

## ÈVE MORISI

LE  
DERNIER JOUR  
D'UN CONDAMNÉ  
Victor Hugo  
Bédier Condamné à mort. Voilà cinq  
semaines que j'habite avec cette pensée,  
toujours seul avec elle, toujours glacé de sa

[illegible][illegible]

mon chateau de Dieppe qui lui bûi dans le gironne senée par le Cardinal de Winchester le même qu'il lui donna d'ac. J'ai entendu des cois à des curieux qui sont venus me voir l'autre jour dans ma demeure comme une robe de la mignonne. Le gachette a eu cent fois. Poules de dieu qu'il a tué et par un l'astromone des jurets à la porte de mon chateau, et que mes yeux ne pouvent pas lever vers la lairaine sans me faire toujours ouvert. Or mesme, on suppose qu'il y a de l'air et du pour dans cette bolle de pierre Plouque je pour ne parait pas encore, que fane de la mort à moi mesme levé une idole. Je ne suis pas levé et je promène mes ma cellule. Il sont couverts d'effraies, de diables, de fapars boules, de noms qui se redout et s'effrayent tous les autres. Il semble que chesne contemle au volée lasser fane, se du mouir. C'est du charbon, des lettres noires, blanches, grises, souvent de profondes entailles dans la pierre, ça et là des caractères rouilles qu'on dirait écrits avec du sang. Certes, si j'avais les plus libres, je prendrais intérêt à

[illegible]

# Capital Letters

*Hugo, Baudelaire, Camus, and the Death Penalty*

Ève Morisi



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*To my mother*

Elle pouvait rester à la hauteur de n'importe quelle lumière.



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# Introduction

## *Three Writers and a Punishment*

Être un reste, ceci échappe à la langue humaine. Ne plus exister, et persister, être dans le gouffre et dehors, reparaître au-dessus de la mort, comme insubmersible, il y a une certaine quantité d'impossible mêlée à de telles réalités. De là l'indicible. Cet être,—était-ce un être?—ce témoin noir, était un reste, et un reste terrible. Reste de quoi? De la nature, d'abord, de la société ensuite. Zéro et total.

To be a remnant, such a thing escapes human language. To no longer exist and yet persist, to be in the abyss and outside, to reappear beyond death, as if unsinkable, there is a certain amount of impossibility mixed with such realities. Hence the inexpressible. This being,—was it a being?—this dark witness, was a remnant, and a terrible remnant. A remnant of what? Of nature first, and then of society. Nothing and everything.

—Victor Hugo, *L'Homme qui rit*, book 1, chapter 5, in *Œuvres complètes*, on the remains of a hanged man

“The death penalty is the special and eternal sign of barbarity,” Victor Hugo declared in 1848.<sup>1</sup> His contemporary, the poet Charles Baudelaire, vigorously begged to differ. Lethal justice, he argued, was sacred and venerable: “It aims to *save* (spiritually) society and the culprit” (OCB 1:683). Albert Camus reversed this claim a century later. After relating the nausea his father experienced upon his return from an execution, the Nobel laureate affirmed: “[The ultimate penalty] is no less repulsive than the crime, and . . . this new murder, far from atoning for the offense committed against society, adds a new stain to the first one” (OCC 4:128).



Three major authors from the country of the guillotine thus expressed strong and disparate views about a single institution, capital punishment, across the post-Revolutionary period.<sup>2</sup> Hugo, the portraitist of crime and injustice, Baudelaire, the poet of evil, and Camus, the writer of the Absurd and Revolt, did not just probe the nature and function of the death penalty. All three figures also wondered what literary representations could and should cast light on them. Hugo warned against returning to Renaissance poetry after Robespierre's guillotines (*OCH* 2:460). Baudelaire vowed that he would someday write a counterpoint to Hugo's own *Claude Gueux*, an edifying narrative whose likeable protagonist is eventually beheaded (*OCB* 1:598). Camus, for his part, worried that writings about the death penalty only, and wrongly, adopted hushed tones (*OCC* 4:128).

*Capital Letters* examines both the poetic choices these famous authors made in their literary works that feature lethal justice and the critical ramifications that ensue. It explores their contribution to the representation and understanding of absolute punishment in the modern and contemporary eras. It is my contention that their writings establish an ongoing dialogue about the status and experience of those condemned to death, the violence of the killing state and its imaginary, and literature itself.<sup>3</sup> Beyond post-Revolutionary France, this dialogue provides a critique that retains considerable contemporary relevance: as a punishment that suspends society's prescription not to kill, the death penalty is among the most pressing ethical issues faced by the state and the individual today, with about a third of countries around the world still maintaining the right to kill, including twenty-nine states in the largest Western democracy, the United States.

France did not abolish the death penalty until 1981, the last decapitation having occurred in 1977. The prohibition of capital punishment itself appeared in the Constitution only in 2007.<sup>4</sup> This right to kill was—and still is, in the nations where lethal justice remains—inseparable from, and hinged upon, the way in which it was performed and perceived.<sup>5</sup> In the nineteenth century, France first spectacularly exhibited its scaffolds on public squares to edify the people before these contraptions were removed from the city center by the state authorities in 1832; the scaffold then disappeared altogether following the Crémieux decree (1870), and the death penalty ultimately metamorphosed into a concealed ritual in 1939. From then on, executions took place in the courtyards of prisons following a politics and aesthetics of secrecy established for the sake of public order. Hugo, Baudelaire, and Camus share an

acute awareness not only of the exceptional power that underlies state killing and the significance of this punishment—moral, sociopolitical, and symbolic—but also of this central role played by staging and public perception. Through the language they forge to give lethal justice a face and an imaginary, all three authors illuminate its operation, claims, and reliance on the effect produced. They also put themselves in a position to inflect the conception of state killing through their representations.<sup>6</sup>

Numerous nineteenth- and twentieth-century French literary works feature the death penalty beyond those of the three writers examined in this study.<sup>7</sup> In particular, Romanticism and, to a lesser extent, Realism and *fantastique* literature have frequently portrayed state killing. These “capital” publications include abolitionist poetry and drama from the first third of the nineteenth century, such as Lamartine’s ode “Contre la peine de mort” (1830) and Vigny’s play *La Maréchale d’Ancre* (1831); prose fiction, such as Stendhal’s *Le Rouge et le noir* (1830), which famously gives Julien Sorel his theatrical moment on the scaffold, exalted by a satirized Mathilde de La Mole, and Balzac’s apology of the executioner (*El Verdugo*); historiography and nonfiction, as exemplified by Michelet’s and Chateaubriand’s contrasting accounts of executions during the French Revolution in *Histoire de la révolution française* (1847–53) and *Mémoires d’outre-tombe* (posth. 1849–50); and short stories, as illustrated by the fantasized figuration of capital punishment found in Villier de l’Isle-Adam’s fin-de-siècle *Contes cruels* (1883). Critics have mainly focused their attention on this rich nineteenth-century corpus.<sup>8</sup> They have shown that these works largely process and tap into an imaginary of the French Revolution and the contemporary *fait divers* (sensational news item), sometimes, but not always, for political ends. In addition, and importantly, the existing scholarship has established that, together, these publications allow for the emergence of a modern, transgressive aesthetics replete with dramatic scenes and figures.<sup>9</sup> Works of reference have also placed a heavy emphasis on the Revolutionary icon, the guillotine,<sup>10</sup> whether through the prism of literary, historical, or cultural studies.<sup>11</sup>

Of interest to me, in the wake of these analyses of the death penalty in the French context, is to investigate the particular and reciprocal relationship between poetics and ethics in a more diversified and *longue durée* corpus. This material reveals an unsuspected conversation between three major writers across texts and centuries, and, while the crossroads of poetics and ethics is vast and long standing, the representations of capital punishment examined here arguably probe it anew.

Hugo's, Baudelaire's, and Camus's literary works make poetic expression shed light on institutionalized lethal violence in unique and nondiscursive ways. Instead of controlling or neutralizing this violence, their writing alternately takes it on, absorbs it, and is subjected to it. The antithetical models commonly used to account for the intersection of poetics and ethics, namely their association through politics in *littérature engagée* or, conversely, their radical separation in a literary "art for art's sake," are equally incapable of accounting for what these works achieve. Transgressing a number of literary and aesthetic standards, clear-cut affects, and argumentative strategies, the corpus under consideration articulates a complex critique of both capital punishment and literature that complements the abundant legal, historical, philosophical, moral, and political discourses that have supported or disqualified the death penalty throughout the modern and contemporary periods.

Time is one of the obvious differences that set Hugo, Baudelaire, and Camus apart. Between the publication of the first work on capital punishment considered here, *Le Dernier Jour d'un condamné* (The Last Day of a Condemned Man; 1829) and 1960, the year Camus's accidental death interrupted his writing of *Le Premier Homme* (The First Man; published posthumously in 1994), more than a century elapsed, and that century saw a number of decisive sociopolitical shifts. France went from a restored monarchy to the Fifth Republic, between which the July Monarchy, the Second Republic, Napoleon's second imperial regime, and the Third and Fourth Republics unfolded. In addition, the country experienced the major upheavals of the July Revolution, the 1848 Revolution, the 1851 coup d'état, and the Paris Commune, as well as the two world wars that marked the twentieth century. Equally important over this long century, from the 1950s onward, was the process of decolonization ending the colonial domination that had culminated under the Third Republic. At the time *Le Premier Homme* was being written, the Algerian War of Independence (1954–62) was raging.

Nevertheless, from the early nineteenth century to the second half of the twentieth, the definition of capital punishment as "the mere deprivation of life" (Article 2 of the Penal Code of 1791) remained unchanged in France. For almost two centuries, this ultimate penalty was obtained in the same way: through head severance and, in Dr. Joseph-Ignace Guillotin's words, "by means of a simple mechanism" (Article 6), that of the guillotine promoted by Dr. Antoine Louis, permanent secretary of the Académie de chirurgie (Academy of Surgeons).<sup>12</sup> This institutional heritage, informed by ideology, science, and technology, unifies the sub-

stantial period spanning 1791 to 1981, from the time the *Louissette*—as the guillotine was nicknamed, after its promoter’s last name—was adopted, up until the year of abolition.

The enduring use of the guillotine can be explained in part by the perceived virtues with which it was originally associated. During the French Revolution, a humanitarian and progressive spirit motivated penal reform, in particular the abolition of cruel modes of killing, *supplices* (brutal corporal punishment usually leading to death) such as the wheel, quartering, and burning at the stake. This reform had its roots in the European Enlightenment, and more specifically in the thought of the Italian philosopher and jurist Cesare Beccaria (1738–1794), an avid reader of Montesquieu, Rousseau, and the French Encyclopedists. In 1764, Beccaria published an anonymous, groundbreaking treatise entitled *Dei delitti e delle pene* (On Crimes and Punishments). It defended a secular and liberal definition of penalty, provocatively stating in its twenty-eighth chapter that “the death penalty is not a matter of *right* . . . but is an act of war on the part of society against the citizen that comes about when it is deemed necessary or useful to destroy his existence.” He then solemnly stated, “But if I can go on to prove that such a death is neither necessary nor useful, I shall have won the cause of humanity.”<sup>13</sup>

Abbé Morellet translated *Dei delitti e delle pene* into French at the end of 1765, and such major figures as d’Alembert, Grimm, and Voltaire warmly welcomed it.<sup>14</sup> In 1766, Voltaire also published a *Commentaire* on the treatise and sent Beccaria his *Relation de la mort du Chevalier de la Barre* (Account of the Death of the Chevalier de la Barre). This “enlightened” movement peaked in 1795 with the *décret du 4 Brumaire de l’an IV*, whose first article ensured that the death penalty would be abolished “as of the date of publication [of the declaration] of general peace.”<sup>15</sup> While this prospect proved vain, the guillotine’s inauguration in 1792 gave shape to the egalitarian and liberal aspirations of the era’s law makers. The machine guaranteed the same, supposedly painless and immediate execution for all men convicted of a capital crime regardless of the specifics of what had been committed and the condemned man’s social status.<sup>16</sup> Although the *Code pénal* of 1810 abandoned the conditional abolitionist provision of 1795, it upheld the stipulation that “Every individual condemned to death will be beheaded” (Article 12, formerly Article 3). Notwithstanding the fact that its thirteenth article arguably restored cruelty by requesting the severance of the hand for parricides, it thereby sustained most of the reformist principles that motivated the *Louissette*’s adoption and legitimation.<sup>17</sup>

In addition, one founding event turned capital punishment by guillotine into a historical emblem: the Reign of Terror. In 1793 and 1794, the recourse to death sentences was systematized with the paradoxical aim of “building a new world in which capital punishment would no longer have reason to exist,” as the historian Jean-Claude Farcy has noted.<sup>18</sup> The Terror marked the climax of a sanctified bloody justice.<sup>19</sup> Seventeen thousand individuals were executed on order of Revolutionary tribunals and about the same number died in prison as “suspects.”<sup>20</sup> Decades—indeed centuries—after it ended, the French and European cultural imagination, and particularly literary works, still bear the imprint of this judicial terror. Post-Revolutionary literature in French also frequently features the death penalty because, despite a marked overall decline in death sentences as one moves toward the twentieth century, sporadic increases in condemnations and executions, as well as debates about the legitimacy of lethal justice, recur at key junctures of the nineteenth and twentieth centuries: the First Empire, the Second Restoration, the Revolutions of 1830 and 1848, the 1850s, the Belle Époque, the two world wars, and the Algerian War of Independence.<sup>21</sup>

Hugo, Baudelaire, and Camus are united not just by this dense political and cultural heritage of the Revolution and by the largely unchanged definition and practice of capital justice that spanned the nineteenth and twentieth centuries. Their works also epitomize what is fundamentally at stake in this lengthy period, namely mankind’s new sense of responsibility. The 1790s and the guillotine marked the advent of secularization, a process that radically altered French society’s understanding of the world. Most obviously, the fall of the absolute monarchy supported by divine right put an end to the idea that society depended exclusively on a transcendent divine authority. Louis XVI’s decapitation and the weakening of the Catholic Church, confiscation of its assets, and the civil constitution of the clergy established in 1790 formed part of this major political and religious shift that enacted a distancing from the sacred. These events conjured up the possibility of numerous absences: the absence of a postmortem salvation, about which Hugo’s condemned man wonders; the absence of a divine justice capable of compensating for man’s flawed judgment; the absence of a superior causality that may supersede human intelligence.

A reconsideration of man’s position and powers on earth thus occurred in the post-Revolutionary period. The resistance it produced in the form of counter-Revolutionary movements, restorations, or the preservation of faith could not erase these events and the dramatic

symbolic upheaval they caused: society had now caught sight of a new configuration of the world in which human agency prevailed. This secularized consciousness permeated the legal and judicial institutions. Their representatives and, more broadly, society could no longer rely on God so fully to guide their judgment or correct their errors when they carried out justice. Capital punishment therefore became a more human matter at the turn of the nineteenth century and in the decades that followed.<sup>22</sup> Nineteenth-century literature was impelled to reflect this anthropocentric revolution, and twentieth-century history only made more acute this question of the weighty burden of human responsibility in the administering of killing.

There remain, of course, acute literary and ideological differences between Hugo, Baudelaire, and Camus. The first has come to embody French Romanticism and the belief in the progressive function of art. His works have been reputed to show an increasing commitment to humanitarianism.<sup>23</sup> In contrast, the second marked the advent of a modern French poetry that dismantled the traditional association of beauty with goodness. Baudelaire praised dandyism and amoral, if not immoral, aesthetics over the reformist political, social, and moral ideals of his predecessor.<sup>24</sup> As opposed to Hugo, who was prolific in all literary genres, Baudelaire's œuvre is essentially composed of poetry. Conversely, Camus favored the novel and drama. He rejected the supposed gratuitous aestheticism of Baudelaire, who claimed to be "depoliticized" after the Revolution of 1848. Camus stubbornly refused to detach literature from the realities of its time. Yet despite a brief early affiliation with the Communist Party and a clear left-wing sensibility, he also resisted any binding party-based ideological and political allegiance. Likewise, he opposed the mature Hugo's desire to have literary works serve a prescribed sociopolitical and moral agenda. Furthermore, unlike Hugo, the Nobel laureate never represented a particular literary school, although he is often mistakenly presented as an existentialist. Lastly, it seems that Hugo's and Camus's styles could not be more at odds, if one thinks of the former's ample and emphatic prose and of the latter's often "blank writing" (*écriture blanche*), in the words of Roland Barthes.<sup>25</sup>

Examining the three writers' treatment of the death penalty helps us to comprehend some of these remarkable divergences and allows us to qualify others. It reveals biographical, but also, more importantly, literary and philosophical points of contact. In his youth, Baudelaire read Hugo's most important work of fiction on the death penalty, *Le Dernier Jour d'un condamné*. Later, he wished to rebut not just *Claude*



*Gueux* (1834), as mentioned previously, but also Jean Valjean, the protagonist of *Les Misérables*.<sup>26</sup> The young Camus too knew *Le Dernier Jour*: the first prose piece he ever published, in the inaugural issue of the high school publication *Sud*, was entitled “Le Dernier Jour d’un mort-né” (The Last Day of a Still-Born; 1931). Later on, in such works as *L’Étranger* (1942) and “Réflexions sur la guillotine” (1957), Camus would appropriate some of the issues, central images, and enunciative and narrative devices foregrounded in *Le Dernier Jour d’un condamné*, all the while criticizing what he called Hugo’s “good convicts” (OCC 4:159). *L’Homme révolté* (The Rebel; 1951) would also examine both Baudelaire’s status as a “poet of crime” and a dandy relishing terror, and Joseph de Maistre, the poet’s supposed favorite reactionary thinker.

Beyond these sporadic literary encounters, all three authors interrogate the human condition, and the ways literature may portray it. Killing, both legal and illegal, feeds into these interrogations and often sheds light on the crossroads of the historical and the metaphysical. Hugo reflected on killing through direct and indirect evocations of the French Revolution and its legacy in narratives such as *Han d’Islande* (Hans of Iceland), *Le Dernier Jour d’un condamné*, and *Quatrevingt-Treize* (Ninety-Three). Albeit less extensively, Baudelaire and Camus followed suit in *Mon cœur mis à nu* (My Heart Laid Bare) and *L’Homme révolté* respectively. All three writers’ texts also carried the imprint of the capital crimes that seemed to characterize post-Revolutionary France, whether owing to the brutal political ruptures, exponential growth of cities and rampant pauperization that marked the nineteenth century (Hugo and Baudelaire) or due to the climax of mass murder reached with the Second World War and twentieth-century totalitarianisms (Camus). Bloody crimes, political crimes, crimes of passion, gloomy *faits divers*, gratuitous crimes, or what we now call crimes against humanity, all punishable by death, occupy a privileged place in the poetic and fictional writings considered here.

Both a substantial corpus and an original triangular reflection on paroxysmal violence, and more particularly on lethal crime and state killing, can therefore be found in Hugo, Baudelaire, and Camus. The chapters that follow focus on works of particular literary richness in these authors’ extensive œuvres: Hugo’s early novel *Le Dernier Jour d’un condamné*, Baudelaire’s celebrated collection *Les Fleurs du mal* (The Flowers of Evil), as well as what is commonly called his *Journaux intimes*, and Camus’s novels *L’Étranger*, *La Peste* (The Plague), and *Le Premier Homme*. These writings present individuals in contexts that

challenge their humanity and humaneness. They portray characters and personae who experience forms of exclusion, imminent destruction, as well as self-questioning and tentative resilience in the face of the death penalty understood literally, figuratively, or both. Hugo features an anonymous criminal awaiting his execution; Baudelaire conjoins the condemned man and the poet as actors of a society, if not of a human race, marked by devastation and corruption; Camus produces other scenarios and protagonists exploring lethal justice: the innocent criminal convicted because he “does not play the game” and “wanders, on the sideline, at the outer edge of private, solitary, sensual life” (OCC 1:215), the humble people resisting all forms of death, and the simple man discovering his solidarity with even the most brutal murderer.

Above all, what connects these writings is the sophisticated poetic work undertaken to bring to life the *cas limite* of a unique institution and its imaginary. It gives the condemned man, the executioner, the victim, and the spectator greater visibility, or a new ability to see. Hugo, Baudelaire, and Camus present the reader with what could be called “capital literature”: not only does it feature capital punishment and its imaginary, but such literature also deals with matters of life and death that challenge both conscience and representability, and it undertakes crucial work in sharpening our critical understanding of justice at the extremes. The death penalty is extreme in that it delineates multiple, stratified limits: between life and death, of course, but also between illegal and legal murder, between criminal and victim, since one may be transformed into the other when death looms, and between various mental states. And, in the case of decapitation, limits between head and body, between the visible and the invisible—for the moment of beheading is so swift witnesses have sometimes deemed it imperceptible<sup>27</sup>—between understandable penalty and unintelligible, unbearable violence, or between intense suffering and insensibility. The three authors share a quest for words and images that address these limits and the zone between them.

A word on method is in order. Encompassing works in prose and verse from the Romantic, post-Romantic, and contemporary periods, this book emphasizes the close reading of major texts. It aims to dissect the linguistic and imagistic devices the authors use to represent capital punishment, but also to reflect on the impact that the institution of capital punishment may have on literature. It is my contention that state killing and its imaginary lead Hugo, Baudelaire, and Camus to interrogate the function, tools, and limits of their art. While foregrounding



textual analysis, this study also aims to remain attentive to the specific sociopolitical, judicial, and literary contexts in which the narratives and poems appeared. This careful contextualization accounts for the outline chosen and its chronological basis. The monograph begins with a detailed examination of Hugo's most significant narrative on the death penalty and goes on to examine Baudelaire's and Camus's works taken both individually and comparatively.

Where this proves fruitful, the close readings proposed in this book are informed by the reflections of Giorgio Agamben, Michel Foucault, René Girard, and Jacques Rancière on actual or symbolic violence, discourse, and state power. Ultimately, my readings attempt to cast light on encounters between poetics and ethics. I take "poetics" to refer to "everything that concerns the creation or the composition of works for which language (le langage) is at once the substance and the means," in accordance with Paul Valéry's etymologically inflected definition of the term.<sup>28</sup> "Ethics" is understood, with Paul Ricœur, as meaning "to live well, with and for the other, in fair institutions."<sup>29</sup>

Part I analyzes the groundbreaking abolitionist poetics deployed in Hugo's *Le Dernier Jour d'un condamné*. This text, which takes the form of a condemned man's diary, specifically stages the intersection of capital punishment and writing. Chapter 1 shows how, and with what effect, the novel turns on its head conventional modes of representation and replaces them with a regime of expression that transforms the reader's usual perception of the death penalty. Chapter 2 examines one of the results of this poetics, namely Hugo's critique of a penal modernity assumed to move away from pain and toward Enlightenment values such as human rights.

Part II considers Baudelaire's pro-death penalty statements and projects on the death penalty as well as his verse foregrounding capital violence and bloodshed. Chapter 3 contextualizes Baudelaire's trenchant defense of capital punishment in several prose pieces and interrogates his redefinition of this institution as a kind of sacrifice in relation to Hugo's and Joseph de Maistre's work. Chapter 4 turns to Baudelaire's 1855 essay "De l'essence du rire et généralement du comique dans les arts plastiques" (On the Essence of Laughter and Generally on the Comic in the Plastic Arts) and to the most graphic poems of *Les Fleurs du mal* in order to determine how their imaginary of execution problematizes the poet's praise of sacrifice.

Part III further probes the relationship between lethal punishment, poetic craft, and ethical reflection, with a focus on Camus's novels

featuring the death penalty and, peripherally, his plays and the essay “Réflexions sur la guillotine.” It studies both the idiosyncrasies of these works and their relation to Hugo’s and Baudelaire’s critique of state killing. Chapter 5 explores the figuration of the death penalty in *L’Étranger*, *La Peste*, and *Le Premier Homme* and the decisive role it comes to play in their storylines and characterizations. Chapter 6 addresses the question of language as it preoccupies not just Camus but also Hugo and Baudelaire, when they represent lethal justice and its imaginary. It investigates how their works engage with the writer’s responsibility as he portrays the death penalty. Together, I argue, the three writers establish both a transhistorical dialogue on the status of modern lethal law and a profound critical reflection on modern literary modes of engagement.