

Michigan Law Review

Volume 85
Issue 5 *Issue 5&6*

1987

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Recommended Citation

Stephan Landsman, *The Triumph of Justice*, 85 MICH. L. REV. 1095 (1987).
Available at: <https://repository.law.umich.edu/mlr/vol85/iss5/21>

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THE TRIUMPH OF JUSTICE

*Stephan Landsman**

THE AFFAIR: THE CASE OF ALFRED DREYFUS. By *Jean-Denis Bredin*. New York: George Braziller, Inc. 1986. Pp. xii, 628. \$24.95.

I. THE DREYFUS CASE

Alfred Dreyfus was an anomaly in the French army of 1894. He was the scion of a wealthy bourgeois Jewish family that had extensive business interests in what had become German Alsace. He served, however, in a military that was overwhelmingly Catholic and xenophobic, as well as decidedly anti-semitic. Dreyfus was a hard-driving and abrasive young officer in a milieu that viewed such traits as ungentlemanly. He was a straight-laced martinet whose rigid demeanor was deemed offensive by many of his fellows. While these traits endeared him to few of his colleagues, they did not prevent him from rising rapidly in the French army. Dreyfus was a resounding success in both his military studies and his duty assignments. As a result, he was one of the few Jewish officers posted to the French General Staff.

All went exceedingly well for Dreyfus until the fall of 1894 when French military counterintelligence recovered a note (*bordereau*) from the wastebasket of the German military attaché in Paris, Maximilien von Schwarzkoppen. The note appeared to be a cover letter detailing the transmission of a number of secret military documents to the Germans. The *bordereau* constituted clear evidence that there was a traitor in the French officer corps.

The discovery of the *bordereau* set in motion an intensive military investigation. For all its intensity, however, the inquiry was far from careful or balanced. In short order several members of the French General Staff propounded the unsupported hypothesis that the unpleasant Jewish officer, Dreyfus, was the traitor. Once uttered, this accusation was virtually irresistible. The military inquiry became nothing more than an effort to document Dreyfus' guilt. Handwriting experts were consulted in an attempt to link Dreyfus' handwriting with that of the *bordereau*. Expert opinions that did not support the official hypothesis were discarded, and further expert opinions were solicited to insure that an imposing volume of proof was accumulated.¹ Despite the army's exertions, the case against Dreyfus re-

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1. Bredin indicates that five handwriting experts were consulted at this stage of the proceedings and that only three were willing to attribute the *bordereau* to Dreyfus. Pp. 67-75.

mained weak and might not have been pursued but for the leaking of information about the matter to rabidly anti-semitic elements in the French press. These scandal sheets trumpeted news of a Jewish traitor in the ranks and made it extremely difficult for the government to back away from the prosecution of Dreyfus.

In the midst of the army's investigations Dreyfus was seized and imprisoned. He was given virtually no explanation for his detention and was interrogated in the most bizarre and threatening manner. The arrest and interrogation plunged Dreyfus into a nightmare world of maltreatment and accusation. He was eventually brought before a seven-member military tribunal and prosecuted on a charge of treason. He was ably defended by a conservative stalwart of the French bar, Maître Edgar Demange. Lawyer and client conducted themselves well, and a number of observers thought conviction unlikely on the basis of the evidence presented during the proceedings.

Acquittal of Dreyfus would have seriously undermined the credibility and perhaps even the political viability of top leaders in the French army and government. Faced with this prospect a number of army officers entered into a conspiracy to fabricate evidence demonstrating Dreyfus' guilt. The files of the counterintelligence bureau were ransacked to provide accusatory documents that were then altered to implicate Dreyfus. These forgeries were, in flagrant violation of law, secretly communicated to the panel of officers sitting in judgment of Dreyfus.

The Jewish captain was convicted and sentenced to military degradation and perpetual imprisonment on Devil's Island, a volcanic rock off the coast of French Guiana. Such a deportation was seen as virtually the equivalent of "being dispatched to the executioner" (p. 125) because of the island's awful climate and high incidence of malaria. Dreyfus' conviction was applauded throughout France. It was widely anticipated that before very long Dreyfus would succumb in the hellhole in which he had been confined, thus ending the affair.

But Dreyfus would not give in and die. While he fought for his life, his brother Mathieu and wife Lucie began the risky² and difficult process of enlisting support for a review of Dreyfus' conviction. Despite their remarkable courage and untiring efforts, and the support of a small band of men like Bernard Lazare who sought to address the question of anti-semitism implicit in the case, little would have come of their efforts were it not for Lieutenant Colonel Georges Picquart.

After the close of Dreyfus' trial, Picquart, one of the fastest-rising stars in the French army, was given command of the counterintelligence bureau. All went routinely until March 1896. In that month a

2. French agents had the entire Dreyfus family under surveillance. Mail addressed to Lucie and Mathieu was regularly opened. The police also set "traps of all sort" to try to ensnare them. P. 114.

French espionage agent retrieved another vitally important scrap from the wastebasket of the German military attaché. This document, most frequently referred to as the *petit bleu* because of its color and use in the transmission of letter-telegrams, demonstrated that a traitor was still active within the French military establishment. Conveniently, the document bore the name of its author, Commandant Marie Charles Ferdinand Walsin Esterhazy. Picquart, who had served as official observer on behalf of the French General Staff at Dreyfus' trial, was immediately struck by the familiarity of the handwriting. He compared it with the handwriting on the infamous *bordereau* and found them identical. Picquart pursued a private investigation and eventually became convinced that Esterhazy, not Dreyfus, was the traitor of 1894. He then informed his commanding officer, General Gonse, of his discovery. The general ordered him not to pursue the matter.

At this point Picquart did a remarkable thing. He told the general, "I will not take this secret to the grave with me."³ Afterwards Picquart communicated his suspicions about Esterhazy to his old friend and lawyer, Maître Louis Leblois. Ranking officers on the General Staff including General Gonse and his superior, General de Boisdeffre, became alarmed at the prospect of disclosures by Picquart. They, along with officers in the counterintelligence bureau, entered into a two-pronged conspiracy to destroy Picquart and fabricate further proofs of Dreyfus' guilt.⁴ To the latter end, Major Henry of counterintelligence forged a document that had the appearance of having come from the Italian military attaché, Alessandro Panizzardi. The forgery was addressed to Panizzardi's German counterpart, von Schwarzkoppen, and stated:

I have read that a Deputy is to pursue questioning about Dreyfus. If Rome is asked for new explanations, I will say that I never had any relations with the Jew. If they ask you, say the same, for no one must ever know what happened with him. [p. 173]

Simultaneously, Picquart was dispatched on a frivolous mission designed to keep him away from Paris indefinitely. In his absence material designed to discredit him was introduced into his personal dossier.

This plot to suppress the truth might have succeeded but for the revived interest of the press in the Dreyfus case. Bernard Lazare wrote an article accusing the military of framing Dreyfus and covering up its misdeeds. Lazare's well-informed charges provoked consternation within the military. This was followed by the public printing of a

3. P. 168. As Bredin points out, General Gonse denied Picquart's version of this conversation.

4. It is not clear whether the generals actually *ordered* that these steps be taken. There is little doubt, however, that they were the moral authors of the conspiracy.

facsimile of the original *bordereau*. The public display of his handwriting alerted Esterhazy to the growing danger that he might be exposed. Shortly thereafter, Mathieu Dreyfus publicly accused Esterhazy of treason.

The airing of this charge pressured the army into instigating a formal inquiry about Esterhazy. If the Dreyfus case were to remain closed, Esterhazy had to be exonerated. To this end, officers of the counterintelligence bureau were enlisted to provide guidance and support to Esterhazy. In essence, the General Staff entered into a treasonous plot to protect a known German spy and scoundrel. Eventually, Esterhazy was tried and acquitted of treason in a farcical military proceeding.

Emile Zola, one of the leading popular novelists of the day, was outraged by the army's behavior in the Dreyfus and Esterhazy cases. In response he composed a ringing attack on the military. This piece, entitled *J'accuse*, was published on January 13, 1898. It proved to be a milestone both in the Dreyfus Affair and in the history of western journalism. In *J'accuse* Zola denounced the army and various of its officers as participants in a criminal conspiracy to deprive an innocent Alfred Dreyfus of his freedom. Zola drew a significant segment of the French intellectual elite into the fight for Dreyfus and ignited a turbulent political struggle.

Zola was indicted for criminal libel and, amid riotous anti-semitic demonstrations, was tried before a jury in a civilian court. At Zola's trial the leading military figures in the Dreyfus case testified and delivered their unsupported opinions that Dreyfus was guilty. The army did everything in its power to make the case against Zola a choice between the military guardians of *La Patrie* and Dreyfus, the outcast Jew. Royalists, nationalists, and anti-semitic thugs packed the courtroom. There was fighting in the streets and an air of menace hung over the Court of Assizes. The judge in charge of the case, Delegorgue, shamelessly permitted the military the broadest latitude while tightly constraining those representing Zola. Eventually, General Georges Pellieux declared that the army had absolute and irrefutable proof against Dreyfus in the form of the Panizzardi letter (the document Major Henry had forged). The military, however, refused to produce the letter. Despite this and the testimony of Lieutenant Colonel Picquart disclosing the army's misbehavior, the jury convicted Zola.

Ironically, the army's victory in the Zola case proved to be its undoing. It sparked an outpouring of support for Dreyfus that could not be silenced. In one more attempt to end the crisis a new Minister of War, Godefroy Cavaignac, sought to marshal the proofs that demonstrated Dreyfus' guilt. Cavaignac's plan was to set the documents out publicly and then have the government prosecute as traitors all who

dared to oppose its position. The first step in this scheme was a speech in Parliament delivered by Cavaignac on July 7, 1898. The whole plan came apart when an officer assisting Cavaignac, Captain Louis Cuignet, discovered that one of the key documents — the Panizzardi letter — was a forgery. To his credit Cavaignac investigated and eventually forced the forger, Major (now Lieutenant Colonel) Henry to admit his crime. Henry was taken into custody and promptly proceeded to commit suicide.

Even in the face of damning proof of military misbehavior, many in the government and army struggled to block Dreyfus' appeal. Eventually, they were overridden and Parliament voted to have the Criminal Chamber of the High Court of Appeal examine whether Dreyfus should be retried. When it became clear that the Criminal Chamber was going to order a new trial, Parliament, in a shameful failure of will, voted to withdraw the Criminal Chamber's jurisdiction and throw the case open to the examination of the entire High Court of Appeal (which had two other branches besides its Criminal Chamber). This unprecedented tampering with the judicial process did not succeed in blocking a new trial. The entire court ordered that Dreyfus be retried by a military tribunal.

The second trial before a military court opened in Rennes on August 7, 1899. Despite all that had happened, much of the unsavory evidence previously introduced was once again utilized. Military leaders again opined, without proof or justification, that Dreyfus was guilty. Again they were allowed to frame the case as a choice between themselves and Dreyfus. This unfortunate situation was exacerbated by a bitter dispute within Dreyfus' defense team. To the shock of the onlooking world and the immense satisfaction of the army, Dreyfus was again convicted (albeit by a divided panel). The decision created a firestorm of protest, and the government which had at long last come to side with the Dreyfusards sought a compromise to extricate itself from the morass. Despite the protests of many ardent supporters, in the spring of 1900 Alfred Dreyfus accepted an amnesty that applied to his tormentors as well as himself. Although the architects of conspiracy had all been driven from office, none had been criminally prosecuted.

The dispute did not end with the granting of amnesty. In 1903 Dreyfus was allowed to seek revision of the Rennes verdict. After a lengthy and bitter process Dreyfus was exonerated on July 12, 1906. He was thereafter restored to rank and awarded the Legion of Honor. The case had raged for twelve years, had led to at least one suicide, had caused the fall of numerous generals and politicians, and had thoroughly convulsed the country.

II. THE BOOK

Jean-Denis Bredin has written a marvelous book about the Dreyfus case. It is scholarly, balanced, and beautifully written. Its 600 pages comprise a careful and cogent analysis of virtually every aspect of the byzantine affair. Every major event in the case is explored in detail. The courtroom proceedings in the two Dreyfus trials, the Esterhazy trial, the Zola trial, and the ensuing appeals in all these cases are especially well rendered by Mr. Bredin, who is both a practicing lawyer and legal scholar.

The book includes lively portraits of most of the major characters in the drama. It painstakingly traces the roles of scores of politicians, soldiers, and intellectuals. It is especially good in presenting the human side of those caught in the toils of a crisis they could not resolve. Among the few characters slighted in this otherwise brilliant presentation are Colonel Jean Sandherr, the chief of counterintelligence when Dreyfus was charged, and Lucie Hadamard Dreyfus, Alfred's wife. Sandherr occupied one of the most sensitive posts in the military at the time the case against Dreyfus was assembled. Those who framed the case and manipulated the evidence were under his direct command. More might have been done to explore his role in these events, especially in light of the fact that he was a consummate anti-semite who had previously refused to allow Dreyfus to serve in his bureau.⁵

Lucie Dreyfus was a courageous and virtually tireless campaigner on behalf of her husband. She shared in many of the decisions that affected his case. With her correspondence she singlehandedly sustained Alfred in his darkest days. Bredin might have done more to explore her special perspective on the Affair and the impact of the case on her life.

Bredin brings an amazingly broad array of information to bear in explaining the Dreyfus case. He displays a virtuoso's mastery of the riotous politics of the Third Republic at the turn of the century and neatly succeeds in placing the case in its political context. His knowledge of Dreyfus' correspondence and prison journal is concordance-like. From careful scrutiny of the texts, Bredin is able to make telling points about Dreyfus' perception of his case, his religious views, and his courage. Similarly, Bredin is able to use effectively the scholarship that has analyzed the voluminous lists of contributors to and supporters of anti-Dreyfusard organizations. Bredin marshals this information to provide the reader with a telling portrait of the forces in French society opposed to justice for a Jewish officer.

5. For a broader interpretation of Sandherr's role see G. CHAPMAN, *THE DREYFUS TRIALS* 40-42 (1972).

III. THE LESSONS OF THE DREYFUS CASE

There is something far more important about Mr. Bredin's book than its scholarly care and narrative grace. *The Affair* describes and explores a moment in modern western history when integrity and justice won out over race hatred, nationalist demagoguery, militarism, and media frenzy. The book provides us with nothing less than proof that men's struggle for justice can overcome popular prejudice.

Dreyfus' sufferings are a paradigm of the experiences of victims of politically motivated oppression in modern times. Without justification, Dreyfus was hurled into prison and convicted of treason. His only offense was being Jewish. He was the forerunner of the millions who were driven into the Nazi death camps and the thousands who still languish in the Gulag. How Dreyfus came to triumph despite the wishes of at least half a dozen French presidents and prime ministers, hundreds of other politicians, thousands of military men, and tens-of-thousands of anti-semitic hoodlums is a story worth repeating and perhaps even learning by heart.

In essence, it is the story of the incredible courage of a few. Chief among them is Dreyfus himself. Alfred Dreyfus was not a likeable man. He was cold, distant, and rigid. Yet, as Bredin so skillfully informs us, Dreyfus had the stuff of greatness in him. When absolute catastrophe befell him he refused to be crushed. When he was condemned to an imprisonment perhaps as dreadful as Auschwitz, he refused to go meekly to his grave. Rather, with all the human resources at his disposal, he fought for his dignity and for justice. His seemingly naïve refusal to be broken, despite the vast power the state brought to bear, tells us a great deal about human fortitude and its wellsprings in unswerving insistence upon that which is right. Dreyfus can teach us a critical lesson about resistance to tyranny and the power inherent in a refusal to accept the cynical vision of a world deaf to moral claims.

Had Dreyfus stood alone, however, he would undoubtedly have shared the fate of Hitler's victims, Stalin's opponents, and the Argentine *desaparecidos*. Dreyfus was saved because others came to his rescue. They too are the heroes of the Dreyfus Affair. All shared with Dreyfus an unquenchable belief in justice and a willingness to take the greatest risks to secure it. In some ways their actions are even more extraordinary than Dreyfus' because they had little personal stake in the outcome. Theirs was a disinterested dedication to seeing the right vindicated. Three who exemplify this magnificent band are Georges Picquart, Emile Zola, and Jean Jaurès.

Picquart was, to all appearances, the model military careerist. He was one of the fastest-rising soldiers in the French military when appointed head of counterintelligence in 1896. Then he made the fateful discovery of the *petit bleu*. Picquart did what any good soldier would — he took the matter up with his superior, General Gonse. It is here

that Picquart's story departs from the ordinary. Gonse instructed him to forget the whole thing, and Picquart responded by choosing the path of conscience rather than career. He refused to remain silent and thereby perpetuate an injustice. Picquart's choice had the most immediate and dire consequences for him. He was dispatched to the frontiers of France and eventually to riskier climes like the unpacified borders of Tunisia. While he was on his travels a dossier was assembled to ruin his reputation and undermine his standing in the military.

Picquart survived all this and, in the momentous trials of 1898 and thereafter, came forward repeatedly to speak the truth as he knew it. For his courage he was vilified, drummed out of the military, jailed for more than a year, and threatened with criminal prosecution. Through it all Picquart remained steadfast. He provided the proofs upon which Dreyfus' appeal became possible. He parted the curtain of silence that the army had attempted to erect around Dreyfus. The cost in personal terms was enormous, but Picquart bore it without complaint. His insistence on seeing justice done was extraordinary, all the more so when one considers that it flew in the face of his prejudices (he had voiced anti-semitic views on a number of occasions), the interests of his caste, and his personal well-being.

The injustice of the Dreyfus case insulted Emile Zola as an intellectual.⁶ It spurred him to employ his powerful literary talents on behalf of the Jewish victim wrongfully condemned. In fighting for Dreyfus, Zola joined a proud tradition in France that had its roots in the Enlightenment when Voltaire had devoted his energies to attacking miscarriages of justice like that in the Calas case.⁷ Once Zola became convinced of Dreyfus' innocence, he fearlessly took up his pen as a weapon in the fight for the captain's life.

Zola faced substantial risks in speaking out. He made his livelihood through the publication of popular novels. The vast majority of his reading public was anti-Dreyfusard and likely to take offense at his stand. Yet he chose to speak. His choice was a critical one because he struck perhaps the decisive blow on Dreyfus' behalf. In 1898 Esterhazy was tried and acquitted of treason. Virtually the entire nation took the verdict as a definitive rejection of Dreyfus' claims, and it seemed that no way remained open to overcome public resistance to the truth. At this dark moment Zola composed *J'accuse* and with its publication launched the campaign that would eventually result in Dreyfus' freedom.

Zola wrote *J'accuse* with the express understanding that he was courting prosecution. He was eventually charged with criminal libel.

6. Bredin argues that the very term "intellectual" gained currency during the Dreyfus Affair and was first used as a pejorative by anti-Dreyfusards to describe the captain's supporters. P. 276.

7. See P. GAY, 2 THE ENLIGHTENMENT: AN INTERPRETATION 433-37 (1969).

In a pair of tumultuous trials, during which Zola's life was repeatedly threatened by howling mobs, he was convicted and sentenced to a year in jail. At the urging of friends, Zola fled his homeland and took up an expatriate's existence in London. He continued the fight, however, and shared in the final triumph. It may be that Zola paid the highest price of any of Dreyfus' supporters. Not long after his return to France he died under circumstances that suggest he was killed by anti-Dreyfusards.⁸ Zola's part in the Affair is a monument to the strength of the idea of justice. With truth as his weapon he fashioned an indictment of the entire French establishment and made his charges stick. He showed that men of ideas can make a difference and that an appeal for fairness can be more powerful than the oppressive apparatus of the state. One has to wonder whether the sad history of our century would have been different if there had been more like him.

The Socialist political leader Jean Jaurès was a third heroic figure in the Dreyfus case. During the early phases of the Affair, it was the general consensus among French Socialists that the case was a bourgeois problem of no importance to the Left except insofar as it undermined the capitalists' ability to govern. Socialists saw Dreyfus as the son of a rich capitalist exploiter who was getting far more consideration than any worker or poor soldier would ever get. Jaurès said as much in an 1895 speech in Parliament, while calling for the readoption of the death penalty for treason.⁹

By 1897, however, Jaurès was one of the first elected officials to move toward the Dreyfusard camp. His motivation was an unalterable detestation of all injustice, seeing in it "a symbolic explanation of collective iniquities" (p. 198). Jaurès' choice alienated both voters (who turned him out of office in 1898) and fellow Socialists. Despite the political costs, Jaurès persevered and became the architect of the 1906 revision that exonerated Dreyfus of all charges. His words about the cause of justice deserve to be repeated:

[O]n the day that a crime is committed against a man, on the day that it is committed by a bourgeois hand, but while the proletariat, by intervening, might have stopped the crime, it is no longer the bourgeoisie alone that is responsible, but the proletariat itself. For by not stopping the hand of the murderer ready to strike, it becomes the murderer's accomplice. And then it is not a blot on the setting capitalist sun, but a blot on

8. The case for murder is most strongly stated in D. LEWIS, *PRISONERS OF HONOUR* 310-11 (1973). Others, including Bredin, are more circumspect. P. 455. *See also, e.g.,* N. HALASZ, *CAPTAIN DREYFUS* 250 (1955).

9. Jaurès declared:

Captain Dreyfus, convicted of treason in a unanimous verdict, did not receive the death sentence. As opposed to those results, the country sees that simply [sic] soldiers are shot without pardon or pity for a momentary lapse or act of violence. . . . We have the duty to ask ourselves whether the nation's justice should remain unarmed in the event that abominable acts analogous to that committed by Captain Dreyfus were to recur.

P. 98.

the rising socialist sun. We have wanted none of that shameful stain on the dawn of the proletariat. [p. 526]

For Jaurès human dignity was the measure of all things.

[T]he value of every institution is relative to the human individual. It is the human individual, affirming his will to be free, to live, and to grow who henceforth is to bring life to institutions and ideas. It is the human individual who is the measure of all things, of country, family, property, humanity, and God. That is the logic of the revolutionary idea. That is socialism. [p. 497]

Many called these views naïve, unrealistic, or even a betrayal of the "revolutionary idea." But such thoughts were the finest flowering of the movement that freed Dreyfus. Had they been heeded more often the bloody trail to Buchenwald and Krasnaya Presnya¹⁰ might have been avoided.

Men like Dreyfus, Picquart, Zola, and Jaurès are the real heroes of the twentieth century. They are the spiritual forebears of Sharansky, Solzhenitsyn, and Wiesel. They remind us that despite terrible odds in a cruel world, integrity lives and that insistence upon justice can be an incredibly powerful weapon in the fight against tyranny. E.P. Thompson has argued that the elite's reliance on the rhetoric of justice can create pressure on the ruling classes to conform their conduct to articulated standards of fairness.¹¹ The lesson of the Dreyfus case is that such rhetoric can be a potent weapon when wielded by the oppressed.

The struggle for justice is never concluded. It seems that governments are incapable of internalizing the lessons to be learned from cases like that of Captain Dreyfus. All too soon the Dreyfus Affair was forgotten in France. In 1917 an ardent supporter of Dreyfus, Clemenceau, acting as Prime Minister, rejected all consideration of decency and prosecuted political opponents to bolster the morale of the army (p. 499). In our day no one should be smug. No form of judicial procedure will insure justice. The danger of hatred and prejudice is ever-present. The darkness is always close at hand, and the light of truth can all too easily be extinguished. Jean-Denis Bredin reminds us that it may not always be snuffed out and that there are men and women who will fight for justice. For these reminders *merci*, Monsieur Bredin!

10. This is one of the transit camps in what Solzhenitsyn describes as the "Gulag Archipelago." See 1 A. SOLZHENITSYN, *THE GULAG ARCHIPELAGO* 537-64 (1973).

11. See E. THOMPSON, *WHIGS AND HUNTERS: THE ORIGIN OF THE BLACK ACT* 258-69 (1975).