. This mindset demonstrates the limit to reason by demonstrating how the process of rationalization can strip words of their widely-established meaning. This verbal sleight of hand ends up redefining words such as sane or insane. As the Chaplain realizes late in the book, “it was almost no trick at all . . . to turn vice into virtue and slander into truth, impotence into abstinence, arrogance into humility, plunder into philanthropy, thievery into honor, blasphemy into wisdom, brutality into patriotism, and sadism into justice” (Heller 363). Catch-22 is a pattern of redefining words to fit a certain narrative: one that creates an air of legitimacy to whoever wields it. Even the Chaplain, despite his overall integrity, practices this mindset in the following passage: “Common sense told him telling lies and defecting from duty were sins. On the other hand, everyone knew sin was evil and that no good could come from evil. But he did feel good; he felt positively marvelous. Consequently, it followed logically that telling lies and defecting from duty could not be sins” (363). Heller describes this practice as “protective rationalization,” and a very similar thought process appears earlier when Milo Minderbender—the mess hall officer and embodiment of unchecked capitalism—remarks to Yossarian that “bribery is against the law, and you know it. But it’s not against the law to make a profit, is it? So it can’t be against the law for me to bribe someone in order to make a fair profit, can it?” (265). While Milo phrases this train of thought as a series of questions as if seeking validation, it is clear that regardless of how Yossarian responds, Milo has convinced himself of the veracity of this line of thinking. Catch-22 and protective rationalization are “the infinite capacity of the absurd to mask itself in reason, and to institutionalize itself in bureaucracy” (Way 264). More importantly, it allows people to manipulate structures to benefit them through

flimsy—yet technically unbreakable—reasoning. It is similar to Chief White Halfoat, who, when asked why he will slit Captain Flume's throat, or why he plans on dying of pneumonia, responds, "why not?" (Heller 56, 127). The best justification, in the world of Catch-22, is no justification at all. Catch-22 is a tool emblematic of a system in which what is said goes. In a world where reason has been abandoned, this kind of system leads to some of the most absurd situations in the novel.

The Letter of the Law

Early in the novel, a situation occurs when the hospital Yossarian stays at catches fire and the firemen struggle to put it out. As soon as they start to see progress, a fleet of bombers return from a mission, and "the firemen had to roll up their horses and speed back to the field in case one of the planes crashed and caught fire" (11). The planes land safely, and once they do the firemen rush back to the hospital only to find that the fire "had died of its own accord" (11). It is an odd digression which sets the tone of the bureaucratic processes of Catch-22. The firemen are simply following an order that they must be nearby when planes land, but in doing so are ignoring a more obvious and pressing concern—the fire at the hospital. It is an example of how a reasonable law becomes unreasonable in certain contexts. What makes this situation most absurd is that no one seems to question the logic of this decision. This same motif is repeated late in the novel, albeit in a much darker form. When Aarfy—a member of Yossarian's squadron—rapes and murders a maid in Rome while on leave, Yossarian confronts him and insists that he will be jailed. Aarfy, of course, is confident that "They aren't going to put good old Aarfy in jail" (418). His confidence is later revealed to be justified. While the military police do come, they "[apologize] to Aarfy for intruding" and arrest Yossarian "for being in Rome

without a pass" (419). By ignoring exact orders and ignoring a more obvious injustice, the military police "exemplify the overly law-abiding person who obeys law with no regard for humanity. They arrest Yossarian, who is AWOL, but ignore the murdered girl on the street. By acting with pure rationality, like computers programmed only to enforce army regulations, they have become mechanical mechanical men" (Pearson 31). These instances with the firemen and military police show a potential shortcomings of rules in an absurd world. Rules "are intended to impose order upon chaos, but life so exceeds these rules that they only serve in the end to create more chaos" (Kennard 78). A collection of set, written rules is incapable of adequately encapsulating and responding to the real world.

The realm of law is fundamentally one of language. The absurdity of *Catch-22* comes from the conflict between this world of the written law and the more complicated real world. The characters of *Catch-22* routinely neglect the latter for the former. As critic Carol Pearson writes:

> The novel is an examination of the destructive power of language when language is used for manipulation rather than communication. It is based on the existential premise that although the universe is irrational, people create rational systems. The linguistic expressions of these rational systems are cultural myths. People live by these myths whether or not they describe reality. (30)

This "existential premise" is almost explicitly that of Albert Camus' theory of the Absurd, and Heller takes it to its most absurd possible conclusion by heightening the dissonance between the irrational universe and "rational" systems such as language and sets of rules. This dissonance is at its most explicit and chaotic when "the workings of

this language and logic even manage to transform traditional understandings of such concepts as 'death,' 'presence,' and 'absence'" (Davis 70). Perhaps one of the best examples of this is Mudd, or, as he is often called, "the dead man in Yossarian's tent." In truth, he is not a literal corpse in Yossarian's tent, but a clerical error. Mudd "was simply a replacement pilot who had been killed in combat before he had officially reported for duty" (Heller 107), due to a shortage of pilots. As Heller explains, "because he had never officially gotten into the squadron, he could never officially be gotten out, and Sergeant Towser sensed that the multiplying communications relating to the poor man would continue reverberating forever" (107). Because of the written rules, Mudd's baggage, which has been left in Yossarian's tent, essentially becomes Mudd himself, and Yossarian's tentmate aside from Orr. His absence, in a display of Catch-22's logic, has become his presence.

Doc Daneeka suffers a similar fate due to his practice of writing his name in flight logs despite never stepping on a plane, in order to receive flight pay. As one of the enlisted men explains to him, "the records show you went up in McWatt's plane to collect some flight time. You didn't come down in the parachute, so you must have been killed in the crash" (341). Despite Doc Daneeka being obviously alive, with some of the members of the squadron even interacting with him, everyone holds to the official claim that he is dead because "records attesting to his death were pullalating like insect eggs and verifying each other beyond all contention" (343). Because the world of *Catch-22* is one where language and politics supplant reality, Doc Daneeka comes to realize that "for all intents and purposes, he really was dead" (344). It is a terrifying existential situation in which a clerical error extinguishes not his life, but the concept of his existence.

As the novel makes clear from the beginning, the manipulation of language and its treatment as objective reality is an act of power. When Heller first introduces Yossarian, he is censoring letters by arbitrarily targeting specific parts of speech, and then by "attacking the names and addresses on the envelopes, obliterating whole homes and streets, annihilating entire metropolises with careless flicks of his wrist as though he were God" (Heller 8). By blacking out these names, Yossarian seems to be under the absurd impression that he is not only erasing them from the letter, but from existence. This foreshadows the way in which the world of *Catch-22* works: "Its real life takes place within the administrative network; what happens in the office is vital, what happens on the field of battle is peripheral. . . . Communications, not fighting, is the essential sphere" (Way 261-262). Heller's godlike description of Yossarian in this passage is fitting, because language appears to be perhaps the greatest weapon in the arsenal of the top brass. Just as Yossarian wields this power in the beginning of the novel, he is trapped by it near the novel's end. After he is stabbed by Nately's Whore outside of Korn and Cathcart's tent after making a deal with them, he wakes to find that, according to the official report, he was wounded while stopping a Nazi assassin from killing them. However, once he brings up the possibility of going back on their deal, Danby informs him that "there's another official report that says [he] was stabbed by an innocent girl in the course of extensive black-market operations involving acts of sabotage and the sale of military secrets to the enemy," (Heller 442). While neither report is true, it is clear from what happened to Doc Daneeka that the official word is law, regardless of factuality. As Yossrian learns, "they can prepare as many official reports as they want and choose whichever ones they need on any given occasion" (442). What once seemed to be a quirk

of *Catch-22*'s style—the priority of what is written over what is real—is shown to have frightening implications when taken advantage of by high-ranking military officers with agendas. It is through language that they manipulate their airmen, such as the multiple reports or the nebulous Catch-22.

There are other, subtler ways in which the manipulation of language corresponds with the manipulation of soldiers. When Yossarian tries talking to Major Major to get out of flying more missions, Major Major thinks to himself that "One thing he could not say was that there was nothing to do. To say there was nothing he could do would suggest he *would* do something if he could and imply the existence of an error or injustice in Colonel Korn's policy. Colonel Korn had been most explicit about that. He must never say there was nothing he could do" (Heller 103). The fact that Korn has explicitly ordered Major Major not to use a certain phrase demonstrates an understanding of how the wrong display of language will harm the legitimacy of his policy. In another instance, General Peckem recruits the parade-obsessed Colonel Schiesskopf, and allows him to schedule and repeatedly postpone a parade that was never going to happen in the first place. According to Peckem, "the implication is beautiful. Yes, positively beautiful. We're implying that we *could* schedule a parade if we chose to" (324). When this notice reaches Yossarian's squadron, it works perfectly, throwing them into confusion and bitterness. The subtlety of language, with its connotations and implications, is how the military bureaucracy exerts and maintains its power—or at the very least, the illusion of power. The military bureaucracy, in some ways, behaves like the Party from George Orwell's *1984*. As Orwell writes in that novel, the Party could one day say that 2 + 2 = 5. In fact, they not only could, but must, for "the logic of their position demanded it. Not merely the

validity of experience, but the very existence of external reality was tacitly denied by their philosophy" (71). By essentially monopolizing reality through the realm of language, law, and symbology, the military bureaucracy—much like the Party—has assumed near-total control over the airmen by warping their perspectives. The airmen respond to the reality that has been provided by the bureaucracy, rather than a more "objective" reality.

Abstract Distraction

Of course, the most useful kind of language in asserting and maintaining power is abstract language, most specifically ideals such as patriotism, duty, and justice. As James S. Mullican writes, "an ideology that rules a social group . . . consists of values (terms) ordered in accord with their relative importance. Such titular god-terms as 'democracy,' 'capitalism,' 'socialism,' or 'dialectical materialism' each rules over its own formal or informal philosophy and guide to action" (Mullican 43). These "god-terms" prove to be instrumental to the power dynamic specifically *because* they're so abstract and ill-defined. The harder a word is to define, the more authority bureaucratic agents have to define it in a way that suits them, regardless of how narrow. When Scheisskopf puts Clevinger on trial, Clevinger explains "you couldn't find me guilty of the offense with which I am charged and still be faithful to the cause of . . . justice" (Heller 80). After this, the following exchange occurs:

> "Justice?" The colonel was astounded. "What is justice?"
>
> "Justice, sir—"

> "That's not what justice is," the colonel jeered, and began pounding the table again with his big fat hand. "That's what Karl Marx is. I'll tell you what justice is. Justice is a knee in the gut from the floor on the chin at night sneaky with a knife brought up down on the magazine of a battleship sandbagged underhanded in the dark without a word of warning. Garroting. That's what justice is when we've all got to be tough enough and rough enough to fight Billy Petrolle. From the hip. Get it?" (80)

Schiesskopf's speech—as bizarre and near-incomprehensible as it is—is nonetheless enlightening for how it portrays the ability to redefine abstract terms to fit an agenda. Scheisskopf's charges against Clevinger are fabricated, and so Clevinger assumes that he will be found innocent, since he assumes justice to mean something along the lines of "the punishment fit the crime." He holds the traditional view of justice, where truth is revealed through reason. Unfortunately, the system judging him is not reasonable. Scheisskopf does not even allow Clevinger to explain his personal definition of justice before dismissing it as "Karl Marx" (a symbol of un-Americanism) and launching into his own inarticulate explanation of justice. According to Scheisskopf, justice has nothing to do with rightness or fairness, and everything to do with cruelty. Based on *this* definition, Clevinger's unjust trial is just. As the narrator explains after the trial, "Clevinger was guilty, of course, or he would not have been accused, and since the only way to prove it was to find him guilty, it was their patriotic duty to do so" (81).

Just like Meursault's trial, the conclusion was set from the start, yet the bias implicit in Clevinger's trial is barely hidden behind a thin veil of ideals such as justice and patriotism. As Clevinger notes, the strongest aspect of his trial "was the hatred, the

brutal, uncloaked, inexorable hatred of the members of the Action Board. . . . They hated him before he came, hated him while he was there, hated him after he left, and carried their hatred for him malignantly like some pampered treasure after they separated from each other and went to their solitude" (81). Clevinger's true crime is that he "had a mind, and Lieutenant Scheisskopf had noticed that people with minds tended to get pretty smart at times. Such men were dangerous. . . . The case against Clevinger was open and shut. The only thing missing was something to charge him with" (71). As Pearson writes, "in the society which results when men fear thought so much that they merely accept what others tell them, the law becomes merely a facade covering humanity's basest instincts" (31). Clevinger, the intellectual idealist who believes in traditional ideals of duty, patriotism, and justice, is considered an enemy of Scheisskopf and the Action Board, who use such ideals to pursue their agendas. Unfortunately for Clevinger, they are the ones who decide what these ideals mean.

Captain Black also uses this technique of co-opting an ideal for his own purpose. He begins the "Loyalty Oath Crusade" to impress his superiors and to spite Major Major. What starts as making the airmen sign loyalty oaths to receive their intelligence reports quickly spreads and grows out of hand. Eventually, airmen must sign loyalty oaths, recite the pledge of allegiance, and sing "The Star-Spangled Banner" in order to do anything, from getting intelligence reports to flying missions to getting salt and ketchup at the mess hall. Captain Black is able to justify this increasingly bloated system by the sole virtue of its name. The symbolic gesture becomes the sole defining feature of loyalty, since "the more loyalty oaths a person signed, the more loyal he was; to Captain Black it was that simple" (Heller 113). In the world of *Catch-22*, symbols like the loyalty oath hold more

power than what those symbols represent. Black even shuts down dissent "to anyone who questioned the effectiveness of the loyalty oaths" by replying that "people who were loyal would not mind signing as many loyalty oaths as they had to" (113). By narrowly defining an ideal such as loyalty, Black has the ability to coerce men by merely implying that airmen are disloyal. This scenario demonstrates why ideals are a useful tool of the top brass when it comes to maintaining their power. Not only do they add an air of legitimacy to their orders, but can often be used to pressure airmen into doing what they do not want to do, or to fall back in line.

Several officers attempt to use these kinds of ideals to coerce Yossarian when he refuses to fly more missions. Milo tells him, paradoxically, that "he was jeopardizing his traditional rights of freedom and independence by daring to exercise them" (405). Later, Colonel Korn and Cacthcart tell Yossarian he is letting his fellow squadron members down, and Korn tells Yossarian that he's "either *for* [them] or against [his] country. It's as simple as that" (423). When Yossarian tells Korn he doesn't buy that, Korn admits, "Neither do I, frankly, but everyone else will. So there you are" (423). Korn and Cathcart have the ability to use the ideal of patriotism, loyalty, and duty to turn men against one another arbitrarily, invoking the kind of hatred and lawlessness that ironically goes against the very ideals that have been offended. As Danby tells Yossarian in the final chapter, Korn and Cathcart "can get all the witnesses they need simply by persuading them that destroying you would be good is for the good of the country" (443). Even something as seemingly firm as a country is ill-defined enough to manipulate others. Nately, when challenged in his beliefs by an old man, says that "there is nothing so absurd about risking your life for your country," but the old man responds, "what is a

country? A country is a piece of land surrounded on all sides by boundaries, usually unnatural. Englishmen are dying for England, Americans are dying for America, Germans are dying for Germany, Russians are dying for Russia. There are now fifty or sixty countries fighting in this war. Surely so many countries *can't* all be worth dying for" (247). By turning a piece of land into an ideal, the military achieves another sleight-of-hand trick. Airmen are not being forced to fly dangerous missions—they are simply doing their duty, which "is now owed to such vague abstractions as patriotism and free enterprise, which have become exactly the tyrannous absolute values that Camus talks of in [*The Rebel]*. The old man in the brothel in Rome exposes patriotism as illogical" (Kennard 76). The old man boasts to Nately that he will adopt whatever ideals will keep him alive, something which disgusts Nately but ensures the longevity of the old man.

Both the old man and Yossarian reject abstract values and philosophies. While Yossarian and Clevinger may debate about the legitimacy of certain values, the narrator cannot help but note that the "basic flaw in his philosophy" is that "Clevinger was dead" (Heller 104). The lesson Yossarian learns from Snowden's death is that "The spirit is gone, man is garbage" (440). These ideals and philosophies are another part of the rational system that human beings invent to combat the chaos of a meaningless universe. At best, these ideals may represent a positive—albeit unattainable—goal for humanity to reach towards. At worst they become another means for protective rationalization, a method for justifying that which is unjust. As Jean Kennard writes, "the question of authority is central to the novel. God certainly no longer runs the organization, though He lingers on in certain distorted images some characters still have of Him" (Kennard 76). The word "distorted" is significant here. As Yossarian says near the final pages of the

novel, “between me and every ideal I always find Scheisskopf, Peckhams, Korns and Cathcarts. And that sort of changes the ideal” (445). While the ideals themselves may be based on a flawed premise (that the universe is reasonable or just), it is human beings who truly pervert them into something ugly and harmful. In Heller’s novel, like *The Stranger*, it is the human factor that turns a system meant to combat the absurd into the absurd institutionalized.

Agents of Chaos

The military bureaucracy, at times, can seem like a singular nebulous force with a mind of its own. Yossarian, too, often thinks of the bureaucracy in vague terms, such as his remark that “they should give [the Chaplain] three votes,” to which Dunbar asks, “who’s they?” (14). This is followed by a similar exchange with Clevinger in the next chapter:

> “Who’s they?” [Clevinger] wanted to know. “Who, specifically, do you think is trying to murder you?”
>
> “Everyone of them,” Yossarian told him.
>
> “Every one of whom?”
>
> “Every one of whom do you think?”
>
> “I haven’t any idea.”
>
> “Then how do you know they aren’t?” (17).

Yossarian appears to be referring not only to the mass of nameless, faceless Germans shooting at him on missions, but the nameless, faceless agents of the military who send him on said missions. As Jean Kennard writes, “it is this indefinable ‘they’ who organize this world, and everyone is trapped in the organization, every one is caught by Catch-22”

(77). However, throughout the course of the novel, Heller reveals that much of the absurdity of the bureaucracy comes from ineptitude as often as malice.

The two C.I.D. men are a depiction of both the theory of the absurd and how it taints their ability to effectively do their jobs. Both are investigating "Washington Irving" and "Irving Washington." Earlier, Yossarian began signing letters by these names out of nothing more than sheer boredom, and Major Major had adopted the practice. When the second C.I.D. man shows up at Major Major's tent to question him, he eventually concocts an elaborate, incorrect theory that "we're confronted with a gang, with two men working together who just happen to have opposite names. Yes, I'm sure that's it" (Heller 94). Unable to consider that the names are essentially meaningless, the second C.I.D. man creates an alternative theory that he can understand and accept. While it is a good illustration of Camus' theory of the absurd, it is a poor approach to the investigation. By the end of the chapter, both C.I.D. men are investigating each other in secret, convinced that the other is Washington Irving and ensuring that the investigation goes nowhere. What began as a practice to stave away boredom devised by Yossarian snowballs into a competing investigation that creates more chaos within the military.

This absurd result also can be attributed to Major Major, whose promotion and subsequent career is rife with incompetence and absurdity. He is initially promoted not due to any merit of his own, but because of "an I.B.M. machine with a sense of humor" (86). His promotion makes his full title "Major Major Major Major," which seems to be the only reason for its occurrence. Unfortunately, the promotion has the opposite effect, and Major Major is pinballed around the military, moving from cadet training to aviation training to the hospital to, finally, Pianosa, where no one knows what to do with him, and

he doesn’t himself know what he is to do. Finally, to get out of a job he does not know how to do, Major Major creates one of the most blatant and ingenious Catch-22’s in the novel. As he explains to his subordinate, Sergeant Towser, “I don’t want anyone to come and see me while I’m here” (98). This paradoxically makes his office hours whenever he is not in his office, creating a system whereby no one can come see him.

While the C.I.D. men and Major Major create absurdity through ignorance or incompetence, there are even more numerous examples of absurdity being a direct result of the top brass’s self-interests. These instances, by themselves, create an absurd incongruity between the selfless ideals of the military and the selfish actions of its officers. Unlike the incompetent C.I.D. men and Major Major, the men who exercise absurdity for personal gain know exactly what they’re doing: they are undermining the institutions and values they technically work while using them as cover. They are unwitting double-agents for the absurd who corrupt systems meant to combat it. Captain Black’s Loyalty Oath Crusade is an illustrative example, as it is devised solely as an act of pettiness against Major Major after the latter has been promoted to a position the former sought. He lets his true intentions slip when Doc Daneeka confirms that he will not let Major Major sign a loyalty oath, responding, “of course not . . . That would defeat the whole purpose” (114). The “whole purpose” has nothing to do with loyalty and everything to do with revenge. The dissonance between the ideal and the reality is what makes much of the Loyalty Oath Crusade so absurd.

The petty rivalry between Generals Peckem and Dreedle also results in much of the novel's absurdity. For example, it is what leads Peckem to ask that combat units be somewhat counterintuitively placed under Special Service. Heller highlights the irony of

his argument in the line, “if dropping bombs on the enemy was not a special service, he reflected aloud frequently with the martyred smile of sweet reasonableness that was his loyal confederate in every dispute, than he could not help wondering what in the world was” (120). The humor and irony here comes from the blatant incongruity. The phrase “loyal confederate” is indicative of the logic behind Peckem’s argument; while confederate technically means one joined by a treaty, its association with american traitors turns the phrase “loyal Confederate” into an implied oxymoron. Likewise, Peckham’s argument may take on the appearance of the “sweet reasonableness” he is so proud of, but it is a transparent attempt to meet his personal goals over what is efficient or even logical. The apex of absurd results coming from Peckem’s personal agenda is undoubtedly “bomb patterns.” While Colonel Cathcart stresses the importance of bomb patterns throughout the entire novel, Peckem explains to Scheisskopf in secret that “a *bomb pattern* is a term I dreamed up several weeks ago. It means nothing, but you would be surprised at how rapidly it's caught on” (324-325). Peckem even boasts about “one colonel in Pianosa who’s hardly concerned any more whether he hits the target or not” (325). “Bomb patterns” are an exercise of control, demanding something arbitrary for the sake of demanding it, with no more justification than a personal whim. Pettiness trickles down the ranks in the form of absurdity, making the entire institution less viable. It is an absurd idea made all the more absurd by how it has come to dominate the military’s priorities, epitomised by Colonel Cathcart’s slavish devotion to fulfilling pointless commands.

Colonel Cathcart is perhaps the most obvious instigator of the absurd in *Catch-22*. His insatiable ambition drives almost every action and line of dialogue from him, and

often leads to contradiction. When Yossarian accepts a medal from General Dreedle completely in the nude, Cathcart promises that "this man will be severely punished" (218). Dreedle, however, responds to this by saying "what the hell do I care if he's punished or not. . . . He's just won a medal. If he wants to receive it without any clothes on, what the hell business is it of yours?" To this, Cathcart replies, "those are my sentiments exactly, sir!" (218). His immediate self-contradiction in the interest of impressing his superior is obvious sycophantism. His need to impress everyone, in fact, ends up hurting him. One of his prized possessions is a cigarette holder, which he believes (although is unsure that) helps him impress General Peckem. However, as Colonel Korn later reveals to him, "it's a feather in your cap with General Peckem, but a black eye for you with general Schiesskopf" (425). The point that Korn makes, that Cacthcart cannot understand, is that it is impossible to please everyone. Cathcart's attempts to do so prevent him from rising above the rank of Colonel. For all the misery Cathcart causes, he too, is a victim of the military bureaucracy. Even his mission to send his pilots on more missions than everyone else backfires. Since almost everyone has completed the technically required number of missions, "Colonel Cathcart couldn't possibly requisition so many inexperienced replacement crews at one time without causing an investigation. He's caught in his own trap" (442).

These characters, who complicate the military hierarchy with their ineptitude and agendas, represent what happens "in a modern bureaucracy whose denizens care little for the overt and stated goals—in this case, winning the war and preserving democracy of the institution which they 'serve.' Instead, such types care only about their place within the hierarchy of the institution" (Mullican 42-43). Because of these characters, "a kind of

institutional logic asserts itself, perfectly coherent and rational within an enclosed system, but insane to the person who measures behavior in terms of the real world and the purposes of the institution" (Mullican 43). This demonstrates the problem with power, especially with a power structure that needs positive values to justify its existence. Of course it is absurd when an unjust system calls itself just. What is most disturbing about this vision of bureaucracy that Heller presents is its lack of true malice. Colonel Cathcart is the closest thing the novel has to a true villain, as his ambition is what actively endangers the members of the squadron. However, he does not seem to even comprehend why his actions are unethical, as long as it impresses his superiors. He is a man who "lived by his wits in an unstable, arithmetical world of black eyes and feathers in his cap, of overwhelming imaginary triumphs and catastrophic imaginary defeats" (Heller 188). He is only capable of viewing things in terms of rising the military ladder, to the point that he is described as not wanting to "waste his time and energy making love to beautiful women unless there was something in it for him" (211). Cathcart may endanger and indirectly kill many of his airmen, but he does not set out to do so. General Peckem, Scheisskopf, and Captain Black as well may sabotage the men under their command, but they are simply collateral damage in their petty agendas. This is the most dangerous thing about the military bureaucracy, and by extension, institutions of authority in the real world: even ones built on positive ideals can see those ideals twisted to absurd—and harmful—ends by individuals whose goals contradict the goals of the actual institution. When this same institution has power over the way reality itself is perceived, these systems become effectively unaccountable. What, then, can one do, when under the control of such a force?

Revolt Against the Absurd

The novel depicts three ways in which characters respond against the absurd, with varying degrees of success. The characters who are least successful in their attempts are those who try and use reason against an unreasonable system: Clevinger, Nately, Dunbar, and the Chaplain. Nately is incapable of budging the old man in their debate, since the former's rationale depends on a set of given values which the old man has abandoned in self-interest. Dunbar argues against an arbitrary mission to bomb a village, unsuccessfully arguing that "it's cruel" (Heller 326). Not only does the mission still happen, but Dunbar is later "disappeared" while staying at the hospital. Finally, the Chaplain is eventually questioned in a manner strikingly similar to Clevinger. The charges are similarly manufactured, and when the Chaplain denies them and swears he's telling the truth, the officer questioning him responds, "I don't see how that matters one way or the other" (385). All of these characters, who hang onto their ideals and their reason, are punished, and few make it out of the novel alive and well.

The second, somewhat more viable response to absurdity is to fight it with more absurdity. This, however, has often mixed results. Yossarian, fearing the dangerous mission to Bologna, joins the men in staring at the large map of Italy, which includes the bomb line: "a scarlet band of narrow satin ribbon that delineated the forwardmost position of the Allied ground forces in every sector of the Italian mainland" (119). The bomb line is nothing more than a symbol, and yet, *Catch-22* is a novel where "symbolic forms and expressions have the privileged status usually accorded to 'reality'" (Davis 69). Thus, Yossarian sneaks to the map at night and simply moves the bomb line above

Bologna, and for a short while, everyone in the military believes that Bologna has been captured. Unfortunately, this ultimately only delays the mission. Likewise, when a few of the squadron members go rescue Nately's Whore, who is being held by high-ranking officers against her will, they win by throwing the officers' uniforms outside and accusing them of being Germans. The General among them is impressed by this tactic, admitting, "that *was* clever. We'll never be able to convince anyone we're superior without our uniforms" (Heller 354). By once again taking advantage of the power of symbols, they can circumvent the absurd rules and symbols that the members of the military bureaucracy uphold. However, this victory is hollow. As the General reminds one of his men, "sooner or later we'll get our uniforms back, and then we'll be their superiors again" (354). While using the rules of the absurd may allow for momentary victories, that same absurdity ensures that victory will be eventually negated.

The most powerful form of rebellion against the absurd is outright rejection. This is how Ex-P.F.C. Wintergreen comes to be considered the most powerful man in the military despite being a low-ranking mail clerk. When General Dreedle and General Peckem dispute over jurisdiction, Wintergreen "[determines] the outcome by throwing all communications from General Peckem into the wastebasket" (26). Wintergreen's power comes from his ability to negate the displays of language and pseudo-logic necessary to assert one's authority. It is by a similar stroke that Major — de Coverly ends the Loyalty Oath Crusade. When he enters the mess hall to eat and is given a loyalty oath, he swipes it away and threatenly demands "Gimme eat" (116). When Milo concedes and tells the Corporal to "give him eat," he effectively renounces the verbal trickery of Captain Black and his loyalty oaths in favor of the primal demand of Major — de Coverley, who ends

the crusade once and for all by shouting "give everybody eat" (116). In a novel where the legitimacy of power depends on the clever use of language, Major — de Coverly's inarticulate cry becomes an effective act of rebellion that cuts through the noise of pseudo-rationality and faux-patriotism.

This extends to the abandonment of symbols as well. Yossarian's refusal to wear a uniform is essentially a self-inflicted version of what he and his friends did to the high-ranking officers in Rome. Whereas the loss of uniform represents the generals' loss of power, it also represents the loss of power over Yossarian. Just as the court of *The Stranger* is ill-equipped to deal with someone like Meursault, who exists outside of its system of values, the military bureaucracy isn't quite sure how to deal with Yossarian when he simply chooses to stop being an airman. This rejection of uniform and duty leads to Yossarian's great moral test: Cathcart and Korn's officer. They allow him to go home if he gives them their unconditional support. This is, as Heller seems to indicate, the easy way out for Yossarian. Instead of a rejection of the absurd, this act is an embrace of it. When Yossarian takes the deal, he becomes complicit in the harm done to his friends. However, after he is stabbed by Nately's Whore, he has a change of heart and decides that, if he is to leave the air force behind, it will be on his own terms. Upon the realization that his former tentmate Orr intentionally crash landed in order to end up in Sweden, Yossarian decides to follow in his steps. It is debatable whether or not this ending constitutes a "happy" ending. It is doubtful whether or not Yossarian will even survive the attempt, and even more doubtful that Sweden presents any freedom from the absurdity of the military bureaucracy. However, it still constitutes a specific kind of victory, because "the hope of Sweden is perhaps a false note in the novel, but it is

important to remember that it is only a possibility, a state of mind rather than a real place" (Kennard 79). Just as Catch-22 is a state of mind, so is Sweden. While the mindset of Catch-22 is one of meaninglessness and cruelty, Sweden represents a land of reason and care. Yossarian's decision to go AWOL, regardless of success, is a *moral* victory that reflects Yossarian's humanist, Camesian morality. As James S. Mullican writes, "whenever there is a choice between a principle and a person, he takes the person; whenever there is a choice between an institutional value and a human value, he takes the human value" (47). Yossarian's final decision, then, is a moral victory. It is an acknowledgement and abandonment of the Catch-22 mindset, a rejection of the madness and cruelty that it causes. The primary assumption underlying both *The Stranger* and *Catch-22* is that the absurd is intrinsically tied to these institutions.They are not plagued by the absurd, for the absurd is already a fundamental part of how it exercises and maintains power for a select few. *Catch-22*, as a work of absurd legal fiction, goes beyond *The Stranger* by not just recognizing the absurd in legal systems, but by suggesting a response to it. The system cannot be reformed, so it must therefore be rejected.

Chapter Three: An Absurd Comparison

Through their critiques of law, *The Stranger* and *Catch-22* offer readers a new perspective with which to examine law in the real world. Absurdist legal fiction challenges the reader to consider the logical inconsistencies of law: contradictions, arbitrariness, and its basis on flawed human judgment and agendas. *Catch-22* even offers language for identifying some of these bureaucratic traps through its titular code, a term that has entered everyday usage for unwinnable scenarios. While the traditional belief may be that law is a "higher institution," based on distilled reason for the purpose of protecting people and their rights, these novels subvert that traditional perspective and offer a new view of these institutions. The laws, courts, and bureaucracies governing human beings are not a prescription to the absurd, but perpetuations of it. This weaponized absurdity is arguably fundamental to law's very purpose—not to maintain law and order, but to protect societal interests. This can be demonstrated in the U.S. through such practices as qualified immunity, gun law, and immigration law.

Veronica Dougherty, an assistant director of the law and public policy program at the Cleveland-Marshall College of Law, outlines two ways in which a statute of law can be absurd. It can be absurd either in the sense of internal contradictions or flawed deductive reasoning: "a flaw in the application of a rule in a particular set of circumstances" (140). While it is rare for a law or statute to be directly contradictory to itself, there are examples of certain laws or practices which contradict each other enough to effectively negate themselves—a Catch-22, so to speak. Instances of flawed deductive reasoning—where a conclusion seems to contradict the facts that preceded it—are also common in the application of law. Both of these seemingly nonsensical outcomes in the

legislation or enforcement of law can perhaps be identified as personal judgments straining to take on the appearance of legal legitimacy, and in doing so becoming even more absurd.

The Pursuit of Reason

When examining law from an absurdist perspective, one finds how integral the idea of reason is to law. Laws, when drafted, are expected to be reasonable, as are public officers in the interpretation and execution of these laws. Unfortunately, there can be a divide between what is reasonable in theory and what is reasonable in practice. There is a tension between laws as written and law as enforced: between legislation and execution. This is where statutory interpretation—the method in which courts interpret and apply legislation—comes in. Normally, it is the court's duty to apply legislation as it is written, save for one notable example in the absurd result principle. This principle is an exception to said rule in which applying the letter of the law would lead to a result so incoherent as to be technically justified, yet practically absurd. As the former Supreme Court Justice Field stated in *United States v. Kirby*, "The common sense of man approves the judgment mentioned by Puffendorf that the Bolognian law which enacted, 'that whoever drew blood in the streets should be punished with the utmost severity' did not extend to the surgeon who opened the vein of a person that fell down in the street in a fit" (*Supreme Court of the US* 1868). It is not that the initial law is unreasonable, but rather that it is unreasonable in a specific case.

The purpose of this principle is simple and apparent. Even though it grants judges the power to essentially overwrite law as it is written, it exists under the presumption that the initial law was not written with an "absurd result" in mind. Unfortunately, "cases

using or referring to the principle do not define absurdity, nor do they specify the kinds of situations where the principle should be applied" (Dougherty 128). While reason and absurdity are integral to the way in which society views and applies law, both of these concepts are far too abstract and subjective to be strictly defined in law itself. In fact, "the discussion of the definition of absurdity that follows indicates that this presumption of legislative rationality goes beyond the descriptive, and that in fact it imposes limits on the effective reach of legislative will. That is, this presumption acts prescriptively" (131). The absurd result principle, rather than uncovering a reasonableness that was always there in the written law, allows for the re-interpretation of said law so that it becomes more reasonable. Its very existence allows for the possibility that law is not the monolith of just reason that it presents itself as. This theoretical realm of law is where the real world most resembles that of Catch-22, where symbols and manmade structures take precedence over reality and common sense. The case of a surgeon being arrested for drawing blood to save a man's life is obviously absurd in the way thought experiments often are. However, a court interpreting a law for the sake of reason can often create even more absurd results. Perhaps there is no greater example of this than qualified immunity.

Qualified immunity is a doctrine that protects government officials from civil suits, most notably police officers. Under qualified immunity, an official cannot be brought to civil court for violating a law or constitutional right unless it has been clearly established. On paper, this would appear at least somewhat understandable. Law is full of legal grey areas, and without this statute a police officer may be dissuaded from doing their job to the best of their ability out of fear of being brought to court. Unfortunately, the metric for when and how qualified immunity is granted has created controversy. The

“clearly established” doctrine in and of itself could be taken to absurd lengths if a government official did something obviously unconstitutional, but not explicitly declared unlawful in a previous case. In the case of *Robles v. Prince George*, county police officers were brought to court for arresting a man, Robles, outside of their jurisdiction. To avoid the paperwork of an official transfer, they “[tied] him to a metal pole in a deserted parking lot and [abandoned] him there for approximately 10 minutes” (*US Court of Appeals, Fourth Circuit* 2002), notifying the proper authorities where to find him. While the court case ruled in favor of Robles, it still granted police qualified immunity upon summary judgment, which partially caused Robles to appeal to a higher court. While the fourth circuit court agreed that Robles’s Fourth Amendment right was violated, it decided that “Although the officers' actions in this instance were foolish and unorthodox, it is also not clear that at the time they acted they should have reasonably known that their conduct violated Robles' constitutional rights” (*US Court of Appeals, Fourth Circuit* 2002).

This decision—that police officers should not have been expected to know that handcuffing a man to a pole and leaving him alone at 3 in the morning is unconstitutional—is difficult to interpret as reasonable. Reasonability, in fact, is something of an ill-defined secret ingredient in these decisions. The rule of thumb a court uses in determining whether qualified immunity applies is if a reasonable officer would have found the action in question reasonable. The circular logic involved in this rule is somewhat staggering, and can be used in baffling ways. According to the court, an officer can act “foolishly,” yet “reasonably,” all because a court had hitherto never confirmed that an action so obviously unconstitutional was, in fact, unconstitutional. If one were to

compare this case to a scene from *Catch-22*, it may be military police ignoring Aarfy's murder and arresting Yossarian "for being in Rome without a pass" (Heller 419). The spirit of the law is one of justice, and yet in both of these instances—one fictional and one real—justice is ignored by officials following the letter of the law.

Another case which expanded qualified immunity was 1987's *Anderson v. Creighton*, which concerned an officer's unlawful search of a suspect's home—a violation of the Fourth Amendment—under the false belief that he had probable cause. The Supreme Court ruled that "a federal law enforcement officer who participates in a search that violates the Fourth Amendment may not be held personally liable for money damages if a reasonable officer could have believed that the search comported with the Fourth Amendment" (*US Supreme Court* 1987*)*. This essentially moves the benchmark of what "clearly established" means by arguing that a reasonable police officer may not know about a law—even one that has been officially upheld by a court. Thus, that law is not clearly established for the purposes of this case. It is far from inconceivable that police officers with relatively little legal training compared to lawyers or judges would be unaware of certain legalities. The solution to this problem was not, however, suggesting more legal training for officers, but freeing them of judgment entirely. This is an absurd decision in the way of flawed deductive reasoning. To put it in the form of a syllogism:

1. An officer does not receive qualified immunity if he or she violates a clearly established law.
2. The officer in question violates a right clearly established in the Fourth Amendment.
3. The officer receives qualified immunity.

Written this way, the decision is obviously absurd in its flawed deductive reasoning, as "the Court fails to explain how an officer could act in an objectively unreasonable manner for Fourth Amendment purposes but could still have reasonably believed that his conduct was lawful" (Rudovsky 182). This was a landmark case for qualified immunity that heavily restricted a citizen's ability to sue a police officer for unconstitutional behavior. Unfortunately, this even extended to cases of police brutality.

In the 2001 case *Anderson v Russell*, two officers had confronted a suspect, Maurice Anderson, who was listening to a Walkman radio in his back pocket through headphones obscured by his hat. Upon confrontation, the suspect complied with orders, but reached for the Walkman to turn it off. The officer in question, David Russell, erroneously believed Anderson was reaching for a weapon and shot him multiple times, causing permanent injuries. A jury found Russell's use of force to be unreasonable, but on appeal to the fourth circuit, the higher court decided that the case should be viewed from the officer's perspective, not that of hindsight. The court invoked the Supreme Court case *Graham v. Connor*, which "[allows] for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation" (*Supreme Court of the US* 1989). They decided that an officer who perceives the facts incorrectly and acts on them is still acting reasonably, and may receive qualified immunity.

A later case involving police brutality, *Saucier v. Katz*, came to a similar conclusion from the opposite approach. A ninth circuit court decided that the defendant Saucier, a military police officer, used excessive force on a protestor, the plaintiff Katz. The Supreme Court overturned this decision, deciding that "an officer might correctly

perceive all of the relevant facts but have a mistaken understanding as to whether a particular amount of force is legal in those circumstances. If the officer's mistake as to what the law requires is reasonable, however, the officer is entitled to the immunity defense" (*US Supreme Court* 2001). Once again, the sliding scale of what is reasonable tainted the case with an absurd outcome. If the Supreme Court agrees "that an objectively reasonable officer would not have used the force in question, it makes no sense—indeed, it is conceptually incoherent—to assert that the very same objectively reasonable officer could have believed that the force was reasonable" (Rudovsky 179). This odd reasoning seems more like rationalization than explanation.

The decisions of *Russell* and *Katz* essentially give officers "two bites at the apple. If an officer correctly perceives all of the relevant facts, but uses more force than is necessary, the officer escapes liability unless a clearly established law declared that the amount of force used was illegal under those circumstances. This is notwithstanding the fact that no reasonable officer would have acted similarly" (Sheng 105). Yet, if there is a clearly established law, it is only clearly established for the purpose of qualified immunity if a reasonable officer would have been aware of it. The subjectivity of reason is weaponized through qualified immunity, which is used far beyond the scope of what it was intended. As David Rudovsky writes, "it is one thing to protect an officer from unforeseen changes in the law after he has acted; it is quite another to bar recovery for one whose rights were violated on the ever-expanding ground that a reasonable officer could have thought his conduct to be legal" (179). Because of the constant inconsistency of what is "reasonable" and what is "clearly established" in the eyes of the court, it becomes essentially impossible to hold police officers accountable for unconstitutional or

unlawful behavior. Just as the bureaucracy of *Catch-22* manipulates and weaponizes language to justify obvious abuses of power, the court does the same to protect police officers who recklessly use their power. This is why it becomes fairly rare for officers to be convicted, or even charged, with crimes related to violence or abuse.

Mask of the Red Tape

These kinds of self-defeating laws are unfortunately not uncommon in the United States legal system. Often, these inconsistencies and absurdities radically shift the balance of power and civil rights. While qualified immunity depowers citizens of their ability to use legal action—empowering law enforcement officers in the process—other examples are written into the laws themselves, which are drafted in such a way that creates bureaucratic traps for individuals. These traps are real-world examples of a Catch-22. For example, until 2008 the District of Colombia's gun laws were strict to the point of being functionally self-contradictory. To quote Adam Winkler, professor of law at UCLA:

> Commentators have characterized the D.C. law as a complete ban on handguns, but the law was not that simple. Formally, the District of Columbia only prohibited people from having handguns if the weapons were not registered. One might infer that the District permitted registered handguns, but a different provision of the D.C. Code prohibited the registration of handguns. Another provision outlawed the carrying of handguns, either openly or concealed, without a license. But the District did not issue licenses. And despite the common understanding of 'carrying' a pistol to refer to possessing the weapon in public, rather than at home, the District stretched the term well beyond that meaning and

> defined ‘carrying’ to include moving handguns from one room to another within one's own house. (1553)

Even if one were to own a firearm or shotgun, he or she would have to keep it “unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device” (§ 7–2507.02.). By this point, owning a firearm in D.C. seems practically useless. One might reasonably assume that this was the point. This was a ban on firearms in all but name, comparable to “having a right to free speech, but being barred from opening your mouth” (Winkler 1554). These laws were so strict that in 2009, the Supreme Court decided that these gun laws violated the Second Amendment.

Another bureaucratic trap comes from the notoriously convoluted realm of immigration law. Under section 212 (a)(9)(B) of the Immigrant and Nationality Act (INA), aliens unlawfully present in the United States who voluntarily leave the country trigger a three to ten year ban from reentering the country. This can unfortunately affect aliens who, while unlawfully present, do qualify for permanent residence. Because they must leave the country to apply abroad, “immigrants who have a chance to legalize their status may not be able to do so. Instead, they must choose between leaving the United States and taking the risk they might not be able to return, or remaining in the country without legal status” (American Immigration Council 1). This has often been called the Catch-22 of the immigration system, because “although there are waivers available to combat the three or ten year bar, the standard of extreme hardship to a U.S. Citizen is a hard one to meet” (Rodriguez 1), and thus aliens are discouraged from attempting to gain lawful status. Just as the pilots of *Catch-22* are caught in a bureaucratic trap to continue

flying missions, aliens in this position are caught in a similar trap that keeps them second class citizens.

There are two broad explanations as to why these instances of absurdity come out of the legal system. A cynical explanation would be that this absurdity is intentionally wielded by a government to maintain its power and exert it over others. As the famed sociologist Max Weber wrote, “Bureaucracy is the means of carrying 'community action' over into rationally ordered 'societal action'. Therefore, as an instrument for 'socializing' relations of power, bureaucracy has been and is a power instrument of the first order - for the one who controls the bureaucratic apparatus” (163). Under this explanation, seemingly nonsensical abuses of power are intentional and insidious. This is an understanding of law perpetuated not just by absurdist legal fiction, but by Critical Legal Studies (CLS), which argues that the formal language and logic of law is “a mask for rules and judgments that were often arbitrary, contingent or politically instrumental. . . . political bias, sexual discrimination and racism were argued to be not so much promoted by individual legal actors, but actually woven into the institutional fabric of law itself” (Stone 16).

Immigration law can be helpful for illustrating this theory. The United States’ history of xenophobia has often been reflected in its policies. This was either explicit, as in the Chinese Exclusion Act of 1880, which targeted a specific nationality of immigrants, or more subtle. The Immigration Act of 1882, for example, “blocked (or excluded) the entry of idiots, lunatics, convicts, and persons likely to become a public charge” (“Early American Immigration Policies”). The latter of which was often used against such physically or “morally deficient” groups as the disabled or single mothers.

While these laws were rewritten to be less aggressive, the "public charge" provision—blocking people who are or could become dependent on government services such as Supplemental Security Income, public housing, and "most forms of federally funded Medicaid" ("Public Charge")—has remained. On Feb. 24, 2020 an official "public charge" test became the rule for admitting immigrants. Some scholars argue that this "threatens[s] all immigrants and their families, [but] they would have particularly devastating effects on disabled immigrants and families who live with them. For example, exclusion from energy assistance programs such as LIHEAP would especially affect people who require electricity to support medical equipment such as ventilators and power wheelchairs" (Cokley and Liebson 1).

What makes "public charge" especially devastating is its inherent subjectivity. To quote INA 212 (a)(4), "any alien who, *in the opinion of the consular officer at the time of application* for a visa, or *in the opinion of the Attorney General at the time of application* for admission or adjustment of status, is likely at any time to become a public charge is inadmissible" (emphasis added). Just as Camus argued in *The Stranger*, human judgment is inherent to law. After all, there can be no truly objective test to determine whether someone is "likely at any time" to become a public charge, and it takes little imagination to imagine this rule being used to turn down immigrants based on immediate personal judgments from officials. Just as Meursault is punished for his cultural deviancy, immigration law may be accused of "punishing" potential immigrants for their cultural otherness.

Qualified immunity also works against marginalized people, albeit in a far more indirect way. Qualified immunity often protects police officers who commit acts of

violence on the job: violence which is used disproportionately against Black and Latino citizens. The *Washington Post*, which began logging every police shooting by an on-duty police officer to form an online database, found that while Black Americans "account for less than 13 percent of the U.S. population, [they] are killed by police at more than twice the rate of white Americans" ("Fatal Force"), with Latin Americans being killed by police at a higher rate as well. Of these shootings, many are against unarmed, fleeing, mentally ill suspects. In other words, difficult to justify. Charges are rare, however, and convictions even moreso. Despite there being around 1,000 police killings each year, only 110 officers have been charged with murder or manslaughter since 2015. Of those charges, only 42 were convicted, and only five of those convictions were for murder, and have not been overturned (Thomson-DeVeaux et al.). Qualified immunity most likely plays a significant part in this trend wherein violence is disproportionately inflicted on minority groups, and the power to seek legal reparations through lawsuit is denied.

This perspective is admittedly bleak because of how disempowering it is to citizens, whose "basic mode of being, living and thinking is conditioned by a legal matrix of norms and knowledge. In other words, we are not simply subjects that must abide by legal rules; we are subjectified, produced as subjects, by law" (Stone 4). As Meursault would say, this perspective of law offers little chance of escape or even reform, since even a bureaucrat within the system "is chained to his activity by his entire material and ideal existence. In the great majority of cases, he is only a single cog in an ever-moving mechanism which prescribes to him an essentially fixed route of march" (Weber 163). However, one can see that this is not necessarily the case for the United States. The Supreme Court ruled D. C. 's gun laws unconstitutional. In November 2013, a process

known as “parole in place” was introduced by the USCIS, which allows certain aliens to be paroled in the U.S. without needing to leave, circumventing the three to ten year ban. On July 19, 2020, the state of Colorado passed the Enhance Law Enforcement Integrity Act, which, among other things, declared that qualified immunity “is not a defense to liability” in civil action suits against police officers (12). While this theory—that absurdity in legal institutions is an intentional cover—may be accurate in some cases, it is not the only explanation.

Human Institutions

While the military bureaucracy of *Catch-22* often seems to be a nebulously malicious, faceless enemy, one must remember that many of its most absurd moments come from individual bureaucrats pursuing their own agendas: Cathcart’s desire to be promoted to general, General Dreedle and General Peckham’s bitter rivalry, and Major Major’s obstinate refusal to see anyone in his office. Likewise, *The Stranger* presents its version of flawed legal reasoning as being based in human fallibility. In the same way, the United States legal system is not one singular body with a singular goal, but an amalgamation of numerous departments and institutions, each made of numerous officials with differing (and often competing) values, beliefs, opinions, and goals. Because of this, those in government who “attempt to produce a meaningful ‘system’ and make sensible decisions, by that very same token reproduce a bureaucratic system that at any moment has the potential of appearing utterly absurd to its spectators, to its planners, and to the subjects of its interventions” (Vohnsen 17). This perspective of legal institutions is less frightening in its power than it is pitiable in its confused execution. Absurdity is not the

result of malice, or even an intentional abandonment of reason, "but rather a presence of competing goals and conflicting purposes, and a multiplicity of parameters by which to judge the sensibility of one's actions" (23).

To illustrate this perspective, one only has to look back at situations in which laws are interpreted in a way other than how it was written: at the tension between legislative and judicial or executive bodies. The Supreme Court case *D.C. v. Heller* is a sound example. In this case, the plaintiff sued D.C. for its strict gun laws, arguing that they interfered with his Second Amendment rights. The Supreme Court ruled in favor of the plaintiff, albeit through a strange and perhaps absurd form of reasoning. The Supreme Court argued that its decision was based in originalism—that is, in interpreting the constitution based on the original understanding of its drafters. They ruled that the Second Amendment was intended for private protection as well as for militia purposes. There has been much controversy over the veracity to this claim, with some—like Winkler—arguing that this decision depends on a modern understanding of the Second Amendment. He theorizes that the Supreme Court decided this way because "the vast majority of Americans believe the Constitution guarantees an individual right to keep and bear arms. So even if the right is not guaranteed by the Second Amendment, it retains its incredible potency as a force to limit gun control" (1559-1560). He even compares this to *Catch-22*'s titular rule, which Yossarian theorizes does not actually exist, but maintains its power due to everyone believing it does. While the reasoning may be considered absurd in the sense of flawed deductive reasoning, it also countered gun laws that were absurd in the sense of contradiction. To put it figuratively, two wrongs made a right.

The most interesting thing about the Supreme Court decision is that it does clarify that the Second Amendment is not unlimited, listing examples of "longstanding prohibitions" such as "the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms" (*Supreme Court of the US* 2007). It offers no explanation as to why these are legitimate, and in fact if the interpretation of the Second Amendment for personal protection has a questionable basis in originalism, these restrictions have almost no basis in the original understanding of gun rights. Once again, this likely comes down to "public legitimacy: if the Court had said that guns could only be regulated in ways similar to Founding-era gun control, public respect for the Court would have been sorely tested" (Winkler 1564). In a *Catch-22*-esque paradox, the Supreme Court must use flawed reasoning in order to appear, on the surface, reasonable in the eyes of its citizens.

This understanding of law as being absurd due to the human element is more empowering than an understanding of law as a singular, malevolent force for this reason. If "the essence of legal reasoning is authorisation and justification [then] what makes law law is that we can distinguish it from other norms by showing how it is grounded in legitimate authority" (Stone 12). Since the expectation of law is that it should be reasonable, it is vulnerable to public opinion. This can also be connected back to social contract theory. Philosophers like John Locke argued that if a government did not adequately protect a citizen's natural rights, then it was the citizens' moral right and duty to overthrow it. This idea was partially what inspired the United States' initial rebellion against Great Britain, and the spirit has arguably survived to the present day. Growing

concern and sympathy for immigrant rights likely contributed to policies such as parole in place, and Colorado's Law Enforcement Integrity Act passed in the wake of nationwide protests against police brutality.

While this opportunity for rebellion and reform is promising, it still has noticeable gaps, as it depends largely on public discourse. Obscure laws—which qualified immunity and public charge once were—might escape public scrutiny, and marginalized groups might be locked out of the conversation altogether. As Matthew Stone, senior lecturer of law at the University of Essex and author of *Levinas, Ethics, and Law* writes:

> It is not simply the case that the law might act as a shroud for the internal prejudices and biases of those who have monopolized its operations over previous centuries of legal doctrine. Rather than restricting focus merely to the substantive values being projected outwards, critique may turn to think about law's incapacity to hear the marginal claims coming inwards. The question here is not merely the hidden politics of the law, but also its constitutive inability to comprehend the significance of the other. (Stone 17)

Public discourse capable of combating absurdity depends on an awareness and willingness to question law. This is where absurdist legal fiction can provide a genuine service for readers: by challenging them to question the actual foundations of law, by encouraging them to look to the marginalized, by presenting a version of law that can be misguided at best and outright insidious at worst, it can offer a foundation for re-examining the legal systems that direct them. To embrace the absurd is to recognize that, as Camus writes, "our epoch is marked by the rebirth of those paradoxical systems that strive to trip up the reason as if truly it had always forged ahead" (*Sisyphus* 22), and to

become like the absurd man, who “realizes that hitherto he was bound to that postulate of freedom on the illusion of which he was living. In a certain sense, that hampered him” (57-58).

It might be paradoxical to find hope of reform in absurd literature, since Camus was famously opposed to the concept. However, one must remember that Camus was also a humanist opposed to murder and capital punishment. He even compares the absurd man to a condemned prisoner with “unbelievable disinterestedness with regard to everything except for the pure flame of life—it is clear that death and the absurd are here the principles of the only reasonable freedom: that which a human heart can experience and live” (59-60). The theory of the absurd robs law of its legitimacy insofar as it negates this one true reasonable freedom. When Yossarian flees towards Sweden—a final act of rebellion against an absurd and power-hungry system—perhaps it is an invitation for readers to do the same.

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