

Twenty-two year-old Francois Marie Arouet was exiled from Paris in May 1716 for writing a verse about the incestuous relationship a government official was having with his daughter. He was allowed to return to Paris five months later.

After Arouet's return to Paris an anonymously authored six-line poem was published that described an official sleeping with his daughter. The well-founded suspicion that Arouet was the author led to his arrest in May 1717, and his imprisonment without charges in the dungeon-like Bastille.

Being imprisoned in a windowless cell with walls ten feet thick without knowing when he would be released, or if he would ever be released, had a profound effect on Arouet. When he was released 11 months later in April 1718, the 24-year-old rechristened himself Arouet de Voltaire. ¹ He became known, and to this day remains known by his chosen name of Voltaire.

Months after Voltaire's release from prison, a revised version of his play *Oedipe* opened in Paris in November 1718. The plays sensational success marked the beginning of one of the most remarkable and controversial literary careers in world history.

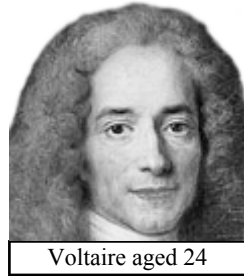
In 1726, an aristocrat offended by Voltaire hired ruffians to beat him up. When Voltaire demanded their quarrel be settled by a duel, he was arrested without charges and imprisoned again in the Bastille. His release was conditioned on his agreement to leave France.

Voltaire spent the next three years in exile in England. During his stay he was impressed that various groups of people with significant religious, political and/or ideological differences peaceably co-existed in English society. He eagerly embraced the ideas of John Locke, Sir Isaac Newton and other English thinkers and scientists.

Allowed to return to France in 1729, Voltaire again incurred the wrath of French authorities when five years later he wrote a series of essays in the form of "letters to a friend." These essays have been described as "the first bomb dropped on the Old Regime." ² Among his remarks were, "It has taken centuries to do justice to humanity, to feel it was horrible that the many should sow and the few should reap." ³ As one of the first public calls for political, religious and philosophic freedom in France, government officials quickly responded by seizing all copies of the essays. Fearing arrest, Voltaire fled Paris. Underground copies were

Voltaire – Father Of The Innocence Campaign

By JD Staff



Voltaire aged 24

circulated around Paris as *Letters philosophiques*.

Although he continued to incur the displeasure of government authorities, over time Voltaire's stature rose throughout Europe. In his later years he became known as the "conscience of Europe," after becoming involved in several cases of manifest injustice, that included the cases of Calas, La Barre, Sirven, and the Abbeville judges.

The most well-known of those cases was his three-year campaign (1762-1765) to overturn Jean Calas' murder conviction that resulted from a son's death by hanging – which was actually a suicide. (See "Biased Judges Condemned Jean Calas" on page 30 of this *JD* issue.)

Calas never wavered in proclaiming his innocence even though his arms and legs were broken and he was tortured on the rack. He was nevertheless found guilty and executed in March 1762 by being publicly strangled. His body was then burned.

The members of Calas' family at home when the son died were also punished – even though they were not convicted of a crime. Calas' daughters were confined in a convent, his wife was left destitute after the family's money and clothing store was seized, and a son was exiled.

**"Every man is guilty of
the good he didn't do."**

– Voltaire

Voltaire became aware of the case about ten days after Calas' execution. He soon learned information that convinced him of Calas' innocence. Outraged, Voltaire, then 68, plotted a campaign to clear Calas of his son's death and restore the family's honor and position in society. His campaign revolved around three facets:

- Investigate to acquire convincing evidence of Calas' innocence.
- Publicize the facts of Calas' case to inflame public outrage over his wrongful conviction and execution, and the mistreatment of his children and wife, so as to pressure reluctant officials to reopen the case.
- Legally maneuver to convince officials at each necessary stage to support the steps

necessary to posthumously overturn Calas' conviction and have his innocence declared.

To accomplish the first facet, Voltaire employed investigators. To accomplish the second, Voltaire wrote several pamphlets about the case that were distributed throughout France and Europe. To accomplish the third he hired lawyers to make sure the proper procedures were followed.

Voltaire used "his friends, his purse, his pen, his credit" to publicize the case. ⁴ In one of the pamphlets Voltaire "tugged skillfully at the heartstrings as he evoked the defenseless innocence of [the Calas] family and depicted each stage in their terrible drama." ⁵ He also ghost wrote pamphlets updating the case as it progressed.

To inform the public that the legal system made grave mistakes, and could act to correct them, Voltaire wrote and distributed a pamphlet about an English case in which nine people had been sentenced to death after being wrongly convicted of kidnapping and holding a girl in a brothel. What actually happened was that with the aid of an aunt the girl had made-up the false accusation to conceal an unwanted pregnancy. Her deception was discovered before the death sentences were carried out.

On June 4, 1764, the Royal Council unanimously overturned Calas' murder conviction and ordered a retrial. Calas was acquitted on March 12, 1765, after a retrial. Voltaire's campaign to clear Calas' name had taken three years.

After making an application to the King, Madame Calas was awarded 12,000 livres, the two daughters were each awarded 6,000 livres, 3,000 livres was awarded to each of the sons and the Calas' housekeeper, and 6,000 livres was awarded to the family to cover legal expenses. ⁶ One thousand livres was equal to 10.8 ounces of gold, so these were very significant sums in 1765 given the generally low standard of living in France.

Thus the Calas case involved all the elements of a modern day innocence campaign: investigation, publicity, legal aid, and after exoneration, compensation.

A year after Calas' acquittal, Voltaire's influence with Frederick the Great resulted in Prussia's adoption of the world's first legislation providing for payment of compensa-

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tion to a person released from custody on the basis of innocence. That 1766 statute stated in part, "If a person ... has been released from custody, and in the course of time his complete innocence is established, he shall have not only complete costs restored to him, but also a sum of money as just indemnity, according to the circumstances of the case, ... so that the innocent person may be compensated for the injuries he has suffered." ⁷

One of Voltaire's lasting legacies was demonstrating the power of public opinion to move public officials (even in a monarchical society) to act in a way they otherwise would not. In his 1906 biography of Voltaire, Gustave Lanson wrote, "He accustomed public common sense to regard itself as competent in all matters, and he turned public opinion into one of the controlling forces in public affairs." ⁸

Voltaire was 83 when he died on May 30, 1778. He was such a prolific writer that his plays, poetry, novels, essays, pamphlets, historical and scientific works, and more than 20,000 letters, fill 70 volumes. His personal library of over 21,000 books remains intact at the Russian National Library in St. Petersburg.

Considering the multiple times Voltaire was imprisoned, exiled, or forced to flee to safety due to something he wrote or said, it is understandable that he is credited with the well-known quote, "I disapprove of what you say, but I will defend to the death your right to say it."

Voltaire shrewdly invested the considerable money he made from his writing, and he was somewhat of an anomaly for his time — a self-made wealthy man.

Endnotes:

1 Voltaire is an anagram of the latinized spelling of his surname "Arouet" and the first letters of the sobriquet "le Jeune" (the younger).

2 Voltaire, *Encyclopedia of World Biography*, 2nd Ed. 17 Vols. Gale Research, 1998.

3 *Id.*

4 Voltaire Biography, *Notable Biographies*, <http://www.notablebiographies.com/Tu-We/Voltaire.html>

5 Voltaire *Almighty: A Life in Pursuit of Freedom* by Roger Pearson, Bloomsbury, 2005, p. 288.

6 *Id.* at 290. Eight ounces (a mark) of gold was worth 740 livres. See, "French livre" in Wikipedia.com.

7 Decree of January 15, 1766, from the Prussian Staatsarchiv, cited in, "European Systems of State Indemnity For Errors Of Criminal Justice," Edwin M. Borchard, *Am. Inst. Crim. L. & Criminology*, 684 May 1912 to March 1913, at 689.

8 Gustave Lanson, *Voltaire* (1906; Trans. 1966).



Biased Judges Condemned Jean Calas

By Matthew Surridge

Francois-Marie Arouet was an eighteenth-century French intellectual who wrote under the pen name "Voltaire." He became internationally famous for his works of poetry, drama, and philosophy that reflected his hatred of injustice and intolerance, especially religious intolerance, and his belief in the improvement of humanity through the development of reason. Voltaire was a strong-willed man whose unconventional beliefs, cutting wit, and argumentative personality often alienated those around him, although he maintained several friends at the court of King Louis XV.

Despite Voltaire's influential connections, the French king was personally offended when, in 1750, at the age of fifty-five, Voltaire left France to spend three years in Prussia at the court of King Frederick II. When Voltaire attempted to return to France, King Louis refused to allow him to approach Paris. At first Voltaire settled in Geneva, Switzerland, and then, in 1758, he moved to a manor named Ferney on the Swiss border. From Ferney, Voltaire maintained his friendships with acquaintances throughout Europe by becoming a prolific letter writer. Many of his letters, circulated widely by his friends, became celebrated for their wit and style.

In March of 1762, Voltaire made a sarcastic reference in one of these letters to a recent murder in Toulouse, in the south of France. Jean Calas, a Huguenot, or French Protestant, had been accused by the Parlement de Toulouse of killing his son Marc-Antoine to prevent him from converting to Catholicism, the faith of the majority in France. Calas had been tortured and executed for the crime on March 10. Voltaire was appalled that a father would kill his son for wanting to convert to a different religion.

A day or two later, Voltaire spoke with an acquaintance from Marseilles who knew the Calas family and believed that Jean Calas was innocent and had only been convicted due to religious prejudice on the part of the Catholic investigators. Voltaire decided to look further into the case. He was outraged by the idea that an innocent man might have been tortured and killed.

Voltaire sent letters to various acquaintances, whom he believed might be familiar with the case, asking for more information about the murder and for their opinions of the trial.

None of Voltaire's correspondents was able to settle the question of Jean Calas's guilt, but Voltaire learned that one of Calas's surviving sons, Donat Calas, was in Geneva, and he decided to speak to the boy.



Jean Calas

Although Donat had not been present on the night of the supposed murder, the description he gave of his father and his family convinced Voltaire that Jean Calas had not killed Marc-Antoine.

Convinced that the Parlement de Toulouse — made up of several dozen Catholic magistrates — had wrongly executed Calas, Voltaire decided to dedicate himself to clearing the name of Jean Calas and the Calas family. He wrote to a friend: "You will ask me, perhaps, why I interest myself so strongly in this Calas who was broken on the wheel? It is because I am a man, because I see that all foreigners are indignant at a country which breaks a man on the wheel without any proof."

Voltaire sent letters to the Parlement de Toulouse asking for copies of the trial records, but he did not receive a reply. Voltaire suspected that members of the Parlement would try to cover up any evidence of possible malfeasance on their part. Voltaire decided to approach a higher authority. The King's Council in Paris had the power to open an investigation into the Parlement's actions, but Voltaire knew that the chancellor of France, Guillaume de Lamoignon — the man who had the power to bring the matter before the Council — was reluctant to get involved in the matter.

To change de Lamoignon's mind, Voltaire used two tactics: he asked his aristocratic friends for support, and he also tried the then-novel tactic of seeking support from common people by publicizing his suspicions of official wrongdoing. Voltaire believed that the injustice done to Jean Calas was so shameful that if it became widely known, public outrage across France and the rest of Europe would force French authorities to reopen the case. In a letter explaining his idea to a friend, he observed: "If there is anything which can stop the frenzy of fanaticism, it is publicity."

In April of 1762, Voltaire wrote up a summary of what had happened the night Marc-Antoine Calas was killed, according to witnesses. On October 13, 1761, Jean Calas and his wife, Anne-Rose, had had dinner in their home above their shop with their sons Marc-Antoine and Pierre, their Catholic servant Jeanne Viguere, and Pierre's friend Gaubert

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