

# VOLTAIRE: CRUSADER FOR JUSTICE

 **Libertarian  
Alliance**

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Jean François Marie Arouet, known to the world as M. de Voltaire (1694-1778), was the greatest French writer of his age. He was the greatest and the most prolific. His *Age of Louis XIV* and *History of Charles XII* place him high among the fathers of modern history. His *Henriade* is the best epic poem by any Frenchman. While he lived, his plays were ranked even above those of Corneille and Racine. His satirical tale, *Candide*, remains a classic of international fame. He wrote diplomatic reports and he wrote dirty verse. He translated Newton and he translated the *Bible*. At around fifteen million words, his collected works fill nearly two hundred thick volumes. In a century notable for clarity and elegance, he was the clearest and most elegant of writers. And if, in many respects, he was risen far above by Hume, Gibbon and Montesquieu, he was the supreme genius of the European Enlightenment. No more dedicated nor effective enemy ever lived of fanaticism, cruelty, hypocrisy and tyranny. No one more eloquently championed the cause of freedom and the rule of law.

This, of necessity, set him against the French established order. For, though preeminent in Europe by reason of her wealth and power and accomplishment in all the arts and sciences, France was not a country governed by law. In the modern West, a government is judged by how near its conduct approaches to a certain ideal. This ideal is simply stated: no one is to be arrested, or imprisoned, or fined, or in any other way harmed, except in accordance with laws of general scope, that have been laid down in advance, that are equally binding on all, and that are enforceable only by the order of independent courts proceeding on the basis of probable fact. If the France of Voltaire's day never matched the concentrated beastliness of socialist Russia or national socialist Germany, her government was in no sense a good one. It was an absolute centralised despotism. Everything that government should do locally, and much that it should never do at all, was directed from the Royal Council in Paris. By its consent alone could a parish rate be raised. By its decree the price of bread was fixed. It censored the

press. It took property for public use without compensation. In practice, the scale of such meddling was reduced by inefficiency and corruption. Government, even so, was both over-extended and arbitrary.

There were no legal safeguards against unlawful arrest and detention. In England, the writ of *habeas corpus* went far to ensuring that no one could be held longer than a few days without being taken before a court. In France, a *lettre de cachet* - that is, a signed letter from the Royal Council - was enough to have someone imprisoned or exiled for as long as directed, and without any legal redress. These were obviously used to put down dissidence - as when, in 1749, a mild criticism of state policy earned the poet Desforges three years in an iron cage. They were also the private weapon of anyone able to persuade or bribe a Minister into issuing one. In 1777, a certain Madame de Montreuil, worried that her grandchildren's family name was being brought into disrepute, had her son-in-law locked away. Left alone, he might have lived and died a noble debauchee, not very different from hundreds of others. A prisoner, he found time to give the name of de Sade a notoriety that may outlast the French language.

There were independent courts of law. But these had for centuries been made a source of government revenue. Positions were created and sold to the highest bidder. The buyers joined a large class of irremovable office holders. Ignorant sometimes of the law, but never of their right to the fees from which their income derived, they made justice both expensive and uncertain. Yet, still, they were feared by the government. From the Controller General down to the meanest contractor on the roads, its servants were immune from prosecution in the normal courts. Cases were heard instead by special administrative tribunals. The reason why was put very plainly by a Minister: "a state official indicted before an ordinary court would certainly find the judges prejudiced against him; and this would be to undermine the Royal authority."<sup>1</sup>

## SOCIAL STATUS AND LEGAL PRIVILEGE

No feature of the Old Regime, indeed, was so objectionable as the unequal legal status of its subjects. While almost every group had its privileges, most glaring were those of the clergy and nobility. The chief source of government revenue was the *taille*, a direct tax falling mainly on real property. The clergy and nobility owned around two thirds of the land in France, but were exempt from payment of this tax. Its whole ever increasing burden fell on the independent peasantry and bourgeois landlords. The hardship of those who had to pay was only a fraction of the resulting evil. In England, where social status carried no fiscal privi-

### Libertarian Heritage No. 3

ISSN 0959-566X ISBN 1 85637 002 X

An occasional publication of the Libertarian Alliance,  
25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN  
www.libertarian.co.uk email: admin@libertarian.co.uk

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**FOR LIFE, LIBERTY AND PROPERTY**



leges, wealth had been allowed to create a common interest transcending all barriers of class and religion. In France, those groups that, in coalescence, would have been the natural leaders of the country were kept rigidly apart. Their separation kept France wonderfully servile. The echo of their eventual collision is still with us.

Voltaire had not at first opposed the established order. His earliest intention, in which for a while he succeeded, had been to benefit from it. The son of a wealthy bourgeois, he was intended for the law, but preferred the circle round Philip Duke of Orleans, nephew of Louis XIV. Philip was a blaspheming libertine. He fathered a child on, and then may have poisoned, his own daughter. He made himself Regent of France in 1715 by what was effectively a coup d'Etat. But he was also the most enlightened French ruler in a hundred years. He released his uncle's political prisoners. He called off the religious persecution that had, during the previous thirty years, driven a flood of refugees out of the country. He had no taste for war. Some effort was even made to put the national finances in order.

His abandoned yet graceful Court was just the place for Voltaire. The young man's brilliance and wit earned him a ready welcome. His light verse soon graced every salon. Then there were more solid achievements. His first play *Oedipus*, was an unparalleled triumph. His epic poem on Henry IV had serious critics comparing him with Virgil. He was courted. He was given a pension. By the time of the Regent's sudden death, in 1723, he was, at twenty nine, already accepted as his country's foremost living writer.

But his life as a courtier ended abruptly. In 1726, he quarrelled with the snobbish Chevalier de Rohan-Sabot. "My name begins with me" he replied to a slight on his origins, "yours end with you". For this, he was set about in broad daylight and caned by the Chevalier's servants. Against a nobleman, there turned out to be no hope of legal redress. When he challenged the Chevalier to a duel, Voltaire was simply arrested on a *lettre de cachet* and put in the Bastille. His body forgot the caning within days. His imprisonment, though it lasted for six months, was on very easy terms. What really hurt was the brutal reminder of his low status. He might be a genius; but he counted for less in the eyes of authority than the worst blockhead with a title. When set a choice between the claims of justice and the dignity of their order, his grand friends had looked the other way. Anyone might have emerged embittered from the experience. For Voltaire it was a lesson that he was never to forget. He was released from prison on his undertaking to leave France. He arrived in England on the 14th May, 1726.

## ENGLISH CIVILISATION WAS THE STANDARD

France had not seen the last of him. He still had connections and daring enough to ignore his undertaking. But it was best to let the scandal go down; and so he spent the next three years in England. They were years passed in what seemed another world. For all its secondary defects, the government of Georgian England came pretty close to realising its proper ideal. Here was a land enjoying freedom of speech and of the press, religious toleration and the rule of law. For some reason then only dimly understood, it was also a land enjoying rapid economic growth. If his political education was begun by a couple of Parisian toughs, it was in England that Voltaire graduated. During his three year residence, he penetrated closer to the heart of English civilisation than many foreigners have in thirty

years. He learned the language with astonishing speed and thoroughness. This allowed him to mingle at ease not merely with all the great men of the day, but also with the boatmen and porters and middle class merchants whom he would otherwise only have had pointed out to him, and about whom he would have been told only what his informant wanted him to know.

It also allowed him to read and appreciate English literature for himself. Admittedly, he brought to his study all the prejudices, both good and bad, of French classicism. He admired but never loved Shakespeare. His final opinion of Milton was very low: *Paradise Lost* he regarded as "an obscure, bizarre and distasteful poem."<sup>2</sup> But his admiration of the English philosophers, headed by Locke and Newton, and of the living poets and writers of prose, headed by Pope and Addison, was unbounded. The former, by their rejection of vain hypotheses, by their reliance on observation and common sense, he believed had uncovered more truth in a few decades than all the neat *a priori* reasonings of the Cartesian school had in a century: and, by revealing the infinite insignificance of man in the universe and the at best local validity of his institutions, truth was shown the friend of liberty and toleration. The latter, for all that their names were scarcely known outside their country, he saw as the greatest of modern writers. The Augustans had begun by basing themselves on French models. They were now eclipsing their masters.

For the rest of his life, English civilisation was to remain the standard by which its French equivalent was to be measured and found wanting. His *Philosophical Letters*, published in 1734, make the comparison repeatedly. In the tenth letter, for example, "On Commerce", he says

I cannot say who is most useful to the state - some great and well-powdered lord, who knows exactly when the King gets up and goes to bed, and puts on airs and graces even when grovelling round a Minister; or a merchant who enriches his country, who from his office gives orders to Surat and Cairo, and adds to the happiness of the human race.<sup>3</sup>

The French authorities were aghast. The book was condemned as "likely to inspire a libertinism most dangerous to religion and the public order", and was publicly burned in Paris. At Rome, it went at once onto the *Index of Forbidden Literature* - that invaluable guide to almost everything of value published between the Reformation and the middle of the nineteenth century. But suppression was useless. In clandestine editions, the *Letters* were a bestseller. What they did was to give solid shape to a vast mass of discontent. Before they appeared, the defects of the Old Regime had been resented, but put up with for lack of any good alternative. Now, an alternative had been revealed, and the pressure for change could begin in earnest.

This is in part the basis on which Voltaire's claim to immortality rests. Twice during the past seven hundred years, the European mind has been wrenched out of one course and set into another. The first revolution came in the fourteenth century with the rediscovery of classical antiquity. The second came in the eighteenth century, with the discovery of England. This is not in the least to disparage the advances made in the seventeenth century. Kepler and Galileo, Descartes and Pierre Bayle, were all great men, and are and will be rightly admired. If, in 1688, the British Isles had suffered the fate of mythical Atlantis, and sunk below the

waves, there would still have been an age of enlightenment in Europe. But it was the English - or to do no more than justice to the Scots, the British - contribution that made the European Enlightenment what it was. And among that select band of Frenchmen who made of their language the medium by which this contribution could be transmitted throughout Europe, Voltaire occupies the highest place.

But he was not only a transmitter. He was also an original force. If, from the endless variety of his works, one typical phrase had to be extracted, it would be this: "Dare to think for yourselves."<sup>4</sup> The claims of church and state to infallibility were repeatedly struck down - sometimes with open, shrivelling scorn, sometimes with the drollest, most insinuating mockery. Many other writers who pointed out the defects of the Old Regime were dull or uncouth. Voltaire was neither. He was read wherever French was understood. The very monarchs who condemned his works admired them. His tragedy, *Mahomet*, poses as an attack on Islamic fanaticism. Its real object, everyone knew, was the Christian variety.<sup>5</sup> Yet the Pope himself accepted the dedication. The Dauphin learned it by heart. Estimating one man's influence on the European mind across two generations is no easy matter. But it is undeniable that, in the humanising of opinion perceptible during his lifetime, Voltaire played an honourable and often decisive role.

To be sure, he was no saint. He acquired an immense fortune by very sharp practice. He was so ravenously vain that he once ran about the stage at a performance of one of his plays, screaming at the audience for louder applause. To his enemies - and he had many of these - he was unrestrainedly savage. Take Maupertuis. He was a scientist of the first rank. He had gone in person to the North Pole and verified Newton's demonstration of the oblate figure of the Earth. His theory of evolution anticipated not merely Darwin, but also the full development of Mendelian genetics. But he quarreled with Voltaire over some trifling matter, and provoked from him *The Diatribe of Doctor Akakia*, one of the finest examples known of character assassination. By the time the world had stopped laughing at him, and begun looking at his works, his discoveries had all been made again, and the credit for them had gone elsewhere. But for Voltaire, he might have been remembered as the Newton of Biology. In fact, he occupies little better than a footnote in the history of science.

All this is true. But, while humanity has never been short of grasping egomaniacs, there has only ever been one Voltaire. And there was more to his character than the sum of its faults. To his friends - and he had many also of these - he was loyal, generous, warm-hearted, capable of the most passionate devotion. Moreover, he was absolutely committed to his stated ideals. He was most emphatically not one of those authors who preach one thing and practise another. Jean Jacques Rousseau, his only contemporary rival in French literature, is frequently held up to us as a man of much finer and deeper feeling. His works are certainly powerful, if of doubtful merit. But, as for feeling, Rousseau was a monster. He praised nobility of soul, and spat in the face of anyone unwise enough to help him. He called for a return to primitive nature, and abandoned his bastard children in the poorhouse with less concern than a reptile leaving a cache of eggs. He loudly condemned all vice, and was partial to being flogged. What Voltaire said, he meant and acted on. As illustration of this, let us consider the fate of Jean Calas.

## THE INNOCENT ORDEAL OF JEAN CALAS

Late on the evening of October 13th, 1761, an young man named Marc-Antoine Calas was found hanged in his father's house at Toulouse. Before the authorities arrived, the family tried to conceal the means of death. Though, to this day, there are dissenting views, what had really happened seems obvious. Embittered by his lack of success in life, Marc-Antoine had often spoken of suicide. Now, the local custom was to strip a suicide's body naked, drag it through the streets, and then hang it in chains for stoning by the mob. Any family of reasonable beings would have tried covering things up. The Calas family, however, was Protestant; and Toulouse was a town of fanatically devout Catholics. A rumour went round, that Marc-Antoine had been murdered by his father to keep him from changing religion.

This was incredible. Present that evening in the house had been Jean, his father, his mother, Pierre, one of three younger brothers, a maid, and a young friend of the family called Gaubert Lavaysse. Jean was an old man of sixty eight, and was in poor health. He could never by himself have hanged an unwilling young man. Helped, he must still have left more signs of violence on the body than were found. The maid was a Catholic. She had no motive to assist in such a murder, but could hardly have failed to notice the commission of one. There was no evidence that Marc-Antoine ever had the least intention of turning Catholic. A letter of his was actually found, in which he objects to the conversion of a younger brother - a conversion that their father had done nothing to oppose. The truth should have come out at the inquest. But the judicial authorities at Toulouse, led by one David Beaudrigue, were as fanatical as the mob. The five were put in chains. Marc-Antoine was given a public funeral. His body was pulled around by relic-hunters. Miracles were ascribed to his intercession.

Jean Calas stood trial for the murder of his son. Beaudrigue, now presiding on the bench, was on record as having called the dead man a "martyr". His colleagues were as ignorant of due process as men who had bought their offices could be. For lack of anything definite, they invited and got hearsay evidence from the local churches. On the basis of this, on the 9th March, 1762, Jean was convicted and sentenced to death. On the 10th, he was formally "asked" for the names of his accomplices. First, came the *Question Ordinaire*. He was stretched on a rack, then questioned by a magistrate and a priest. No confession made, next came the *Question Extraordinaire*. Jean was pumped full of water till unable to move. Then his feet and shins were squashed flat in a special vice. Still not having confessed, he was taken straight out for public execution. He was spreadeagled on a large wheel, and his remaining sound limbs were smashed with a sledge hammer. When, after two hours, he had neither confessed nor bled to death, he was strangled. This was the authorities' first and last act of charity in the whole dreadful business.

Either Pierre had helped Jean, in which case he deserved also to die, or he had not, in which case Jean - for reasons already given - could not have murdered Marc-Antoine. This was no argument to the Judges. Pierre was imprisoned in a monastery. His sisters, who had been absent from the house on the night in question, were imprisoned in separate convents. Mme Calas and the maid went free. But the family property was confiscated. Lavaysse also went free, but was a broken man.

## AN ASSAULT ON PUBLIC OPINION

It was quite by chance that Voltaire came to look below the official version of events to the truth. Though in good health, he was now sixty seven. No one could have blamed him if, having found the truth, he had then passed it to others for any action. But what he had chanced on left him outraged. He was no enemy of religion considered in itself. "If God did not exist" he once wrote, "it would be necessary to invent him".<sup>6</sup> He believed both rational persuasion and the fear of punishment to have a role in keeping the peace. But, if laws were to be obeyed when - as must often be - they conflicted with peoples' immediate interests, he believed some religious sanction also to be needed. This was no "Voltairean blasphemy", but a perfectly respectable argument, used, among many others, both by Cicero and later by Burke. Religion in Toulouse, however, had gone beyond its proper role. Allied with ignorance and power, it had worked an act of the most revolting injustice. Voltaire himself decided to react.

He provided refuge and money to the Calas family. At his own expense, he collected all the evidence available. what he did next, though - familiar enough as it is to us - was to his own age startlingly novel. He unleashed an overwhelming assault on educated public opinion. In a series of pamphlets, put out during the summer of 1762, he described simply and clearly what had happened in Toulouse. Of course, these were banned in France. Of course, banning simply added to their effect. Read in Philadelphia, and read in St Petersburg, they excited a universal horror. Contributions of money and other gestures of support flooded in. George III of England contributed, as did Catherine the Great of Russia. The most eminent lawyers in Paris handed in a petition, calling for an inquiry. Nobles at Versailles lobbied the Ministers. Even Mme de Pompadour, the King's mistress, added her voice to the clamour for justice. Dazed by the storm, the French government gave way and ordered an inquiry, to be followed if needed by a retrial.

The Toulouse authorities put up a desperate struggle. First, they refused discovery of documents. Then, they charged exorbitant copying fees. They sent to Paris, begging for a stay of the proceedings. They tried their own propaganda campaign, stressing the moral damage to the whole French judicial system that would result from their own disgrace. As Voltaire observed,

many of those people, whom in France we call the *devout*, grandly announced that it was better to leave an innocent old Calvinist broken on the wheel than have eight judges confess they had been wrong.<sup>7</sup>

But delay was to no effect. Moving slowly but deliberately, the Parisian judges reviewed what had passed in Toulouse for evidence, and, point by point, ruled it inadmissible. On the 9th March, 1765, the third anniversary of Calas' execution, he with his family and Lavaysse were pronounced "perfectly innocent".

Voltaire was on his estate at Ferney when the news reached him. For once at a loss for words, he broke down, weeping tears of joy. Jean Calas was dead. His property was never restored. If David Beaudrigue was turned out of office for gross incompetence, it was by an act of arbitrary power no different in principle from his own behaviour. But, to the Old Regime's very best ability, justice had been done.

The public glory over, there remained the matter of providing for Mme Calas. Voltaire organised an international collection, contributing largely to it himself. For the rest of his life, he kept watch over the family, counting its members among his closest friends. When, in 1791, the new government of France brought his bones to Paris for interment in the new Pantheon, at the head of the vast accompanying procession went the surviving Calas daughters.

Though it is with the campaign for Jean Calas that his name as a practical man is most closely linked, there were other cases to follow. There were the causes of Sirven, of La Barre, of Lally - each in its own way as shocking to humanity. This last, indeed, was to occupy him even on his death bed. Aged eighty three, in pain from a stricture that made urination difficult, slipping into his final coma, he was brought news of this poor man's posthumous rehabilitation by the courts. He sat up and dictated a letter of congratulations to the family. Three days later, he himself was dead.

## VOLTAIRE NOT TO BLAME FOR THE TERROR

The French Right has never loved Voltaire. At the time of his death, efforts were made to deny him a decent burial. These failed: but, fifty years later, during the brief but extreme Bourbon reaction of the 1820s, his body was dragged from the Pantheon and destroyed - destroyed with all the ferocity of an ancient Egyptian unwrapping the embalmed body of his enemy, thinking to deny its possessor a place in the afterlife. He was blamed for having brought on the collapse of the Old Regime, and for having inspired the Reign of Terror.

The second part of the charge is plainly absurd. Robespierre and Anacharsis Clootz owed as much to Voltaire as Torquemada and John of Leyden did to Jesus Christ. He came before them. His name was sometimes on their lips. But that is all. Voltaire stood for reforms to an existing order - or, if that should prove impossible, for its partial reconstruction on English lines - not for any horrid scheme of wading to virtue through a sea of blood. If to anyone, that notion can be traced to Rousseau. As for the first part of the charge, let people hate him as they will: had his repeated advice been taken, rather than applauded and forgotten, there might still be a King in France. Had the years before 1789 been devoted to the firm and patient removal of abuses, there would have been no financial collapse, nor any final boiling over of enthusiasm.

For us, outside France, it is enough to say that Voltaire was among the finest and most admirable of all men. Whoever today defends what is noble and good, whoever attacks what is mean and vicious, treads, however lightly, in his footprints.

## NOTES

1. Alexis de Toqueville, *L'Ancien Regime*, II, IV, Oxford University Press edition of 1969, p. 64.
2. *Candide*, Chapter XXV, *Romans et Contes*, Gallimard, Paris, 1972, p. 218.
3. *Lettres Philosophiques*, Editions Garnier Frères, Paris, 1964, pp. 46-7.
4. *Dictionnaire Philosophique*, Article "Liberté de Penser" (1765), in the Garnier-Flammarion edition, Paris, 1964, p. 261.
5. Not everyone is so perceptive today. In Saudi Arabia, as in many other Moslem countries, his works are strictly forbidden.
6. *Épîtres*, xcvi, "À l'Auteur du Livre des Trois Imposteurs" (1769).
7. *Traité sur la Tolérance*, I (1763), *L'Affaire Calas et Autres Affaires*, Gallimard, Paris, 1965, p. 97.