



## ARTICLES

# THE PASSION AND THE SPIRIT: ALBERT CAMUS AS MORAL POLITICIAN

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ABSTRACT: This essays addresses the curious circumstance that for all their visibility on blogs, twitter and the 'op-ed' pages of newspapers, public intellectuals offer remarkably little ethical guidance regarding current events and crises. These intellectuals may offer their expertise (explanations, predictions), but do not provide much ethical inspiration, almost as if 'right' and 'wrong' have become meaningless categories. Things were different a few generations ago, when the likes of Albert Camus would search their souls in order to figure out how to live. This essay portrays Camus as private citizen and public moralist, and briefly discusses current political events in a mindset inspired by Camus.

KEYWORDS: Albert Camus – virtue ethics – political crisis – Europe – public intellectuals.

“... for us Europe is a home of the spirit where for the last twenty centuries the most amazing adventure of the human spirit has been going on”.<sup>1</sup>

## I. INTRODUCTION

Europe is, if not on fire, at least smouldering. The last couple of years alone have seen the continent confronted with the unabashed annexation of the Crimea; the shooting down, accidental or otherwise, of civilian aircraft; a financial crisis and a country on the brink of bankruptcy; and an influx of refugees seen as threatening in its own right, and which threatens to bring down the European Union (EU) and threatens to turn Europe

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<sup>1</sup> A. CAMUS, *Letters to a German Friend*, reproduced in A. CAMUS, *Resistance, Rebellion, and Death*, New York: Vintage, 1995 (1961), p. 22.

into a bleak state of medievalism, with small bits of territory surrounded by walls and fences and policed around the clock.

This should be more than enough, one would think, to spur philosophers, sociologists and economists, and others who are intellectually engaged into writing about what is going on, about the meaning of events, advocating for possible solutions, and generally discussing the moral side of things.<sup>2</sup> And yet, the noise coming from intellectual circles has been a deafening silence as far as the ethics of political action goes. What has happened? The continent seems to have resigned itself to a weird *laissez faire* attitude, with few public intellectuals occasionally raising a moralist voice.<sup>3</sup>

There might be various reasons for this state of affairs. One is, no doubt, that scholarship has generally come to be more technical and detailed, also in the social sciences and humanities, shunning grand theory for being able to say something sensible about something small. Much scholarship is of the sort that a United States (US) Chief Justice once famously complained about, discussing “the influence of Kant on evidentiary approaches in 19<sup>th</sup> century Bulgaria”, but without much impact on society or societal questions at large. Social sciences are losing themselves in methodological debates, while philosophy is dominated by an analytical approach. Even writers and journalists seem to have fallen for the glories of specialization, and opt for diagnosis rather than prescription. Michel Houellebecq, for instance, continues to have a keen eye for the *Zeitgeist* (bleak as his outlook may be), recording the alienation of individuals and the atomization of society, but seems highly reluctant to offer anything in response.

The point is not so much that public commentary has gone missing: there is plenty commentary in the newspapers and blogs. The point is however, that this commentary tends to come in two versions, neither of which is eventually very inspirational, quite possibly because the overarching idea of meaningful and comprehensive political divisions, and meaningful political debate about right and wrong and taking care of the common world, has been all but given up.<sup>4</sup> On the one hand, there are those who inform on the basis of their expert knowledge. Policy proposals are supported or dismissed with the help of disciplinary insights, and the well-chosen historical example serves either to endorse or to critique. On the other hand, there are the voices of the professionally opinionated, so to speak: the *op-ed* pages and blogs are filled with pieces written by people representing a political party or representing a particular interest group or civil society organization, professionally engaged in trying to influence public debate. Those pieces tend to be bland and utterly predictable: the environmental activist is not going to write that the threat of climate change is exaggerated; the business

<sup>2</sup> This is all the more surprising given the popularity of the concept of *legitimacy* in academic circles – and surely, legitimacy cannot entirely be isolated from ethics and morality.

<sup>3</sup> The observation is far from novel. See e.g. F. FUREDI, *Where Have All The Intellectuals Gone?*, London: Continuum, 2006.

<sup>4</sup> See, e.g., Z. BAUMANN, *In Search of Politics*, Cambridge: Polity, 1999.

leaders' spokesman (and yes, he will usually be a he) is not going to warn against climate change.

Hence, the one thing often left without discussion is the ethical side of things. It is all well and good to discuss the sources of the financial crisis, its economic effects, *et cetera*, but few offer some kind of ethical guidance. Should Greece be bailed out yet again, and with it all the bankers who have behaved irresponsibly in contributing to the crisis? Should Hungary get away with building a fence to keep refugees out, and is it right to make distinctions between refugees based on their religion or other group affiliations? The experts can tell us, perhaps, what is happening, what has gone wrong, and what the likely effects of specific forms of political action will be. But those experts cannot tell us whether (and why) political action is justifiable or not; for this, what is needed is ethical guidance. That such guidance is generally appreciated cannot be better illustrated than by reference to the current Pope, Pope Francis who, in marked contrast to his recent predecessors, is widely heralded by believers and non-believers alike, precisely because he provides guidance on such vexing issues as climate change.<sup>5</sup>

Things were not always thus. During the stormy and violent twentieth century, several intellectuals stood up and provided ethical guidance, and whether one agreed with the likes of Hannah Arendt or Albert Camus or not, their words would often strike a chord. The remainder of this essay is an attempt to come to terms with Camus,<sup>6</sup> who raised his public voice about a number of issues, ranging from big issues such as the German occupation of Europe or the Algerian struggle for decolonization, to smaller, more personal things such as the wrongful imprisonment of those politically active in Algeria, or the death penalty imposed on a fascist French writer. Before delving more deeply into Camus, however, it might be useful to have a closer look at one recent initiative by a group of (largely) international law academics to influence political decision-making in Europe concerning the influx of refugees, in order to suggest both that expert knowledge can be invoked, and that invoking it nonetheless is bound to result in somewhat anodyne protest.

## II. A MANIFESTO

The refugee influx of 2015, and the responses of the EU and its Member States thereto, provoked at least one professional group into action. Close to 700 international lawyers signed an open letter, published on 22 September 2015 to a number of addressees. The

<sup>5</sup> See POPE FRANCIS, *Encyclical on Climate Change and Inequality: On Care for Our Common Home*, New York: Melville House, 2015.

<sup>6</sup> I have elsewhere written about Arendt: see J. KLABBERS, *Possible Islands of Predictability: The Legal Thought of Hannah Arendt*, in *Leiden Journal of International Law*, 2007, p. 1 *et seq.*, and J. KLABBERS, *Hannah Arendt and the Languages of Global Governance*, in M. GOLDONI, C. MCCORKINDALE (eds), *Hannah Arendt and the Law*, Oxford: Hart, 2012, p. 229 *et seq.*

international lawyers had gathered for the annual conference of the European Society of International Law, in Oslo, the week before, and some of the most well-known refugee lawyers and human rights lawyers had taken the initiative, it seems, to do something. The result is the Open Letter, a fairly brief document which, in the form of a legal instrument (a resolution) urges its addressees to do a number of things and, likewise, refrain from some other things.<sup>7</sup>

As an academic international lawyer, I am a member of the European Society, and had I been present at the Oslo conference and had I been asked to sign, I would most likely have done so, albeit perhaps not without some hesitation. I would have signed, in all likelihood, based on the conviction that sometimes it is necessary to take a stand, even if one does not fully agree with the stand being taken. But I would have preferred to sign a different letter, one that would have spoken the language of moral outrage rather than the ambivalent language of the law. As it is, the Open Letter is strategically positioned to address a meeting of EU policy makers, and somehow it shows.

The most remarkable aspect of the letter, upon closer scrutiny, is precisely that it is cast in legal language. There is a clear element of critique of policy, but the critique is cast in almost exclusively legal terms. The authors express their horror at the continuing human rights violations, and remind the addressees of their obligations under international human rights law as well as international refugee law. These addressees are reminded of obligations under specific treaties, but also under customary international law and EU law. In short, the document is cast, for the better part, in terms of rights and obligations, expressive of the hope that if the addressees will live up to their obligations, the world will be a better place. It does not so much provide a remedy for the crisis or a diagnosis of what causes the crisis, or even whether the action taken is ethically justifiable, but calls upon its addressees to respect their legal obligations.

At the same time, it expresses hopes that some of the existing law will be changed. The letter notes that departures of current policies (based on law) might be useful: it suggests the suspension of sanctions on carriers; it proposes the issuing of humanitarian visas, in a departure from regular visa requirements and it urges a suspension of what are referred to as “Dublin returns” as well as a replacement of the “Dublin system”. It is here, arguably, where the Open Letter is most easily identifiable as a technocratic document: few ordinary citizens will have an inkling as to what *Dublin* stands for in the jargon of refugee and asylum lawyers; indeed, apart from a number of specialists, few international lawyers will have more than a rudimentary idea as to what *Dublin* refers to.<sup>8</sup>

<sup>7</sup> The letter can be found at [www.ohrh.law.ox.ac.uk](http://www.ohrh.law.ox.ac.uk). A brief introduction is provided by one of its initiators, Basak Cali, at [www.opiniojuris.org](http://www.opiniojuris.org). An update suggested that the number of signatories had risen to some 900, at [www.opiniojuris.org](http://www.opiniojuris.org).

<sup>8</sup> In general terms it refers to the system whereby refugees who have not been accepted in one of the EU Member States have no possibility of applying elsewhere in the EU. The system was created in

The technocratic nature of the letter is also apparent in its listing of addressees. It is addressed, as one would perhaps expect, at the “peoples of Europe”, but not just at them. In fact, the title is rather long and unwieldy: “Open Letter to the peoples of Europe, the European Union, EU Member States and their representatives on the Justice and Home Affairs Council”. These addressees are, no doubt, highly surprised to find themselves addressed in the same letter. In particular the throwing together of the European peoples and the politicians representing the EU’s Member States at a meeting is, to say the least, a source of ambivalence.

Hence, the letter is ambivalent on several counts. It is ambivalent in addressing both the European peoples and Europe’s policy-makers, and it is ambivalent in urging respect for the law as well as changes of the law. Most of its criticism is couched in legal terms, but sometimes there is a more general note to be heard: the odd reference to human dignity, or the “horror” expressed at human rights violations. Here, the term “horror” (however justified in itself) is strikingly out of place with the otherwise legalistic tone. And why still this curious reference to the “peoples” (plural) of Europe?

Much of the ambivalence could have been avoided by adopting a different tone. Drafting the Open Letter as a legal brief invites rebuttal on legal grounds, and as any international lawyer should know these days, all legal arguments contain their own rebuttals.<sup>9</sup> By contrast, the language of morality is more difficult to rebut: who in their right mind could argue that the treatment of refugees in several parts of Europe could be called *decent*? Who could seriously argue that the distinction made by some governments between Christians and others, with a view of barring those others, amounts to a decent distinction, especially in view of the circumstance that the entire heritage of Christianity is based on acceptance of travelling others? This is what is celebrated, not entirely free from hypocrisy perhaps, every year at Christmas time: the happy circumstance that an innkeeper in Bethlehem was ready to offer a stable to weary travellers so that a pregnant woman could give birth in peace.

There are, to be sure, occasions when the technocratic vocabulary will be useful; in discussions with specialists, it no doubt helps to be able to speak the specialist language. There are also, no doubt, occasions where the specialist, technical vocabulary is less helpful, for instance when trying to mobilize a political movement. Either way, while not expected to be entirely successful perhaps, the Open Letter represents an attempt by a large group of international lawyers to place their disciplinary knowledge in the cause of a greater good, and that alone deserves respect.

1991, and has been subject to criticism ever since. It is based on the premise that the EU forms, for purposes of refugee law, a single entity.

<sup>9</sup> See M. KOSKENNIEMI, *From Apology to Utopia: The Structure of International Legal Argument*, Helsinki: Finnish Lawyers’ Publishing Company, 1989.

Moreover, some of Europe's political leadership demonstrate that there is a need to be reminded of legal obligations and the like. In what must rank as one of the most un-presidential speeches ever by a sitting president, the normally somewhat bland Finnish president Sauli Niinistö suggested, in February 2016, that the refugee crisis placed Europe before a stark choice: either to honour international obligations (human rights law, refugee law), or to honour European values (these remained unidentified – probably for the good reason that they are difficult to distinguish from those international obligations). He left little doubt about where his sympathies lie, and not surprisingly the speech, all but calling for the expulsion of all foreigners and preventing all others from ever entering Europe, was welcomed by Finland's extreme right.<sup>10</sup>

### III. ON CAMUS

Immanuel Kant, as is well known, drew a distinction between the moral politician, and the political moralist.<sup>11</sup> The political moralist, he suggested, makes principles subservient to ends, and can thus always find another justification for behaving in any particular manner. The moral politician, by contrast, would be someone engaged in political activity but guided by some kind of respect for others, treating people as ends rather than means. The moral politician is one who integrates moral concerns in his politics, while the political moralist is one who bends ethical notions so as to serve political ends.

In these terms, Camus, while not a professional politician, was clearly a moral politician. The bare outline of his biography is well-known.<sup>12</sup> Born in 1913 in French Algeria, he grew up without a father: his father died on the battlefield of World War I when Camus was still an infant. The household in which Camus grew up comprised an uncle, a dominant grandmother, and a silent mother (she was almost totally deaf and mute), and was decidedly lower class. Young Camus was a bright schoolboy, and caught the eye of his teachers, first Louis Germain and later also Jean Grenier. These sparked in him an interest in literature, theatre and philosophy: the worlds of ideas and ideals. At the age of 17, Camus suffered a first bout of tuberculosis, a disease that would continue to plague him. He died in a car crash in 1960, having made a name for himself during

<sup>10</sup> The speech marked the opening of the 2016 sessions of parliament, and is available at [www.presidentti.fi](http://www.presidentti.fi) (the English version is available at: <http://presidentti.fi/public/default.aspx?contentid=341376&nodeid=44810&contentlan=2&culture=en-US>). And here's a little flavour: discussing migration law, president Niinistö notes that "in practice this means that anyone who knows how to pronounce the word 'asylum' can enter Europe and Finland; in essence, use of the word grants a kind of subjective right to cross the border. Without any good grounds whatsoever, an arrival is entitled to an evaluation lasting years and can then, if not qualifying for asylum, avoid enforcement of the subsequent decision and remain where he or she arrived under false pretences".

<sup>11</sup> He did so in I. KANT, *Zum ewigen Frieden*, Stuttgart: Reclam Verlag, 1984 (1795), p. 38.

<sup>12</sup> Several biographies have been written, including P. MCCARTHY, *Camus*, New York: Random House, 1982, and O. TODD, *Albert Camus: A Life*, B. Ivry (translator), London: Vintage, 1998.

the Second World War as editor of the resistance newspaper *Combat* and as the author of three novels (*The Stranger*, *The Plague*, *The Fall*),<sup>13</sup> numerous essays, some theatre plays, and some philosophical works. He was awarded the Nobel Literature Prize at the rather young age of 43, in 1957.

For much of his life, Camus shunned formal political affiliations. He never joined any political party, with the exception of a brief membership of the Algerian Communist Party when still in his early twenties. Even this was a far from straightforward move: he was reported strongly under the influence of a friend<sup>14</sup> and of his mentor Grenier, who apparently advised him to join the party.<sup>15</sup> The ambivalence is clearly spelled out in a letter to Grenier, dated 21 August 1935: "Though I have objections to Communism, it seems to me that it would be better to live with them". Communism had its excesses, but these were not inherent in the doctrine, he suggested. "Also, Communism sometimes differs from the communists". What he was looking for, tellingly, was for communism to provide him with some sort of spiritual meaning, "a foundation, an asceticism that will prepare the ground for more spiritual concerns". Even so, Camus was not about to sacrifice his independence: "I will always refuse to put a volume of *Das Kapital* between life and mankind".<sup>16</sup> He ended the letter by stating his "strong desire to help reduce the sum of unhappiness and bitterness that is poisoning mankind", and promised to "stay lucid and never to surrender blindly".<sup>17</sup> He was expelled from the party not long after joining it, for refusing to toe the line after the party had softened its anti-colonialism position.<sup>18</sup>

Camus' reputation rests, it seems, predominantly on two things. On the one hand, there are the novels and the essays. He is not generally considered a brilliant philosopher or great playwright, but the novels and at least some of the essays have stood the test of time. Second, he is often seen as embodying a desirable model for ethical behaviour.<sup>19</sup> To some extent, this manifested itself in his writings, but it also showed in the actions (and inactions) taken during his lifetime. Students of his life and work keep re-

<sup>13</sup> A fourth, *The First Man*, was only published long after his death.

<sup>14</sup> See P. MCCARTHY, *Camus*, cit., p. 38.

<sup>15</sup> McCarthy asserts, all too neatly perhaps, that Grenier wanted to study what being a member would do to someone like Camus, and explains Camus' willingness to go along largely on psychological grounds. *Ivi*, p. 75.

<sup>16</sup> The sentence is echoed in the famous (and often misunderstood) statement he made at the occasion of receiving the Nobel Prize more than two decades later, when noting that if forced to choose between justice and his mother, he would choose the latter.

<sup>17</sup> See A. CAMUS, J. GRENIER, *Correspondence, 1932-1960*, J. Rigaud (translator), Lincoln: University of Nebraska Press, 2003 (1981), letter 11, p. 10 *et seq.*

<sup>18</sup> See E. HAWES, *Camus: A Romance*, New York: Grove Press, 2009, p. 32.

<sup>19</sup> It has been suggested that there may be a link between the two: his sincerity and honesty may have "prevented him from becoming a successful dramatist". See H. POPKIN, *Camus as Dramatist*, in G. BRÉE (ed.), *Camus: A Collection of Critical Essays*, Englewood Cliffs NJ: Prentice-Hall, 1962, p. 170 *et seq.*

sorting to terms such as honesty, integrity, and similar words. While his ethical stance as apparent from his fiction is sometimes subjected to analysis,<sup>20</sup> little systematic attention has been devoted to his political action. Such attention as there is tends to be devoted to particular events: his opposition to the execution of fascist writer Robert Brasillach; his falling out with Sartre; his silence during the later years of Algeria's independence struggle, or even his famous quip about choosing his mother over justice. One may speculate in which ethical tradition he could best be placed, but it seems undeniable that he had a lot of sympathy for the Aristotelian virtue ethics tradition. Be that as it may, it is more interesting to systematically discuss his political action, with a view to finding out what it is he can still teach us, more than half a century after his untimely death.

#### IV. CAMUS AND THE VIRTUES

If Camus was a virtue ethicist, then he was also living proof that the doctrine of the unity of the virtues is less than compelling. According to this doctrine, formulated already by Aristotle, a person can only be considered virtuous if he or she is virtuous in all aspects of life.<sup>21</sup> Camus was no saint, by any standard, and had a well-deserved reputation for womanizing. This alone renders him unfit, according to some, to be a role model: there is a strong urge in observers to proclaim the unity of private and public life.<sup>22</sup> Someone who inflicts emotional pain in his private life, so the thought goes, cannot speak with much moral authority about public issues either. And that Camus inflicted pain in his private life seems clear: his second wife<sup>23</sup> Francine saw a number of mistresses pass by, some of them in relationships spanning long periods of time, and may have contemplated committing suicide as a result.<sup>24</sup>

Beyond this, though, Camus is often heralded as a virtuous person, and time and again he advocated the virtues while declining to accept grand theories. He was fond of ancient Greece, feeling "closer to the values of the classical world than to those of Chris-

<sup>20</sup> See in particular D. SPRINTZEN, *Camus: A Critical Examination*, Philadelphia: Temple University Press, 1988; more briefly also several of the contributions to an excellent collection published not long after his death, most explicitly so S. DOUBROVSKY, *The Ethics of Albert Camus*, in G. BRÉE (ed.), *Camus: A Collection of Critical Essays*, cit., p. 71 *et seq.* A more recent example is T. JUDT, *On The Plague*, reproduced in T. JUDT, *When the Facts Change: Essays 1995-2010*, London: Vintage, 2015, p. 171 *et seq.*

<sup>21</sup> See ARISTOTLE, *Ethics*, J. Thomson (translator), London: Penguin, 1976.

<sup>22</sup> For a lucid discussion, see F. SCHAUER, *Can Public Figures Have Private Lives?*, in *Social Philosophy and Policy*, 2000, p. 293 *et seq.*

<sup>23</sup> As a young man, Camus had briefly been married to a young heroin addict. His discovery that she had cheated on him in return for drugs brought the marriage to an end, although it is reported that they remained close for a long period thereafter.

<sup>24</sup> One should be careful drawing inferences of this nature though: there is no direct evidence to back up this claim; merely circumstantial evidence. See, e.g. E. HAWES, *Camus: A Romance*, cit.



tianity"<sup>25</sup> and confessed to a "nostalgia for the lost Greek virtues".<sup>26</sup> He would extoll the virtues of frankness and justice in a brief attempt to conceptualize solidarity,<sup>27</sup> and much of his journalistic writings is infused with a strong sense of empathy.<sup>28</sup> He is depicted as a "man of courage and integrity".<sup>29</sup>

Two episodes in particular stand out, and suggest that his ethics was virtue inspired rather than deontological or consequentialist.<sup>30</sup> First, there is the issue of the death penalty for Robert Brasillach, a fascist French writer. Brasillach was truly an anti-semite, who would urge the Nazis not to forget about the children when sending Jews to their death: their children should not be allowed to survive. He edited a fascist newspaper during much of the Second World War, and was prosecuted for treason after France had been liberated, while World War Two was still ongoing. He was found guilty and sentenced to death.<sup>31</sup> At some point, a petition was circulated so as to commute the death sentence into life imprisonment, but many refused to sign, including many who found themselves, with Camus, on the political left. Camus, however, did sign on behalf of the notorious Nazi, and in doing so displayed a capacity to look beyond party political lines and to set aside personal feelings of antipathy.<sup>32</sup>

Perhaps this opposition to the death penalty owed something to one of the stories circulating in Camus' family when he was growing up, and which he recounted at the

<sup>25</sup> See *Encounter with Albert Camus*, reproduced in A. CAMUS, *Lyrical and Critical Essays*, E. Kennedy (translator), New York: Vintage, 1970, p. 357.

<sup>26</sup> See S. BENYON JOHN, *Image and Symbol in the Work of Albert Camus*, in G. BRÉE (ed.), *Camus: A Collection of Critical Essays*, cit., p. 133.

<sup>27</sup> See *No, I am not an existentialist...*, in A. CAMUS, *Lyrical and Critical Essays*, cit., p. 346.

<sup>28</sup> See, e.g., A. CAMUS, *Algerian Chronicles*, A. Goldhammer (translator), Cambridge MA: Harvard University Press, 2013.

<sup>29</sup> See S. LEYS, *In the Light of Simone Weil*, in S. WEIL, *On the Abolition of All Political Parties*, S. Leys (translator), New York Review of Books, 2013, p. 67.

<sup>30</sup> For Camus, as Doubrovsky once observed, ethics was inescapably personal: "No formula, no effort of discursive thought can absolve us from recreating experience ourselves within ourselves". See S. DOUBROVSKY, *The Ethics of Albert Camus*, cit., p. 84.

<sup>31</sup> The story is very well told in A. KAPLAN, *The Collaborator: The Trial and Execution of Robert Brasillach*, Chicago: University of Chicago Press, 2000.

<sup>32</sup> It is these same characteristics which saw him fall out with Jean-Paul Sartre (who idolized the USSR) and Arthur Koestler (who was politically much more in tune with Camus but, rumour has it, was not a terribly nice person). P. MCCARTHY, *Camus*, cit., p. 218, suggests that Koestler wanted to be "the sole bulwark against Stalin". At least once they engaged in fisticuffs, brought about either because Camus tried to broker peace between Koestler and Sartre, or simply for no reason whatsoever. For these different interpretations, see respectively D. CESARINI, *Arthur Koestler: The Homeless Mind*, London: Vintage, 1999, p. 300 *et seq.*, citing Simone de Beauvoir it seems, and C. SEYMOUR-JONES, *A Dangerous Liaison*, London: Arrow Books, 2008, p. 357. Todd claims that Camus and Koestler's girlfriend at the time, Mamaine (later briefly married to Koestler) had an affair, which may or may not have influenced the friendship between Camus and Koestler. See O. TODD, *Albert Camus: A Life*, cit., p. 231 *et seq.*

start of an important essay.<sup>33</sup> Camus' father had once witnessed a public execution in Algeria, and had come home intensely quiet before he started to vomit. Camus was too young to remember this (as his father died when he was still an infant), but the story must have had some impact. Even so, it would be fully in character for him to oppose the death penalty on less mundanely psychological grounds.<sup>34</sup> Doubrovsky once made the point with great insight: "Camus never denied that in exceptional cases, the use of violence might be a weapon, but he always refused to accept that it might become a policy".<sup>35</sup>

The second episode is his oft-derided silence concerning Algeria's independence struggle. Here, obviously, he was in a difficult position. He had been born and bred in Algeria, as a poor working class boy, and could only sympathize with the poor and dispossessed striving for independence. The reporting he did as a young journalist from the Algerian countryside about poverty and malnutrition speaks volumes: it oozes empathy with the local starving population.<sup>36</sup> And yet, he was also a child of French settlers: he was not an Arab in Algeria, but a Frenchman, and his loyalties were forever divided. In the end, he favoured a solution along federalist lines, but became especially well-known for, at some point, refusing to speak out. Between January 1956 and June 1958, he declined to comment on Algeria, and this prolonged silence rapidly became a byword for cowardice.<sup>37</sup> He was even chided for not signing a petition to call on Algerian war draftees to engage in subordination, despite the somewhat awkward circumstance that when the petition was circulated among French intellectuals, he had already been dead for nine months.<sup>38</sup>

Camus himself explained his prolonged silence as a matter of moderation: he was well aware that whatever he would say would result in further unrest, and thus the only sensible course to follow was to remain silent. His position was so uncomfortable precisely because his being torn between two worlds, and it was clear that neither of his two worlds would listen to anything he would have to say. Instead of engaging in public

<sup>33</sup> A. CAMUS, *Reflections on the Guillotine*, in A. CAMUS, *Resistance, Rebellion, and Death*, cit., p. 173 *et seq.*

<sup>34</sup> He mentioned Brasillach by name in the essay, suggesting that his execution prevented him from being judged by society later. See *ivi*, p. 228. Note however that he briefly endorsed the execution of Pierre Pucheu, interior minister in Vichy France and as such responsible for sending many political opponents to their graves. He later came to regret this. The episode is discussed in R. ZARETSKY, *Albert Camus: Elements of a Life*, Ithaca NY: Cornell University Press, 2010, p. 66 *et seq.*

<sup>35</sup> See S. DOUBROVSKY, *The Ethics of Albert Camus*, cit., p. 82.

<sup>36</sup> These reports, as well as some later ones, have been collected in A. CAMUS, *Algerian Chronicles*, cit.

<sup>37</sup> See A. Kaplan's introduction to A. CAMUS, *Algerian Chronicles*, cit., p. 5. Bronner remarks pithily, and in italics, that Camus' silence (his "vacillations") "actually hindered bringing the conflict to a close". This may be too much honour, although Bronner is probably closer to the mark when noting, this time without italics, that "the great moralist could not make a concrete political decision". See S.E. BRONNER, *Camus: Portrait of a Moralist*, Chicago: University of Chicago Press, 2009, pp. 116 and 117, respectively.

<sup>38</sup> A. Kaplan's introduction to A. CAMUS, *Algerian Chronicles*, cit., p. 5.

action, he went underground, writing letters on behalf of political prisoners on both sides of the divide to the French authorities, and using his fame in order to get some of them released.<sup>39</sup>

## V. A SMOULDERING CONTINENT

What Camus would have made of the current crises facing Europe will have to remain speculative – he is not around to tell us. Moreover, there would be a little irony in trying to emulate his thinking, if only because he demonstrates the Arendtian virtue of “thinking without banisters”. Nonetheless, it might be possible to try and adopt positions based on inspiration from the Camusian role model. The following will briefly discuss three current themes in European politics (the financial crisis, the refugee flow,<sup>40</sup> and Russia’s annexation of the Crimea), and will delve into a more general phenomenon: the organization of referenda by our political leaders.

### V.1. FINANCIAL CRISIS

Much of the financial crisis in Greece and other parts of southern Europe is caused by unmitigated lending. Individuals have borrowed more from banks than they could afford (and Europe’s banks have thus been too liberal in approving loans), while governments, under the influence of neo-liberal economic thought, have decided not to raise taxes in order to take care of the national debt, but rather to borrow on international capital markets. In such a setting, one cannot solely blame the Greeks for the Greek crisis: all of Europe is implicated, and north-western European financial institutions have made handsome profits in keeping money circulating. Moreover, if the Greek economy goes belly up, then the European economy at large is in trouble as well. Hence, two suggestions present themselves. First, if nothing else, it is enlightened self-interest that dictates that Greece should be supported. Second, those EU Member States who claim that the Greeks have brought it all on themselves and should be cut loose, are guilty of hypocrisy: Greece could only become a financial mess because this was to the benefit of others. One cannot just reap the benefits of predatory capitalism and then run away when the consequences come knocking.

<sup>39</sup> Two of these are reproduced in A. CAMUS, *Algerian Chronicles*, cit., p. 209 *et seq.*

<sup>40</sup> I am desperately trying to avoid the biased term *crisis*, which suggests a huge problem that requires fixing. More neutral terms are hard to find though – and that is a point of more general validity: the language we use often contains elements of evaluation. See, e.g., F.V. KRATOCHWIL, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, Cambridge: Cambridge University Press, 1989.

## V.2. REFUGEE FLOWS

It is difficult to see how persons could respond in a humanitarian crisis other than by providing a welcome. Civilized and not so civilized peoples have long accepted the idea that sending people back to places of persecution is not a good idea, as the central place of the prohibition of *non-refoulement* in the 1951 Refugee Convention testifies. By the same token, it is difficult to see how virtues such as empathy and justice could possibly be reconciled with the building of fences and walls to keep people out, or with selecting those considered welcome on the basis of their religious or political convictions – such makes a mockery of every humanitarian impulse known to man.

That is not to say that there might not be good reasons to be selective. Some might experience more urgent fears of persecution than others (and the Refugee Convention, it should be remembered, was only meant to assist those who were persecuted in their native lands<sup>41</sup>). And of course, the western States do have something to lose: whatever remains of their welfare States is threatened by the influx of large numbers of foreigners, and that is a concern that should not lightly be dismissed. On the other hand, those large numbers still pale in comparison to what other States are asked to absorb.

In addition, there is a highly plausible link between such things as poverty, violence, and refugee flows. Surely, what western governments have *saved* over the last years in cutting development aid is what they now have to fork out in support of the refugees, so perhaps it would have been wiser not to diminish aid and support. Even more stupid are decisions cutting support to organizations that stand a decent chance of success in mediating in violent conflicts in troubled places, precisely the places where many of the refugees hail from. Hacking away at the funding for an entity such as CMI in Finland,<sup>42</sup> highly active and sometimes successful in conflict resolution in places such as Afghanistan, can only be counterproductive.

What makes things even worse is the idea of letting the refugees pay for their shelter by impounding their valuables: watches, mobile phones, etc. Denmark – of all places – recently passed a law to authorize the seizing of cash and valuables,<sup>43</sup> an activity more usually associated with those engaged in illegal human trafficking. The one positive note to discern here is, on a charitable interpretation and through rose-tinted specta-

<sup>41</sup> This was in itself a rather instrumental use of the concept: it was meant to assist above all those who were fleeing Stalin's terror, and thus a useful tool of Cold War politics. International refugee law was never meant to assist those leaving their homelands for other reasons, be it economics or even the mere incidence of war. See briefly J. KLABBERS, *International Law*, Cambridge: Cambridge University Press, 2013, p. 120 *et seq.*

<sup>42</sup> CMI stands for Crisis Management Initiative, and was set up by former President of Finland and Nobel Peace Prize laureate Martti Ahtisaari, who is also active, together with Kofi Annan and others, as one of the Elders. On the latter, see A. COOPER, *Diplomatic Afterlives*, Cambridge: Polity, 2014.

<sup>43</sup> See D. CROUCH, P. KINGSLEY, *Danish Parliament Approves Plan to Seize Assets from Refugees*, in *The Guardian*, 26 January 2016, [www.theguardian.com](http://www.theguardian.com).

cles, that the Danish law suggests that effectively asylum can be bought; combined with other discernible trends, such as selling nationalities,<sup>44</sup> this might somehow – and quite unintentionally, no doubt – spell the beginning of a borderless world, where those who can afford it are allowed to move freely. This may not immediately help those without sufficient means, but might spell the beginning of the end of the absurd situation where all goods and services and movable production factors can move freely across the globe, except people.<sup>45</sup>

### V.3. RUSSIA AND CRIMEA

The ironist in Camus (and he had a considerable capacity to appreciate irony) would no doubt be intrigued by Russia's annexation of the Crimea. It is clear, to most non-Russian observers, that Russia, in sponsoring the Crimean struggle to secede from Ukraine, was not behaving in highly commendable fashion. Such things should be – and often are, at least to some extent – governed by international law, but as the invisible college of international lawyers has implicitly confirmed by not addressing the legality (*vel non*) of Russia's behavior in great detail, that international law has fairly little it can specifically say on the matter.<sup>46</sup>

The irony then, Camus might have thought if he had been sufficiently familiar with the intricacies of international law, is that international lawyers have shot themselves in their collective feet when inventing, since the 1950s, the idea that some agreements between States can be considered binding, but not as a matter of international law.<sup>47</sup> If plausible, this is most likely the fate of the Budapest Memorandum, an agreement concluded in 1994 between the US, UK and Russia concerning Ukraine. In a nutshell, the Memorandum sees to it that in exchange for giving up its inherited nuclear arsenal, the then-existing borders of Ukraine shall be inviolable. Clearly, annexation Crimea is difficult to reconcile with the terms of the Memorandum, but it does not count as a violation of international law unless the Agreement is considered to give rise to legally binding rights and obligations – and it is this that the *theory* of non-legally binding agreements aims to prevent. It does so for reasons relating foremost to domestic political considerations: typically, treaties need some kind of domestic approval (in democracies

<sup>44</sup> See A.A. ABRAHAMIAN, *The Cosmopolites: The Coming of the Global Citizen*, New York: Columbia Global Reports, 2015.

<sup>45</sup> For excellent discussion, see C. DAUVERGNE, *Making People Illegal: What Globalization Means for Migration and Law*, Cambridge: Cambridge University Press, 2008.

<sup>46</sup> Much of the discussion has focused on such things as the effects of referenda in putative cases of self-determination, but the legality (*vel non*) of Russia's behaviour has largely been left unaddressed.

<sup>47</sup> Classic expositions include J.E.S. FAWCETT, *The Legal Character of International Agreements*, in *British Yearbook of International Law*, 1953, p. 381 *et seq.*, and A. AUST, *Modern Treaty Law and Practice*, Cambridge: Cambridge University Press, 2007. For a critique, see J. KLABBERS, *The Concept of Treaty in International Law*, The Hague: Kluwer, 1996.

often by a parliament), whereas no such requirement is said to exist if the agreement is merely 'politically' binding, or 'morally' binding – whatever those terms may mean.<sup>48</sup> Curiously perhaps for adherents of the *theory*, the putative non-legally binding nature of the Memorandum has not stopped western governments from suggesting Russia violated it in 2014; but somehow it has managed to escape discussions amongst international lawyers.<sup>49</sup>

#### V.4. REFERENDA, GOVERNANCE, RESPONSIBILITY

At first sight, it seems wonderful to allow direct citizen participation in deciding on all sorts of issues. The Greeks held a referendum on whether or not to accept the austerity package proposed by the International Monetary Fund. The people of Scotland, in 2014, were asked whether they wished to remain part of the United Kingdom (UK). In the Netherlands, a referendum has been pushed on the question whether the EU should conclude an association agreement with Ukraine, after a first attempt to do so was botched and resulted directly in the annexation of the Crimea. And UK Prime Minister David Cameron has announced repeatedly that he wants the British people to pronounce of the future of British EU membership.

At first sight, it appears that the age of direct democracy has finally dawned: what could be better than to have the people itself decide on issues which directly affect the people? The enthusiasm with which elected politicians embrace these referenda should, nonetheless, give pause. More often than not, such referenda are not (or not only) intended to give the people a voice; instead, they are meant to absolve elected officials for difficult, perhaps unpalatable, decisions. Cameron must know that leaving the EU is a suicidal option for the UK; hence, he has no desire that a government under his leadership take that decision. What better way out then than to arrange a referendum? If the UK voters would indeed come to leave the EU after a referendum, it would make Cameron look good. After all, in that case he bears no responsibility for the ill-fated decision, and can even claim some political credit for having given the people the chance to speak their mind. And if they vote to stay inside the EU, then so much the better. The honest thing to do, for Cameron, would be to either decide that the UK will stop talking about Brexit, or to actually leave the EU and accept the concomitant responsibility. This is what politicians are elected for: to take difficult decisions on our behalf. And if we do not like their decisions, we can vote them out of office the next time around. As a decision-making device this comes with drawbacks, but at least it gives the people some-

<sup>48</sup> And what these terms mean has remained hopelessly unclear despite a good six decades worth of writings to endorse the idea.

<sup>49</sup> The one (and somewhat inconclusive) exception I am aware of is T.D. GRANT, *The Budapest Memorandum of 5 December 1994: Political Engagement or Legal Obligation?*, in *Polish Yearbook of International Law*, 2014, p. 89 *et seq.*

thing of a say, and makes clear that political responsibility cannot be avoided. Wishing to occupy the seats of government but abdicating responsibility for difficult decisions is political cowardice.<sup>50</sup>

## VI. TO CONCLUDE

Hannah Arendt's writings provide current generations with some of the intellectual tools and a vocabulary to make sense of current developments: her "banality of evil"<sup>51</sup> notion alone is capable of informing the study of bureaucracy, although it may often be considered too loaded to actually do so.<sup>52</sup> With Camus, by contrast, it is less his writings and conceptualizations which are exemplary but rather the active (and sometimes passive, or perhaps passive-aggressive) stands he took which may serve to inspire. His inspirational legacy continues,<sup>53</sup> in however strange a form perhaps: Martin could recently structure an entire book around the discord between Sartre and Camus concerning (mostly) the Soviet Union, and could do so under a seemingly somewhat frivolous title: *the boxer and the goalkeeper*.<sup>54</sup>

This in turn creates a somewhat strange dichotomy: it is Camus the man whose public stands serve as exemplary, whereas private citizen Camus is sometimes considered less than fully equipped to serve as a role model. On the other hand, as Coady suggests, not too much should be made of the doctrine of the unity of the virtues, despite Aristotle's insistence. Often enough, we have no access to what people do privately, and all we have to go on is what can be observed in public. Moreover, what people do privately, so Coady continues, is "not always the most relevant to the judicious political treatment of important social questions such as unjust wars, gross social inequality, poverty, and access to health care".<sup>55</sup>

<sup>50</sup> Judt has perceptively suggested that Camus' ethics was an ethics of responsibility rather than of principles or convictions. See T. JUDT, *The Burden of Responsibility: Blum, Camus, Aron, and the French Twentieth Century*, Chicago: University of Chicago Press, 1998, p. 124.

<sup>51</sup> The classic reference here is H. ARENDT, *Eichmann in Jerusalem: A Report on the Banality of Evil*, London: Penguin, 1965.

<sup>52</sup> The Arendtian notion of "natality" (related to but distinct from fresh start or new beginning) has been fruitfully applied to human rights law by D. WHITEHALL, *Hannah Arendt and the Turn to Life in International Law*, Melbourne: University of Melbourne, 2013, [www.minerva-access.unimelb.edu.au](http://www.minerva-access.unimelb.edu.au).

<sup>53</sup> Tellingly perhaps, the great historian Tony Judt reportedly had a picture of Camus on his desk: see the *Introduction* by his widow Jennifer Homans to T. JUDT, *When the Facts Change: Essays 1995-2010*, cit., p. 10.

<sup>54</sup> No prizes for guessing here: given his bad health, Camus could only be the goalkeeper. See A. MARTIN, *The Boxer and the Goalkeeper: Sartre vs Camus*, London: Simon & Schuster, 2012. The book, incidentally, is rather more serious than its title suggests. Perhaps curiously, one of the leading Sartre biographies pays very little attention to his relationship with Camus: see A. COHEN-SOLAL, *Sartre: A Life*, London: Minerva, 1991 (1985).

<sup>55</sup> See C.A.J. COADY, *Messy Morality: The Challenge of Politics*, Oxford: Oxford University Press, 2008, p. 33 *et seq.*

The important thing about Camus then is his solid moral intuition about matters of public interest. In his day, he stood up against violence, including legally sanctioned violence symbolized by the death penalty, and in favour of decency, reasonableness, and even-handedness. The issues may have changed, but the attitude itself would seem to be worth emulating, if only to provide a counterweight to the almighty force exercised by economic considerations on matters that would be better discussed in terms not solely informed by profitability, markets and efficiency.<sup>56</sup>

<sup>56</sup> See also M.J. SANDEL, *What Money Can't Buy: The Moral Limits of Markets*, London: Allen Lane, 2012. Camus himself suggested, in a striking turn of phrase, that a society organized around money would be an "artificial society"; see A. CAMUS, *Create Dangerously*, in A. CAMUS, *Resistance, Rebellion, and Death*, cit., p. 249 *et seq.*, p. 253.