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## FRANCE AT THE PARTING OF THE WAYS.

BY BERNARD LAZARE.

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ON the 7th of August, the proceedings in the Dreyfus trial were opened before the court-martial at Rennes. If this case had not disclosed the fact that, unhappily for France, every idea of law had disappeared and that the very first principles of jurisprudence were no longer understood, there would have been a few sessions devoted to the statement of the case and of the principal facts involved, and to a simple ratification of the decree of the Court of Cassation, which explicitly proclaimed the innocence of the man condemned in 1894 and legally attributed the *bordereau*, upon which the entire accusation was based, to Major Esterhazy. All this was voluntarily overlooked by both sides, by the prosecution as well as the defense. They desired a great trial; they seemed to imply that the case had not been fully pleaded before the Court of Cassation and that it was expedient to do it anew. The prosecution produced experts, notwithstanding that the handwriting of the incriminating document had been decided not to be that of Dreyfus. The defense summoned Captain Lebrun-Renaud although the court had rejected the legend of the confession. The Government could not, and did not dare to, uphold the decisions of the supreme tribunal. No one recognized that a dangerous precedent was being established, which was a menace to all, and that thenceforth a decision of the Court of Cassation, pronounced after investigation, and setting forth the reasons on which it was based, could no longer protect a citizen, not merely from suspicion, but even from the illegal proceedings of the lower courts, which, by the precedent of the Dreyfus case, have become free to contest the acts and the judgments of the higher tribunals. Such is the actual situation; and it has arisen, it must be said, not only through the mistakes of the parties involved, not only through

the indecision of the executive, but also through the cowardice of the Court of Cassation, which did not dare to render a final judgment, when its duty was to reverse the former verdict without appeal.

If, however, in consequence of this conflict between the civil authority and the old and barbarous military jurisdiction, the ignorance of all rules of jurisprudence might be expected in a tribunal of soldiers, it is none the less true that this trial could have taken place only because of the ignorance of these soldiers, who are unacquainted with the very commonplaces of law, and who substitute for the articles of the code the antiquated notions of their peculiar honor. The mere examination of the facts should have sufficed, before any pleadings were made, to convince the judges. Their conviction should have been confirmed by Major Esterhazy's reiterated confession, a spontaneous confession, written in the presence of witnesses, corroborated by the visible, undeniable identity of this handwriting and that of the *bordereau*, which any one could recognize without the aid of experts. It was decided, however, to go on with the case—and to ignore all preceding verification, all evidence. It was decreed, every Frenchman approving, that Dreyfus could not be cleared of the accusations hanging over him except by the judgment of his peers. Even the lawyers who defended the unfortunate man petitioned the Court of Cassation to remand him to the jurisdiction of his peers, and the court acquiesced without perceiving that by thus acknowledging the jurisdiction of his peers it denied its own. No one pointed out that this conception was only a remnant of barbarism, and that the most unsafe tribunal for a man was one composed of individuals belonging to his own class, that is to say, possessing its peculiar prejudices in addition to general prejudices, and having to uphold not only justice but also such interests of the corps as are in conflict with those of the man subject to their verdict; and not only these professional interests but also the personal interests of competitors or rivals.

In reality, it was the function of the Court of Cassation to say these things, and the only effective way of saying them was to reverse the former verdict definitely, to set Dreyfus free and to absolve him by a decree which every one would have honored. It did not do so. The majority of its members held that in such a case right and true justice should give way before legal subtleties.

Dreyfus remanded to a court-martial was Dreyfus again delivered up to the military oligarchy which had opposed revision for three years with all its power, because that would mean its own condemnation. Although it had received a blow in the person of some of its members, notwithstanding Henry's death, notwithstanding du Paty de Clam's defection, notwithstanding the fact that Majors Lauth and Cuignet, the archivist Gribelin, and Generals Gonse and Boisdeffre had been removed and disciplined, the old General Staff still retained all its power. Its influence exerted its full sway over the tribunal before which Dreyfus had been sent, and the fact that a few men firmly resolved to defend the Republic were in power did not suffice to destroy a state of things which dated back many long years. A close corporation, specially recruited from officers drawn from religious schools, educated by the Jesuits and priests and raised in ideas of hostility to the existing form of government, the General Staff had very long since placed its creatures everywhere and extended its ramifications into all the military sub-divisions, promoting everywhere a lively and selfish solidarity, to which it had only to appeal as soon as the decree of revision had gone forth.

It was a necessity for the General Staff that the Dreyfus trial should take place, and it was an equal necessity for the factions that had drawn up in line behind these criminal soldiers in the hope of seeing the Republic go down. Anti-revisionists of note said and wrote—and that, moreover, after promising to submit to the decree of the united chambers—that the innocence or the guilt of Dreyfus was of little moment; that the real question at issue was that special honor of the army which they had taken for their principle, honor which consisted in departing as far as possible from every tradition of humanity, from every idea of right and justice, to bow down before a fetish whose intangibility was proclaimed as a dogma which did not admit of heretics. This case was to be not the trial of a man, but the rehabilitation of a caste, a trial to defend the General Staff, to establish in an indisputable manner the infallibility of the ministers of war and of the decisions of military justice. It was not so much a tribunal that assembled as a council, whose purpose it was to indicate to the civil courts that their power ceased where its own commenced.

Given these intentions, what must be done? All those who were in any way concerned in the campaign for revision must be

arraigned. Their unworthiness must be demonstrated, for so their efforts would be laid open to suspicion, the vigorousness of these efforts attributed to unmentionable sentiments, to base motives, and the prestige of the enemies of revision would grow in proportion to the disgrace of the revisionists. Who were those that were selected for targets? They were, first, the writers and publicists who had fought most vigorously; these were not named, they were not arraigned individually, but the suspicion was cast upon them that they were the tools of a mysterious syndicate, formed for the special purpose of ruining and dishonoring France. Persons were summoned as witnesses by whom it was proposed to establish with much plausibility the existence of such an organization. The military witnesses, moreover, took care to make insinuations which could not be verified and which were so vague that no one could reply to them. Thus was summoned M. Penot, who was to affirm the reality of the attempts at corruption made in 1894 by M. Matthieu Dreyfus on Colonel Sandherr, at that time chief of the Information Bureau; thus was summoned M. de Grandmaison, a monarchist deputy, who was to appear as the responsible editor of remarks attributed by the Marquis of Maussabré, the deputy of the Deux-Sèvres, to Baron Edouard de Rothschild. We shall presently see how General Mercier and General Roget were to support these witnesses.

All this was to establish the existence of a general plan and of a vast coalition, but they also needed to show particular combinations, to reveal the divers centres of inspiration; and for this purpose a few men had to be singled out and attacked. The first of all was Colonel Picquart, who reminded the military inquisitors of one of the checks they had suffered. Colonel Picquart must be arraigned and his testimony, which was so convincingly in favor of Dreyfus, must be discredited. At the time when the party of the General Staff was still all-powerful, at the time when M. Cavaignac, the Minister of War, was preparing to post the Henry forgery on the walls of the thirty-six thousand communes of France, a preliminary examination had been set on foot against Colonel Picquart. He was accused of having entered into a criminal conspiracy with the lawyer Leblois, Senator Scheurer-Kestner and myself to substitute Esterhazy for Dreyfus. They accused him of secret machinations; they accused him of having prepared the campaign for revision; they accused him even of

having furnished me with the necessary information for writing my first pamphlet in 1896; they accused him, finally, of having forged the famous "*petit bleu*," which incriminated Esterhazy, or at least of having used it against him knowing it to be false. Although Colonel Picquart was cleared of all suspicion by the decisions of examining Magistrate Fabre, of the Chamber of Indictment, and of Captain Tavernier, that there was no evidence, it was still found important to accuse him again; and, for this purpose, Captain Junck, Archivist Gribelin, Major Lauth, General Gonse and Savignaud, who was formerly an officer's servant, were summoned as witnesses.

It was not enough to accuse Colonel Picquart, the memory of Colonel Henry must also be cleared. After having travestied his crime of forgery into a patriotic aberration, they had to remove at all costs the terrible suspicion, the all but certainty, that he had been at a certain time in a position to be the accomplice of Major Esterhazy and the habitual purveyor of information to that miscreant. That was a terrible supposition for the generals who accused Dreyfus, for, if it had been verified, it would have ruined the whole laborious system which they had been at so much pains to contrive. To defend Henry, it was necessary to blacken the man whose testimony was strongest against him, namely, the examining magistrate Bertulus, a witness of the collapse of the wretched man, of his terror and anguish, when in the course of his examination respecting Major Esterhazy he had come upon the track of his questionable relations with Colonel Henry. To dishonor M. Bertulus, it was thought that General Roget, Major Cuignet and Captain Junck would be all that was required. They also summoned Henry's widow, and skilfully prepared her for a melodramatic scene which they hoped would produce a great effect. Thus, then, were organized the prosecution of the partisans of revision, the prosecution of Colonel Picquart, the rehabilitation of Colonel Henry; but they had also to consider the prosecution of Dreyfus himself. How did the General Staff plan that? They knew that none of the judges of the court-martial at Rennes had any knowledge of the investigation made by the criminal chamber of the Court of Cassation; nay more, that their minds were poisoned against it in advance and that they looked upon it with suspicion. It was thought, therefore, that the method which had availed before the civil magistrates might, perhaps, be a good

one before soldiers. It was hoped that for them the statements of their chiefs or their comrades in arms, even when unsupported by proofs, would have a weight which it had not had elsewhere. So they ignored both the investigation with its attendant results and the decision which was its logical and inevitable outcome. They hoped to establish triumphantly that Dreyfus was guilty of the crime of high treason, first, because the incriminating *bordereau* was written by him; secondly, because the documents enumerated in it could have been delivered only by an officer of the General Staff, and, thirdly, because the captain had at one time confessed his crime.

To establish the first point was a difficult task. It had not only been proved, by the most diverse and the most authoritative evidence, that the handwriting of the *bordereau* did not resemble Dreyfus's handwriting and was not his, but its startling resemblance to Esterhazy's had also been pointed out. When driven to the wall, Esterhazy had acknowledged that he had written the *bordereau*, but they hoped to discredit this confession by establishing his falsehood when he pretended that he wrote it because he was ordered to do so, and in his capacity as an agent of the counter-spy system specially charged to furnish evidence against Dreyfus. All their hopes rested upon M. Alphonse Bertillon, the director of the Paris judicial identification service, who had taken upon himself to prove that Dreyfus had written the *bordereau*, not in his natural handwriting, but according to a safety system having a key-word for its basis, namely, the word *intérêt*, taken from a letter of M. Matthieu Dreyfus, his brother, and developed according to a mathematical rhythm. A second witness, the artillery captain Valerio, was summoned in support of the Bertillon theory to confirm it and explain any obscurities that might arise.

The duty of establishing that the documents enumerated in the *bordereau* could come only from an officer of the General Staff fell to the lot of the five ministers of war, and especially to General Mercier, who was to be supported by General Roget. The method employed for this demonstration was simple; it was based upon the fact that nobody knew the contents of the documents which had been delivered. Before any tribunal this fact ought to have prevented the prosecution from indulging in any hypothesis, and confined it to the only positive affirmation possible under the cir-

cumstances, namely, that unknown documents had been delivered, which was an act in itself sufficiently felonious, criminal and punishable. The court-martial permitted a different course. The nature of the information delivered being unknown, it was supposed to be extremely important, an ultra-secret and confidential character was attributed to it and the capital importance of the documents was demonstrated theoretically, after which it was deemed that their reality was established. Their delivery, as well as their character, being thus assumed, they deduced the indisputable result of their demonstration, that only an officer belonging to the General Staff could have delivered them.

It is certain, however, that the very witnesses who were to undertake and defend such a demonstration before the court-martial must have been secretly conscious of its fragility. Perhaps they also feared that M. Bertillon's system was not proof against attack and refutation. At any rate, they expected that both systems would be attacked. It is a dangerous operation in a criminal trial to replace facts and evidence by hypothetical fabrications, by reasoning without real foundation, by deductions devoid of logic from premises that are not rigorously established. The fact that no dissertation is as good as a proof is so true that even those who have for years been marching blindly behind the white plumes of the generals of the Staff, required from them a decisive proof of Dreyfus's guilt, a proof that would end all discussion, that would convince and satisfy the judges. The entire anti-revisionist press affirmed the existence of such proof on the very eve of the trial. It was kept back by General Mercier, they said; patriotic scruples alone had hitherto prevented him from making use of it, but he now perceived that his duty was to lay aside these scruples and to strike the decisive blow which none could resist. Now, General Mercier had no such proof any more than the other generals, he possessed none whatever; and the only positive fact which he hoped to lay before the judges was Dreyfus's confession. To substantiate this confession, they had not summoned the man who boasted that it had been made to him; they feared the vagueness of his testimony, they preferred to bring in corroborative testimony and to fall back on the deposition of a dead man (Major d'Attel), in order to support that of Captain Lebrun-Renaud whom they preferred to keep away, but who was summoned by the defense.



The confession was to be the supreme fortress, the impregnable rampart, and nothing shows better the theological character, so to speak, of this trial than the capital rôle which they assigned to the pretended confession of Captain Dreyfus. To rest satisfied with a confession, in order to save the trouble of discussion, is one form of accepting the principle of authority as the sole guide of one's thinking. To declare one's self content with a confession is to save the trouble of all examination, to substitute for one's reason a mere statement without studying its value, its scope or its quality, and without ascertaining whether it does not clash with the facts. A thousand and one motives may induce a man to confess a crime which he has not committed. To admit a confession *a priori* and base a conviction upon it is the height of absurdity. The Catholic mind is adapted to the acceptance of such a belief. It is a clerical principle that a confession is better than a proof. All inquisitorial jurisprudence, all the ancient jurisprudence of Catholic countries, as in barbarous times, is founded upon obtaining a confession and not on finding proofs. The Church has always opposed the latter; it will not admit scientific demonstration, but prefers an authoritative and hierarchical affirmation, which does not permit the development of rational examination and free criticism. It transports into the domain of law its doctrines concerning the research of the truth in scientific matters, and, when the accused is brought before it, it demands not proofs of guilt in order to confound and condemn him, but a dogma of culpability. It is in this way that the treason of Dreyfus became a dogma for the great majority of Frenchmen, not only for those of little or no culture, but even more for those who until then belonged to the intellectual *élite*. "Dreyfus is guilty," said M. Jules Lemaître, M. Maurice Barrès and M. François Coppée, because a court-martial said so, because seven ministers of war proclaimed it; these assertions ought to render all examination unnecessary; they must be accepted as an act of faith, and whoever refuses to do so is a bad Frenchman, as he would be a bad Catholic who should reject the decisions of a council or the word of a Pope. This explains the necessity under which the accusers of Dreyfus were placed, of attaching so much importance to the pseudo-confession to Captain Lebrun-Renaud, and of making it the *ultima ratio* of their resistance when they were driven into the last ditch.

Such was the way in which the trial was planned in advance, such were the tactics adopted; and it was these tactics that the General Staff had the power to impose upon the court-martial, and on the man whose function it was to summon the witnesses, namely Major Carrière, the Government commissioner, who deliberately ignored the decree of the Court of Cassation, which above all it was his duty to carry out.

But the trial was planned not only in its grand outlines, but even in its smallest details. Each of the depositions of the incriminating witnesses was minutely ordered and arranged by a legal director accustomed to the trickeries of the practice and the resources of chicanery, by one of the regular counsellors of the General Staff, either by Maître Ployer, ex-president of the barristers, or by Maître Auffray, a militant royalist and former secretary of M. de Mackau. The rôles had been distributed to each of the witnesses; according to predetermined order they were each to unfold the reasons for their convictions. What this order was has been explained: the handwriting of the *bordereau*, its ascription to an officer of the General Staff and Dreyfus's confession. In addition they were each to contribute certain special information, which they all doubtless had, but which they had divided up among themselves. Their testimony was given according to a sort of prescribed method. Its preparation was perfectly apparent; bearing upon the general thesis, each witness spoke with the intention of supporting the one who preceded him, and of preparing the way for the one who followed. Never was there a trial more radically vitiated by criminal conspiracy among the witnesses! It was not simply an understanding but a coalition against right and justice for the purpose of defeating them, if necessary even by falsehood and perjury. Never before, in any trial or before any tribunal, have witnesses been allowed to appear without adducing a single fact, without their having been in any way connected with the case, but merely to make speeches for the prosecution. This will be a unique fact in the history of jurisprudence, that men could thus assume the rôle of prosecutors without authority, and that a court accepted them as witnesses.

But the very arrangement of this trial by schemers constituted its weakness. The depositions, so laboriously prepared, were suitable for being written and read in a parlor or before a public already prepared who had the same passions as the reader. They

could not bear discussion, nor criticism, nor contradiction. They would have been admissible only in the mouth of a public prosecutor who was not to be followed by a reply. The truth of my assertions will appear on an examination of the way in which the trial unfolded itself. First, however, I must mention a fact which dominates it: the existence of a secret collection of documents (called the secret *dossier*) now admitted to discussion and examined behind closed doors, this time in presence of the accused and his counsel. It had already been examined by the Court of Cassation, and it had not appeared to that court to contain any sort of evidence against Captain Dreyfus. By some inexcusable weakness, the Minister of War decided that he ought to lay it before the court-martial, and the Minister of Foreign Affairs followed his example. The former delegated General Chamoin, and the latter M. Paléologue, to explain the documents. It is known that, according to Major Cuignet's celebrated classification, they consisted of three portions. The first contained the papers which the General Staff believed to have reference to Dreyfus; the second, those which did not concern him; and the third, the forgeries. The tribunal examined this *dossier* for four days before the opening of the proceedings, and after the preliminary examination of Dreyfus. Afterwards a portion of the documents it contained were read and discussed in public session. Already, at this point, it was perceived that one forgery had remained in Major Cuignet's first division. It had no doubt escaped his vigilance. I mean the false report attributed, with the date of November, 1897, to Colonel Schneider, the military attaché of Austria-Hungary. But there was still another forgery in the same collection, namely, an alleged report by Colonel Panizzardi to his ambassador, M. Ressmann. As soon as these two reports were published, they were disowned as forgeries by those who were said to be their authors. On the remaining documents, the five ministers of war and General Roget pretended to base their conviction that the author of the *bordereau* was an officer of the General Staff, and that the said officer could be none other than Dreyfus. As a matter of fact, they succeeded only in showing that these documents could not be laid to Dreyfus's charge, unless it were previously demonstrated that Dreyfus had written the *bordereau* and that the papers delivered were really important. Now, there is henceforth no question that the handwriting of the *bordereau* is Esterhazy's; and, according to

M. Picot's testimony, which was not contradicted by Colonel Schneider, the documents were delivered by Major Esterhazy, the writer of the *bordereau*; and these documents are of no importance. The prosecution undoubtedly discovered that the secret *dossier* scarecrow had failed to produce any effect on the judges, for, at the last moment, they submitted ultra-secret *dossiers* which were examined with closed doors on the twenty-fifth and the twenty-sixth sessions of the trial; but these ultra-secret *dossiers* completed the confusion of those who pretended that they incriminated Captain Dreyfus.

Now, what has been the outcome of the trial? What have been the facts brought out and demonstrated? I said that one of the first cares of its organizers was the rehabilitation of the General Staff. Well, it was plainly established that General Gonse, Colonel du Paty de Clam, Major Lauth, Captain Junck and Archivist Gribelin had aided Esterhazy, by underhanded manœuvres, to deceive the military judges before whom he appeared at the end of December, 1898. It was proved, by the depositions of M. Hadamard and M. Painlevé, that General Gonse had falsified and distorted certain remarks of the latter, and that these remarks, which were in favor of Dreyfus, had been transformed into testimony against him, and introduced into the secret *dossier*, where it was thought M. Painlevé would never discover them. Who will forget the memorable scene when General Gonse, with a wild look, trembling legs and stammering lips, was obliged to lie and lie again to back up his first falsehood; when he failed to make it good and took his seat amidst the hooting of the audience? Finally, it was proved, and this is the gravest fact of all, that not only had an innocent man been condemned in 1894, on the strength of secret papers which neither he nor his counsel, M. Demange, had known, but also that a forgery figured among these papers. Hence, while the belief might have been entertained before this trial that Captain Dreyfus was the victim of a frightful and lamentable error in his first trial, it is now proved that he was the victim of the most odious of crimes.

On November 2d, 1894, when Colonel Panizzardi, the military attaché of the Italian embassy, had learned from the newspapers that Captain Dreyfus had been arrested, he telegraphed to his Government that he personally had never had any relations with Dreyfus, and, if the same thing could be said at Rome, that it

would be well to make a declaration to that effect to avoid comment. This despatch was in cipher. The cipher bureau of the Ministry of Foreign Affairs first sent, as a semi-official and friendly act, an approximate translation to Colonel Sandherr, the chief of the Bureau of Information, giving the last words with all reserve, and then, a few days afterwards, the official text was given. I have just analyzed it; it superseded, of course, the first attempt at translation in which the last two words "*emissaire prévenu*" might have given rise to incriminating interpretations against the accused officer. It was clear that this despatch exonerated Captain Dreyfus. On the very first day of the trial at Rennes, General Mercier cynically confessed that he had cunningly caused a man to be stabbed in the back whom, as the head of the army, he was in duty bound to defend, and so laid himself open to the criminal charge of not having turned over into the *dossier* this telegram which established the fact that Captain Dreyfus had never had any relations with Italy nor her agents in France or elsewhere. Thus the position publicly taken by General Mercier was that of a supreme judge destroying the proofs of innocence. Moreover, it became plain to everybody that his atrocious crime had been more abominable still, since he had dared to change this proof of innocence into a proof of guilt, since he had communicated to the court-martial of 1894, when it had withdrawn for deliberation, a false text of the despatch of November 2d, 1894.

The facts of this crime were brought out by the testimony of a man who had been the witness of it—who had been its victim! Involuntarily, he had sanctioned it, the abused and mutilated document, and had used it against the Jew, whom formidable passions had conspired to hand over to a tribunal which was assailed and importuned by the hatred of his enemies. This man had been one of the judges of that first court. It is consoling that, of those seven soldiers, one was found who had the heroism to confess his fault and the manliness to come forward to repair it; but it is sad to think that he was the only one, that Captain Freystaetter was the only one who came to Rennes to declare his remorse and his new convictions, and to bow his head before the man whom he had contributed to bury alive. As he stood up before the consciences of the new judges, they must have felt a cold shiver, their inmost being must have been swept by the terrifying breath spoken of by the prophet, insensible though they may have

appeared, when their comrade in arms came before them with head erect gravely to make his confession, and when they looked upon the bilious face of General Mercier and the frowning countenance of Colonel Maurel, the president of the court-martial of 1894, who had just told a lie. Then they must have felt how fearful was their responsibility and what a burden they had assumed, when they undertook to judge according to justice and according to truth. These proceedings revealed the crime which lay at the origin of the Dreyfus affair, the initial crime which begot all the other crimes. By their efforts for the rehabilitation of the General Staff, the generals only demonstrated that it was even more criminal than any one had dared to suppose.

What did they bring forward in support of the hypothesis of that legendary syndicate, that dangerous weapon in the hands of the banditti and *condottieri* of an unclean press, that poisoned shaft by which all those were struck down who rushed into the battle to save the innocent and uphold the honor of their country in the eyes of the world? Until then they had proceeded with vague insinuations and perfidious allusions, following that anti-Semitic method according to which it is pretended, in the name of the true interests of the country, that everything is bought and sold in France, from her humblest citizen to her Parliament and her Supreme Court. No actual, precise facts had yet been given; but the rumor was circulated, by defaming and blackmailing sheets, that the prefects of frontier departments had often observed the passage of foreign gold. No doubt, according to the naïve conception of the few newspaper pirates who spread these reports, the subsidies of these modern Cobourgs and Pitts must have been distributed in full weight, in hard cash. General Mercier brought these things before the court-martial, or rather he made himself the responsible editor of an alleged remark of M. de Freycinet to General Jamont. When M. de Freycinet was summoned, he declared that he had never thought that the campaign conducted in France by the defenders of Dreyfus had been inspired by interested motives, and that there was no fact that justified such accusations against honorable citizens. A more sharply defined protest would have been desirable from the ex-Minister of War, but the prudent old man still thinks, upon the very threshold of the grave, that it is better to smoothe the path of senile ambition than to serve justice and right boldly and without reserve. Senator

Trarieux manifested more manhood and civic courage when he reminded the judges that law was superior to the honor of caste; when he branded the shame and condemned the crimes of that small cabal of officers, those felons and forgers who pretended to represent the mass of the army; when he showed that those who had rushed into the fight to rescue the martyr from the galleys had done so at the risk of their honor and their lives, unmindful of self-interest. Knowing that it would not suffice to spurn certain accusations before those seven men who were perhaps misled by prejudices, he called for the testimony of M. Waldeck-Rousseau, M. Barthou and M. Dupuy, who discredited forever that fable of a syndicate of treason and foreign money.

Did these proceedings at least justify the accusations brought against Lieutenant-Colonel Picquart? Quite the contrary. They disposed of the absurd tale which represented him as placed in the **Ministry of War** to liberate Dreyfus and put in his place another traitor selected by him. It was said that he had attempted at first to put in his place two officers named Dorval and Donin de Rosières. The Rennes trial has shown that Picquart was not concerned in the surveillance under which these two officers had been placed, and that the first of them had been marked out and persecuted by his own cousin, Colonel du Paty de Clam. It has cleared him of the infamous accusation, which, by the way, no man of honor in France believed, that he had tried to ruin Esterhazy by fabricating the *petit bleu* sent by Colonel Von Schwarzkoppen. Indeed, it has vindicated him of this charge in the most brilliant manner, M. Paléologue having testified that Count Munster, the German Ambassador, had thought it his duty to inform M. Delcassé, the Minister of Foreign Affairs, that the German military attaché had addressed several of these telegram-cards called "*petits bleus*" to Major Esterhazy, and very probably the one which had fallen into the hands of Colonel Picquart. What the trial has shown, however, is just the reverse of what its promoters had hoped for. It has shown the culpable and criminal plots carried out by Colonels Henry and du Paty de Clam, by Major Lauth, by Captain Junck and by Archivist Gribelin, the forged letters, the forged despatches and, finally, the erasure in the *petit bleu* laid to Colonel Picquart's charge in order to dishonor him. It is all clear now; it is clear enough to be an indictment of the guilty parties and the hand of justice may yet seize them.

Did these proceedings establish that M. Bertulus had lied when he related the faltering, the confusion, the *quasi* confession of Colonel Henry? Two witnesses corroborated the testimony of this magistrate, who proved, at a time when it seemed as though there were no judges left in France, that there was at least one who was resolved to do his duty, and to resist everything that interfered with his duty. André, the clerk of the court, and Doctor Peyrot, a member of the Academy of Medicine, testified to the fact of Colonel Henry's statements. From that moment it became impossible to vindicate the memory of this man. It was certain that he was a forger, and it became probable that he was a traitor and Esterhazy's accomplice. If it was proved before the judges at Rennes that Picquart never made use of fraudulent means to substitute Esterhazy for Dreyfus, it is also proved that Colonel Henry had made every effort in his power to shield this same Esterhazy. It was he who, as early as 1894, helped to spread the belief that the traitor they wished to catch was in the offices of the General Staff; it was he who made a solemn declaration to that effect before the court-martial of 1894; it was he who again accused the unfortunate man whom he had helped to imprison, in a note which was filed in the secret *dossier*, as du Paty de Clam confessed in his deposition. It was he who, when Esterhazy's name was revealed to Colonel Picquart in 1896 by the discovery of the *petit bleu*, was the organizer of the machinations against his chief. And the confession, the reticences of his accomplice Lauth, show that he went to Bâle in 1896 and terrorized the international agent, Richard Cuers, to prevent him from denouncing Esterhazy, that is to say himself, whom he hoped to save by perpetrating the famous forgery which brought him to Mont Valérien and to the little cot where he cut his throat, a coward to his last hour, and dying without having the courage to save the innocent man whom he had ruined. And the secret *dossiers* have still further revealed to us that, to save Henry's memory and to keep Dreyfus in prison, the General Staff was paying for the silence of a certain Lajoux, a companion of Richard Cuers.

Being thus powerless to rehabilitate the General Staff, powerless to prove the existence of a syndicate, powerless to dishonor Picquart and Bertulus, powerless to vindicate Henry, have the proceedings of the court-martial fulfilled the hopes of those who thought that Dreyfus's guilt would be demonstrated?



As regards the *bordereau*, the prosecution took refuge, as I said before, in the pretended scientific discoveries of M. Bertillon; in him was placed their last hope of proving, notwithstanding Esterhazy's confession, that the *bordereau* could have been written only by Dreyfus. The theory of a natural, running handwriting had been abandoned for the foolish hypothesis of a complicated cryptographic writing, designed to enable the accused to make use of a line of defense in 1894 which he never employed.

At the close of the proceedings, M. Bertillon's theory had to be abandoned by those who had put their trust in it, proclaimed its excellence and supported it. The testimony of M. Paraf-Javal, as well as that of the engineer Bernard, and the authoritative statement of M. Henri Poincaré, a member of the Institute and a Sorbonne professor, one of the first mathematicians in France, have established the fact that M. Bertillon's system is based upon the grossest errors and could only have been worked out by an ignorant or a crazy man. If M. Bertillon had had the least regard for scientific truth, he would have abandoned his system after such manifest evidence of its worthlessness, confessed his error and made his apology to the unfortunate man whom he had tried once more to send to prison.

Notwithstanding the testimony of M. Teyssonnières, the only one of the experts of 1894—as M. Bertillon does not consider himself an expert—who again declared that the *bordereau* was in Dreyfus's natural handwriting, with the exception of a few words artificially introduced, the *bordereau* must henceforth be regarded as Esterhazy's work, as he himself has confessed it to be. The subtleties of Messrs. Varinard, Couard and Belhomme cannot affect this conclusion. So true is this that General Billot, by a manœuvre, which was abandoned, however, as soon as it was attempted, tried to insinuate before the court-martial that Esterhazy might have been in communication with Dreyfus by means of a go-between, whom he did not and could not name, since no such person exists or has existed, and since there has never been any direct or indirect relation between Captain Dreyfus and Major Esterhazy.

This hypothesis was necessary to uphold the statement of the accusing generals, that only an officer of the General Staff could have delivered the documents of the *bordereau*. But have the proceedings justified this hypothesis? Whatever may have been

the specious skill with which General Mercier or General Roget discussed papers about which they knew nothing, which they had never seen and which they called important because they imagined them so, all their statements were proved erroneous and incorrect by the special testimony of Captain Carvalho, of General Sebert and Major Hartmann. The jesuitical skill of General Deloye, who was sent, as he himself said, as an expert by the Ministry of War, and who betrayed his commission by unlawfully turning prosecutor, could not detract from the cogency of General Sebert's and Major Hartmann's evidence. Notwithstanding General Deloye's insinuations, when he attempted to refute Major Hartmann's convincing argument, the latter was able to say with justice, in addressing his chief, that they had acknowledged the correctness of all the points he had brought forward, but denied their correctness when they were all taken together. This ironical reply discomfited General Deloye.

Beaten at all these points, the accusers had to fall back upon their last resource, the alleged confession of Dreyfus obtained by Captain Lebrun-Renaud.

Captain Lebrun-Renaud came to the bar, and tried to report the remarks which the condemned man was alleged to have made, on that day of horrible degradation, in part to the witness and in part in speaking to himself. If there was anything luminous and clear after Captain Lebrun-Renaud's testimony, it was that Captain Dreyfus had never made any confession. When questioned by the court, when questioned by the defense, when questioned by Dreyfus himself, Captain Lebrun-Renaud never once dared to say that the words heard by him and distorted by him had ever been considered by him as a confession.

Moreover, if they had been such, there is ample evidence—and the embarrassed explanations of General Mercier are not proofs to the contrary—that they had the deepest interest in the Ministry of War, in that month of January, 1895, in securing confessions, if the condemned man had made any. From the very first examination, everything had been set in motion to obtain a confession: threats by Colonel du Paty de Clam, promises to mitigate the punishment if Captain Dreyfus would confess by allowing him the company of his wife and even of his children in his exile; but they all failed before the unalterable serenity of the innocent man. If he had, at any time, uttered a sentence, a word, that could

have enabled those who sent him to the court-martial, and who were about to have him transported, to affirm plainly and solemnly before the whole excited country that there had been no mistake, that they had justly prosecuted a traitor, that they had justly struck down a criminal, no doubt they would have done so! It was futile to invoke the testimony of a dead man, of Major d'Attel, who, they said, had also been present at the time Dreyfus made his confession. No explanation was given why a precise, circumstantial report was not obtained from Captain d'Attel, any more than from Captain Lebrun-Renaud, on that morning of the 6th of January, when they were looking for witnesses of the scene of degradation in order to obtain from them a confirmation of the fabled confession which had been invented the preceding day; nor was it explained why that report, if there had been one, had not been taken to Dreyfus for a confirmation of its terms.

The truth is, and everybody understood it and felt it, that the man who during his five years' martyrdom had never ceased to protest his innocence, never faltered for a moment, as they pretended; for he could not have done so, since he had not committed the crime of which he was accused.

This, then, is what the proceedings of the court-martial have established. Those who directed them had hoped for a very different result, a result which they could not bring about, in spite of the kind of means they employed to effect their purpose.

To bolster up their hypotheses, they tried to accumulate all sorts of evidence of vices or immorality against the unhappy man for whom none of them, not even those who were not directly concerned in the crime of 1894, ever felt the least pity in their souls. As it was impossible to recur to the reports of 1894, those slanderous reports worked up by the detective Guénéé, which were so odious and so evidently false that Besson d'Ormescheville, the judge-advocate of those days, rejected them, an appeal was made to Dreyfus's former comrades in arms to testify, to those who for years had associated with him, and they offered to the world the humiliating and lamentable spectacle of human beings making themselves, without reasons, without motives and, above all, without proofs, the accusers of a man whom all their chiefs had already fallen upon! They brought forward the vaguest charges, the most indefinite statements and allegations incapable of verification. The slightest words he had spoken in their presence were turned into

wrongs by them after they had distorted them and changed their sense. Not one of these men seemed to be conscious of the infamy of his conduct, of the villainy of his act; and not one of those who had worked by the side of Dreyfus felt sufficiently outraged to come forward and protest against such a course of action.

The result of the proceedings of the Rennes court-martial will be found to have been the dishonor, not only of the great chiefs of the General Staff, but also of the whole clique of officers who were their toadies, and who did not hesitate to strike a helpless man in order to flatter their superiors in the hope of receiving distinction or promotion.

But the accusers did not confine themselves to the collection of such testimony; they did not confine themselves to making an appeal to base military passions or base ambitions. They recruited and marshalled false witnesses by brigades, and showed their perfect skill in not having them summoned before the opening of the proceedings, thus enabling them to lie without risk, because they could then testify without making oath to tell the truth, and consequently without incurring the penalty for perjury.

They were gathered together, summoned and called up in the course of the testimony taken by the court-martial. It was General Mercier, General Roget and General Billot who informed the court of the names of Mertian de Muller, Germain, the groom, Villon, M. du Breuil, and, finally, at the last hour, as an attempt to confuse the minds of the judges who were possibly felt to lean towards the side of justice, a pretended Servian refugee named Czernuski Lazarovitch.

This is not the proper place to study the psychology of all these men, but it would be a curious study to classify the witnesses who appeared before the Rennes court-martial: those who defended their own persons, like Generals Mercier, Gonse and Boisdeffre, Major Lauth, Archivist Gribelin—that is to say, those whom an acquittal would have ruined, and who are now reserved for punishment, and even for the prison to which they tried to send their victim; those others who satisfied their resentment produced by disappointed ambition and wounded vanity, like General Roget and Major Cuignet; the witnesses malevolent by nature, like Captains Junck and Lemonnier or like Colonels Gendron and Fleur; the false military witnesses, of whom Captain Lebrun-Renaud and Major Lauth will remain the types; the false civilian witnesses

whom I have mentioned; the skilful witnesses, like M. de Freycinet; and, finally, those who simply told the truth, and who were the heroes, like Captain Freystaetter, Captain Carvalho, Major Hartmann and, above all, Lieutenant-Colonel Picquart.

I think I have shown how the Rennes trial was begun, and how it was conducted before the court-martial. It was argued before the whole nation, before the whole civilized world, before history which to-morrow will brand the accusers and the judges, and will stamp on the forehead of France a villainous stain which nothing can remove, as nothing would wash out the bloody marks on the hands of Lady Macbeth. Everything was known, except a few documents of the secret *dossier*, and these will be known to-morrow. Then the consternation of all those who think will be still greater, when they perceive that these very documents contained the evident and undeniable proof of the innocence of Dreyfus. I will only mention here the correspondence which took place in January, 1898, between M. de Bonin, Under Secretary of State in the Italian Foreign Office, and Count Tornielli, Italian Ambassador in Paris. These letters confirmed in a decisive manner the eloquent, noble and superb evidence of Senator Trarieux. This exchange of letters has to do with the situation in which the Italian Government was placed by the declaration of Herr von Bülow, the German Minister of Foreign Affairs, before the Reichstag. M. de Bonin, after the speech of Herr von Bülow, asked the Italian Ambassador at Paris if he could make the same statement before the Parliament at Rome, and declare that the Italian Embassy had never entertained any relations with Dreyfus. He requested the Ambassador to make an inquiry on this subject. This was done. Count Tornielli wrote to the minister that he could say in the Tribune that never had Dreyfus had any direct or indirect relations with the Ambassador, or with the military attaché; but, at the same time, he advised M. de Bonin not to make a similar statement concerning Esterhazy.

But all this was in vain. The court refused to accept the evidence of foreigners—of honorable foreigners I ought to say. By so doing, it placed the French Government in the most humiliating position *vis à vis* of the neighboring Governments, and seemed to say that France wished to retire from the world and live in a proud and haughty isolation; not the isolation of strength, but that which the sick and dying yearn for.

The court-martial refused to see the evidence brought before them, and yet its meaning was plain enough, even to the most prejudiced mind. Never before in any nation has such a thing happened. Here was a court which knew that the real culprit had confessed his guilt, which had in its possession evidence to show that those for whom the crime had been committed acknowledged the fact, and yet this same court condemned another man instead of the true criminal, smiting so as to protect a culprit and to save a band of criminals from condign punishment. Nor was this all. This same court constantly, throughout the proceedings, took the side of this culprit, and the representative of the Government was actually his apologist.

The verdict of the court produced a stupor in the minds of all men, which, however, will be dissipated to-morrow. The majority of Frenchmen have lived in the belief that the army, as it existed in our country, was reconcilable with democracy. But we are now awakened to the fact that it is not even reconcilable with reason, with justice, with even the most conservative institutions; that is to say, with the Court of Cassation, to take but one example. Now the question is brought squarely before the French people and must be solved—either the clerico-military oligarchy called the army will continue, and then France will gradually fall into the abyss; or the army and the clerical influences which inspire and support it will disappear. Unless the spirit of the army be changed, there will be a deadly conflict between that spirit and the spirit of free inquiry and research. Justice is the life of a nation in things economic, political and moral. If it is to continue to be represented by a caste which tramples under its feet all this in order to follow its instincts, its passions and its prejudices, France is lost. It may be that the verdict of the Rennes court-martial will open a new vista to France. The nation must choose; it must decide whom it will follow, whether the bandits who have just accomplished the most infamous of crimes, or those who, for the past two years, have been struggling every day to preserve the honor of their country. Whichever it does, it is by the example of the latter that France should be judged.

BERNARD LAZARE.