

# Famous French Parallel to the Frank Case

## Voltaire's Long Struggle for the Rehabilitation of the Good Name of Jean Calas, Victim of Mob Prejudice, Recalls Certain Incidents in Georgia Case

<sup>1</sup> This interesting article is from *The American Hebrew* of Sept. 10, 1915.

ONE of the most creditable episodes in the life of Voltaire, which was so full of episodes of all kinds, was the noble struggle he made for the rehabilitation of the good name of Jean Calas, a martyr to religious prejudice, whose death was caused by a judicial decision obviously influenced by religious prejudice and finally reversed, owing to Voltaire's intervention. The case shows remarkable points of parallelism with that of Leo M. Frank, recently done to death by the Georgia mob; and it remains to be seen whether the parallel will be completed by the appearance of a new Voltaire who shall restore the name of Frank to honorable recognition, as was that of Jean Calas just one hundred and fifty years ago. The facts of the case, however briefly related, will show how closely it follows that of Leo M. Frank.

Jean Calas was a small shopkeeper at Toulouse, the chief city of Languedoc. He had two daughters and four sons, Marc, Louis, Peter, and Donat, the latter a lad of 15 years, while Marc, the eldest, had reached the age of 28. Toulouse was the centre of Catholic fanaticism in the south of France, and Calas, who, at the time of the tragedy, 1761, was 63 years old, was a fervent Huguenot or Protestant. Yet he was no bigot, and when his son Louis turned Catholic on conviction, he bore the disappointment with equanimity and remained on fairly friendly terms with his second son. Marc Antoine, his eldest, was Protestant by conviction, but had been embittered by the restrictions placed by French law on Protestants, who were not allowed to join any of the professions. He had attempted to become a lawyer without revealing his faith, but had been forced to acknowledge his Protestantism, and found it a bar to any further chances of a professional career. He was naturally of a melancholic temperament, and this disappointment preyed upon his mind and was ultimately the cause of the family tragedy.

On Oct. 13, 1761, a young friend of the family named Lavaysse, aged 20, came in to supper, after which, about 8 o'clock, Marc Antoine retired, according to his usual custom, but Lavaysse stopped chatting with the family until about a quarter to 10. As he was going out of the house he and Peter Calas found the dead body of Marc Antoine suspended from the wall in the shop, and they summoned the father, who tried in vain to revive him. It was clearly a case of suicide, fully accounted for by melancholy and the disappointment that had attended Marc Antoine's attempt to enter the professions. At that time in France, as in all Europe, suicide was regarded as a specially heinous crime, and all sorts of ignominy were inflicted upon the dead body. Anxious to avoid the stain upon the family name and the mistreatment of his unfortunate son's remains, Jean Calas enjoined secrecy upon his family and his young visitor, and begged them to keep secret the fact that Marc Antoine's death was that of a suicide.

Meanwhile the news of the death got abroad when, in some way, a rumor spread among the mob that it had been caused by the objection of the family to Marc Antoine's becoming a Catholic. A

mob collected around the house, who cried out that a Catholic had been slain by the Huguenots, and the religious animosities of the crowd were thus aroused. Officers of justice arrived on the scene to save the house from assault, and when the family denied that the case was one of suicide, as had been agreed upon, suspicion arose of foul play, and the whole family were arrested, as well as the young visitor Lavaysse.

At the preliminary investigations the futility of denying the suicide was recognized by Calas, but the change of ex-

residence at Geneva to make full inquiries into it before taking action. He examined Donat closely and became convinced of the utter innocence of the family, and became filled with a noble indignation at this atrocious miscarriage of justice through religious prejudice, against which he had fought all his life. Voltaire, after the most careful examination of the Calas case, became fully convinced of the innocence of Jean Calas and, though the martyr had been removed by a kind of judicial murder, he determined to use all means in his power to

new trial, which was begun in Toulouse in June, 1764, and lasted until March 9, 1765, more than three years after the condemnation of Jean Calas. Forty Judges of the Toulouse Court, after a trial of six sittings, unanimously declared that Jean Calas had been proved perfectly innocent of the charge on which he had been condemned, and Voltaire's magnificent fight for truth obtained a triumphant victory.

Voltaire was naturally proud of the victory he had thus won in the cause of freedom of conscience and of true tolerance, and his conduct in the case was recognized on all sides as one of his noblest deeds. Thirteen years later, when on the point of death, he revisited Paris and received an ovation from the Parisians, it is reported that a bystander, on one of the occasions when he was being drawn in triumph through the streets of Paris, asked a poor old woman why so much honor was being paid to him, and she replied simply, "He is the man who saved the good name of Jean Calas." Nearly 150 years afterward Emile Zola was consciously influenced by the example of Voltaire in the Calas case in adopting the noble stand he took up in the Dreyfus affair.

The parallel of the Calas case with that of Leo M. Frank in its early stages is fairly complete, allowing for the differences in the crimes for which the men were condemned. The evidence against both was equally obvious in both cases, Marc Antoine in the one, the negro Conley in the other. The influence of the mob on the verdict at the trial was recognized in each case, while the firm behavior of the victims under torture, whether physical or spiritual, was in itself corroborative evidence of their innocence. In both cases the ultimate cause of the miscarriage of justice was to be found in the spirit of religious intolerance, which created an atmosphere of ill-will against the prisoner and inflamed the passions of the mob and of the Judges against him. Leo M. Frank, like Jean Calas, could prove an alibi from the actual scene of the crime, though each was in the neighborhood for perfectly innocent reasons. The nature of the alleged crime was heinous in both cases, and the character of the suspects was, in either case, of such a nature that the attribution of so unnatural an offense was in itself a priori improbability.

Will the parallel between the Calas and the Frank cases rest here? There are numbers of men, many of them not of Frank's race or creed, who are as equally convinced of his innocence as Voltaire was of that of Calas. Is there any one of them so imbued with a passion for the right that he will dream, dwell in, and live Frank, as Voltaire did in the case of Calas? Is there among us one who has the same passion for justice, the same scorn for intolerance, the same indefatigable zeal which kept Voltaire pounding away at the Calas case for over three years? Unfortunately, American law, unlike the French, does not allow of a reopening of a case in which the principal is no longer in existence. But it would still be possible to obtain such proof of Frank's innocence as would convince public opinion, even of Georgia, of the terrible crime committed in the name of American law. Is there a Voltaire among us who would be willing to devote his energies to clearing the name of Leo M. Frank from the stain which every one who has examined the case is convinced was unjustly placed upon it? J. J.



Voltaire.

planation aroused further suspicions and confirmed the popular impression that the case was one of martyrdom of a would-be Catholic by his Protestant family. The body of Marc Antoine was accordingly buried in the cathedral, with imposing rites, and he was regarded as a martyr to the Catholic cause. In the judicial investigation that followed, the mob surrounded the court of justice and, notwithstanding the fact that there was absolutely no evidence that a weakly old man of 63 like Jean Calas could have overcome his healthy son of 28, the Judges were so influenced by the mob spirit that, with one exception, they declared for the conviction of Calas. One of the Judges said to Lasalle, the sole dissentient voice, "You seem to be all Calas." "And you," said Lasalle, "seem to be all Mob." In those days it was part of the judicial process to attempt to extort a confession from a man, even when convicted, and these means were applied in this case to Calas; he was subjected to what was known as the ordinary and the extraordinary question, excruciating tortures, to all of which he responded by reiterating his innocence. Even when finally broken on the wheel, he persisted in declaring his innocence and impressed even his persecutors with his firm and brave demeanor.

This had at least the effect of procuring the release of his family, and his youngest son, Donat, fled to Geneva, in the neighborhood of which Voltaire was residing at his chateau of Ferney, the resort of all Europeans who were fighting for the liberty of thought and of action. Voltaire had heard of the case and seized the opportunity of Donat's

have a retrial of the case, which is possible under French law, and thus to rehabilitate the good name of the victim.

He published the documents of the case, which showed how flimsy was the evidence on which Calas had been convicted, and then wrote a stirring account of the whole case, which he had translated into English and German. He likewise opened a subscription for the benefit of the family and to pay for the necessary law expenses involved in the retrial. So convincing was his virile eloquence that Queen Charlotte of England, Catherine of Russia, and the King of Poland subscribed substantial sums toward the rehabilitation of Calas's name. Meanwhile Voltaire was using all the immense influence he possessed among the ruling classes of France, and he succeeded in interesting men like Villar, Richelieu, Choiseul, and the Chancellor of France, as well as the all-powerful Mme. la Pompadour. He got one of the most promising French advocates of the time, Elie de Beaumont, to draw up a memoir on the legal aspects of the case, and indeed for a period of nine months Voltaire, as he expressed it, dreamed, dwelt in, and lived Calas, and as an outcome wrote his celebrated "Treatise on Tolerance," which, after Locke's letters on the same subject, proved to be the most effective instrument in removing religious disabilities throughout Europe.

At last his pertinacity prevailed and on March 17, 1768, the Council of Paris met at Versailles under the Presidency of the Chancellor of France, who had been won over by Voltaire's arguments. It was unanimously decided to grant a