

VOLTAIRE AND INJUSTICE

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PREFACE

It is the purpose of this thesis to examine the concept of justice and injustice as exemplified in Voltaire's writings concerning the Calas, Sirven, and La Barre cases during the 1760's. In order to do this it is necessary to show the development of his ideas especially during the 1750's when his philosophy concerning justice and injustice began to take form and eventually to appear in some of his writings during that period.

The events of the three cases are not dealt with in great detail because that is not the purpose of this paper. However, the writings dealing with these cases are treated fully to show just how Voltaire felt about justice and injustice and the components which in his opinion made up this concept. The last section tries to bring all of these things together to show their interrelationship and to show exactly what justice and injustice were in the eyes of Voltaire and how he treated them in these writings.

In some instances material has been dealt with briefly, but it was impossible to deal with every aspect mentioned in the paper in full detail. Time and space would not permit this.

I wish to express my thanks to Juliet Perry for her translation of Voltaire's Relation de la Mort du Chevalier de La Barre and to Dr. Joseph Gallanar without whose invaluable guidance this thesis would not have been possible.

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CHAPTER I

Since ancient times when the Greeks and Romans considered justice as one of the cardinal virtues, it has been one of the aspirations for which men have striven. Never has there been a universal concept of justice. In the eighteenth century equality and freedom were considered necessary for justice to exist. Voltaire and his contemporaries saw the need for toleration which would provide a basis for the principle of rectitude and the just dealing of men with each other. This in turn provides the foundation for Voltaire's idea of justice.

After experiencing the distress of injustice, Voltaire's interest in the subject became more acute. His life was viewed as a series of unjust acts.

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While Voltaire was at school and when he first began his literary career, he became aware of justice and injustice because of a personal sense of discrimination which he experienced. Voltaire was born Francois Marie Arouet on November 21, 1694, the son of middle class parents. Throughout his life Voltaire was forced to face the reality of his social position because he was born a member of the middle class, not a member of the noblesse. According to one authority, in order to help make the transition to the society of which Arouet wanted to be a part, he changed his name, as had been done before by men such as Jean

Louis Balzac and Molière, to Arouet de Voltaire. This name first appeared on the dedication to his play Oedipe in 1718. Voltaire was to use his new name proudly for the next sixty years.¹

Voltaire's father, François Arouet, wanted his son to have a legal career in anticipation that he would be able to ascend into the administrative positions held by members of the judicial aristocracy.² When Voltaire was nine he was enrolled in the Jesuit Collège Louis-le-Grand which was one of the most fashionable schools at this time. It was here that many prominent aristocratic families sent their sons.³ During the years Voltaire spent at the Collège Louis-le-Grand he discovered his desire to be a poet and wrote his first poetry. It was here, too, that Voltaire made influential friends that were to stand him in good stead for the future. Voltaire very easily drifted into aristocratic society after he left school.⁴ Society as it existed in eighteenth-century France was strictly divided by the origin of birth into nobles and roturiers. This determined to a large degree what one's life was to be

¹George Morris Cohen Brandes, Voltaire (New York: Tudor, 1930), I, 100.

²There were two major divisions of the nobility—nobility of the robe and nobility of the sword. The nobility of the sword whose status rested on valor had acquired their peerage by military service some of which dated back to the thirteenth century. The nobility of the robe who were ennobled magistrates were given their peerages for their important social roles or for special service to the king. They were the personnel of the sovereign courts. Frandlin L. Ford, Robe and Sword: The Regrouping of the French Aristocracy after Louis XIV (Harvard Historical Studies, LXIV; Cambridge, Mass.: Harvard University Press, 1953), p. 21, 72.

³Brandes, I, 41.

⁴Ibid., I, 51.

like as to profession and general mode of life.⁵ Equality of opportunity was therefore already severely limited. Since French society was not set up on a strict caste system, the roturier did expect a certain degree of opportunity, but as the century progressed these opportunities became more restricted. Admittance to the noblesse de robe was no longer provided by venality of office.

The character of French society emerged from the three estates—nobility, clergy, commoners. There were two ways by which a roturier could advance himself to the noblesse. First, there was legal recognition of important roles which resulted in the conferral of nobility. Secondly, there was informal recognition of service rendered such as the purchase of certain offices which conferred nobility or the king might confer nobility for special services rendered to the crown.⁶ But, as with society as a whole, it became more difficult for a roturier to advance.

Although Voltaire was a part of French aristocratic society, he was never accepted as an equal although he himself treated the nobility as his equals. Voltaire became aware of his inequality during the episode with the Chevalier de Rohan-Chabot. But before this there were several incidents which Voltaire considered unjust to him. As early as 1716, when he wrote some highly satirical verses about the Regent and his daughter, Voltaire was exiled to Toul and then later to Sully-sur-Loire.⁷ However, by the end of that year he returned from exile. This

⁵Elinor G. Barber, The Bourgeoisie in 18th Century France (Princeton, New Jersey: Princeton University Press, 1955), 9-10.

⁶Ibid.

⁷Brandes, I, 90.

freedom was short lived, for on May 16, 1717, Voltaire was imprisoned in the Bastille. Eleven months later on April 11, 1718, he was freed, but he had to go into exile. By October 12, 1718, he had completed his term of exile.⁸

These brief episodes culminated in Voltaire's clash with the Chevalier de Rohan-Chabot. Rohan, in an attempt to humiliate Voltaire, questioned him on his name, only to be rebuked by Voltaire's retort— "My name begins with me, yours ends with you." Rohan gained his satisfaction when on February 4, 1725, Voltaire was beaten by his lackeys. Voltaire had been dining at the home of the Duc de Sully when the incident occurred and asked Sully for his help in striking back at Rohan. Sully refused and Voltaire experienced one of the misfortunes caused by his middle class birth. Voltaire saw his friends turn from him on account of this affair. In order to strike back at Rohan for having him beaten, Voltaire challenged Rohan to a duel. When Rohan told his family of the impending duel, they asked the Duc de Bourbon to stop it because of its illegality. He did so by arresting Voltaire and imprisoning him in the Bastille. Voltaire was imprisoned on April 18, 1726, but by May 2nd he was released on the condition that he would go into exile in England.⁹

Upon his release from prison on May 2, 1726, Voltaire was taken to Calais where he sailed for England. During his stay in England Voltaire experienced changes. In English society he witnessed things which were unknown or forbidden in France. He saw in England that literary men were considered the equals of some of the eminent persons of English

⁸Ibid., I, 92-95.

⁹Ibid., I, 151-157.

society. It was possible for a man like Richard Addison to become secretary of state and for men like John Gay and Alexander Pope to accumulate large individual fortunes.

The English concept of freedom was new to Voltaire. He saw England as a place where a person could not arbitrarily be deprived of his freedom by a lettre de cachet¹⁰ nor could he be punished without first having an open trial and sentencing. It was not necessary to watch every word that one uttered for fear it would be misconstrued because in England speech and, even more important, thought were unrestricted. Ideas in opposition to the state or the established church could be put forth without fear. Although England had a state church, freedom of religion was practiced. In France there was only one church to which an individual could legally belong. England was something special to Voltaire. To him it was the home of freedom and the cradle of liberty. Voltaire left England in March, 1729, not as he had gone as one of the oppressed, but he returned as a "defender and knight of liberty."¹¹

On his return to France Voltaire was not allowed to go to Paris but went to St. Germain en Lage which was near Paris. He remained there until he was allowed to return to Paris later in the year. He tried to remain quiet so that he would not arouse any antagonism, but this seemed to be impossible for Voltaire. In April, 1734, Voltaire's Lettres Philosophiques appeared, and on June 10, 1734, the Lettres Philosophiques were burned as "scandalous, contrary to religion, good

¹⁰The lettre de cachet in French law under the ancien régime was a private, sealed document sent as an official communication from the king to an individual or a group. It was much used to give notice of imprisonment or exile and left no recourse to the victim.

¹¹Brandes, I, 214; Peter Gay, Voltaire's Politics, the Poet as Realist (Princeton, New Jersey: Princeton University Press, 1959), p. 47.

morals, and the respect due to authority."¹² Voltaire realized that he could no longer remain in Paris. It was at the invitation of Madame du Châtelet whom he had met the previous year that he took refuge to Cirey.¹³ Voltaire felt compelled to express his feelings in his writings although he knew that they would not conform to the established ideas. Due to his previous conflicts with the authorities he was carefully watched and his authorship in the case of the Lettres Philosophiques was easily discernable. In order for Voltaire to avoid arrest he was compelled to leave Paris and seek protection in unofficial exile away from Paris.¹⁴

What Voltaire desired most was his freedom of action. Since his first arrest and imprisonment in 1716, he had to control his actions to maintain his freedom. In part they were also determined by the state which had twice imprisoned and exiled him. But in order to have freedom of action, he had to betray his true nature. He found it necessary to befriend those who could protect him, to lie about what he wrote and to accumulate wealth so that he could eventually free himself from these restraints upon his freedom. Since his days at the Collège Louis-le-Grand, Voltaire had realized the importance of having influential friends. One friendship that Voltaire made while in school was the Duc de Richelieu. Others included the brothers d'Argenson and the count d'Argental. Voltaire had also acquired a protector in Urban de Caumartin.¹⁵

¹²Gay, Voltaire's Politics, 67.

¹³Brandes, I, 272.

¹⁴Gay, Voltaire's Politics, 67.

¹⁵Brandes, I, 93.

As far back as 1717 Voltaire had denied authorship of the poem Remante Puero which was attributed to him.¹⁶ Most of his latter works were published without identifying Voltaire as the author, and as in the case of the Lettres Philosophiques he vigorously denied any connection with the work. This was also true of some of his later writings as the Relation de la Mort du Chevalier de La Barre or the Dictionnaire Philosophique. It was necessary to deny authorship of these works in order to keep from being arrested. Voltaire thought it unjust to have to repress new ideas, but eighteenth century France did not condone freedom of expression. Censorship was applicable to everything that was published in France.¹⁷ Voltaire did not consider freedom such an unreasonable thing to be entrusted to men. Voltaire did not believe it should be necessary for him or anyone else to have to practice deceit in order to express his opinions. In instances, such as the Lettres Philosophiques which had to be adapted for French publication after it was published in England, Voltaire had to disguise what he was saying with satire or any other literary disguise at his disposal.

In order to gain full freedom of action Voltaire wanted independence. Voltaire's sense of injustice developed at this time out of the personal misfortunes which he suffered. For a man with high ambition, a bourgeois birth could be an unjust act. It excluded him from the society of which he wanted to be a part, it alienated his friends when he really needed their support, and it caused his exile because he dared to challenge one of the noblesse. Exile to England, while the result

¹⁶Ibid.

¹⁷Gay, Voltaire's Politics, 45, 70-72.

of injustice, was to be an important episode in Voltaire's life. When Voltaire returned to France in 1729, he was not allowed to go directly to Paris but had to remain outside the French capital, further limiting his freedom. When he was allowed to return to Paris, he expressed his beliefs in the Lettres Philosophiques which resulted in this book being suppressed, in turn forcing him to leave Paris for his own safety. Because he had the misfortune of professing beliefs contrary to popular opinion, he was persecuted by those in positions of authority. Because of his ideas and his writings, Voltaire was driven to an unwilling and involuntary exile from the time he left the court of Louis XV until he returned to Paris in triumph in 1778. Voltaire felt he had been cheated and deprived of much that should have been his.¹⁸ He felt he should have had equal rights with the Chevalier de Rohan. Rohan should not have been able to take advantage of Voltaire by having him beaten because he was a member of the middle class. Another thing which Voltaire resented was his inability to choose his place of residence. His residence had to be where he was safe from the authorities, not necessarily where he wanted to be. He also felt that he should be able to claim authorship for what he had written and not deny it in order to keep out of jail and to stay alive. Living in constant fear of his own safety was another strain which Voltaire felt should not have been necessary.¹⁹ Denied of equal rights, denied the choice of his residence, denied the

¹⁸François Marie Arouet de Voltaire, Voltaire's Correspondence, ed. by Theodore Besterman, XLIX, 112-113. Voltaire to Charles Augustin Feriol, comte d'Argental, and Jeanne Grace Bosc Du Bouchet, comtesse d'Argental, July 14, 1762 (Geneve: Institut et Musée Voltaire les Délices, 1959); hereafter cited as Correspondence.

¹⁹Correspondence, XXIII, 105.

right to claim authorship for his writings and denied peace of mind, Voltaire experienced a sense of personal injustice.

2

Voltaire expressed his feelings and his ideas in his writings. He began his campaign against injustice as caused by fanaticism²⁰ during the 1760's when he was the defender of Calas, Sirven and La Barre. The roots of écraser l'infame go much further back than that. In 1752 Voltaire began two works which were in one sense the beginning of his war on l'infame. These were the Sermon des Cinquante and the Dictionnaire Philosophique.²¹ These two writings show Voltaire's thought in regard to the question of injustice and the relationship of fanaticism to this problem. Although Voltaire's feeling of injustice originated as a result of adverse social conditions, he also felt there was another cause of injustice which was different from the first. Fanaticism was this second cause.

Although the Sermon des Cinquante was begun in 1752, it was not published until September 5, 1762. The Sermon des Cinquante is noted as being Voltaire's declaration of war against l'infame. It is in essence Voltaire's criticism of l'infame condensed in one small essay which shows the Bible as a series of contradictions.²²

²⁰Fanaticism here means excessive enthusiasm or unreasoning zeal in regard to religion.

²¹Gay, Voltaire's Politics, 244; Peter Gay, The Party of Humanity, Essays in the French Enlightenment (New York: Knopf, 1964), p. 8. J. A. R. Séguin in his introduction to Voltaire's Sermon des Cinquante says that it was begun in 1749 at Luneville.

²²Gay, Voltaire's Politics, 244-245; François Marie Arouet de Voltaire, The Sermon of the Fifty; The bicentennial edition, translated with introduction and notes by J. A. R. Séguin (New York: Ross Paxton, 1962), p. 2; hereafter cited as The Sermon of the Fifty.

The essay begins with an explanatory statement--

For the past year, fifty educated, pious, and reasonable persons have been congregating every Sunday in a populous, commercial city. They recite prayers, then a member of the society delivers an address which is followed by a dinner; and, after the meal, a collection is taken for the poor. Each presides in turn, and it is the task of the president to recite the prayer and deliver the sermon. Here are one of those prayers and one of those sermons.²³

It was the purpose of the essay to examine the books of the Hebrews in relation to ethics. That these writings concentrate "on all those features offensive to purity, charity, good faith, justice and universal reason" was the first point emphasized. Voltaire goes into long lists of detailed examples which show the "infinite number of contradictions, which are all the seal of imposture." How is it that one text gives two hundred and fifteen years and another four hundred and thirty years as the length of time required for Joseph's family after settling in Egypt to increase from seventy persons to 600,000 warriors?²⁴

Voltaire argued that it is unreasonable to ask a man to believe that the crimes committed by the Christians were done by God's order or in his name. Thousands were butchered in the name of religion. According to Voltaire "Everything is prediction among the Jews; and, everything is miracle among the Christians, and all those prophecies are prefigurations of Jesus Christ."²⁵

In the third point of the essay Voltaire shifts his criticism to the four gospels. The four contradict each other, thereby making them false. Voltaire points out contradictions that concern such facts as the time of Christ's life, his miracles and his death to mention only a few. He

²³The Sermon of the Fifty, 11.

²⁴Ibid., 11-18.

also says that Christianity is nothing but the "perversion of natural religion." The people should be taught that there is only one God who is the father of mankind and that all men are created equal as brothers. Man must love his brother and live a virtuous life. God in his goodness will reward the good and punish the bad. If this was to be, mankind would become less superstitious and more righteous.²⁵

The essay closes with a prayer similar to that seen in the Traité sur la Tolérance--

May God almighty, Who hears me and Who assuredly could neither have been born of woman, nor have died on a gibbet, nor be eaten in a piece of dough, nor have inspired this book stuffed with contradictions, madness and horror; may God, the creator of all worlds, have mercy on this sect of the Christians who blaspheme Him! May he bring them back to the holy and natural religion, and shower his blessings on our efforts to have him worshipped.²⁶

If this was Voltaire's first openly anti-Christian work, he began his campaign with severity. The overall tone of the essay is anti-Christian. Quotations will illustrate this point:

The twenty-ninth verse of Chapter XXVII of Leviticus expressly forbids the redemption of men devoted to sacrifice by anathema, and it is according to this cannibalistic law, that Jephthah sometime afterwards immolated his own daughter.²⁷

Here is, however, the most beautiful miracle. Five Amorite kings, that is to say, five village chiefs, attempted to oppose Joshua's ravages. Not only were they vanquished and subjected to a big slaughter, but the Lord Adonai cast a heavy downpour of stones upon the fugitives. Even that was not sufficient. A few escaped, and in order to give Israel all the time necessary to pursue them, Nature suspended its eternal laws. The sun stopped at Gibeon and the moon at Ajalon.²⁸

²⁵Ibid., 23-28.

²⁶Ibid., 28.

²⁷Ibid., 15.

²⁸Ibid., 20.

To make his argument more convincing Voltaire does not just give the facts, but he enshrouds them in his satire and his vehemence. His criticism encompasses both the Old Testament and the New Testament, and he leaves no doubt as to the absurdity of the contents of these two books. He does not spare the number of examples he uses in pointing out the inconsistent, irrational and improbable happenings portrayed in the Bible. According to Voltaire inconsistencies arise in numerous examples. Although the devil does not appear in the Old Testament, he is present at many points in the New Testament. John in his gospel relates that Jesus expelled the money-changers from the temple for selling animals that were prescribed by law for the sacrifices. This was not only inconsistent but also irrational.²⁹ Improbable happenings abound in Voltaire's examples. He cites the manna that came from heaven, Lot's wife who was turned into a pillar of salt, the opening of the sea for the people to pass through.³⁰

Voltaire very skillfully makes his argument brief. Although the essay is short, it does not fail to convince nor does it seem sketchy.

In writing this essay Voltaire expresses his feelings against what the Christian religion had become. In the closing prayer of the essay he asks that the Christians restore their worship to the holy and natural religion which it once was.³¹ He, in fact, does more than satirize the Bible and its characters. His whole purpose centers around discrediting Christianity as it was then practiced by making others

²⁹Ibid., 24-25.

³⁰Ibid., 21-22.

³¹Ibid., 28.

abhor the horrors that were rampant in the existing church.

While the Sermon des Cinquante was characterized by its brevity, the Dictionnaire Philosophique was a more formidable work. Like the Sermon des Cinquante the Dictionnaire Philosophique was begun in 1752 but at Potsdam while Voltaire resided at the court of Frederick. It was not completed and published until August, 1764.

The Dictionnaire Philosophique contains a sampling of every phase of Voltaire's life prior to the time he began the Dictionnaire Philosophique. It is a composite of his thinking prior to the 1760's. The first articles were written in 1752 but only some as "Abraham," "Batême," and "Egalité" were completed at that time.³² Work continued but did not progress well until it was resumed in earnest in 1762. This decade Voltaire continually gathered data and made notes which were later developed into articles for the Dictionnaire Philosophique.³³

Ideas which take form at this time are included in articles showing concern with religion and his doubts about Christianity, his interest in Deism, his opinions on politics, his biblical research and his growing concern with social reform. Voltaire's interest in religion led to his doubts about Christianity and eventually to his infidelic and irreligious attitude. Voltaire was himself a Christian, but he did not practice his faith, and he was opposed to what the church had become. He did not reject Christianity, but he did reject the church that had developed out of the original Christian tenets. He rejected the supreme

³²Gay, The Party of Humanity, 33.

³³François Marie Arouet de Voltaire, Philosophical Dictionary; translated, with an introduction and glossary by Peter Gay (New York: Basic Books, 1962), I, p. 3; hereafter cited as the Philosophical Dictionary.

authority of the church, its miracles, its instillation of fear of salvation into men, its ritual, pomp and doctrines. These are some of the things that made the Christian religion and Christians undesirable to Voltaire. In the Dictionnaire Philosophique this attitude can be traced throughout. In fact it is almost the dominant theme that is interwoven through the whole series of articles. The mood throughout satirizes and makes fun of much that is considered holy. In the article "Divinité de Jésus" Voltaire disputes the idea of a God-man and maintains that the idea was the development of a fable that slowly elevated Jesus from a man to God.³⁴ Voltaire expresses his opinion of miracles in the article "Miracles". He defines a miracle as the "violation of mathematical, divine, immutable, eternal laws." If this is so, a miracle is a contradiction in terms. Besides this point, Voltaire also argues that "God cannot do anything without reason," therefore, what would make him be inconsistent in the very laws he has established? "It is therefore absurd to believe in miracles-- in one way or another it dishonors Divinity." All Christians believe in the miracles of Jesus Christ, but doubt exists about miracles that have been performed in recent times because they are not fully authenticated. Voltaire disputes some of the reported miracles. He related the story of the monk who performed so many miracles that his superior forbade him to perform anymore. One day the monk saw a tiler falling from a roof. Caught between "holy obedience" and the desire to save the life of the tiler he ordered the tiler to stay in the air until he could talk to his superior, which he did, to get permission to save the tiler.³⁵

³⁴Ibid., I, 240-241.

³⁵Ibid., II, 392-398.

In the article, "Liberté de Penser", Voltaire shows how the supreme authority of the church has increased to the degree that man has lost his ability to think for himself and has come to fear any deviation from the strict law of the church because he fears for his worldly life and for the eternal life of his soul. Boldmind, an English officer, criticizes the regimented pattern that Medroso, a Spanish sergeant in the Dominicans, has allowed himself to be molded into because he is not allowed to think for himself. Medroso accepts his fate because if he speaks or writes contrary to church principles he will be burned as a heretic, and if he thinks contrary to the church, he is threatened with "being burned for eternity, by the order of God himself." Voltaire asserts that man must be allowed to think and to act of his own accord in order to achieve any inner happiness, otherwise his life will be like the "tranquility of galley slaves who row in cadence and in silence."³⁶

Voltaire was in favor of a religion that was simple, reasonable and tolerant.³⁷ Ritual had made the Christian sect something it was not originally meant to be. Jesus professed no doctrines except perhaps those of faith, hope, love and charity. He was not preoccupied with questions such as whether or not Mary had been conceived of original sin or that "marriage was the visible sign of an invisible thing."³⁸ Christianity as practiced in antiquity was not possessed of all the pomp and ritual that had overtaken the church in later years. The sects that adopted the least rites were those who were the least superstitious.

³⁶Ibid., II, 353-356.

³⁷Ibid., I, 17.

³⁸Ibid., II, 347.

Voltaire often cites the example of the Quakers to illustrate this point. The practice of religion could function just as well if not better if it was freed of the doctrines and ritual that had been added to the original practice of Christianity.³⁹

Closely related to Voltaire's concern with religion was his interest in deism. Deism which was prominent in the seventeenth and eighteenth centuries rejected formal religion and supernatural revelation but argued that the course of nature demonstrates the existence of God. In many respects this is the foundation of Voltaire's religious thinking—the necessity of simplicity in religion, brotherly love, disregard for ritual, rejection of miracles and his abhorance of intolerance. Elements of Voltairian deism can be found throughout the Dictionnaire Philosophique. The opening statement of the article "Superstition" says that "Almost everything that goes beyond the worship of a supreme Being, and the submission of one's heart to his eternal commands, is superstition." Therefore, Voltaire is telling us to go back to nature, to simplicity and to forget what has since occurred.⁴⁰ In the article "Tolerance" Voltaire asks what is toleration and answers his own question by saying it is the "endowment of humanity." Since all persons have human weaknesses and make human errors, each must be forgiven his faults because this is the "first law of nature."⁴¹ This "first law of nature" might equally well couple justice and brotherly love as the "endowment of humanity." God in his wisdom is just and wants man to be the possessor and the recipient of justice and brotherly love. Voltaire asserts that

³⁹Ibid., II, 476.

⁴⁰Ibid., II, 473.

⁴¹Ibid., II, 482.

God taught brotherly love but that the practice seems to have been forgotten. The various Christian sects persecuted each other instead of living in peace. The Jews butchered all the inhabitants of an unfortunate country to which they declared a right but in reality had none.⁴²

Voltaire did much of his biblical research which is contained in the Dictionnaire Philosophique while he was at Cirey. Much of this research was carried out in association with Madame du Châtelet. Their approach to this research was mainly that of the deists. They examined the Bible to locate the contradictions and point out the absurdities that could be found in its contents. They examined Christian ritual to see its similarity to pagan rites, and searched Christian history to prove the cruelty of the Christians.⁴³ Voltaire's ridicule of the Bible in the Sermon des Cinquante as a collection of contradictions and absurdities summed up his argument on this point. He mentions it in the Dictionnaire Philosophique in such an article as "Tolérance" where he refers to St. Paul saying in one place that women could preach and in another they could not preach.⁴⁴ Further examples and explanations would be a duplication of what has already been said in regard to the Sermon des Cinquante.

Voltaire gives a number of examples to illustrate how Christian rites could often be distinguished as hereditary of specific pagan rites. In "Jephthé ou des Sacrifices de Sang Humain" Voltaire tells of Jephthah who promises to offer as a sacrifice the first person that

⁴²Ibid., II, 483.

⁴³Gay, The Party of Humanity, 27.

⁴⁴Philosophical Dictionary, II, 488.

comes from his house to congratulate him for his victory over the Ammonites. His daughter is the first to greet him, and in accordance with his promise he offers her as a human sacrifice. It is Voltaire's opinion that this was directly adapted from the Greek tale of Agamemnon and Idolomeneus.⁴⁵ Voltaire states in "Idole, Idolôtre, Idolôtrie" that the images that Christians venerate took their origins from the false divinities worshipped by the Greeks and Romans.⁴⁶ The differences in the images are that "their images represented the fantastic beings of a false religion, and that ours represent the real beings of a true religion."⁴⁷

The instances of cruelty which Voltaire cites throughout the Dictionnaire Philosophique are innumerable. In the article "David" he gives numerous examples. After David became king, he took six hundred brigands and killed and pillaged the allies of King Achesh. "He killed everybody, old men, women, infants at the breast. And why did he cut the throats of infants at the breast? 'For fear,' writes the divine Jewish author, 'that these children might carry the news to King Achesh.'" When David received word of Saul's death, he repaid the Jewish courier for his service by having him killed. David also attacked the village of Rabbah and put the inhabitants to death by unusual means—"They are sawed in two, they are torn to pieces with iron harrows, they are burned in brick kilns..."⁴⁸

Voltaire concentrated on biblical research when he was at Cirey, but after Madame du Châtelet's death in 1749 he returned to Paris where

⁴⁵Ibid., I, 325.

⁴⁶Ibid., I, 311.

⁴⁷Ibid.

⁴⁸Ibid., I, 230-231.

his interest in politics was renewed. It was during this period in Paris that his ideas were forming which show his concern with politics. At this time Louis XV was waging a battle with the clergy in a struggle for power. This gave Voltaire opportunity to express his opposition to the privileged classes of the clergy and the nobility. Voltaire opposed these groups because they held France back. These groups "consumed without producing, escaped taxation, obstructed government efficiency, and in general resisted the most essential reform."⁴⁹ The arguments that Voltaire put forth against the privileged classes emphasized his feeling on equality which he expressed in the article "Egalité" in the Dictionnaire Philosophique. He says that in this world it is impossible for men not to be divided into classes. Men would be equal if they had no needs; however, it is misery and dependence which cause men to subordinate themselves to other men. Being a member of the lower class does not necessarily make a man unhappy because he does not know any other life. "Equality is at once the most natural and at the same time the most chimerical of things." Man has exaggerated his inequality out of sensible proportions. Every man has the right to think himself equal to other men, but this does not necessarily make it true.⁵⁰

One topic which Voltaire became interested in toward the end of the 1750's was social reform. Voltaire had developed a distrust of the French parliamentary courts. The execution of innocent individuals was a frequent occurrence. Voltaire thought that the courts were to blame because most of the offices were obtained by purchase with no regard to

⁴⁹Gay, The Party of Humanity, 30.

⁵⁰Philosophical Dictionary, I, 245-248.

the qualifications or the character of the individual.⁵¹ Voltaire was also concerned with the privileged class system in regard to social reform.⁵²

In the Dictionnaire Philosophique and the Sermon des Cinquante Voltaire began an attack on the abuses of Christianity which was to occupy him for the rest of his life. The Dictionnaire Philosophique like the Sermon des Cinquante tries to undermine the Christian faith. It is not enough to criticize—the whole foundation must be shaken to make people understand what is happening to them. He tries to show them that Christianity as it is practiced now is not what it originally was. The basic religion, which was essentially good, has been added to and corrupted.

The Dictionnaire Philosophique also did more. It taught people to be critical and helped them to learn to laugh at what was sacred. The Dictionnaire Philosophique is a complex mixture of all that Voltaire was—vicious, ignorant, ungrateful, obtuse, witty, loveable—and much more.⁵³

⁵¹Brandes, II, 186.

⁵²See above p. 2-3 and p. 18.

⁵³Philosophical Dictionary, I, 52; Gay, The Party of Humanity, 54.

CHAPTER II

As early as 1759 Voltaire had raised his battle cry—Ecrasez l'infame. Voltaire had shifted his emphasis of interest in injustice from things which centered around a personal sense of discrimination to those which would help his fellowman such as social and legal reform. In 1761 Voltaire learned of the case of Jean Calas. It was at this time that Voltaire began his active campaign against injustice. Besides the Calas case, Voltaire also became the defender of Pierre Sirven and the Chevalier de la Barre. Voltaire's efforts on behalf of these three men were extensive. While Voltaire was successful in defending and clearing Calas and Sirven, he was met in defeat in trying to repudiate the sentence of La Barre. This chapter is concerned with the presentation of the facts relative to these three cases and to Voltaire's efforts in their behalf.

1

On October 13, 1761 Marc-Antoine Calas died in the home of his father in Toulouse in southern France. This day and this event marked the beginning of the Calas affair.

Marc-Antoine Calas was the eldest son of Jean and Anne Rose Cabibel Calas. Jean Calas was a Huguenot who owned and operated a dry goods store at No. 16 la Grand Rue des Pilatiers.¹ Jean Calas had lived at

¹James Parton, Life of Voltaire (Boston: Houghton, Mifflin, 1881), II, 354.

the same address for forty years during which time he had gained the respect and honor of his neighbors and friends. He and his wife had raised their six children in the Protestant faith. Marc-Antoine had been trained in law, but he was unable to practice his profession.² Jean-Pierre, the second son, remained at home and helped his parents in the store. The third son, Louis, was an apostate and no longer lived at home. The two daughters, Rosine and Nanette, were visiting friends in a nearby village when the incident of Marc-Antoine's death took place. Donat, the youngest son, was apprenticed at Niemes.³

On the afternoon of October 13, 1761 Gaubert Lavaysse, a friend of Pierre, was in Toulouse where he had stopped for a fresh horse on his way from Bordeaux to St. Domingo to visit his parents.⁴ Gaubert was invited to dinner at the Calas home that same evening. Therefore, on that evening there were present for dinner M. and Mme. Calas, Pierre and Marc-Antoine Calas, Gaubert Lavaysse and the servant, Jeannette Viguière, who had served the family for twenty-five years and who was a devoted Catholic. Dinner was at 7:30 that evening and lasted for approximately half an hour. After dinner had been completed Marc-Antoine left the rest of the company and went out as was his habit. The remainder of the family and their guest stayed and talked until about 9:45 p. m. Pierre

²In order to be admitted to the bar it was necessary to produce from the curé of ones parish a certificate of Catholicity. Marc-Antoine tried to secure this certificate but was unsuccessful because he could not prove he had received any of the sacraments. David Bien states that the laws against Protestants were not strictly enforced, therefore many Protestants were probably admitted to practice law without proving their Catholicity. David Bien, The Calas Affair: Persecution, Toleration, and Heresy in 18th Century Toulouse (Princeton, New Jersey: Princeton University Press, 1960), p. 44.

³Parton, II, 355.

⁴Bien, p. 18 says that he was going to Caraman.

who had fallen asleep was roused to show Gaubert out at that time.⁵

Pierre lighted the way downstairs for Gaubert but on arriving there noticed that the door to the shop was ajar.⁶ The two boys went to investigate to see if anyone had broken into the shop. On entering the door they saw the body of Marc-Antoine which was hanging from a rod that was lying across the folding doors which divided the front portion of the shop from the back. On seeing the body Pierre uttered a cry which brought Jean Calas to the scene.⁷

Marc-Antoine had removed his coat and vest and neatly folded and laid them on the counter before his death. Marc-Antoine was found hanging from a bililot, a wooden rod used in binding bales of cloth, which was placed across the open doors.⁸ M.'Calas cut down the body which was suspended by a cord tied in a double noose and tried to revive him, but it was no use.⁹

On hearing all the commotion downstairs Mme. Calas went down to see what was happening. On reaching the vestibule she was met by Gaubert who told her to go back upstairs which she did. She waited a while longer and then sent the servant, Jeannette, down to find out what had happened. When she did not return, she again went down and found the body of her son lying on the floor.¹⁰

⁵Evelyn B. Hall, The Life of Voltaire (New York: Loring & Mussey, n.d.), p. 414-415; Bien, 8.

⁶The Calas lived in quarters above their shop.

⁷Brandes, II, 176.

⁸Hall, 415.

⁹Brandes, II, 176 says he was lifted down.

¹⁰Parton, II, 357-358.

Meanwhile, M. Calas had sent Pierre to get a doctor. Gorsse, the doctor, examined the body and declared him to be dead. He noted a black bruise on Marc-Antoine's neck. The scene had become one of great confusion. Mme. Calas was kneeling near the body trying to restore life to it. Jeannette was in a state of hysteria. Pierre was running about telling the people who had gathered in front of the shop about their misfortune and asking pointless questions. Pierre was about to leave the house when Jean Calas called him and warned him: "Tell no one that your brother has done away with himself. Save the honor of the family."¹¹ Jean Calas decided to do this mainly because of the laws concerning suicide victims. The body of a person who had committed suicide was stripped naked and placed on a hurdle with his face to the ground and drawn through the streets to be stoned and desecrated. After that the body was hung on a gibbet and then thrown into the town's dumping ground. Property belonging to the person was confiscated by the state.¹²

After Pierre had returned home, David de Beaudrigue, the titular Canitouls¹³ of Toulouse, arrived at the Calas home with a company of forty soldiers in order to conduct the investigation. From the crowd that had gathered outside the house M. Beaudrigue heard a rumor that was being circulated—"Marc-Antoine was murdered by his family because

¹¹Edna Nixon, Voltaire and the Calas Case (London: Victor Gollancz, 1961), p. 37; Parton, II, 358; Brandes, II, 176.

¹²Bien, 9.

¹³The Canitouls were the administrators of the city's affairs. Their position was defined as "Canitouls, Governors of the city of Toulouse, chiefs of the nobles, judges in civil and criminal courts, chief of police and inspectors of highways." All but the titular Canitouls, who purchased his office, were elected to their offices. The position carried with it many privileges. Nixon, 20-21.

he wanted to become a Catholic." M. Beaudrigue, therefore, became possessed with the idea that Jean Calas had murdered his son. Without any actual proof and without a warrant M. Beaudrigue arrested the six persons who had been in the house that evening.¹⁴

Before making the arrest M. Beaudrigue had sent for three doctors to make an examination of the body. Their report reads as follows:

"We, Jean-Pierre Latour, royal professor in medicine, ordinary of the hospital of St. Jacques, of this city, and we, Jean-Antoine Peyronnel and Jean-Pierre Lamarque, masters in surgery of the same city, certify that having been required this morning, the 14th October, at a half-hour past midnight or thereabouts, to go to the house of the Sieur Calas, merchant at the Grand-Rue, to examine a dead body and having been sworn in the said house before Monsieur David, Capitoul, to proceed to this examination, we have carefully examined this body, which was still a little warm, and have found it without any injury, but with a livid mark on the neck about half an inch in thickness, in the form of a circle, which became lost at the back of the neck in the hair, divided into two branches in the higher part of each side of the neck; emitting phlegm and saliver from the nose and mouth, and the face being livid; which has led us to the conclusion that he had been hanged whilst alive, by himself or by others, with a double cord which divided itself at the sides of the neck and formed there the two livid branches which we have already said we observed. All which we certify to be true. In faith of which we have signed the present report."¹⁵

Meanwhile the arrests were made and the accused were taken to the Hôtel de Ville where, after a brief preliminary examination, each was put in a separate cell with irons on his feet.¹⁶

On the next day, the accused were interrogated but held to their story that Marc-Antoine had been found strangled on the floor. On October 15th the whole family changed its story to what had actually

¹⁴Nixon, 40: Parton, II, 359. M. Cazing who was lawyer and a friend of Jean Calas had come when he was summoned to help his friends.

¹⁵Frederic Herbert Maugham, The Case of Jean Calas (London: Heinemann, 1928), p. 18-19.

¹⁶Cazing was released that same night.

happened stating that they had wanted to safeguard the honor of the family and to prevent the disgrace of a suicide's burial.¹⁷ During the interrogations that followed on October 19th, November 8th and November 18th the story of the accused remained the same. M. Beaudrigue persisted in trying to prove that Jean Calas and his family had murdered Marc-Antoine in order to prevent him from becoming a Catholic.¹⁸

On October 17th the Capitouls approved a monitoire which was "a notice published occasionally in criminal cases calling for testimony on points in need of clarification; those witnesses who withheld information were then subject to Church excommunication and secular prosecution."¹⁹ For the following three Sundays the monitoire was read in the churches of Toulouse.

The body of Marc-Antoine had remained in the torture chamber of the Hôtel de Ville where it was placed on the fateful night of October 13, 1761. On November 7, 1761 a motion was made and approved by the Capitouls to bury the body. M. Beaudrigue asked the priest of the parish in which the Calas family lived to have Marc-Antoine buried from the Catholic Church. Since the Capitouls approved this decision, they actually handed down their decision that Marc-Antoine had died a Catholic before the trial was over. Marc-Antoine was buried on November 8th with the pomp and ritual the Church reserved for a martyr which many proclaimed Marc-Antoine to be.²⁰

The case was still under consideration by the Capitouls, and it

¹⁷Laugham, 24.

¹⁸Bien, 15.

¹⁹Ibid.

²⁰Brandes, II, 179.

was not until November 18, 1761 that they reached their decision. There was a division of opinion on what sentence should be handed down. Opinions ranged from acquittal to execution. The final decision by six of the eight judges was to torture Jean Calas in order to obtain a confession and to get him to name his accomplices. But due to a technical error in the proceedings the case was appealed by both the crown and the accused. The Parlement of Toulouse accepted the appeal, set aside the previous judgment and began a new trial.²¹

The prisoners were moved from the Hôtel de Ville to the Palais Warbonnais for the new trial which was to last eleven weeks. The procedure followed by the Parlement was similar to that used by the Capitouls. No advocate was allowed to appear for the accused, no witnesses were called to be orally examined before the Parlement. The judges were presented with written interrogatoires which were the statements of the witnesses and the prisoners. The accused had the right to confront each witness to question his accuser. The role of the advocate then was nothing like that of the modern day lawyer. It was his main function to prepare and have printed memoirs favorable to the accused.²² In addition to this the accused had no right to request witnesses in their favor but at times if the judges were so disposed they could call such witnesses.²³

The evidence examined by the Parlement was much the same as that heard by the Capitouls. The accusations were, however, more numerous and more unbelievable. One testimony stated that the wife of a house

²¹Maugham, 47-48.

²²M. Sudre, the Calas lawyer, published three memoirs in favor of the Calas family—Memoire pour le Sieur Jean Calas, négociant de cette Ville etc. Toulouse, chez J. Rayet; Suite pour les Sieurs et Demoiselle Calas; Réflexions pour les Sieurs et Demoiselle Calas. Maugham, 90.

²³Maugham, 88-90.

painter had gone to the Calas shop to buy some material, and she had heard either M. or Mme. Calas say to Marc-Antoine, "You will have no other executioner but me." After hearing all the witnesses and a final examination of Jean Calas, the trial was at an end. There had been a total of one hundred and fifty witnesses, none of which had agreed on any of the details of the crime.²⁴

If the judges would have examined any of the evidence given in favor of the Calas family, they would have found that an old man of sixty-three could not unassisted strangle a young man of twenty-nine. Also, they could not have found any signs of struggle at the scene of the crime. If Marc-Antoine had decided on joining the Catholic church as was thought, surely there would have been some religious articles found among his possessions. In fact, there was not a thorough search or examination made of the premises of the Calas house.²⁵

On March 9, 1762 a judgment was handed down by the thirteen judges of the Tournelle. It was their decision that only Jean Calas would be sentenced in the hope that he would confess, thereby implicating the rest of the accused. The sentence handed down by a vote of eight to five was as follows:

(1) that Jean Calas should be submitted to the Question, ordinary and extraordinary, "to drag out of him the confession of his crime, accomplices and circumstances"; (2) that being clad in a shirt, head and feet bare, he should be conveyed in a cart from the prison to the Cathedral and that there before the principal entrance he should kneel down, "holding in his hands a lighted yellow wax candle weighing two pounds", and, submitting himself to the public hangman, "there make l'amende honorable and ask pardon of God and the King and the Law for his misdeeds"; (3) that, when he had got back into the cart, the public hangman should take him to the Place Saint-Georges where, on a scaffold, "he will break his

²⁴Nixon, 90-93.

²⁵Maugham, 158; Gay, Voltaire's Politics, 277; Brandes, II, 204-205.

arms, legs, thighs and loins"; (4) that he should then lay him on a wheel with his face to the sky "to live in pain and repentance of his crimes and misdeeds, to serve as an example and terrorize wicked men as long as it pleases God to allow him life."²⁶

On March 10, 1762 This sentence was carried out. Jean Calas was submitted to both the question ordinaire and the question extraordinaire.²⁷ After the experiences in the torture chamber, he was transported to the place of execution, the Place Saint-Georges, where he was bound to a wooded cross, and the executioner broke each of his limbs in two places which resulted in a total of eleven blows. He lay there stretched on a wheel for two hours, but he did not die. Even at this point he still declared his innocence. Finally, the executioner ended the torture by putting him to death by strangulation. His body was then bound to a stake and burned.²⁸

Although Jean Calas was dead, the case was far from complete. The judges were certain that such torture as was inflicted on Jean Calas would produce a confession of guilt and the names of his accomplices. But this was not the case. After much deliberation the judges decided on the sentence for the four remaining prisoners. Pierre was to be banished for life, Mme. Calas and Gaubert Lavaysse were dismissed because of lack of evidence and Jeannette Viguière was acquitted.²⁹

Pierre was not in fact banished but taken to a Dominican monastery

²⁶Nixon, 94-95.

²⁷The question ordinaire was inflicted to obtain a confession while the question extraordinaire was administered to obtain the names of the accomplices of the accused. The forced drinking of water and the Spanish shoe by which the leg of the victim was secured between two boards screwed together after which wedges were driven between them were two of the forms of torture. The amount of water or the number of wedges depended on whether the torture was ordinaire or extraordinaire. The former usually provided that the body be stretched until all the body limbs were dislocated. Brandes, II, 183; Parton, II, 365-366.

²⁸Parton, II, 365-367.

²⁹Nixon, 110.

where he was confined. Mme. Calas and Jeannette joined the Calas daughters in Montauban. Shortly thereafter Nanette and Rosine were arrested and conveyed to two separate convents to be protected from the world.³⁰

The Calas case had reached its conclusion in Toulouse, but in Geneva new developments were beginning to take place. Dominique Audibert, a merchant from Marseilles, was the first to tell Voltaire of the fate of Jean Calas. M. Audibert had been in Toulouse a few days after the death of Calas and had come directly to Geneva from there. Voltaire, being concerned with the matter, wrote to d'Argental:

Mes, anges, je n'abandonnerai cette affaire qu'en mourant. J'ai vu, et j'ai essuyé des injustices pendant soixante années; je veux me donner le plaisir de confondre celle-ci.³¹

From what Audibert had told him and from other references he had heard of the Calas case, Voltaire was unsure of whether Jean Calas was innocent or guilty of the crime he had been charged with and executed for, but he was convinced that the truth must be known. To Voltaire, Calas' guilt or innocence was not as important as was the fact that there had been a miscarriage of justice (in his opinion). He had a distrust of the French courts which led him to believe that their form of justice was far from satisfactory.³²

Voltaire launched headlong into his campaign by writing to his friends in order to get the real truth of what had happened and to gain support for his cause. He wrote to the Cardinal de Bernis, who had formerly been the Minister of Foreign Affairs, asking his opinion. His reply indicated that there was still doubt about what had transpired.

³⁰Ibid., 111-113.

³¹Correspondence, XLIX, 112-113.

³²Brandes, II, 86.

He wrote to others of his friends including Charles Augustin Ferial, comte d'Argental, Jean Le Rond d'Alembert and Etienne Noel Damilaville to obtain their help in his crusade.³³

Voltaire did not let his enthusiasm lead him astray. He proceeded carefully but with firm determination. Voltaire remained unsure until he met Donat Calas, the youngest son of Jean Calas, who had fled France because of his fear of persecution. When Donat arrived in Geneva, Voltaire went to his home there, Les Délices, and met the boy. After talking with him and questioning him for weeks Voltaire finally became convinced of the innocence of Jean Calas.³⁴

As Voltaire became more aware of the happenings that transpired at Toulouse, he was more cognizant of the task that lay before him. In learning of the events that had transpired at Toulouse, Voltaire felt that an unjust act had been committed and that all of France should know about it.

To obtain a formal investigation of the case, the Chancellor of France, the Count of Saint-Florentin had to be convinced. Voltaire prevailed on his friends to influence M. Saint-Florentin. These friends ranged from the Duc de Richelieu to Mme. de Pompadour.³⁵

Voltaire convinced Mme. Calas to go to Paris where his friends could help her. He secured for her as lawyers Elie de Beaumont and Mariette.

It was during this time that Voltaire was beginning to reach the public with his pen with such writings as the Pièces Originales Concernant la Mort des Sieurs Calas, et le Jugement Rendu à Toulouse and the Histoire d'Elizabeth Canning et de Jean Calas. It was through the

³³Correspondence, XLIX, 112-113, 156, 170.

³⁴Nixon, 133.

³⁵Brandes, II, 192.

efforts of his pen that the Calas case became known throughout France. This would only indirectly help him achieve his next step which was to acquire a decree for a new trial of the case and to obtain the documents of the trial.³⁶

In the nine months Voltaire had labored, his efforts had not been in vain, but his achievements seemed to him insufficient. Pierre had escaped from the monastery where he had been confined and both Nanette and Rosine were released and restored to their mother.³⁷

On May 7, 1763 Voltaire learned that the Council of Paris had ordered that the Parlement of Toulouse send the proceedings of the trial.³⁸ Voltaire had at last attained one goal in his effort to correct the unjust act that fanaticism had fostered and French jurisprudence had nurtured.

It took the Parlement of Toulouse until August, 1763 to get the necessary documents to Paris, and it was not until June 4, 1764 that the King's Council declared the judgments that sentenced three of the Calas family to torture, that condemned Jean Calas to be broken on the wheel and that exiled Pierre Calas and acquitted Jeannette Viguière and Gaubert Lavaysse to be annuled. Now the Court of Petitions³⁹ which was under the immediate authority of the king would pass a final judgment on the case.⁴⁰

³⁶Hall, 426.

³⁷Ibid., 427.

³⁸Brandes, II, 196-197.

³⁹The official title of the Court of Petitions is Les Sieurs Maitres des Requetes de l'Hôtel du Souverain. The Court of Petitions was under the Great Council and acted on petitions in which the monarch decided he would intervene. Nixon, 170.

⁴⁰Nixon, 188.

When the new trial before the Court of Petitions began, things were quite different from what they had been at the previous trials. M. Dupleix de Bacquencourt was the rapporteur of the Court of Petitions. The judges were men of high standing in Paris legal circles, and, above all, public opinion was favorable to the cause of the Calas family. At this trial it would finally be possible for the Calas family to present their side of the story as to the happenings on the night of October 13, 1761.⁴¹ The evidence in favor of the Calas family was incorporated into new mémoires which were presented to the court. For the first time the evidence would receive full and proper attention.⁴²

Finally the trial was completed. The evidence had been presented and the judges had reached their decision. The decision had required six four-hour meetings for the forty tribunals to reach their decision. On March 9, 1765, exactly three years after the death of Jean Calas, the final verdict was delivered. The judgment was as follows:

Les Maîtres des Requêtes, ordinaires de l'Hôtel du Roi, sovereign judges in this affair, all the quarters being assembled . . . have dismissed and acquitted Anne-Rose Cabibel (Madame Calas), Jean-Pierre Calas, Alexandre-François Gaulbert Lavaysse and Jeanne Viguière of the accusation brought against them, order that their goal-entries be expunged and cancelled in all those registers where they are found and inscribed, etc. Equally exculpated of the accusation brought against him is the memory of Jean Calas, it being ordered that his goal-entry be expunged and cancelled, etc. To carry out which order all clerks, concierges and goalers should be constrained even physically; likewise to inscribe the present judgment in Par le Roi en son Conseil.

Signed Le Begue.⁴³

Voltaire could at last look with satisfaction on his accomplished-

⁴¹Ibid., 188-189.

⁴²Ibid., 189.

⁴³Ibid., 193.

ment. He expressed it in a letter to the d'Argentals:

Divins anges, la protection que vous avez donnée aux Calas n'a pas été inutile. Vous avez goûté une joie bien pure en voyant le succès de vos bontés. Un petit Calas était avec moi quand je reçus votre lettre, et celle de mad^e Calas, et celle d'Elie, et tant d'autres; nous versions des larmes d'attendrissement le petit Calas et moi. Mes vieux yeux en fournissaient autant que les siens; nous étouffions, mes chers anges. C'est pourtant la philosophie toute seule que a remporté cette victoire. Quand pourratt-elle écraser toutes les têtes de l'hydre du fanatisme?⁴⁴

Voltaire's efforts in behalf of the Calas family were one of the reasons that justice prevailed. Voltaire had spent considerable sums of money in behalf of the Calas family. He supported them after the death of Jean Calas, and he paid the legal costs involved in the case. He also used his time and his influence to obtain the restitution of the family. These small things show some of the efforts that were expended by Voltaire in behalf of the Calas family.

In defending and finally clearing the Calas family Voltaire had become a symbol to all those who had been unjustly treated or were the victims of fanaticism. Besides the Calas case those of Sirven and La Barre are the best-known examples of Voltaire's efforts in behalf of the cause of justice.

2

The accusations in the Sirven case were quite similar to those of the Calas case. Pierre Paul Sirven, a professional feudiste (a person versed in feudal tenures) was a well-known, honest and honorable person. M. Sirven, his wife, Toinette Léger, and their three daughters—Marianne, Elizabeth and Jeanne— all resided in the town of Castres

⁴⁴Correspondence, LVII, 206-207.

in Languedoc which was about thirty-five miles from Toulouse.⁴⁵

On March 7, 1760 Elizabeth, the youngest daughter, disappeared from her home. Her parents searched for her, but their efforts were in vain. At 6:30 p. m. that same evening M. Sirven was summoned by Monseigneur de Barral, Bishop of Castres. Elizabeth had expressed her desire to become a Catholic and the bishop had taken the prerogative to place her in a convent under the care of the Black Ladies which was an order of nuns under the supervision of the Jesuits. Elizabeth had been swayed in her decision by the religious zeal of the sister of the Bishop of Castres. M. Sirven expressed surprise at his daughter's decision as she had never mentioned to him her desire to change her religion, but he also knew that he had no right to oppose the decision so he wished her happiness in her new faith.⁴⁶

Elizabeth remained at the convent for seven months. Upon her arrival at the convent the superior, Dame Marguerite de La Chaise, stated that Elizabeth appeared to be deranged and at times showed traits of imbecility. During the time she was at the convent she received beatings that were for the good of her soul but which seemed to make her mental condition worse.⁴⁷

When Elizabeth returned home, M. Sirven was upset over the physical and mental condition of his daughter. Her body showed marks of the beatings she had received, and her mind was not as clear as it had been before she left. M. Sirven complained to the Bishop, but he only suc-

⁴⁵Elie Galland, L'affaire Sirven Étude Historique d'après les Documents Originaux (Mazamet: n. d.), p. 29.

⁴⁶Ibid., 31-32.

⁴⁷Ibid., 35.

ceeded in making the ecclesiastical authorities more observant of him in his treatment of his daughter in relation to her supposed Catholicity.⁴⁸

In July, 1761 M. Sirven and his family moved to St. Abby, a village about fifty miles from Castres.

On December 16th M. Sirven, after spending the night at the chateau of M. and Mme. d'Esperandieu (Sirven's employers), was informed that his daughter Elizabeth had disappeared again. After several days of futile searching, the effort was abandoned. M. Sirven proposed that she had probably gone back to the convent. On January 3, 1762 the body was found in a well near the Sirven home. Again away from home on business, M. Sirven was summoned to return.⁴⁹

It appeared that death had been caused by an accidental fall into the well or by suicide due to mental derangement.⁵⁰ During the process of the preliminary investigations (January 6th to 10th) forty-five witnesses from the village were questioned, each of which testified in favor of the Sirven family. Then a suspicion was voiced which accused the Sirven family of murdering their daughter so that she could not become a Catholic. Once the statement had been made, others came forward to give similar testimony.⁵¹

The Procureur, Pierre-André Trinqué, had not been satisfied with the fact that Elizabeth's death was either accidental or suicidal. He had only recently heard of the Calas case in Toulouse and had become aware of its reverberations. Trinqué wanted to establish a case against Sirven. He chose only to consider damaging evidence. Witnesses were

⁴⁸Hall, 447.

⁴⁹Galland, 115.

⁵⁰Ibid., 115-119.

⁵¹Brandes, II, 211.

chosen so that none were called who could testify to the validity of Sirven's whereabouts on the evening when Elizabeth died nor any which would testify to the quiet that prevailed in the Sirven home on the evening when Elizabeth disappeared. Witnesses that were in the Sirven home on the night of Elizabeth's disappearance testified that they had heard only one person leave the house on that evening. M. Sirven had been at the chateau of M. d'esperandieu.⁵²

Trinqué attempted to obtain a warrant for Sirven's arrest but Pierre-Joseph Landes, the judge of Mazamet, would not consent to issue one. It was not until Landes heard that Sirven's avocat, Jalabert, had been accused of offering money to the physicians who had examined Elizabeth's body in order to know what their decision had been that he reconsidered. On January 19, 1762 a warrant for Sirven's arrest was issued by Landes.⁵³

At first Sirven thought that his innocence would save him, but after the order for his arrest and that of his family he fled from St. Abby to Geneva, Switzerland. In order not to be recognized the family fled separately. The mother and two daughters met at Nîmes and from there crossed the Rouergue mountains together. They arrived in Lausanne in June, three months after M. Sirven's arrival.⁵⁴

Jalabert, Sirven's lawyer, found the circumstances that grew from the case to be more than he had anticipated. He was criticized for his offer of money to the physicians. Landes also criticized him, a Catholic, for defending an individual whose principles were the opposite of those

⁵²Brandes, II, 211.

⁵³Galland, 96, 131.

⁵⁴Brandes, II, 212-213.

of his own faith.⁵⁵ Without any regard for the circumstances of the case the provincial court issued three monitoires against the Sirven family.

Besides Jalabert's offer of money to the physicians, which indicated to the judges that Sirven was guilty, there were also two other pieces of evidence. When the physicians had first issued their report, no cause of death was given. Not until they were asked did they state that Elizabeth had been strangled before she had been thrown into the well. The examining physicians came to this conclusion because they found no water in her stomach or intestinal tract. With the resumption of the hearing on medical evidence on February 18, 1763, professors from the Faculty of Medicine at Montpellier pointed to errors in this evidence. To the contrary the evidence of no water in her body proved that she had drowned because drowning is actually caused by suffocation.⁵⁶

The other piece of damaging evidence concerned the disappearance of Elizabeth's body. On the night of January 5, 1762 the body was removed from the city hall where it had been placed after its removal from the well. Sirven, who at the time was at Monredon at the chateau of d'Aiguelforde, which was three and a half kilometers from St. Abby, was accused of removing the body. First of all, it would have been difficult for him to get from Monredon to St. Abby, remove the body and hide it, and then return to the chateau unnoticed. Secondly, he had no apparent cause to take the body. Elizabeth was to be buried in a few days, and Sirven had already given his consent to a Catholic burial.⁵⁷

⁵⁵Ibid., 213.

⁵⁶Galland, 208-210.

⁵⁷Ibid., 159-161.

These three pieces of information constituted the evidence against the Sirven family. As was the case with the Calas family, only evidence against the defendants was allowed to be heard at the trial. It was not until February, 1763 that the trial was concluded, and it was another year before the final verdict was reached.⁵⁸

On March 29, 1764 M. and Mme. Sirven were condemned to be hanged and their daughters to be banished for life. On September 11, 1764 the sentence of the tribunal of Mazamet was carried out in effigy, necessitated by the flight of the members of the Sirven family.⁵⁹

It took Voltaire nine years to clear the Sirven family. Voltaire hesitated in publicly defending the Sirvens until he had cleared Calas because he was afraid the two cases would hurt each other. In his efforts in behalf of Sirven Voltaire faced more formidable barriers than he did with the Calas case.

Voltaire began his efforts with his unceasing energy. In his efforts to obtain copies of the proceedings of the Sirven trial, he succeeded in getting only those from the court at Mazamet where Sirven was originally tried. However, the Parlement of Toulouse, which had delegated the lower court to carry out its sentence, refused to give the necessary documents to Voltaire. It took Voltaire two years to obtain the proceedings from Toulouse.

Delay in the Sirven case was partially due to Élie de Beaumont, the lawyer which Voltaire retained in behalf of the Sirvens. Since the public was no longer aroused and there was no real personal glory for him, Beaumont did not see the necessity of expediting the petition to

⁵⁸Brandes, II, 214.

⁵⁹Galland, 237.

send to the court. Not until January, 1766 did he complete it.⁶⁰ The following month witnessed the trial of the Chevalier de La Barre⁶¹ which caused another delay in the Sirven case and which led to the question of the successful conclusion of the Sirven case.

It was another year before the memorandum was completed and presented to the Conseil du Roi which alone had the right to annul a decision of one of the Parlements. Just as the case seemed to be nearing completion, there was an unfortunate occurrence. The memorandum recommended that the case be transferred to another court because Voltaire and Élie de Beaumont both felt the Sirvens could not receive a fair trial in the Parlement of Toulouse. Afraid of the precedent that this might establish by transferring the case to another court and fearing the excitement that would be aroused in the other Parlements, the Conseil voted the petition down. Five years of effort had accomplished nothing.⁶²

A period of apparent inactivity on the part of Voltaire followed. Voltaire attempted to clear Sirven without returning Sirven to Languedoc. However, Sirven was sent to Languedoc so that he could be tried and a new judgment given. In order to insure Sirven protection, Voltaire found a member of the Parlement of Toulouse who was willing to protect Sirven. It was up to Sirven now to go to Mazamet and give himself up. Departing from Switzerland and gathering materials in southern France for his defense, Sirven surrendered himself at Mazamet on August 31, 1769.⁶³

On September 2, 1769 the new trial was begun. Witnesses were called,

⁶⁰Brandes, II, 216-218; Galland, 274-275.

⁶¹See below p. 44-46.

⁶²Galland, 351-353.

⁶³Ibid., 375-380.

but Sirven was able to maintain himself and to challenge the invalid statements of the witnesses. The court dismissed the charges against him and restored his property. On November 16th the tribunal of Mazamet handed down its decision:

Par notre présente sentence et avis, et suivant icelui, avons mis les parties hors d'instance et ordonne que ledit Sirven, accusé, sera élargi des prisons où il est détenu, à quoi faire le geôlier contraint par corps, et moyennant ce, valablement déchargé; ce faisant, avons donné audit Sirven main levée des biens meubles et immeubles a lui saisis et annotés, à la remise desquels tous sequestres et dépositaires seront contraints par les voies de droit et par corps, quoi faisant ils en seront et demeureront valablement déchargés, préalablement payés de leurs soins, peines et vacations; à la somme de 224 livres 10 sols 6 deniers, tour autres dépens demeurant compensés.⁶⁴

The Sirven case had reached its conclusion. The reversal was also confirmed by the Parlement of Toulouse who ruled that the final judges had to pay all the costs of the criminal process.

Even with the completion of the Sirven case, Voltaire still had no peace. During the course of the Sirven case, an incident took place which was to greatly affect Voltaire, in some respects even more than the injustice imputed against Calas and Sirven.

⁶⁴Ibid., 406.

On August 8, 1765 in Abbeville, a small town in northern France in the generality of Amiens, a crucifix which stood on the Pont-Neuf over the Somme was mutilated. On the same evening a crucifix in the Saint-Catherine cemetery was defaced. These acts caused an uproar among the inhabitants of Abbeville, causing the local clergy and the civil authorities to ask Louis de la Motte, the Bishop of Amiens, to come to Abbeville. He helped to keep the multitude aroused by arranging a solemn procession which brought the decemated crucifix to the principal church in the town. Large crowds gathered to adore the cross and to implore forgiveness for what had occurred. Religious fervor had been aroused to a high pitch.⁶⁵

A monitoire was read in the churches of Abbeville calling for witnesses to come forward and give any evidence which they might have about the crime which had been committed. A total of seventy-seven witnesses came forward. Duval, one of the witnesses and a local magistrate, accused Jean François Lefevbre, Chevalier de La Barre of having committed the "sacrilege".⁶⁶

La Barre had come to Abbeville at the request of his aunt, the abbess of Willoncourt. La Barre's father had been a lieutenant general who had squandered his money and left his son nothing. La Barre wished to obtain a cavalry commission, and the abbess promised to use her influence to help him get it.⁶⁷

⁶⁵Brandes, II, 221.

⁶⁶Parton, II, 395.

⁶⁷Ibid.

Duval, who had a personal interest in the abbess, did not like La Barre because he treated him as an inferior. Duval, by inquiring about La Barre, learned that he and two of his friends, Gaillard d'Etallonde and Charles-François-Marcel Moisel, had passed a religious procession without removing their hats or kneeling. The three were also credited with singing ribald songs and of reciting loose poetry.⁶⁸

Because of the accusations which had been brought forth, an investigation was conducted by the magistrates of Abbeville. D'Etallonde fled because of his fear of what could happen when the populace was so aroused. He escaped to Prussia where he enlisted in Frederick's army. Moisel was a young boy between fifteen and eighteen who, induced with a little persuasion and possessed by fear, confessed to everything that was asked of him.⁶⁹ He not only implicated himself but also his two friends. He accused d'Etallonde of profaning the two crucifixes and La Barre of singing obscene songs and reading such books as Voltaire's Lettres Philosophiques and the poem Entre à Uranie.⁷⁰

La Barre, himself, went to a small village between Montreuil and Boulogne where he stayed with friends until he could determine how the investigation would be decided. On September 26th a decree was issued against La Barre, Moisel and d'Etallonde. Aliamet de Métigny was chosen to present La Barre's defense since he had been indited. La Barre, after his return to Abbeville, was first questioned by Duval on October 2, 1765. La Barre admitted that he had passed the procession

⁶⁸Ibid., II, 395-397.

⁶⁹Marc Chassaigne, Le Procès du Chevalier de La Barre (Paris: Librairie Victor Lecoffre, 1920), p. 81.

⁷⁰Brandes, II, 223.

without removing his hat, that he could possibly have profaned the Virgin Mary while he was drunk, that he had sung the obscene songs and that he had jokingly knelt before some godless books on his bookshelf. Of these things he admitted his guilt but to nothing more.⁷¹

After questioning Moinsel and obtaining a confession from him, a pronouncement was issued on October 8th. The crimes of which La Barre was accused in court were:

Wickedly, and from impiety, passing with deliberate steps before the holy sacrament without taking off the hat or kneeling; uttering blasphemies against God, the holy eucharist, the holy virgin, the religion and commandments of God and of the church; singing two songs filled with execrable and abominable blasphemies against God, the holy eucharist, the holy virgin, and the saints, male and female; rendering marks of adoration and respect to infamous books; profaning the sign of the cross, the mystery of the consecration of the wine, and the benedictions in use in the churches and among Christians.⁷²

For these crimes La Barre and d'Etallonde (in absentia) were sentenced to torture both ordinaire and extraordinaire to try to obtain a confession. They were to have their tongues pulled out, to have their right hands cut off and to be burned to death by a slow fire. La Barre was to be allowed to have his head cut off before his body was to be burned.⁷³

The sentence was deemed as much too harsh. An appeal was made, and La Barre was taken to Paris where his case was to appear before the Parlement of Paris. La Barre believed he was fortunate in that a relative of his, Louis François de Paule Le Fèvre d'Ormesson, was the president of the Parlement. The opposite proved to be the case because d'Ormesson, under ecclesiastical duress, attempted to prevent the repeal

⁷¹Chassaigne, 83-93.

⁷²Parton, II, 397-398.

⁷³Ibid., II, 398.

of the sentence and to prevent the case from having any publicity which might have helped La Barre's cause.⁷⁴ La Barre was not, however, without friends in the case. Pellot, the assessor, requested dismissal of the case due to the lack of evidence and the nature of the crime which was viewed by some as no crime at all. Others, like Pasquier, the councillor of the Parlement, wanted to make an example of La Barre and to strike at Voltaire, who in his opinion was the real cause for the incident because it was his writings that influenced this godlessness. Guillaume Joly de Fleury, the attorney-general, was also against the confirmation of the sentence, but on June 4, 1766 it was confirmed by a vote of fifteen to ten. The signing of the sentence was delayed for six days in the hope that Louis XV would issue a pardon. The effort proved to be of no avail.⁷⁵

La Barre was taken back to Abbeville from Paris. There was some hope until the last that Louis XV would sign the pardon, but the act never took place.⁷⁶

La Barre's confessor, Père Boxquet, stated that La Barre held up well under the strain of his last days at Abbeville. He was said to be in good spirits even, in fact, to joke about the whole thing with his confessor and with the executioner. La Barre was submitted to both the ordinaire and extraordinaire torture to obtain a confession before his head was cut off. Up to the last he remained firm in his profession of innocence in the mutilation of the two crucifixes. The body, together with some of La Barre's books such as the Dictionnaire Philosophique,

⁷⁴Chassaigne, 105-115.

⁷⁵Ibid., 162-166.

⁷⁶Ibid., 191-195.

were burned to ashes. Thus on July 1, 1766 the Chevalier de La Barre became one of the victims of l'infame.⁷⁷

Voltaire could not become the defender of La Barre as easily as he had defended Calas and Sirven because in this case Voltaire was involved. His books had been found in La Barre's room, and his books had been burned as blasphemous. In fact Voltaire feared for his own safety so much that, on July 14, 1766, he made a journey to Rolle in Vaud where he was inaccessible to the French authorities.

Although La Barre was beyond being saved, Voltaire still tried to undo some of the injustice that had been committed by the laws and the people of France. Voltaire's first recourse was his pen by which he produced, in 1768, the Relation de la Mort du Chevalier de La Barre. The object of Voltaire's efforts was to get a reversal of the judgment that had been handed down.⁷⁹

Although La Barre could no longer be helped, d'Etallonde was still alive and in need of help. Voltaire requested from Frederick II a commission in his army for d'Etallonde. Voltaire labored for many years to achieve the restoration of d'Etallonde's property and inheritance for him, but he was unable to achieve this end. D'Etallonde spent the rest of his life in Prussia as a subject of the Prussian king.⁸⁰

⁷⁷Parton, II, 398-399.

⁷⁸Brandes, II, 233 says that although the pamphlet is dated July 15, 1766 it was not actually written until 1768.

⁷⁹Hall, 459-460.

⁸⁰Parton, II, 402-403.

CHAPTER III

Voltaire in his role as the defender of justice made liberal use of his pen which was to him his most effective weapon. It is the purpose of this chapter to show how Voltaire wielded his pen in the effort of justice, particularly in relation to the Calas, Sirven and La Barre cases. The chapter will contain a discussion of selected writings of Voltaire on these three cases and an examination of his ideas of injustice as exemplified in these writings.

1

In defending Jean Calas, Voltaire wrote three essays which dealt directly with the case. In 1762 the Pièces Originales Concernant la Mort des Sieurs Calas, et le Jugement Rendu à Toulouse appeared in print. The Pièces Originales consisted of four separate parts—a letter from Mme. Calas, a letter from Donat Calas to his mother, a memorial by Donat Calas in behalf of his mother and his brother, and a declaration by Pierre Calas. Voltaire wrote these essays in the names of Mme. Calas, Donat and Pierre as a means of inducing public opinion in their favor. Mme. Calas, in the letter attributed to her, describes the events of the fateful evening of October 13, 1761 when Marc-Antoine Calas took his life. The letter of Donat Calas to his mother describes the events of the Calas case, but he goes on to reassure and to encourage his mother in her efforts to clear the name of Jean Calas. The memorial of Donat Calas also covers the events of the Calas case, giving the same explana-

tions but only in more detail. Pierre's declaration once more relates the same story with only a slightly different slant.

The letter attributed to Donat Calas is touching, but it also has an aura of wisdom in what it says. He points out how ridiculous the execution of his father was. What proof was found—the vague evidence presented by the prosecution, the use of hearsay testimony—to provide conclusive evidence? Was this evidence to condemn a man to death for a crime that would physically have been highly improbable for him to commit even with help? In order to gain sympathy, he appeals to the goodness of man by not condemning anyone including the judges of Toulouse. The judges had not knowingly done wrong but had made an error as men are wont to do. Justice is even described as the basis of Louis XV's government. His attitude throughout is one of optimism and sentimentality.

Persist then, my dear mother, in your undertaking. Never regard our property. We are five children without bread; but we have honour; and we prefer it as you do, to life. I throw myself at your feet. I bathe them with my tears. And I implore your blessing with a respect which is heightened by your miseries.¹

Voltaire's guise as the author of the Pièces Originales was rather thin. Voltaire wanted to prepare the way for the reexamination of the Calas' evidence by swaying public opinion in the Calas' favor. These four essays are an illustration of Voltaire's propagandistic method by which he hoped to arouse public support by emphasizing certain points. Pathos is evident in the style that prevails. There is a definite attempt to create sympathy for the protagonists of the case.

¹François Marie Arouet de Voltaire, Original Pieces in A Treatise on Toleration; Memorials, Letters, etc. Relating to Persecution; and particularly to the Cases of Calas and Sirven, translated from the French by Rev. David Williams (London: Printed for Fielding and Walker, 1799), p. 154; hereafter cited as Original Pieces.

The memorial attributed to Donat Calas deals primarily with religion, attempting to show how to overcome any existing prejudices against religion. Donat appeals to the Catholic majority by presenting his Protestant religion as a modest and subservient religion. The religious quality of the essay is reflected in the attention given to God and Christianity. The servant Jeannette was a good Catholic, Jean Calas implored God to bear witness to his innocence, Mme. Calas was a good virtuous woman. The essay also contains attempts to create sympathy for the Calas family. Voltaire points out discrepancies in the proceedings of the case against the Calas family. Why was Pierre banished if he was innocent? Why not banish him if he is guilty? In his praise of Louis XV and of France Donat appears as a good Frenchman by appealing to French chauvinism.

Perhaps most distinctive is the tone of submissiveness given to Donat. He says early in the essay that "my opinion may be erroneous but my intentions are not criminal."² Near the end he again speaks out in what is almost a cry—"Alone as in a desert, without council, without support, without consolation . . ."³ Voltaire's purpose in writing the Pièces Originales, as has already been pointed out, is twofold in actuality, but since the reasons are so closely interrelated the purposes become one. He wanted to tell the French people about Jean Calas and his fate but in such a way that what he wrote became propaganda intended to arouse public support and spread certain ideas on particular points of the case and the problem in general.

In the last essay—Déclaration de Pierre Calas—Voltaire makes the principal point of his four essays in the closing paragraph. Fanaticism,

²Ibid., 167.

³Ibid.

not the condemnation of Jean Calas, should be feared. Prejudice was the main witness against the Calas family because the council only carried out the will of the people which could be heard in the cries that came from the streets. This case should be brought to the attention of Frenchmen and of mankind in order to illustrate to what end fanaticism can be carried.⁴

The Pièces Originales were sent to the authorities and to influential private persons, but they never reached the general public. In order to do this Voltaire wrote the Histoire d'Elizabeth Canning et de Jean Calas in 1763.

Voltaire's account of Elizabeth Canning serves two purposes: to tell the story of Jean Calas in a particular light and to point out that English law is much more humane and sensible than French law. In 1753 an English woman, Elizabeth Canning, disappeared from her home for a month. On her return she was thin and her clothes were in rags. She told her aunt that she had been kidnapped and taken to a house of prostitution where she was put on a bread and water diet in order to get her to submit to becoming a prostitute. Even under duress she was able to maintain her chastity and finally to escape. Mr. Adamson, a friend of the family, lodged a complaint with the sheriff.

A statement was taken from a servant of Mrs. Webb, the owner of the house of prostitution. It was a statement of fear, not of truth. A trial was held and nine persons were convicted and sentenced to be executed.

Due to the fact that trials were public in England, a philosopher

⁴Ibid., 174-175.

named Ramsay⁵ read of the case and published a pamphlet showing how ridiculous the whole thing was. A prostitute would not be starved but made more desirable for the persons who wished her services. He also said that she had never been at Mrs. Webb's house but had merely agreed with what her aunt had said. Mr. Adamson had become carried away in his zeal and was not to be blamed for bringing forth a false charge. Because of this pamphlet, there was a reexamination of the case. It was discovered that Elizabeth Canning had been lying and that she had gone away to have a child. The nine convicted persons were released.⁶

The more sober tale of Jean Calas followed the story of Elizabeth Canning. Instead of going into the facts of the Calas case, Voltaire concentrated on the absurdities of the case. It is stated that Marc-Antoine, although a Protestant with no visible desire of changing his religion, was buried as a Catholic martyr. Fanaticism had played a part in this decision just as it did in determining the direction of the case. It was not until the day of the execution that the effects of the fanaticism began to disappear. Along the route to the place of execution, people could be seen shedding tears. Even Father Bourges and Father Culdagues, who had been assigned to assist Jean Calas in his last moments, had nothing but praise for the way he died. The two priests even went

⁵There was in actuality no such person as Ramsay involved in the case. Voltaire made adaptations necessary for his needs. The reference probably refers to Sir Crisp Gascoyne, the Lord Mayor, who considered the first trial of Elizabeth Canning a miscarriage of justice and started inquiries into the case. Sir Arthur Machen, The Canning Wonder (London: Chatto & Windus, 1925), p. 16.

⁶François Marie Arouet de Voltaire, The History of Elizabeth Canning, and of John Calas in A Treatise on Toleration; Memorials, Letters, etc. Relating to Persecution; and particularly to the Cases of Calas and Sirven, translated from the French by Rev. David Williams (London: Printed For Fielding and Walker, 1799), p. 176-180; hereafter cited as The History of Elizabeth Canning. In order to make the facts more applicable to his point, Voltaire did not relate the facts of the case exactly as they were. See Gay, Voltaire Politics, 300-301.

so far as to say of him that "it was thus our ancient martyrs died."⁷ Voltaire points out a parallel in what happened to Elizabeth Canning and to Jean Calas by showing that both incidents were equally ridiculous. Because of the period between sentencing and punishing a criminal in England, nine persons were saved from unnecessary death. Had Jean Calas had the benefit of this type of procedure he too might have been saved from an unjust death. Had the facts of the case been made public this too might have helped him. Calas, like those accused of mistreating Elizabeth Canning, was convicted on the basis of public feelings.

In concluding the essay, Voltaire's discussion centers around the charges against Pierre Calas, the other accused persons and the judges of the Parlement of Toulouse. By refusing to give up the minutes of the process the judges, Voltaire observes, have admitted that a mistake has been made. He describes them as feeling sorry for what they have done. In conclusion Voltaire says:

It must be supposed, that the judges have often made these reflections in secret; it would be to their honour to indulge them! and they will be to be pitied, if false shame should stifle them in their hearts.⁸

The third essay which Voltaire wrote in behalf of the Calas family was the Traité sur la Tolérance à l'occasion de la mort de Jean Calas which was published in 1763. The Traité sur la Tolérance begins by relating the facts of the Calas case. Voltaire was not going to miss any opportunity of calling this case to the attention of the public since it was one of his purposes to make the case known to the people of France.

⁷The History of Elizabeth Canning, 185.

⁸Ibid., 188.

After having dispensed with the facts of the case, he developed his case against intolerance by discussing what nations practice toleration. The discussion centers on the theory that the peoples of antiquity were free from the bonds of religious intolerance. He proposed that there was no "restraint upon liberty of thinking" and that

they all acknowledged one Supreme Being though they associated him with an infinite number of inferior deities; in a like manner, though they had but one faith, yet they admitted a multitude of particular systems.⁹

Religious persecution was unknown in ancient Greece or Rome. Intolerance did not exist before the advent of Christianity.

Voltaire also links superstition with Christianity. Superstition is understandable among a people who do not know religion. It was better for the ancient peoples to worship fauns or satyrs or gods than for them not to believe in any kind of diety. After religion has been introduced, superstition should be put aside. "Superstition is to religion what astrology is to astronomy, the foolish daughter of a wise mother."¹⁰ Although the people have become more enlightened, they have not shed their religious superstitions. In fact, they allowed them to grow and expand. At first their superstitions were of a simple kind such as the story of St. Christopher carrying Jesus across the river.¹¹ But with the passing of time more serious superstitions arose. Voltaire says "that of hating our neighbor on account of his opinion is surely the most dangerous."¹² It would be better to believe in such stories

⁹François Marie Arouet de Voltaire, A Treatise on Toleration in The Works of Voltaire, a Contemporary Version; a Critique and biography by John Morely (Edition Sans Souci; Akron, Ohio: Werner, 1905), IV, 162; hereafter cited as A Treatise on Toleration.

¹⁰Ibid., 265.

¹¹Ibid.

¹²Ibid., 268.

as that of St. Christopher than to "detest and persecute our brother."

Voltaire called for a universal Christian toleration as a means of counteracting superstition. Men should be able to look upon one another as brothers and be able to tolerate each other. It should not be necessary to persecute your neighbor because he does not hold the same religious belief nor should one Christian condemn another to damnation because of his religious persuasions. Man should not judge his fellowman but leave the judgment to the will of God.

In concluding the Traité sur la Tolérance Voltaire ends with a prayer:

No longer then do I address myself to men, but to Thee, God of all beings, of all worlds, and of all ages . . . Thou hast not given us hearts to hate, nor hands to kill one another; grant then that we may mutually aid and assist each other to support the burden of this painful and transitory life! May the trifling differences in the garments that cover our frail bodies, in the mode of expressing our insignificant thoughts, in our ridiculous customs and our imperfect laws, in our idle opinions, and in our several conditions and situations, that appear so disproportionate in our eyes, and all are equal in Thine; in a word, may the slight variations that are found amongst the atoms called men not be made use of by us as signals of mutual hatred and persecution.¹³

Besides telling the story of Jean Calas, the Traité sur la Tolérance also becomes a sweeping denunciation of the horrors and cruelties committed in the name of religion in all countries and of all ages. He cites as one example the Irish Catholics who buried Protestants alive and who were known to have made their prisoners kill their fathers, mothers, wives or children so that they would die guilty of parricide.¹⁴ In pointing out some of the cruelties committed in the name of religion Voltaire was not only pleading for the cause of Jean Calas but also for all persecuted people.

¹³Ibid., 277.

¹⁴Ibid., 146.

Since the audience at which Voltaire is directing the Traité sur la Tolérance is mainly a Catholic one, he does not go so far as to directly criticize and insult Catholicism, but his subtle wit does help him to make his point without being too obvious. What he is actually saying is that it is not Christianity which is bad, but it is the organization of the church which has corrupted the original tenets of Christianity. He also implies that religious persecution was a byproduct of Christianity. Religious persecution was unknown in ancient times. Of the Greeks Voltaire says that religion was a uniting force in time of war. Among the Romans "from the days of Romulus to those in which the Christians began to dispute with the priests of the empire we do not find a single instance of any person being persecuted on account of his sentiment."¹⁵ The Romans did not practice all kinds of religions, but they did not interfere with them.

The three essays discussed were not the only ones written by Voltaire in behalf of the Calas family, but they are the most prominent and the best known. The Calas case had not reached its conclusion when Voltaire also undertook the Sirven case. Voltaire's most important essay in connection with the Sirven case was Avis au Public sur les Parcides Imputés aux Calas et aux Sirven written in 1766.

2

The Avis au Public begins in a manner similar to that of the three essays from the Calas case. The facts of the Sirven case are related, and then the similarity between the Calas case and the Sirven case are

¹⁵Ibid., 165.

pointed out.¹⁶

Voltaire examines examples of fanaticism that have troubled the world. Witchcraft has caused many to be condemned to death by ignorant and prejudiced judges. The term witchcraft itself was enough to establish guilt. Unexplained phenomena and events were often attributed to the devil. But when reason began to enlighten men, these superstitions began to disappear until they were totally absent.¹⁷

Although some superstition can be buried by time, fanaticism still prevailed in reasonable France. Men were wont to induce others to their beliefs by means of force and persecution. The horrors that have been committed in the name of religion should not be forgotten but should be cited as examples of what man should not let happen to his fellowman because of his religion. Voltaire says that it is the responsibility of the present age

. . . to make ample amends by candor and toleration, for the long series of crimes which intolerance has occasioned in sixteen centuries of barbarism.¹⁸

Intolerance and fanaticism are not limited to Catholicism but are found in other religions. Put in the same situation, the Protestant sects would react to the Catholics in a similar manner. Voltaire claims that monuments and festivals are what keep up the spirit of fanaticism and intolerance. Without these visible reminders man might forget these horrors. If it is necessary to commemorate actions or people, let those actions be good ones, not such things as the massacre of St. Bartholomew's knight.¹⁹

¹⁶François Marie Arouet de Voltaire, A Caution to the Public, on the Murders Imputed to Calas and to Sirven in A Treatise on Toleration. . . (London, 1779), p. 196-199; hereafter cited as A Caution to the Public.

¹⁷Ibid., 200-204.

¹⁸Ibid., 207.

¹⁹Ibid., 208-210.

Intolerance has strange causes. It may be determined by what color robe a man wears or whether he lives in a city or a suburb. Although such reason seems to carry the case to the point of ridicule, the discord does remain. Religion should unite men, not divide them; it should tolerate, not persecute. Religion should be based on the law that is laid down in the Bible that thy neighbor should be loved as thyself.²⁰

For sixteen hundred years all sects have committed absurdities and horrors against those who were not of the same opinion.

The mad prejudice which makes us think all those culpable who are not of our opinion; the madness of superstition, of persecution, and of the Inquisition, is an epidemic malady, which has prevailed at different times, like a plague.²¹

Voltaire proposes that mutual toleration is the answer to the perverted minds of the world. Example is another means of trying to change from the bad to the good. But perhaps the simplest answer is charity—

. . . charity, the love of mankind; a virtue unknown to hypocrites, to pedants who dispute, to fanatics who persecute.²²

In the Pièces Originales and the Historie d'Elizabeth Canning Voltaire had been subtle and had tried to induce sympathy for his cause besides giving the facts and showing the shortcomings of the French judicial system. In the Traité sur la Tolérance Voltaire had remained subtle in declaiming the Christian church, but in the Avis au Public his criticism was more extreme in the condemnation of fanaticism which overtook man in behalf of his religious beliefs. He said it would be hard to determine the number of persons accused of witchcraft by "ig-

²⁰Ibid., 210-215.

²¹Ibid., 218.

²²Ibid., 223.

norant judges" who condemned them to the flames of death. In speaking of parricide, Voltaire states that it is not natural for parents to kill their own children as the judges proclaimed was a common custom among Protestants when their children desired to change their faith.

In appealing to public opinion Voltaire, in this instance, changed his method from one of niceties as in the Pièces Originales to one of shock. If people could not be awakened to the situation around them by appealing to their better nature, then maybe he could shock them out of their reverie to the deplorable state of circumstances which existed. He himself says that in his representation of religious cruelty he had rendered "the picture more striking and terrible" in the Avis au Public in order to impart "a lesson of greater importance." He also says that he "has been reproached with having gone out of his way to show the folly and detestableness of persecution . . ."23

3

Voltaire, in his efforts to clear the name of the Chevalier de La Barre, wrote the Relation de la Mort du Chevalier de La Barre in 1768. Voltaire's primary objectives were to create sympathy for the protagonist of the case and to criticize the imperfectness of the French judicial system and the French system of justice.

The Relation de la Mort is written in the name of M. Caffén, a barrister to the King's Council. It is dedicated to the Marquis de Beccaria, an Italian criminologist and jurist known for his contribution to penal reform throughout Europe. The essay is constructed as a letter written from Caffén to Beccaria. The fact that the essay is dedicated

²³Ibid., 206.

to Beccaria in itself sets the tone of the essay.

In the first sentence of the essay Voltaire declaims the prevelance of prejudice over reason. Voltaire states the two principles which he intends to emphasize and which are the most relevant to the La Barre case:

1. When a nation is still sufficiently immersed in barbarity to make accused persons suffer the anguish of torture, that is, to make them suffer a thousand deaths instead of one, without knowing if they are innocent or guilty, it is evident at least that this atrocious madness must not be carried on against an accused person when he acknowledges his crime and when there is no more need of any proof.
2. It is as absurd as it is cruel to punish the violations of practices customary in a country, the offences committed against prevalent opinion, and which have brought about no physical harm, with the same torture with which parricides and poisoners are punished.²⁴

If irrationalities as these are allowed free reign in a civilized society, is there any law or any reason? Such conditions lend themselves to tyranny and indicate a condition less than civilized.

Following this statement of principle, he describes the La Barre incident.²⁵ The damaging of a wooden crucifix on a bridge near Abbeville was described as being of central importance to the issue. The Bishop of Amiens issued a monitoire and attached great importance to this incident. Fanaticism had been brought to the foreground by it. As a result of the monitoire, witnesses presented to the authorities what they had seen or heard or believed that they had seen or heard. The instances are listed by Voltaire, telling who gave the information and what they had to say. Elizabeth Laorivel said she had heard her cousin say that he had heard La Barre say that he had not taken off his hat

²⁴François Marie Arouet de Voltaire, Relation de la Mort du Chevalier de La Barre in Oeuvres Complètes de Voltaire (Paris: Dupont, 1824), XXIX, p. 315-316; hereafter cited as Relation de la Mort.

²⁵Ibid., 315-317. For complete details see above, p. 42-46.

during the religious procession. Bauvalet testified that La Barre had used an impious word when he spoke of the Virgin Mary. These are examples of the type of testimony given.²⁶

Voltaire asserts that, without the monitoire and the false accusations of Belleval, that La Barre, M. Moisel, M. d'Etallonde and Jean-François Douvill de Maillefeu would never have been subjected to the public scandal of a trial. The monitoire had the effect of arousing a sense of religious fanaticism in the people of Abbeville just as had happened in Toulouse in regard to the Calas case. The monitoire has the effect of soliciting people to inform whether or not they have any real evidence.²⁷

In speaking of the trial, Voltaire asserts that indecencies and not a crime had been committed by the accused. The words spoken by these young men would not have been criticized in other nations of the world. Is it just to punish one person for an accidental utterance on an equal basis with one who had killed his parents?²⁸

According to Voltaire, blasphemy, which was the offense of which La Barre was accused, was not, according to law, punishable by death, but by fine. In La Barre's case he was not just sentenced to death but his sentence was torture followed by death.²⁹

In his attack on the French judicial system Voltaire says—

The jurisprudence of France is in such a great chaos and consequently the ignorance of the judges is so great that those who handed down this sentence grounded it on a declaration emanated from Louis XIV, in 1682, upon the occasion of supposed sorcery

²⁶Ibid., 317-322.

²⁷Ibid., 322.

²⁸Ibid., 324.

²⁹Ibid., 325.

and real poisonings . . .³⁰

Voltaire accused the judges of Abbeville of sinning against the law and against humanity. The nature of the crime committed would more appropriately have been corrected by a year in prison.³¹

La Barre's case was reviewed by the Parlement of Paris under whose jurisdiction the court of Abbeville fell. But by a vote of fifteen to ten the previous ruling was upheld. In commenting on this ruling, Voltaire suggests that a death penalty should be inflicted only by a unanimous or at least a three-fourths vote.³²

For Voltaire the basis of all criminal codes ought to be as Vauvenargues said: "Ce qui n'offense pas la société n'est pas du ressort de la justice." Voltaire concluded by supporting his original two points:

I unfortunately heard several people say that they were not able to keep from detesting a sect which maintains itself only by executioners. These repeated public speeches made me tremble more than once.

It was desired to have two children accursed of having sung old blasphemous songs perish by a torture reserved to poisoners and parricides, and that itself caused more than a hundred million blasphemies to be uttered. You will not be able to believe, Sir, how much that event makes our Roman Catholic religion execrable to all strangers. The judges say that politics forced them to have recourse to it in that way. What imbecilic and barbarous politics! Sir, what a horrible crime against justice to pronounce a sentence through politics, especially a sentence of death! and moreover of what a death!³³

Like the other essays written in behalf of a cause, the Relation de la Mort was also propaganda to implore and to criticize. Voltaire's style seems to lend itself to language that could extract feeling with

³⁰Ibid., 326.

³¹Ibid., 327.

³²Ibid., 328.

³³Ibid., 331-332.

every statement. When talking of the death of La Barre, Voltaire said that the nuncio in Rome publicly declared that if La Barre had confessed at the Inquisition of Spain or Portugal his sentence would have been only a penance of a few years.³⁴

Voltaire is criticizing several things in this essay. He repeats his protests of fanaticism by striking at the Bishop of Amiens whom he accuses of exciting the populace with the monitoire and the procession which he ordered. Voltaire, in trying to defend La Barre, is trying to show the deplorable state to which the French judicial system had sunk. Voltaire criticized the proceedings that were taken against La Barre. La Barre was arrested in connection with the defacing of the cross, but there was no evidence nor any witness against him on this matter. Instead, the investigation covered his whole life, mainly gathering information that did not have any relationship to the original charge. Voltaire thought that the monitoires were illegal because they were issued by ecclesiastical powers instead of civil magistrates. What also disturbed Voltaire was that La Barre was convicted of acts that should have been punished with a light prison term, not with death. He points out that there is no law which provided death as the penalty for blasphemy. La Barre was accused under a law which did not apply to his case. He was actually convicted under the Ordinance of 1682 which provided the death penalty for sorcery with superstition.

In the essay Voltaire also discusses the issue of justice. Throughout the essay he implies that the actions taken against La Barre were not in the best interests of justice. Was it a just act to arrest La Barre for one thing and then to accuse and convict him of another act,

³⁴Ibid., 329-330.

was it fair to levy such a severe sentence for a minor offense, was the form of death inflicted on La Barre necessary? He finally says that it is a crime against justice to sentence a man because of politics to such a death as La Barre experienced.

In the Relation de la Mort Voltaire does not follow the same general form as he did in the other essays already mentioned. In the previous essays he gave a brief synopsis of the events of the case and developed his argument from that point. But in the Relation de la Mort he interweaves his discourses with the facts of the case, achieving what seems a better balance in the essay. In this way La Barre is always at the reader's attention, not a vague remembrance of a story related before a long discourse on religion, as was true in the Traité sur la Tolérance.

In writing these essays in the defense of Calas, Sirven and La Barre, Voltaire had three main objectives. The first reason, and one that has already been mentioned, was his desire to make the facts of these cases known to the public. Behind this most obvious reason lay two more basic problems—the French legal system and the rage of fanaticism which was prevalent in France. The legal system in many ways was antiquated and unfair. The death penalty for both a minor theft and murder was not a fair judgment. The legal system was based on the Criminal Ordinance of 1670 which classified sins as crimes and which made the criminal a social outcast. Sorcery, blasphemy and heresy were still treated as crimes and punished as such.³⁵ Religion and fanaticism are the dominant themes in these essays. Voltaire had chosen as his major point of attack one of the major problems of eighteenth century France.

³⁵Gay, Voltaire's Politics, 285-286.

The facts of each case are made known through a description of each individual case. Arguments are prefaced with a summary of the facts of the case involved.

Voltaire criticizes the legal system in the Histoire d'Elizabeth Canning and the Relation de la Mort. In the Histoire d'Elizabeth Canning the French legal system is compared to the English legal system and, according to Voltaire, the French system leaves much to be desired. In England there is a public trial, a period before the execution and the necessity of the king signing each death warrant. The French system admits hearsay evidence, uses torture to exhort confessions and inflicts death by horrible means. In the Relation de la Mort Voltaire makes two main points—torture is contrary to the laws of humanity and crimes of unequal severity should not be punished in the same degree.

If these two principles are not proven, there are no longer any laws, there is no longer any reason on earth; men are abandoned to the most capricious tyranny, and their condition is very much below that of the beasts.³⁶

The Chevalier de La Barre was condemned to death for committing a religious impiety, the same as he would have been had he killed another man. La Barre's sentence of death was not just to be shot or hanged or guillotined, but he was to have his tongue pulled out by the roots, his right hand was to be cut off and he was to be chained to a stake to be burned by degrees. This was later changed so that La Barre was decapitated before being thrown to the flames.³⁷ These then were some of the aspects of the legal system that Voltaire campaigned against.

Voltaire's third objective was to attack fanaticism, which was as

³⁶Relation de la Mort, 316.

³⁷Ibid., 325-326.

responsible for the deaths of Calas, Sirven, and La Barre as the legal system was. In the Pièces Originales Voltaire points out that fanaticism should be feared by men because it is the foundation of the problem. Voltaire claims that prejudice was the main witness against Jean Calas, and therefore the main cause of his death. In the Traité sur la Tolérance Voltaire makes the point that if Frenchmen practiced God's second commandment—"Thou shalt love thy neighbor as thyself"—Jean Calas would need not have died. He attributes religious persecution to the Christians saying that the ancient peoples were not guilty of this crime. In the Avis au Public Voltaire deals with the results of fanaticism which at times causes untold cruelties. Crimes were committed in the name of religion in order to induce others to one's particular way of thinking. Superstition is noted as being one of the causes of fanaticism, thereby making it an undesirable element. Voltaire offers as a solution to this problem mutual toleration which he says is found most simply in the concept of charity.

CHAPTER IV

To Voltaire equality and freedom are the basis for justice. Voltaire speaks of two kinds of equality—social and legal. Social equality recognizes the natural or inherent rights, whether they be innate or conferred at birth, which are possessed by all men. Legal equality is equality in the sight of the law which entitles each man to equal legal justice which is equal treatment under equal law and the right to be considered and treated as equal to any other man. Freedom is the right of the individual to determine the course of his own actions, subject to the same restrictions for all. It is the recognition of the right of each individual, within limits, to do what he pleases, when and where he pleases without the constraint of his fellowman.

To Voltaire injustice is just the opposite, inequality and lack of freedom. But it was more than just that. It was superstition and fanaticism which were also causes of injustice. Fanaticism drove men to act outside the realm of reason, making unfair and biased decisions in matters affecting their peers and their subordinates. That superstition is a cause of fanaticism is a point that Voltaire makes over and over. The example that is forever present in his mind was the massacre of St. Bartholomew's Night. If superstition is a cause of fanaticism, it would therefore stand to reason that it is one of the causes of injustice. In essence, the problem is one whereby fanaticism has been the outgrowth of a social and legal system which is based on a privileged system.

Voltaire's campaign for justice and against injustice is best revealed in his writings that were produced during the 1760's in relation to the Calas, Sirven and La Barre cases and in his antireligious writings from the same period. Voltaire attacked his foe on two different fronts. He attacked both legal justice and injustice and social justice and injustice. At first glance this division of interests would seem to weaken Voltaire's attack, but the contrary is actually the case because they cannot be separated. If there is to be justice before the law, there must be a social justice to guarantee that men are equals and have the same rights and privileges. If there is not social equality and social freedom, how can there be equality before the law? Social equality indicates similar treatment in similar instances. Equality before the law should entitle any man to equal legal justice, having the right to be considered and treated as equal as anyone in the same situation.

But in Voltaire's reform scheme there lay one defect. In his campaign for justice and freedom Voltaire wished to help all those who were the victims of injustice, but this was not actually what he meant. He meant that there should be justice and freedom for those who were entitled to it, in other words, for those who were willing to accept the responsibilities that were a part of it. The poor uneducated peasant who knew as much of justice and freedom as he knew of the power-driven lathe or potters wheel would benefit as much from one as from the other. In other words without knowing what it was for, how to use it and the benefits gained from it, it would be of no use to the individual or the group. If the peasant did not know what freedom and justice were—beyond a vague definition that had little meaning to him—he would not know how to use his new rights and could therefore not benefit from

them. Equality and freedom, therefore, were not for the uneducated because they did not have the knowledge to understand it and to use it intelligently.

1

To Voltaire equality should be of two kinds, social and legal. Since his experiences as a young man, Voltaire felt that a classed society with privileged groups as that which then existed in France was not good. The privileged groups such as the nobles and clergy were allowed to consume without producing, to be exempt from taxes, to obstruct the efficient administration of the government and to resist reform.¹ Why should a man's birth determine whether he was to be a part of this or not? Voltaire said that if men were without needs they would be equal; that it is man's dependence which is the real cause of inequality. Although every man has the right to think himself equal to every other man, this does not necessarily make it so. Again there is a dichotomy in what Voltaire is saying. All men can think themselves equal to all others, but they can never all be equal because they have different needs and dispositions. Men are born with certain urges which shape their dispositions toward wealth, pleasure and domination. No two men can be exactly alike; therefore there can never be a pure state of equality. Some men's dispositions drive them to strive for greater achievements while others languish in the place and position to which they were born.²

Although there could never be a utopian state in which equality existed, the situation as it existed in eighteenth century France could

¹Gay, Party of Humanity, 30.

²Philosophical Dictionary, I, 245-246.

be greatly improved. It was not unreasonable for individuals to be given equal opportunities, to be unrestrained by their social position or to live with a certain degree of security. It was only within each classed group that there was equality of opportunity. Each peasant had the same opportunities just as each noble had the same opportunities, but only within their class, never on a general social scale. In order to have equal opportunity men must have the power of doing what they want to do. Men must have a free will which will entitle them to their wants and desires which are a result of man's basic disposition: There is a reason for everything he does. If man's actions are freed of restraints, he can have equal opportunity if he wants it.³ In other words if he is freed of the restrictions of a classed society and has the same basic rights as any other individual, then he would also have equality of opportunity, but not until then.

In close proximity to this problem is that of the restraints which society imposed on the eighteenth century individual and classes of individuals. It became increasingly difficult to move from one class to another, but it was not impossible. The church also placed restraints on the individual, but it did provide some degree of equality of opportunity. Both the regular and secular clergy were open to any who professed a vocation, and it was possible for any individual to advance within the ranks of the clergy.⁴

In addition, the individual should also be assured of a certain degree of security. He should be free from fear. He should not have to fear for his life because of his religion any more than he would because of where he lived or the trade or profession he followed. He

³Ibid., II, 350-353.

⁴Barber, 125-126.

He should know his private rights and his privacy would not be infringed upon either by the state or by the church.

If the individual was assured of a certain degree of social equality, it should follow that he would also be entitled to legal equality. Voltaire, in aiding the causes of Jean Calas, the Sirvens and the Chevalier de La Barre, was fighting for equality before the law for all men and all classes. In each of the three cases that were mentioned it was not only the structure of the law that determined the guilt of the accused but also the extreme fanaticism expressed by the people when these crimes were committed that had an influence on the initial outcome. Voltaire pointed out that a reasonable and careful examination of the facts of the Calas case would have proven to most people that Jean Calas could not have committed the crime of which he was accused. This crime was inflated into something more than it was. It became a cause for many of those who had a connection with the case. To the Catholic populace it was an overall condemnation of the Protestant faith. For Sieur David, the Capitoul of Toulouse, it was his duty to persecute him, but it was also a matter of faith to be dealt with severely. For the church this crime created a martyr for them to put on display, and it gave them the opportunity to further condemn the Huguenots and their practices. Although most of the correct judicial procedures of that time were followed, the outcome was almost a certainty. In many respects Jean Calas was a victim of circumstances, but he was also a victim of injustice.

When the death of Elizabeth Sirven occurred, the fate of Jean Calas in Toulouse was still fresh in the minds of those that had any knowledge of the case. The circumstances of the cases had some similarity, but beyond the death itself the similarity ceased. Fearing what had happened

in Toulouse would be repeated, the Sirvens fled and were tried and executed in absentia. As far as the question of justice was concerned, the Sirvens received the same biased justice as had the Calas family. They were judged as much by their religion as they were by the facts of the case.

The Chevalier de La Barre suffered the same injustice before the law as had Jean Calas and the Sirvens. There was one difference though; La Barre was guilty of some of the things of which he was accused. The crimes of which he was accused and was guilty were not crimes at all. They were merely religious improprieties. But once more the fanaticism which dominated in Toulouse prevailed in the ultimate decision of the court. Although correct judicial procedures were followed, this did not necessarily provide justice for the defendant.

As can be seen from these three cases, judicial decisions were often influenced by religious fanaticism. Certainly other kinds of bias also existed and influenced judicial decisions because if certain biases were prevalent, it would be impossible for particular individuals and classes of individuals to receive the same treatment as other segments of society. This inequality which was the result of fanaticism and which was allowed to exist and influence the administration of justice was one of the objects of Voltaire's condemnation. All men were created equal so why should they not be entitled to equality before the law as they were to equality in the sight of God?

The other thing that bothered Voltaire in relation to legal equality was the system of legal procedure. Voltaire thought that it pointed to the destruction of the accused rather than giving him an equal chance. The law provided for no recourse for those who had been unjustly im-

prisoned or tried. All the proceedings were conducted in secret with only the judge and a clerk hearing each witness. A man is usually denied benefit of counsel. The Ordinance of 1670 stated that the accused must answer personally throughout the proceedings of the case. In cases involving capital crimes consultation was expressly forbidden even for the wealthy and influential for whom counsel was at times granted. Torture was often used as a means to obtain a confession from the accused even before he had been found guilty. Another characteristic is the acceptance of demi-proofs, quarter proofs and eights of a proof which in turn add up to constitute a whole truth. French law also provided the death penalty for crimes of unequal severity such as for a minor theft and for murder. It was also stated in the Ordinance of 1670 that those who are convicted and condemned forfeit all of their possessions to the state.⁵

Voltaire's objection to the above provisions of the Ordinance of 1670 were only a small portion of what really needed revision. Voltaire knew that to provide real justice reforms would be necessary. Without these necessary reforms in the Ordinance of 1670 there could be no real legal justice just as there was no equality before the law.

2

The second concept which forms Voltaire's basis of justice was freedom. The individual should have a personal freedom which entitled him to think as he wished and to act as he wanted. Although the individual should have personal freedom, it should be qualified by certain restrictions that would apply to all.

⁵Cesare Bonesanu Beccaria, An Essay on Crimes and Punishments, tr. from the Italian: with a commentary, attributed to Mons. de Voltaire, tr. from the French. (4th ed.; London, 1785), p. iv-xl; A Esmein, A History of Continental Criminal Procedure with Special Reference to France, tr. by John Simpson (The continental legal history series, v. 5; Boston: Little Brown, 1913), p. 227-228.

Eighteenth century France did not allow the ordinary individual much freedom in regard to religion. The Catholic Church was the state church and since the revocation of the Edict of Nantes in 1685 the only church that was allowed legal existence. The Edict of Nantes had been modified in 1629, but it was not until Louis XIV revoked it that the French Huguenots lost the few rights that remained to them from the original Edict issued in 1598 by Henry IV. It had granted them liberty of conscience and the right of private worship, the liberty of public worship where it had been previously granted, royal subsidies to Huguenot schools and the right to fortify and garrison certain cities to ensure their rights. Not only were these rights withdrawn, but there was a group of laws which were directed against the Huguenots. For being a Huguenot minister a man could be executed, as could any of those found carrying arms at a Huguenot religious gathering. Restriction from professions such as law, medicine and public office were limitations placed on Huguenots because of their faith. A Huguenot could not sell his property without the permission of the king. These were some of the laws that were directed against the Huguenots because of their faith.⁶

Freedom to think as one wished in regard to politics was almost as rare as religious freedom. Because the monarchy was the political system, the ordinary individual had little voice in the government of his country. The king ruled, but his authority was not supreme. At first the church was the dominant influence, but after the expulsion of the Jesuits in 1764 because of abuses which had crept into the order, the magistrates began to usurp more power. The Parlements appeared to take the side of the people to represent their causes, but they actually ob-

⁶Bien, 43-44. According to Bien these laws were not strictly enforced except at periodic attempts.

structed the government and had little interest in the people. Voltaire envisioned a time when there would be free speech in all matters including politics and when there would be a rational administration which governed through fixed rules and cooperated with a free and informed public. As the enlightenment of the middle classes increased, Voltaire knew that they would begin to exercise more influence on the government. Voltaire also believed that freedom would eventually triumph because "Freedom alone knows and tells the truth."⁷

It is important that man have freedom of thought, but it is more important that his actions are the result of his free will. The individual should be allowed a choice in his actions. He should not feel that his choice is restricted in any way nor that he is restrained by another person or by society. Freedom should also imply exemption from necessity. As the lack of needs would make men equal so it would also make them free.

Justice rests on the principle of rectitude and the just dealing of men with one another. The main concern of justice is with the acts of individuals. Only in the wider realm of social justice are the acts of the individuals subordinated to the social application of societies which concern themselves with their dealings with the individuals. It was the individual acts of justice that first concerned Voltaire. Had he not been aroused by the unfortunate Jean Calas, Voltaire might never have become a great defender of justice. In only one instance did the individual take a second place and that was when it was a case of the individual versus the state.⁸

⁷Gay, Voltaire's Politics, 310-330.

⁸Kingsley Martin, The Rise of French Liberal Thought: A Study of Political Ideas from Bayle to Condorcet; ed. by J. P. Mayer (New York: New York University, 1954), p. 137.

Justice should secure for man his rights such as security and freedom as long as these do not conflict with other established laws. On paper and in abstraction the concept of absolute justice sounds as if it would solve the problems of the world, but in reality this is irrational. It is one of those illusions of which men dream, seeing the good it would invoke but knowing that it could never be a reality. Voltaire had in part seen this problem and wanted his world to reap whatever benefits it could from the administration of justice. He knew that he would never see his goal fully accomplished, but at least he had the fortitude to continue with the work to provide a basis for those who were to follow him.

Perhaps the most fitting tribute paid to Voltaire, the defender of justice, was the inscription on his sarcophagus:

He avenged Calas, La Barre, Sirvens, and Montbailli. Poet philosopher, historian, he gave great impetus to the human mind: he prepared us to become free.⁹

⁹Adolph Meyer, Voltaire: Man of Justice (New York: Howell, Soskin, 1945), p. 386.

CONCLUSIONS

It was the purpose of this paper to examine the concepts of justice and injustice in Voltaire's writings regarding the Calas, Sirven and La Barre cases and his role in relationship to these cases. In order to do this it was necessary to look at Voltaire's early life and some of his earlier writings to examine the foundation of these principles. With all this in mind an outline of these principles has been formulated.

Voltaire experienced a sense of injustice as a young man when he felt himself deprived of some of the privileges he felt his due. This feeling of personal discrimination persisted throughout the rest of his life. Even at points in his life when he considered himself extremely happy, such as the years at Cirey and the early years at Les Délices and Ferney, he felt a certain uneasiness. Although he was happy, he was a self-appointed exile, which was necessary if he wanted to retain his freedom.

During the period of the 1750's and 1760's he began to present his concepts in his philosophical and political writings. He urged that man become aware of equality and freedom and follow a life that would exemplify these tenets. Voltaire's concept of justice showed equality and freedom as its basis. These were ideas that were preached not only by Voltaire but by many of his contemporaries. Voltaire wanted to see equal rights for individuals under like circumstances regardless of their position in society. He did not want to see anyone restrained in his

thought or actions as long as these were not outside the realm of social and legal acceptability. He wanted his fellowman to live without fear or dread; he wanted him to have a certain degree of security. His private rights should not be violated by the state or the church without good reason and sufficient proof for that reason.

Equality should also be incorporated into the faltering French legal system. Man should not only be equal in the eyes of God and his fellowman, but he should also be equal before the law. Each should be given like consideration in similar circumstances.

But within Voltaire's idea of equality a dichotomy can be found. He says that there should be equality for all but what he means is all that are prepared for it. Without having an understanding of the matter, equality would do the individual or the group no good. The same fallacy applies to Voltaire's concept of freedom. Only those understanding their new privilege should be entitled to it.

Voltaire qualified his concepts of equality and freedom. He wanted to see the individual entitled to freedom of thought and of actions. He also wanted to see the classed society which persisted in eighteenth century France abolished. In his early years he developed a hatred for the privileges of the noblesse, but in later life his views were not quite so hardfellt since he was now a member of the privileged class. In principle he was still opposed to what the whole system stood for.

This then was Voltaire's concept of justice— equality for all individuals before the law and in society and freedom for all to think and act as they wished. It was a simple and logical thing for which Voltaire strove, but one which he did not live to see accomplished. Had he lived until the French Revolution he would have seen an attempt made

to right some of the existing wrongs and, had he lived until today, he would have seen a society based on the principles he preached, but he would have had to live to a time beyond ours to find a society which was not only based on these principles but which practiced them in their fullest sense.

BIBLIOGRAPHY

Primary Sources

Beccaria, Cesare Bonesanu. An Essay on Crimes and Punishments, tr. from the Italian: with a commentary, attributed to Mons. de Voltaire, tr. from the French. 4th ed. London, Printed for E. Newbery, 1785.

Voltaire, François Marie Arouet de. A Caution to the Public, on the Murders Imputed to Calas and to Sirven in A Treatise on Toleration; Memorials, Letters, etc. Relation to Persecution; and particularly to the cases of Calas and Sirven, translated from the French by Rev. David Williams. London, Printed for Fielding and Walker, 1779.

_____. Correspondence. Edited by Theodore Besterman. 94 vols. Genève, Institut et Musée Voltaire, 1953-to date.

_____. The History of Elizabeth Canning, and of John Calas in A Treatise on Toleration . . . London, Printed for Fielding and Walker, 1779.

_____. Oeuvres Complètes de Voltaire. 70 vols. Paris, Dupont, 1824.

_____. Original Pieces in A Treatise on Toleration . . . London, for Fielding and Walker, 1779.

_____. Philosophical Dictionary, translated, with an introduction and glossary by Peter Gay. 2 vols. New York, Basic Books, 1962. .

_____. The Sermon of the Fifty; the bicentennial edition, translated with introduction and notes by J. A. R. Séguin. New York, Ross Paxton, 1962.

_____. The Works of Voltaire, a Contemporary Version; with notes by Tobias Smollett, revised and modernized new translations by William F. Fleming, and an introduction by Oliver H. G. Leigh; a critique and biography by John Morley. Edition Sans Souci. 42 vols. Akron, Ohio, Werner, 1905.

Secondary Sources

Barber, Elinor G. The Bourgeoisie in 18th Century France. Princeton, Jersey, Princeton University Press, 1955.

Bien, David. D. The Calas Affair: Persecution, Toleration, and Heresy in Eighteenth Century Toulouse. Princeton, New Jersey, Princeton University Press, 1960.

- Brandes, George Morris Cohen. Voltaire. 2 vols in 1. New York, Tudor, 1930.
- Brandt, Richard B., ed. Social Justice. Englewood Cliffs, New Jersey, Prentice Hall, 1961.
- Chassaing, Marc. Le Procès du Chevalier de La Barre. Paris, Librairie Victor Lecoffre, 1920.
- Esmein, A. A History of Continental Criminal Procedure with Special Reference to France, tr. by John Simpson; with an editorial preface by William E. Nilell and introductions by Norman M. Trenholme and William Renwick Riddell. (The continental legal history series, v. 5) Boston, Little Brown, 1913.
- Ford, Franklin L. Robe and Sword, the Regrouping of the French Aristocracy After Louis XIV. Cambridge, Mass., Harvard University Press, 1953.
- Galland, Élie. L'affaire Sirven Étude Historique d'après les Documents Originaux. Mazamet, n. d.
- Gay, Peter. The Party of Humanity, Essays in the French Enlightenment. New York, Knopf, 1964.
- _____. Voltaire's Politics, The Poet as Realist. Princeton, New Jersey, Princeton University Press, 1959.
- Hall, Evelyn Beatrice. The Life of Voltaire. New York, Loring & Mussey, n. d.
- Heath, James. Eighteenth Century Penal Theory. London, Oxford University Press, 1963.
- Machen, Arthur. The Canning Wonder. London, Chatto & Windus, 1925.
- Martin, Kingsley. The Rise of French Liberal Thought: A Study of Political Ideas from Bayle to Condorcet. Ed. by J. P. Mayer. New York, New York University, 1954.
- Maugham, Frederic Herbert. The Case of Jean Calas. London, Heinemann, 1928.
- Meyer, Adolph. Voltaire: Man of Justice. New York, Howell, Soskin, 1945.
- Nixon, Edna. Voltaire and the Calas Case. London, Victor Gollancz, 1961.
- Olafson, Frederick A. Justice and Social Policy, A Collection of Essays. Englewood Cliffs, New Jersey, Prentice Hall, 1961.
- Parton, James. Life of Voltaire. 2 vols. Boston, Houghton, Mifflin, 1881.
- Torrey, Norman L. The Spirit of Voltaire. New York, Columbia University Press, 1938.

VOLTAIRE AND INJUSTICE

by

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Voltaire considered his bourgeoisie birth as the beginning point of his personal sense of discrimination. All through his adult life—from his early school days to his many years of self-appointed exile outside of Paris—he persisted under this assumption. His first tangible conflicts with injustice were his two imprisonments in the Bastille in the 1710's. The incident with the Chevalier de Rohan-Chabot led to Voltaire's exile in England which proved to be more beneficial than it was detrimental. Voltaire returned to France with new ideas about liberty, freedom and justice.

In the early 1750's Voltaire began to express with greater frequency his attitudes about justice and the causes of injustice in his writings. In 1752 he wrote the Sermon des Cinquante which was his declaration of war on l'infame. His purpose in this essay was to show the Bible as a series of contradictions. In the Dictionnaire Philosophique, which was also begun in 1752, Voltaire concentrates on the abuses of Christianity by trying to undermine the Christian faith.

Voltaire's war on l'infame centered on three judicial cases which occurred during the 1760's. In October, 1761 Marc-Antoine Calas met his death. His father and the rest of his family were accused of murder, and Jean Calas, his father, was broken on the wheel for the supposed crime. Later, mainly through the effort of Voltaire, the rest of the Calas family and the memory of Jean Calas were exonerated. Even before Voltaire had completed the Calas case he was confronted with a similar case in that of the Sirvens. Pierre Sirven and his family were accused of drowning their younger daughter to prevent her from becoming a Catholic. Before the Sirvens could be arrested, they fled France for Geneva. Voltaire took up their cause and after years of laboring in their behalf

finally cleared them. The death of the Chevalier de La Barre, which occurred in 1765, almost prevented the successful completion of the Sirven case. The Chevalier de La Barre was accused of mutilating two crucifixes in Abbeville. For this crime, for which there was little proof of his guilt, he was tortured and burned at the stake. Voltaire tried to get a reversal of this decision but never succeeded.

Voltaire's efforts in these three cases consisted mainly of his writings in their behalf. For the Calas case he wrote the Pièces Originales, the Histoire d'Elizabeth Canning and the Traité sur la Tolérance. In the Pièces Originales Voltaire's main point is that fanaticism should be feared by all men because it is the real cause of injustice. The Histoire d'Elizabeth Canning shows up some of the shortcomings of the French judicial system in comparison to the English system, while the Traité sur la Tolérance presents his case against intolerance. It is here that he proposes that it is not Christianity which is bad, but the Christian church which has corrupted religion. Voltaire wrote the Avis au Public to support the Sirven case. Voltaire's arguments centered around intolerance and fanaticism and their causes. In order to clear the Chevalier de La Barre Voltaire wrote the Relation de la Mort in 1768. His object in this essay was to create sympathy for the protagonist of the case and to criticize the imperfectness of the French judicial system and the French concept of justice. In writing all these essays Voltaire had three main objectives—first, make the facts of the cases known to the public; second, point out the imperfection of the French legal system; and third, illustrate the lengths to which the rage of fanaticism had gone.

In these writings can be seen Voltaire's concept of justice and injustice taking form. Its basis is equality and freedom. Equality is