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SELF-WRITING AS SELF-DEFENSE: THE LITERARY ROLE OF JUDICIAL PROOF IN
THE FRENCH ENLIGHTENMENT

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Abstract

This dissertation, titled, “Self-Writing as Self-Defense: the Literary Role of Judicial Proof in the French Enlightenment,” explores the way in which Louise d’Épinay, Jean-Jacques Rousseau, and Voltaire each used proof in their individual works of self-writing to mount literary self-defenses before the court of public opinion. These works – D’Épinay’s *Histoire de Madame de Montbrillant*, Rousseau’s *Confessions*, and Voltaire’s *Commentaire historique sur les œuvres de l’auteur de la Henriade, etc. Avec les pièces originales et les preuves* – each represent unique literary and rhetorical attempts at self-defense that are emblematic of a larger effort to employ proof in self-writing. Louise d’Épinay, Rousseau, and Voltaire each faced a series of trials and tribulations throughout their lives that led them to construct these literary self-defenses. At the core of these efforts resides a particular attempt to furnish proof that could, in turn, prove discrete elements of each work, such as the factuality of the accounts and the sincerity of the authors’ intentions. In doing so, they each turn to “judicial” forms of proof – witness testimony, documentary evidence – in order to make their case. Each of these works is generically distinct: *Montbrillant* is an autobiographical novel, the *Confessions* is the progenitor of modern autobiography, and the *Commentaire historique* is a peculiar, intergeneric text that most resembles an aristocratic memoir. Proof, thus, is shaped by the practices inherent in each genre, from the inclusion of documents to the insistence upon individual testimony. However, the art of the literary self-defense was by no means a codified form—that is to say, there was no set structure for *how* judicial proof ought to be employed in order to mount a self-defense in a work of literature; the only rules for judicial proof were those prescribed by and for the Old Regime legal system. These authors thus engaged with the principles and practices of legal proof to defend themselves; however, they also strived to make sense of how such proofs – proofs

designed for the court of law – could be translated into a literary self-defense. Thus, they each grappled with problems such as: the value of the singular witness testimony versus multiple witnesses testimonies; and the importance of including authentic documentary evidence versus their own literary freedom to rewrite evidence. This dissertation is divided into three chapters, each a case study on the use of proof in each of the aforementioned texts. Through this study of judicial discursive practices in works of self-writing, I argue that Louise d'Épinay's *Montbrillant*, Rousseau's *Confessions*, and Voltaire's *Commentaire historique* each embody a new attempt by writers to defend themselves before the court of public opinion in the mid-to-late 18th century.

For my parents

Tim and Melissa Brown

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Introduction: Literature and Legal Proofs

The purpose of this dissertation is to examine how proof was used in self-writing during the 1750s-1770s in France. Through a study of three remarkably distinct texts – Louise d'Épinay's *Histoire de Madame de Montbrillant*, Jean-Jacques Rousseau's *Confessions*, and Voltaire's *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves* – I intend to analyze how proof was used to construct a legalistic self-defense of these authors before the court of public opinion.¹ In each case, the defense is shaped at once by the text's genre and by the individual conception of evidence held by each author. The *Histoire de Madame de Montbrillant* is an epistolary autobiographical novel in which Louise d'Épinay describes the immense burden of proof placed upon women in Old Regime society, especially when they sought to defend their reputation. The *Confessions*, a progenitor of the modern autobiography, represents an immense tension in the mind of Jean-Jacques Rousseau, as he strives to reconcile his belief in the power of his own testimony with the need to provide documentary evidence to his judge—the reader. Voltaire, in the *Commentaire historique*, freely rewrites evidence, demonstrating his interest in controlling the image that he will leave to posterity. Through the examination of the role of proof in these texts, I will argue that the emergence of self-writing practices in the mid-to-late Old Regime was shaped by authors' unprecedented desires to construct literary self-defenses.²

¹ See: Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge: MIT Press, 1989). For more on the development of “public opinion,” see: Mona Ozouf, “Le Concept d'opinion publique au XVIII^e siècle,” *Réseaux. Communication-Technologie-Société* 1, no. 1 (1997): 349-365; Roger Chartier, *Les Origines culturelles de la Révolution française* (Paris: Seuil, 1990); Keith M. Baker, *Inventing the French Revolution: Essays on the French Political Culture in the Eighteenth Century* (New York: Cambridge University Press, 1990).

² I am choosing to use the term “self-writing,” rather than “memoir” or “autobiography” deliberately. The term “autobiography” is a charged term in this corpus, as theorizations of “modern autobiography” often situate Rousseau as the progenitor of the genre. On the other hand, the “memoir” is a remarkably varied genre that does not have an established form but often recounted the events of one's life. Yet the “self” as subject of a work – both as it touches the history of one's being and the events of one's life, told through both factual and fictional works – can be seen

Any choice of corpus runs the risk a degree of arbitrariness. Nevertheless, I posit that there is a particular link between Rousseau, Louise d'Épinay, and Voltaire that enhances our ability to understand the relationship between the usages of proof in *Montbrillant*, the *Confessions*, and the *Commentaire historique*. After all, Louise d'Épinay, Rousseau, and Voltaire were not strangers to one another: Rousseau and Louise d'Épinay were close friends before their falling out during what would be known as the “Hermitage Affair,” which occurred during Rousseau’s stay with her in Montmorency from 1756-1757. During this episode, Rousseau bitterly quarreled with d'Épinay, Grimm, and Diderot, accusing them of decrying his infatuation with Sophie d'Houdetot, sister-in-law and cousin of Louise d'Épinay. An account of this episode features prominently in both the *Histoire de Madame de Montbrillant* and in Book IX of the *Confessions*. In a very different vein, Louise d'Épinay had met Voltaire on a number of occasions, and it was he who referred to her as “an eagle in a gauze cage,” an epithet that would stay with her into posterity.³ Lastly, it hardly needs to be repeated that Rousseau and Voltaire were the great *frères-ennemis* of the Enlightenment, their personal and intellectual quarrels defining the 18th century. For example, Voltaire scathingly attacked Rousseau and his writings in his *Sentiment des citoyens* (1764), a blistering (anonymous) response to Rousseau’s *Lettres écrites de la montagne* (1764) where Voltaire revealed to the public that Rousseau had abandoned his children. It is in these quarrels, triangulated around Rousseau – Louise d'Épinay and Voltaire felt no animosity towards each other – that we begin to see the *need* felt by these authors to defend themselves. However, it is also the case that Louise d'Épinay, Rousseau, and

throughout a number of 18th-century works. “Self-writing,” thus, is more capable of encompassing the variety of expressions and defenses of the self that are studied in this dissertation. For a comprehensive overview of these practices, see: Marc Hersant, “Disséminations Autobiographiques,” in *Le Geste autobiographique. Écrire sa vie (XVII^e-XVIII^e siècles)*, dir. Mailino Gianico and Christine Hammann-Décoppet (Paris: Classiques Garnier, 2021), 21–44.

³ See, for example: Ruth Plaut Weinreb, *Eagle in a Gauze Cage: Louise d'Épinay femme de lettres* (New York: AMS Press, 1993).

Voltaire faced many attacks on their public image and reputation from outside of the confines of this network.

Although each of the authors examined in this dissertation is connected to one another in some way, they all had their own worries about their individual reputations in the public sphere. Louise d'Épinay's concerns over her reputation, for example, were not restricted to the "Hermitage Affair" with Rousseau. In fact, as we see throughout the *Histoire de Madame de Montbrillant*, Louise d'Épinay's concerns over her reputation persisted throughout the course of her life. When she sought to have a *séparation de biens* from her husband, there was a great anxiety that his (male) testimony would be believed over her (female) testimony, and thus she was intensely worried about how he might try to denigrate her character. For Rousseau, on the other hand, his quarrels were not limited to those with Madame d'Épinay and Voltaire. The 1750s and 1760s were marked by a series of attacks on his character that led him to write the *Confessions*. Voltaire, for his part, was confronted with the circulation of collections of forged versions of his correspondence and works by men like Jean-Baptiste Robinet and the Abbé Pierre François Guyot-Desfontaines. Louise d'Épinay, Jean-Jacques Rousseau, and Voltaire each felt an immense need to defend their reputation, to justify who they were and what they did.⁴ They each sought to *prove* their accounts and the sincerity of their intentions. The purpose of this dissertation is not simply to highlight what that proof was but more importantly to underscore how these emblematic authors understood the role, value, and necessity of providing proof to their readers in the court of public opinion.

Before we consider what "proof" *is*, I believe it is necessary to address the problems inherent in the French term *preuve*, which translates into English as either "proof" or "evidence."

⁴ A critical study for understanding the different experiences by Rousseau and Voltaire in the public sphere can be found in: Antoine Lilti, *Figures publiques: l'invention de la célébrité, 1750–1850* (Paris: Fayard, 2014).

The *Oxford English Dictionary* (*OED*) provides two definitions of “proof” that are relevant to this study: first, “Something that proves a statement; evidence or argument establishing a fact or the truth of anything, or belief in the certainty of something; an instance of this.”⁵ Second, “*Law*. Evidence determining the judgment of a tribunal. Also *spec.* (a) a document so attested as to form legal evidence; (b) a written statement of what a witness is prepared to swear to; (c) the evidence given and recorded in a particular case.”⁶ The *OED* considers “evidence,” on the other hand, as: “A piece of information used to establish facts in a legal investigation.”⁷ It may be said that proof is a conclusive demonstration of the truth, whereas evidence can tentatively lead to the truth; evidence supports a truth but does not determine the truth outright.⁸ Proof is thus established by the accumulation of sufficient evidence. The French *preuve* can be understood as both the parts (the testimony, the documents, the *evidence*) and as conclusive *proof* of a fact. As we will see, Louise d'Épinay, Rousseau, and Voltaire each strive to demonstrate conclusive *proof*, while marshaling the necessary *evidence* to prove the truth in their accounts. In doing so, these three authors each reveal their own, individual conceptions of *preuve*, and, in doing so, engage in the larger epistemological debates of the Enlightenment.

The movement from the 17th century to the 18th century was marked by a radical epistemological shift that altered the way in which proof was understood in a variety of disciplines. Characterized as “*la crise de la conscience européenne*” by Paul Hazard, this period saw a new desire to reimagine how one could and should grasp the factuality of the world around

⁵ *Oxford English Dictionary*, “Proof (*n.*), sense I.1.a,” December 2024, <https://doi.org/10.1093/OED/2383487819>.

⁶ *Ibid.*, “Proof (*n.*), sense I.1.b,” December 2024, <https://doi.org/10.1093/OED/8319621701>.

⁷ *Ibid.*, “Evidence (*n.*), sense II.4.b,” December 2024, <https://doi.org/10.1093/OED/5064608180>.

⁸ A neat distinction between “proof” and “evidence” and their relationship to the French *preuve* can be found in: Jean-Pierre Schandeler and Nathalie Vienne-Guerrin, *Les Usages de la preuve d'Henri Estienne à Jeremy Bentham* (Paris: Hermann, 2014), 5: “En effet, si l'on demande à un anglophone quelle distinction il établit entre *proof* et *evidence*, on entrevoit une différenciation entre l'absolu (*proof*) et le relatif (*evidence*), la preuve irréfutable (*proof*) et les indices qui constituent un faisceau de concordances (*evidence*). *Proof* renvoie à la preuve concluante, tandis que *evidence* renvoie aux preuves plurielles, aux différentes catégories et éléments de preuve.”

them.⁹ In science, there was a new push for an “experimental method,” including having multiple credible witnesses present to assure the veracity of a scientific experiment.¹⁰ In history, material evidence gained superiority over oral evidence, challenging historians’ ability to understand the Ancient world; this, in turn, led historians to prioritize studying more contemporary periods.¹¹ The question of the credibility of witnesses was also present in debates around the veracity of miracles.¹² As Michèle Bokobza Kahan shows, for example, thinkers like Pierre Bayle rejected basing credibility on the social status of those claiming to have witnessed a miracle; Bayle was more interested in the witness’s intention and personal interest in choosing to testify.¹³ This emphasis on the importance of documentation as well as new reflections on the ability to judge witness testimony mirrored what was happening in the law.

In his article on judicial proof in the *Encyclopédie*, Antoine Gaspard Boucher d’Argis defines *preuve* as “ce qui sert à justifier qu’une chose est véritable.”¹⁴ This definition is further echoed in the *Dictionnaire historique de la langue française*, which gives us the following definition of *preuve*: “Le mot désigne ce qui est susceptible d’établir la réalité, la vérité d’une chose, spécialement dans un contexte juridique...”¹⁵ This undefined “*ce qui*” is a piece of

⁹ Paul Hazard, *La Crise de la conscience européenne: 1680–1715* (Paris: Fayard, 1995).

¹⁰ Simon Schaffer and Steven Shapin, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1989).

¹¹ See: Hazard, *La Crise de la conscience*, 36–48.

¹² See: Lorraine Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” *Critical Inquiry* 18, no. 1 (1991): 93–124; Michèle Bokobza Kahan, “Ethos in Testimony: The Case of Carré de Montgeron, a Jansenist and a Convulsionary in the Century of Enlightenment,” *Eighteenth-Century Studies* 43, no. 4 (Summer 2010): 419–433. See further: Michèle Bokobza Kahan, *Témoigner des miracles au siècle des Lumières. Récits et discours de Saint Médard* (Paris: Classiques Garnier, 2015); Evgeniy Bubnov, “The Idea of Miracle in the Enlightenment and Enlightenment in the Idea of Miracle: the Dialectic of Theological Narrative and Philosophical Discourse,” *Dialogue and Universalism* 2 (2021): 163–184.

¹³ Bokobza Kahan, *Témoigner des miracles au siècle des Lumières*, 43–52.

¹⁴ Antoine Gaspard Boucher d’Argis, “PREUVE [Jurisprudence],” in *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers, etc.*, eds. Denis Diderot and Jean le Rond d’Alembert, Autumn 2022 Edition, eds Robert Morrissey and Glenn Roe, University of Chicago: ARTFL Encyclopédie Project, 13:355, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/encyclopedia0521/navigate/13/1398/>.

¹⁵ *Dictionnaire historique de la langue française*, ed. Alain Rey, vol. II (Paris: Dictionnaires Le Robert, 1992), 1658.

evidence such as: eye-witness testimonies, clues, documents, a confession. Each of these pieces of evidence was, in turn, used in establishing the truth. As Benoît Garnot demonstrates, the system of legal proofs was established during the 16th century and would not be codified until the French Revolution. Some changes were made over the course of this time, such as the ability for children to testify following the Criminal Ordinance of 1670.¹⁶ Certain principles of proof had endured since Antiquity: for example, at least two witnesses being required to attest to the truth of something (*testis unus, testis nullus*).¹⁷ Documents were often considered by judges as more capable of establishing the truth than testimony; nevertheless, documents, too, were fallible.¹⁸ A confession (*aveu*) remained the best form of proof and could be attained either through the free will of the confessor, or by torture.¹⁹ Old Regime legal procedures considered each piece of evidence as having particular weight in a combinatorial system, according to which each piece of evidence was given a mathematical weight and, when combined with others, it could be used to

¹⁶ On the developments of the French legal system throughout the early-modern period, see: Benoît Garnot, *Justice et société en France aux XVI^e, XVII^e et XVIII^e siècles* (Paris: Ophrys, 2000), 99-100. See further: Ronnie Bloembergen, *The Development of the Criminal Law of Evidence in the Netherlands, France and Germany between 1750 and 1870: From the System of Legal Proofs to the Free Evaluation of Evidence* (Leiden, Boston: Brill, 2020).

¹⁷ These principles can be seen throughout the Bible. As it pertains to Mosaic Law, it is written in the Book of Deuteronomy that, “One witness is not enough to convict anyone accused of any crime or offense they may have committed. A matter must be established by the testimony of two or three witnesses” (Deuteronomy 19:15). This same principal is also articulated in the Gospels, where it is written that, “If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that ‘every matter may be established by the testimony of two or three witnesses’” (Matthew 18:15-16).

¹⁸ Boucher d’Argis observes in his article, “PREUVE,” that, “Lorsque celui qui demande à faire *preuve* d’un fait, offre de la prouver par écrit, on lui permet aussi de le prouver par témoins ; car quoique les *preuves* par écrit soient ordinairement les plus sûres, néanmoins comme ces sortes de *preuves* peuvent être insuffisantes, ou manquent en certains occasions on se sert de tous les moyens propres à éclaircir la vérité, c’est pourquoi l’on emploie aussi la *preuve* par témoins & les *preuves* muettes, qui sont les indices & les présomptions de fait & de droit ; on cumule tous ces différens genres de *preuves*, lesquelles se prêtent un mutuel secours.” Boucher d’Argis, “PREUVE,” 13:355. Benoît Garnot argues that, in theory, the Criminal Ordinance of 1670 actually gave preference to testimony over documentary evidence. This was due to the fact that the ordinance allowed for more people to be able to testify, including women and children, and testimony was able to lead to a conviction in more circumstances. However, judges still preferred material evidence. See: Benoît Garnot, “La Justice pénale et les témoins en France au 18^e siècle: de la théorie à la pratique,” *Dix-Huitième Siècle*, no. 39 (2007): 108.

¹⁹ See: Jean-Louis Halpérin, “La Preuve judiciaire et la liberté du juge,” *Communications* 84, no. 1 (2009): 23. For more on the relationship between torture and proof, see: John H. Langbein, *Torture and the Law of Proof: Europe in the Ancien Régime* (Chicago: University of Chicago Press, 2006).

arrive at a “complete” proof.²⁰ As Garnot argues, in an effort to ensure that judges could not solely rely on their *intime conviction* to render judgment, “proof” had to be clearly *demonstrated*.²¹

It was precisely in this tension over the demonstrability of the “proof” that witness testimony – in particular, the power of the individual witness, as opposed to that of multiple witnesses – was debated. In his famous *Encyclopédie* article, “CERTITUDE,” the Abbé De Prades distinguishes between probability and certainty as a distinction between individual and collective knowledge:

Or voilà la différence essentielle entre la probabilité et la certitude ; celle-ci prend sa source dans les lois générales que tous les hommes suivent, & l’autre dans l’étude du cœur de celui qui vous parle ; l’une est susceptible d’accroissement, & l’autre ne l’est point. Vous ne seriez pas plus certain de l’existence de Rome, quand même vous l’auriez sous vos yeux ; votre certitude changerait de nature, puisqu’elle serait physique : mais votre croyance n’en deviendrait pas plus inébranlable. Vous me présentez plusieurs témoins, & vous me faites part de l’examen réfléchi que vous avez fait de chacun en particulier ; la probabilité sera plus ou moins grande selon le degré d’habileté que je vous connais à pénétrer les hommes.²²

De Prades’ statement reveals a tension between the “probability” of a fact provided through singular testimony and the “certainty” gleaned through multiple witnesses when assessing knowledge of an event. This poses a problem, in turn, for the question of self-defense: the individual testimony of the author must be weighed against the multiple “witnesses” in the public that have all given their testimonies about the author. It was precisely because of these tensions over the believability of the singular witness versus multiple witnesses that those embroiled in public scandals in the 18th century – including Rousseau, Voltaire, and Louise d’Épinay – would

²⁰ See: Benoît Garnot, *Justice et société*, 100: “Les preuves se combinent entre elles selon des règles précises de calcul, deux preuves semi-pleines pouvant faire une preuve complète...”

²¹ *Ibid.*, 100: “Ce système [de preuves] est commandé par le souci d’éviter que l’intime conviction du juge soit le fondement de la condamnation : le juge ne peut pas tenir compte des faits qu’il connaît à titre privé, mais seulement de ceux qui sont allégués et prouvés devant lui.” Jean-Louis Halpérin, “La Preuve judiciaire,” 23–26.

²² Denis Diderot and Abbé De Prades, “CERTITUDE [Logique | Métaphysique | Morale],” in *Encyclopédie*, 2:849, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/encyclopedia0922/navigate/2/6597>. While both Denis Diderot and the Abbé De Prades contributed to this article, the cited reflections were written by the latter.

struggle to defend their reputation before the court of public opinion. In each of their works of self-writing, they were tasked with using their own testimony and the testimony of others to combat allegedly disfigured images that the larger public had of them; it was a question, ultimately, of the value of the singular testimony against the collective.

Public life in Old Regime went through dramatic changes during the 18th century. The “bourgeois public sphere,” as characterized by Jürgen Habermas, became a new space for discourse and debate amongst the reading public.²³ This was driven both by the rise of public meeting places in Europe (coffeehouses, salons, etc.) and the increased circulation of material documents.²⁴ Sarah Maza describes how the circulation of *mémoires judiciaires* captivated the reading public; previously private legal affairs were now put on public display.²⁵ It was, I believe, the growing public interest in private lives and scandals – seen in a predominantly judicial light – that contributed to the creation of the social conditions within which justificatory self-writing by Louise d’Épinay, Rousseau, and Voltaire would be of particular interest to the reading public.

Old Regime inquisitorial proceedings were notoriously secretive, taking place behind the closed doors of the courtroom. But public knowledge of the events of the legal proceedings were known through the public circulation of the *mémoires judiciaires* from the trial. The *mémoires judiciaires*, once called *factums*, were documents written by lawyers that served as the final act of defense for the accused: “Obligatoirement revêtu de la signature d’un avocat, qui presque

²³ Habermas, *The Structural Transformation of the Public Sphere*.

²⁴ On the larger reading practices of the Old Regime, see: Robert Darnton. *The Literary Underground of the Old Regime* (Cambridge: Harvard University Press, 1982); Robert Darnton, *The Forbidden Best-Sellers of Pre-Revolutionary France* (New York: W. W. Norton & Company Inc., 1995).

²⁵ On the *mémoires judiciaires*, see: Sarah Maza, “Le Tribunal de la nation: les mémoires judiciaires et l’opinion publique à la fin de l’Ancien Régime,” *Annales: économies, sociétés, civilisations* 42 (1987): 73–90. For more on the history of the “factum,” the predecessor to the “mémoire judiciaire,” see: David Bell, *Lawyers and Citizens: the Making of the Political Elite in Old Regime France* (New York: Oxford University Press, 1994).

toujours en est l'auteur véritable, le mémoire au XVIII^e siècle a souvent pour auteur supposé le client de ce dernier, qui présente sa cause sous forme de *plaidoirie autobiographique*.”²⁶ The *mémoires judiciaires*, thus, were at once legal and literary documents. They were divided into two parts: “les faits” and “les moyens.” As Maza observes, “la première étant une narration de la cause, la seconde une argumentation qui peut s'appuyer sur des considérations strictement juridiques, ou logiques, ou psychologiques.”²⁷ Some scholars have argued that the structure of these literary legal documents resemble the defenses set forth by Rousseau in his *Confessions*, especially Part II, and Voltaire in his *Commentaire historique*.²⁸ The *mémoires judiciaires* were not only designed to convince the judge of the accused's innocence through legal argumentation; they also made abundant use of literary and rhetorical devices to try to sway the judge. The documents were originally designed for the closed inquisitorial process and thus were not originally written with the intent of public circulation. The only hurdle to their publication, thus, was that the *mémoires* had to be signed by the lawyer; as long as that basic criterion was met, they escaped censorship.²⁹ Nevertheless, the severity of the censors kept the *mémoires judiciaires* from widely circulating until roughly the 1770s. The public circulation of the *mémoires judiciaires* during the late Old Regime nourished an intense public interest in the individual private lives. It is precisely in this landscape, where the court of public opinion is captivated by literary defenses of the accused and the private scandals contained therewithin, that Louis

²⁶ Maza, “Le Tribunal de la nation,” 75, my emphasis.

²⁷ *Ibid.*, 76.

²⁸ On the *mémoire judiciaire* in Rousseau's *Confessions*, see: Morihiko Koshi, “Le mémoire judiciaire et *Les Confessions* de Jean-Jacques Rousseau: scène judiciaire et écriture de soi,” 掲載誌 人文研紀要 90 (2018): 289–310. On the resemblance of Voltaire's *Commentaire historique* to the *mémoire judiciaire*, see: Nicholas Cronk, “Introduction et dossier,” *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves*, ed. Nicholas Cronk, t. 78B (Oxford: Voltaire Foundation, 2018), 88.

²⁹ See: Maza, “Le Tribunal de la nation,” 77: “S'il faut qu'un mémoire soit signé d'un avocat ou d'un procureur pour être imprimé, il est aussi vrai qu'il suffit d'une telle signature pour faire publier un document de ce type. Il s'agit bien ici d'une brèche dans les lois de censure de l'Ancien Régime : les mémoires sont probablement les seuls imprimés non clandestins à échapper complètement à toute censure préventive.”

d'Épinay, Rousseau, and Voltaire took up their literary self-defense, each in their individual work of self-writing. It is here, in these defenses, that we can find the various manifestations of legal proof in literature.

Literature, both in the Old Regime and in our present day, is particularly conducive to exploring legal themes. As Christian Biet demonstrates in his work, *Droit et littérature sous l'Ancien Régime*, literature written during the Old Regime was particularly capable of grappling with legal questions and was richly imbued with representations of legal problems and techniques.³⁰ The representation of legal problems and techniques in literature was shaped both by the biographical experience of the author and the possibilities afforded by literature: first, writers in the 17th and 18th centuries often had legal training in their youth. Second, literature was conducive to representations of legal themes and questions because it allows the law to be “staged” before the reader and interpreted, relying on the creative ability of literature to question the law’s ethics, practice, and function in society.³¹ In practice, literature is thus capable of relying upon the mechanisms of the law, including its system of proofs, to depict a legal case and to formulate a judgment. However, the uses of proof in literature are not simply destined to serve as a mimetic representation of the law: “La littérature joue non seulement avec la vérité et avec les procédures du droit, mais souvent les renverse au nom d’une autre vérité que celle que reconnaît le droit, ou plutôt d’une autre idée de la justice : l’idée qu’il y aurait, ailleurs que dans le droit, du ‘juste’.”³² As we will see in the works of Louise d’Épinay, Rousseau, and Voltaire,

³⁰ Christian Biet, *Droit et littérature sous l'Ancien Régime : le jeu de la valeur et de la loi* (Paris: Honoré Champion, 2002).

³¹ See: *Ibid.*, 48: “La littérature prend donc appui sur le droit pour constituer des espaces projectifs où l’esprit peut dépasser et explorer les normes juridiques, jouer sur leurs contradictions et représenter des situations internormatives qui débordent le cadre juridique.” See further: Ronald Dworkin, *Law’s Empire* (Cambridge: Belknap Press, 1986).

³² *Ibid.*, 141. For more on the role of proof in Old Regime literature, see: Schandeler and Vienne-Guerrin, *Les Usages de la preuve d’Henri Estienne à Jeremy Bentham*. Notable chapters include Marc André Bernier’s, “Entre les égarements de la *probatio* et l’autorité de l’expérience: les preuves par l’amour dans le roman libertin du XVIII^e siècle,” 385–398; Franck Salaün’s, “La preuve par la spatule dans *Le Mariage de Figaro*,” 425–446; and Florence

proof is not always employed with the intent of neatly mimicking the rules of Old Regime law. Instead, the use of proof by these authors reveals unique conceptions of truth and justice, signifying how each author believes they *ought* to be judged by the court of public opinion.

While Biet's analyses clearly demonstrate the necessity of considering the representation of legal themes in 18th century literature, his study focuses on the early decades of the 18th century and does not consider literary works done in the middle and late decades of the century. Furthermore, a 2022 survey by Adam Horsley and Jonathan Patterson titled "Law and Literature in French Studies" demonstrates, if inadvertently, the lack of scholarly attention paid to what one might call "traditional" literature – that is, novels, plays, poems, self-writing – written during this period of French literary history.³³ When looking at this precise period of French literary history, Horsley and Patterson cite works like those of David Bell and Sarah Maza on the *mémoires judiciaires* as well as Yann Robert's work on the representation of legal trials on stage.³⁴ While Robert's analysis is shaped by a reading of Diderot's play, *Le Fils naturel* (1757), the majority of the theater that he studies in his work was performed primarily during the French Revolution. Moreover, Bell and Maza's works on *mémoires judiciaires* – while invaluable for this dissertation – do not consider the relationship between the law and literature. For the *mémoires judiciaires* are legal documents composed with a particular literary flair. While a critical contribution to the field of 18th-century studies, Bell and Maza's work both consider the role of literary techniques in the law, rather than representations of legal practices in literature. The purpose of this dissertation is to examine the literary form of self-writing and to understand the

Magnot-Ogilvy's, "De la preuve par l'habit à la justification par le corps: critique de la preuve dans la fiction chez Challe et Marivaux," 471–488.

³³ Adam Horsley and Jonathan Patterson, "Law and Literature in French Studies," *French Studies* 76, no. 3 (2022): 436–452.

³⁴ Sarah Maza, *Private Lives*; David A. Bell, *Lawyers and Citizens*; Yann Robert, *Dramatic Justice: Trial by Theater in the Age of the French Revolution* (Philadelphia: University of Pennsylvania Press, 2018).

way in which legal practices – such as the use of proof – are represented through particular discursive practices. In doing so, I hope to contribute to the growing field of “Law and Literature” studies by interrogating the way in which self-writing practices are invaluable for helping scholars grapple with the representation of legal themes in texts. Moreover, I also hope to contribute to the field of “Autobiography Studies,” as I examine how the inclusion of judicial evidence was an important discursive practice in 18th-century self-writing. My emphasis on the representation and use of proof in 18th-century self-writing is shaped by a reading of French literary history that sees these self-writing practices as the product of two particular literary genres: the aristocratic memoir and the novel.³⁵ I argue, however, that Louise d’Épinay, Rousseau, and Voltaire were influenced by these genres in remarkably different ways. The *Histoire de Madame de Montbrillant*, the *Confessions*, and the *Commentaire historique* are three generically distinct texts, and the problem of proof manifests itself very differently in each.

The 18th century novel, particularly as it appeared in the mid-to-late 18th century, was shaped by a number of characteristics that embodied a new desire to have literature better reflect everyday society. This focus on the unique experience of the individual is further articulated by English Showalter Jr. in his work, *The Evolution of the French Novel (1641-1782)*. Showalter argues that novels that began to appear in the middle of the 18th century were shaped by a new tension between the individual and society, with the protagonist often condemned by legal authorities.³⁶ As Thomas Pavel observes in *The Lives of the Novel*, the 18th century novel also

³⁵ On the influence of the novel and the memoir on each other in the 17th and early 18th centuries, see: René Démonis, *Le roman à la première personne du Classicisme aux Lumières* (Paris: Librairie Armand Colin, 1975).

³⁶ English Showalter Jr., *The Evolution of the French Novel (1641-1782)* (Princeton: Princeton University Press, 1972), 306. He writes, “Once again, the conflict between individuals and society appears in sharpest focus when the hero or heroine is judged by the “proper” authorities. In some form or another, a judgment rendered in all four of these conflict novels. The technique remains essentially unchanged from previous uses, but now the verdict is always guilty. Furthermore, the courts make no effort to justify their decisions, other than to refer to the law; [interpretation] is absent, and leniency is out of the question.”

exemplified a more realistic representation of everyday life.³⁷ These representations of everyday life, however, extended beyond the realm of simple *experience*, and emphasized the autonomy and the sentimentality of the individual, as Charles Taylor makes clear in his influential work, *Sources of the Self*.³⁸ This emphasis on the particularities of the individual experience come to the fore in the first-person novel, and this reorientation towards individual experience and perception is at the heart of Enlightenment debate about the capacity of individuals not only to know, but to have their testimony of their knowledge be believed.³⁹

At the same time as these changes in novel-writing were taking place, so too was the aristocratic memoir undergoing its own changes. This genre took shape during the 17th century and continued throughout the 18th century. These memoirs were written by both men and women but typically written by those of the aristocratic class. As Marc Fumaroli observed, the aristocratic memoir was “au carrefour des genres en prose,” and thus the way in which one’s life could presented – as memoir, as history, as correspondence – was remarkably diverse.⁴⁰ The aristocratic memoir, however, is far different from the exploration of one’s interior that we can find in Rousseau’s *Confessions*. Instead, aristocratic memoirs often focused on the exterior, on events and actions, rather than on sentiment and being. We will see, for example, that Voltaire very much adheres to the aristocratic memorial tradition in his *Commentaire historique*. As the

³⁷ Thomas Pavel, *The Lives of the Novel: A History* (Princeton: Princeton University Press, 2013), 119. He observes that, “The eighteenth-century witnessed several major changes. [...] these new novels brought their characters and action closer to the lives of their readers and devised ways to immerse them deeply in the world of the text. (As a reaction, some authors wildly exaggerated the distance between fictional and actual worlds.) Just as significant was a new sense of moral quality between people from different social classes that pervaded the novel.”

³⁸ Charles Taylor, *Source of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989). See, in particular, Chapter 17, “The Culture of Modernity,” 285–302.

³⁹ See: Lisa Jane Graham, “Les Témoins dans le droit et la littérature: la construction de l’intimité dans la France du 18^e siècle,” *Dix-huitième siècle*, no. 39 (2007/1): 145–160; Louis Dupré, *The Enlightenment and the Intellectual Foundations of Modern Culture* (New Haven & London: Yale University Press, 2004), 45–77. On the broader autoreferentiality of the witness, see: Paul Ricœur, *La Mémoire, l’histoire, l’oubli* (Paris: Éditions du Seuil, 2000), 204–208.

⁴⁰ See, for example: Marc Fumaroli, “Les Mémoires du XVII^e siècle au carrefour des genres en prose,” *XVII^e siècle* 94-95 (1972): 7–37.

novel began to emphasize the individuality and sentimentality of the protagonist, memoirs underwent a similar shift. Emmanuèle Lesne-Jaffro argues that there were many moments in aristocratic memoirs, including emphasis on one's childhood and individual achievements, that began to move memoirs in the direction of modern autobiography.⁴¹ As Adelaïde Cron observes in *Mémoires féminins de la fin du XVII^e siècle à la période révolutionnaire*, women's memoirs written during the second half of the 18th century increasingly touched upon the identity and individuality of their authors, and were shaped by the rise of the *mémoires-romans* and the influence of Rousseau's works, such as *La Nouvelle Héloïse*.⁴² This movement is also underscored by Philippe Lejeune in his work, *L'Autobiographie en France*, where he highlights the growing interest in one's individuality throughout the course of the 18th century.⁴³ When authors reorient their focus to include themselves, rather than exclusively onto external factors – their families, events, etc. – the individual, rather than events alone, begins to move into focus. This emphasis on the particularities of individual experience expressed through unique testimony in both memoirs and the novel set the stage for the self-writing that we will see throughout the 1750s, 1760s, and 1770s in the works of Louise d'Épinay, Rousseau, and Voltaire. As we will see, however, the formulation of the witness testimony comes in radically different forms: in Rousseau's *Confessions*, it is through his own autobiographical and sincere *je*; in *Montbrillant*, it is through the character of Madame de Montbrillant and the narrator, the Marquis de Lisieux (Madame de Montbrillant's tutor); in the *Commentaire historique*, Voltaire creates a fictionalized *je* and refers to himself through the third-person *il*.

⁴¹ Emmanuèle Lesne-Jaffro, "Les Lieux de l'autobiographie dans les mémoires de la seconde moitié du XVII^e siècle," *Cahiers de l'Association internationale des études françaises*, no. 49 (1997): 203–221.

⁴² Adelaïde Cron, *Mémoires féminins de la fin du XVII^e siècle à la période révolutionnaire. Enquête sur la constitution d'un genre et d'une identité* (Paris: Presses Sorbonne Nouvelle, 2016), 31–32.

⁴³ Philippe Lejeune, *L'Autobiographie en France* (Paris: Armand Colin, 1971), 43. He writes, "C'est à cette époque [la seconde moitié du XVIII^e siècle] qu'on commence à prendre conscience de la valeur et de la singularité de l'expérience que chacun a de lui-même."

The aristocratic memoir and the novel were not only linked because of their insistence upon individual experience articulated through a unique testimony about one's actions and experiences but are also in fact linked by their frequent inclusion of documents. The "document" in 18th-century texts often takes the form of letters, although it can be any number of written texts; in Voltaire's *Commentaire historique*, for example, pieces like poems are regularly included, too.⁴⁴ In the 18th-century novel, texts were often claimed to be collections of found documents; such is the case, as we will see, in Louise d'Épinay's *Histoire de Madame de Montbrillant*. This practice of fiction writing, called the "pseudofactual regime" by Nicholas Paige, signaled an adherence to the principles of Enlightenment epistemology, since the period of Hazard's "crise de la conscience." Material evidence reigns supreme over eye-witness testimony in establishing the factuality of an account; the catch, of course, is that these novels were fictional, and this announcement of factual letters was a signal of the text's fictionality.⁴⁵ Yet, this was not entirely the case in the aristocratic memoirs. On the one hand, the inclusion of documentary evidence imbues the memoir with an air of veracity.⁴⁶ Letters could be considered as "transparent," as revelatory of the intentions of their author: "les intentions vraies des personnages se trouvaient mieux exprimées, plus sincèrement, dans des lettres écrites par eux au

⁴⁴ See: Alison James, *The Documentary Imagination in Twentieth-Century French Literature: Writing with Facts* (Oxford: Oxford University Press, 2020), 3. She describes the "document" in the following manner: "Documents are often written inscriptions, in which case the linguistic medium favors their permeability with literature. But they can also take visual or material form, as long as they serve to record or substantiate a fact or set of facts."

⁴⁵ See: Nicholas Paige, *Before Fiction: The Ancien Régime of the Novel* (Philadelphia: University of Pennsylvania Press, 2011), 4. On documentation in the *roman-mémoire*, for example, see: Philip Stewart, *Imitation and Illusion in the French Memoir-Novel, 1700-1750: the Art of Make-Believe* (New Haven and London: Yale University Press, 1969), 112–120.

⁴⁶ As Émile Bourgeois and Louis André argue, memoirs alone "ne peuvent suffire pour écrire une histoire sérieuse : ils doivent être complétés et contrôlés par des documents officiels, lettres ou instructions, qui donnent beaucoup plus qu'eux, l'impression de la vérité immédiate et toute nue." Émile Bourgeois and Louis André, *Les Sources de l'histoire de France, XVII^e siècle (1610–1715)*, vol. II, *Mémoires et lettres* (Paris : Auguste Picard, 1913), 4–5. Quoted in Myriam Tsimbidy, *La Mémoire des lettres. La lettre dans les Mémoires du XVII^e siècle* (Paris: Classiques Garnier, 2013), 13.

courant des événements.”⁴⁷ Myriam Tsimbidy argues convincingly that the inclusion of documentary evidence in memoirs must be understood as being far more complicated than a simple insistence upon truth and sincerity. Rather, in order to interpret the inclusion of documentary evidence, we must consider a whole series of questions: are the documents authentic? how do they relate to the events that are being recounted? and what is the document trying to *do* in the text?⁴⁸ The complexity of the letter, its authenticity, its role, and its relationship to the project at hand is a constant problem throughout *Montbrillant*, the *Confessions*, and the *Commentaire historique*. As we will see in this study, documentary evidence occupies an unstable place in these works of self-writing, its various usages often inconsistent. While Louise d’Épinay’s *Montbrillant* is an epistolary autobiographical novel and is thus constructed around letters, the letters are both fictional and authentic. Rousseau, for his part, only begins to turn to documentary evidence once he believes that his memory and his testimony are insufficient in providing a compelling and credible account of his life and his being to his reader. Voltaire, on the other hand, regularly includes documents throughout the *Commentaire historique*; however, these documents are often rewritten, forcing us to consider how both the new rhetoric and the position of the documents in the text inform our understanding of his conception of the role of documentary evidence and the nature of proof in his self-writing.

Chapter One of this dissertation begins with an examination of Louise d’Épinay’s *Histoire de Madame de Montbrillant*. Of the three texts studied in this dissertation, Louise d’Épinay began writing hers first (around 1756), and would continue working on it until roughly

⁴⁷ *Ibid.*, 203. Quoted in Tsimbidy, *La Mémoire des lettres*, 13.

⁴⁸ Tsimbidy, *La Mémoire des lettres*, 20. She asks, for example: “Le mémorialiste reproduit-il le texte dans son intégralité, sélectionne-t-il des passages qu’il recopie précisément, ou préfère-t-il arranger le style, en insérant de belles infidèles ? [...] La missive doit être introduite au cœur d’un réseau d’événements pour prendre tout son sens : comment l’écriture du mémorialiste réussit-elle cette intégration ? [...] la lettre est-elle une matrice, un exemple anecdotique, un « gros plan » ? Joue-t-elle au même titre que les portraits et les anecdotes, le rôle d’ornement visant à reproduire la densité du réel ? Constitue-t-elle un élément de l’action du récit, un élément de l’intrigue ?”

1770. *Montbrillant*, an epistolary autobiographical novel that spans nearly 2,400 pages, is a vast work, covering nearly the entire life of its heroine, Émilie de Gondrecourt (Madame de Montbrillant once she marries). In this chapter, I argue that throughout *Montbrillant*, Louise d'Épinay emphasizes the immense burden of proof placed upon women in Old Regime France, particularly when they strive to defend their reputation. I examine three particular moments in the text that I believe illuminate this problem of proof. The first is when Émilie de Gondrecourt appears before the family tribunal and begins to recognize the failings of her individual testimony. The second concerns her marriage, in which she seeks a *séparation de biens* from her husband: she not only begins to recognize the limits of her own individual testimony, but the fact that her husband's testimony is more readily believed in the public sphere than her own, despite the fact that he was widely known as a man of poor character. The third moment I focus on is her falling out with René (the pseudonym for Jean-Jacques Rousseau in the novel), where I will take on the problem of documentary evidence in one's attempt at self-justification in the face of potential public scandal.

Chapter Two is an examination of the role of proof in Rousseau's *Confessions*. The *Confessions*, I argue is a navigation of the power of individual testimony versus documentary evidence. Shaped by a series of ongoing quarrels during the 1750s and 1760s, the *Confessions* has long been understood as an act of self-defense in the face of attacks against Rousseau's reputation in the public sphere. The usage of proof in this self-defense, however, has been given very little attention. In this chapter, I argue that while Rousseau is insistent about the power of his own unique testimony and unprecedented self-knowledge, he begins to recognize in the course of the first part of the text that given how entrenched the public's disfigured image of him appears to be, it is remarkably difficult to have his testimony be believed. In this analysis, I argue

that Rousseau's recognition of the limits of his testimony forces him to turn to documentary evidence. In order to defend himself, to justify his actions and his being before the court of public opinion, I argue that Rousseau begins to recognize that he must turn away from his own individual conception of evidence and towards a practice of proof that is more aligned with that of the Old Regime legal system, where material evidence is given greater weight than individual testimony. Ultimately, Rousseau must reconcile his own conception of truth and justice with that of the public as he seeks to correct the disfigured image that the public holds of him.

In Chapter Three, I examine the role of proof in Voltaire's end-of-life piece of self-writing, the *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves*. The *Commentaire historique* is a relatively unknown text in Voltaire's corpus: the complete edition was not published until 2018 in the *Œuvres complètes de Voltaire*. A work that follows in the footsteps of the aristocratic memoir, the *Commentaire historique* is a monument to Voltaire's actions and to his relationships with the most powerful individuals in Europe. Unlike Rousseau and Louise d'Épinay's efforts to prove the sincerity of their beings, Voltaire is concerned with proving the facts of his life. In doing so, however, Voltaire displays a remarkable degree of insouciance, rewriting pieces of evidence on the one hand, and on the other, selecting pieces of evidence that appear nothing short of arbitrary. I argue, thus, that while proof is central to the *Commentaire historique* – particularly given its subtitle, *Avec les pièces originales et les preuves* – the text is nevertheless an extraordinary effort by Voltaire to reconstruct his image one final time for posterity.

The *Histoire de Madame de Montbrillant*, the *Confessions*, and the *Commentaire historique* are each representative of a particular effort by Louise d'Épinay, Rousseau, and Voltaire to construct a literary self-defense. As these authors construct their literary self-defenses

before the court of public opinion, they each engage with the principles of Old Regime proof in their own ways. In their very different texts, they each navigate questions about the power of a singular versus multiple witness testimonies and the importance of including authentic documentary evidence in order to bolster their accounts. I argue that in doing so, they are each engaging in a practice of self-writing that is emblematic of a critical shift in the mid-to-late 18th century: self-writing becomes a vehicle for self-defense before the court of public opinion.

Chapter One: The Burden of Proof in Louise d'Épinay's *Histoire de Madame de Montbrillant*

Introduction

Louise d'Épinay's immense work, the *Histoire de Madame de Montbrillant*, provides a remarkably rich account of a woman's life in Old Regime society.¹ Once given the misnomer of the *Contre-Confessions* – unjustly placed in the shadow of Rousseau's *Confessions* – this epistolary autobiographical novel gives almost a full picture of Louise d'Épinay's life (1726-1783), from childhood to marriage, from a *séparation de biens* with her husband to her love affairs, from her worries about personal finances to treatises on education. It is a text that shines light onto the intimate workings of the culture of Old Regime France – its laws and customs – and allows the reader to examine life through the eyes of one of its most prominent women. The immense scope of the *Histoire de Madame de Montbrillant* is all the more complex in that it is a work that straddles the lines of fact and fiction.

Louise d'Épinay began writing the *Histoire de Madame de Montbrillant* around 1756 and likely stopped writing around 1770. The text would not be published during her lifetime—after her death in 1783, the manuscript was left to her lover, Friedrich Melchior, Baron von Grimm (1723-1807). The fact that the text was given no title by Louise d'Épinay explains why it has been given various titles over the course of its publication history: *Mémoires*, *Pseudo-Mémoires*, *Les Contre-Confessions*, and now, *Histoire de Madame de Montbrillant*. It is this last title,

¹ “Il n’y a pas de livre qui nous peigne mieux le XVIII^e siècle, la société d’alors et les mœurs que les *Mémoires* de Mme d’Épinay [...] Les légères erreurs ou les infidélités de pinceau, les inexactitudes de détail ont même perdu de leur importance. Ce qui reste, c’est l’ensemble des mœurs, c’est le fond du tableau, et rien ne paraît plus vrai ni plus vivant. Les *Mémoires* de Mme d’Épinay ne sont pas un ouvrage, ils sont une époque.” Charles Augustin Sainte-Beuve, *Causeries du Lundi*, t. II (Paris: Classiques Garnier, 1850), quoted in Odette David, *L’Autobiographie de convenance de Madame d’Épinay, écrivain-philosophe des Lumières: Subversion idéologique et formelle de l’écriture de soi* (Paris: L’Harmattan, 2007), 41. This notion of *Montbrillant* capturing the feminine experience in the 18th century is also expressed by Paul Hoffmann: “Ce qui, selon nous, fait l’intérêt essentiel de ce livre, c’est qu’il constitue un témoignage important sur la condition de la femme au XVIII^e siècle...” in Paul Hoffmann, “L’Histoire de Madame de Montbrillant ou l’École de la Femme,” *Revue des Sciences Humaines*, no. 10 (Avril-Juin, 1963): 161, quoted in Odette David, *L’Autobiographie de convenance*, 135.

Histoire de Madame de Montbrillant, that was adopted by Georges Roth in his 1951 edition of the work and has remained the recognized title by scholars.² Unlike *Pseudo-Mémoires* or *Contre-Confessions*, the title – *Histoire de Madame de Montbrillant* – treats the work as, first and foremost, a novel, one that tells the story of a vast experience and is not simply a response to Rousseau’s *Confessions*, as scholars have historically done.

It has long been the case that scholarly considerations of Louise d’Épinay have rarely treated her as a major figure of the Enlightenment, especially on the level of men like Rousseau and Voltaire. Rather, she was constantly set in relationship to others, be it to other female writers from the 18th century, or, as was most often the case, to famous men like Rousseau – a friend who ultimately painted a scathing portrait of her in his *Confessions* – and Grimm – her lover for the latter part of her life.³ The *Confessions* would go on to be far more famous than the *Histoire de Madame de Montbrillant*, and the scholarly readings of the quarrel between d’Épinay and Rousseau have often taken the side of the *citoyen de Genève*.⁴ This was due to the fact that many, but not all, of the letters in *Montbrillant* are fictionalized; much of the documentary evidence in the supposed “memoir” was created expressly for the novel. However, it is also the case that in

² *Les Pseudo-mémoires de Madame d’Épinay. Histoire de Madame de Montbrillant*, ed. Georges Roth, 3 vols. (Paris: Gallimard, 1951).

³ This sentiment is echoed in Ruth Plaut Weinreb, *Eagle in a Gauze Cage*, 7. She writes: “It is remarkable that a figure so widely known in contemporary Parisian society and to crowned heads and artists across Europe, including the Empress Catherine of Russia and Mozart, should today be recognized primarily by specialists, as compared to Mme de Graffigny or Mme Riccoboni, who enjoy a considerable reputation yet whose *œuvres* Mme d’Épinay surpasses in scope and number. For nearly two centuries, her life and work have been eclipsed or distorted by misconceptions. The first and most common relates to her personal life; it usually originates from the inimical portrait of her in Rousseau’s *Confessions* as a libertine, imperious, egotistical woman with exaggerated intellectual pretensions. The second involved her intellectual life and literary work, the subject of this study.”

⁴ Certain scholarly considerations have, for example, have approached the *Histoire de Madame de Montbrillant* through the eyes of an historian, an approach which contributed to pronounced criticism of the factuality of the novel. The transition away from the work as a memoir (and thus, a “factual” work) to a novel (fictional) has radically changed the way scholars have approached the text. Such approaches can be found in: Frederika Macdonald, *Jean-Jacques Rousseau: A New Criticism*, 2 vols. (London: Chapman and Hall, 1906); R. A. Leigh, “Note sur l’*Histoire de Madame de Montbrillant* et les *Pseudo-Mémoires de Madame d’Épinay*,” in *Correspondance complète de Jean Jacques Rousseau*, ed. R. A. Leigh, t. III (Genève: Institut et musée Voltaire, 1966), xxv–xxix.

critical moments of the text, such as the scenes recounting Louise d'Épinay's falling out with Rousseau (portrayed through the characters of Madame de Montbrillant and René), some of the letters, especially by the latter, are indeed authentic. Throughout this study of proof in the *Histoire de Madame de Montbrillant*, I will attempt to navigate the various uses of the letter in this epistolary autobiographical novel, as I consider it both as a vehicle for the conveyance of sentiments and intentions as well as an inserted historical artifact.

I recognize that this chapter, and to some degree this dissertation, continues to contribute to this scholarly problem, with the *Histoire de Madame de Montbrillant* being placed in conversation with Rousseau's *Confessions* and Voltaire's *Commentaire historique*. However, instead of placing *Montbrillant* in the shadow of these works, I argue that Louise d'Épinay's self-writing engages in a larger conversation around the need for proof when pleading one's case before the critical public.⁵ This chapter aims to pull *Montbrillant* out of the shadow of Rousseau and instead consider it as a significant work unto itself, one that participates in a larger set of reflections concerning the role of evidence in self-writing. Rather than seeing the work as informed by Rousseau, my intent in this comparative study of proof in self-writing is to consider each text as a unique and important representative of the practices of proof in the 18th century. The question of the burden of proof is remarkably multifaceted, ranging from complex questions about the limits of individual testimony to the power and authenticity of the documentary evidence presented. As she explores these questions, Louise d'Épinay provides a rich account of the complexities of the burden of proof placed upon women throughout the various facets of their life in Old Regime society; women, she demonstrates, are both subjected to an immense

⁵ Again, see: Habermas, *The Structural Transformation of the Public Sphere*; Chartier, *Les Origines culturelles de la Révolution française*; Baker, *Inventing the French Revolution*; and Ozouf, "Le Concept d'opinion publique au XVIII^e siècle."

burden of proof, but are also often expected to remain silent and not to provide any sort of testimony or self-defense. As I examine the problem of the burden of the proof in this chapter, I will be building off of decades of scholarship devoted to Louise d'Épinay that has also sought to treat her as a standalone figure in the Enlightenment.

While many studies have not considered Louise d'Épinay as a critical figure in the Enlightenment, a number of recent studies have deepened our understanding of the breadth of her contributions to the intellectual debates of the period, as well as the literary richness of the *Histoire de Madame de Montbrillant*. Mélinda Caron has shown, for example, that Louise d'Épinay was a prolific contributor to the clandestine publication, the *Correspondance littéraire*.⁶ Ruth Plaut Weinreb's work, *Eagle in a Gauze Cage*, is a remarkable overview of Louise d'Épinay as a *femme de lettres*, an active participant in the intellectual debates of the 18th century and a prominent figure amongst the philosophes like Grimm, Diderot, and Rousseau.⁷ Odette David's rich study, *L'Autobiographie de convenance*, is a strikingly in-depth study of the publication history of *Montbrillant*, as well as the way how the work's stylistic particularities render it a complex work of self-writing.⁸ The stylistic nature of *Montbrillant* has also been approached through an overtly literary lens, as seen in the work done by Colette Cazenobe and Cécile Cavillac.⁹ Lastly, Louise d'Épinay has also figured prominently in a number of comparative studies, such as those done by Élisabeth Badinter and Jérémie Grangé, which situated her and her work in a larger context of feminine thought and literary expression.¹⁰

⁶ Mélinda Caron, *Écriture et vie de société. Les correspondances littéraires de Louise d'Épinay (1755-1783)* (Montréal: Les Presses de l'Université de Montréal, 2017).

⁷ Weinreb, *Eagle in a Gauze Cage*.

⁸ David, *L'Autobiographie de convenance de Madame d'Épinay*.

⁹ Colette Cazenobe, "L'Histoire de Madame de Montbrillant: un laboratoire de formes romanesques," *Revue d'Histoire littéraire de la France*, no. 2 (1996): 229–245; Cécile Cavillac, "Audaces et inhibitions d'une romancière du XVIII^e siècle: le cas de Mme d'Épinay," *Revue d'Histoire littéraire de la France*, no. 4 (2004): 887–904.

¹⁰ Élisabeth Badinter, *Émilie, Émilie. L'Ambition féminine au XVIII^e siècle* (Paris: Flammarion, 1983); Jérémie Grangé, *La Destruction des genres. Jane Austen et Madame d'Épinay* (Paris: Honoré Champion, 2014).

Building off this work produced over the last few decades, my goal in this chapter is to highlight further the way in which Louise d'Épinay uses *Montbrillant* – an epistolary autobiographical novel – in order to underscore the burden of proof placed upon women in Old Regime society. I argue in particular that this burden of proof is shaped by Louise d'Épinay's sense of an acute need to defend her reputation, precisely because a woman's reputation was far more likely to be denigrated.

As Marianne Charrier-Vozel writes in her chapter, “La Construction de soi sous le regard de l'autre dans l'œuvre de Mme d'Épinay”: “la réputation est au centre de la vie au féminin.” “L'enjeu de la vie sociale est bien la construction de la réputation...” she continues, emphasizing the relationship between social life and reputation.¹¹ There is a critical distinction between the gendered celebrity experience of Rousseau and Voltaire on the one hand, and, on the other, Louise d'Épinay, a distinction that resides at the core of this chapter. The notion of celebrity in the 18th century pertained to primarily male figures.¹² Thus, their concerns over reputation were far more “continental” in scope, extending beyond the immediate scope of one's individual sphere and invoking a far more totalizing vision of the public sphere, conceptualized by both Voltaire and Rousseau as an immense, amorphous cabal.¹³ In her discussion of what is at stake in “*la vie sociale*,” Charrier-Vozel necessarily limits this scope to a public that is far more immediate, growing throughout one's life but never attaining the same level of transcontinental

¹¹ Marianne Charrier-Vozel, “La Construction de soi sous le regard de l'autre,” in *L'Œuvre de Madame d'Épinay, écrivain-philosophe des Lumières*, ed. Jacques Domenech (Paris: L'Harmattan, 2010), 47–49.

¹² Here, I mean people who were not a part of the ruling elite. Frederick the Great, and by the extension of the same rule, Catherine the Great, occupied different spaces in the public imaginary than Rousseau, Voltaire, or Benjamin Franklin may have. An understanding of the socio-cultural role gender in the Old Regime can be found in two fundamental works by Antoine Lilti: *Figures publiques* and *Le Monde des salons: sociabilité et mondanité à Paris au XVIII^e siècle* (Paris: Fayard, 2005).

¹³ See, for example, Jean-Jacques Rousseau, “Préambule du manuscrit de Neuchâtel,” in *Les Confessions. Livres VII à XII*, ed. Alain Grosrichard (Paris: GF Flammarion, 2002), 434: “Si je n'ai pas la célébrité du rang et de la naissance, j'en ai autre qui est plus à moi et que j'ai mieux achetée ; j'ai la célébrité des malheurs. Le bruit des miens a rempli l'Europe...”

“celebrity” that Rousseau and Voltaire experienced.¹⁴ Yet while more limited in scope, as we shall see in this chapter, the protection of her reputation in the public sphere was a critical concern for Louise d’Épinay throughout her life—from accusations of coquetry, to unsavory suggestions that she had many lovers, to the rising threat of disfiguration by Rousseau in his *Confessions*. These concerns came from various corners of her life: from her family when she was young (particularly her aunt and her mother); from her husband during years of unhappy marriage; from her former friend, Rousseau, following a quarrel over criticism of his infatuation with Sophie d’Houdetot. As Louise d’Épinay rewrites these scenes through the characters represented by pseudonyms – her husband was “Monsieur de Montbrillant”; Rousseau was “René” – and she places these trials and tribulations – as well as the great extent to which she had to strive to defend her reputation – at the heart of the *Histoire de Madame de Montbrillant*.

The problem with the form of the epistolary autobiographical novel and its categorization as a *genre* is that it is remarkably polyphonic—the presence of the first-person *je* is destabilized and becomes one voice amongst many, oscillating among a narrative voice, a fictional voice, and an autobiographical voice. The text is thus markedly polyphonic, including narrative asides by the Tuteur, M. le Marquis de Lisieux, a fictionalized “editor” of the memoirs at hand.¹⁵ The narrative also includes “Mon Journal,” a sort of *journal personnel*, passed along to Lisieux, who,

¹⁴ My approach here is informed by Joan W. Scott, “Gender: A Useful Category of Historical Analysis,” *The American Historical Review* 91, no. 5 (December 1986): 1053–1075: “Instead of searching for single origins, we have to conceive of processes so interconnected that they cannot be disentangled. [...] To pursue meaning, we need to deal with the individual subject as well as social organization and to articulate the nature of their interrelationships, for both are crucial to understanding how gender works, how change occurs” (1067).

¹⁵ Weinreb, *Eagle in a Gauze Cage*, 10–11: “In addition to the female *épistolière*, Mme d’Épinay constructs male voices and creates a polyphony absent from other epistolary works by women, now accepted into the canon, such as the anonymous *Lettres portugaises* (1669), Mme de Graffigny’s *Lettres d’une Péruvienne* (1747), and Mme de Riccoboni’s *Lettres de Mistriss Fanny Butler* (1757), monologues of the female heroine.” It is, thus, a continued and deliberate engagement with a generic trope, one that is necessary to justify the collection of these documents and their presentation in this defined literary form.

in his role as “editor,” intersperses these journal entries throughout the text.¹⁶ *Montbrillant* does not simply include Émilie de Gondrecourt’s (Madame de Montbrillant, once she is married) voice, but includes voices from numerous figures, male and female alike. As many of the letters included in *Montbrillant* were created for the work and were not “authentic” documents, the way in which proof is presented throughout the work is constantly shaped, first and foremost, by Louise d’Épinay’s pen, which carries with it her own idiosyncratic perception of the role of evidence.

It is not simply the question of genre and polyphony that complicates our understanding of proof in *Montbrillant*. It is also – as Ruth Plaut Weinreb tells us – that the narrative of the account is not always faithful to the factual events of Mme d’Épinay’s life. As she observes:

The conscientious reader should not accept as factual her novel’s account of childhood and early married years. While the broad outline of the story in the epistolary novel reflects history accurately, and furthermore incorporates authentic letters, those letters appear in significant numbers only in the last third of the work. Mme d’Épinay devoted the greater part of her story to the heroine’s early years and her development before she reached intellectual maturity and to an indictment of certain sectors of the Ancien Régime, not to her life as a philosophe and writer.¹⁷

This straddling of fact and fiction complicates the way in which proof in *Montbrillant* can be understood. While the notion that the text is an autobiographical *novel* inherently suggests that certain parts will be fictional or fabricated because of the work’s status as a novel and not autobiography, the notion of proof in *Montbrillant* is invoked both in moments that are factual and fictional. Unlike the efforts made by Rousseau and Voltaire to prove to the reader that the account is true by the evidence that they present, Louise d’Épinay’s work is an endeavor to demonstrate thematically to the reader the critical role proof played in Old Regime society. It forces us, thus, to reflect on the notion of what proof in self-writing might be when the account

¹⁶ On the “journal personnel,” see: Philippe Lejeune, *Aux origines du journal personnel en France, 1750-1815* (Paris: Honoré Champion, 2016).

¹⁷ Weinreb, *Eagle in a Gauze Cage*, 8.

given in the work of self-writing is not totally factual. This is even further complicated by the fact that Madame de Montbrillant – Louise d'Épinay in the text – dies at the end, another feature of the text that solidifies the work's status as a novel and not as an autobiography (Louise d'Épinay would live about twenty years longer than her heroine). In this chapter, I will interrogate the ways in which the text's factuality and fictionality contribute to our understanding of the role of proof therewithin.

In order to examine the way proof shapes Louise d'Épinay's self-defense in the *Histoire de Madame de Montbrillant*, I have divided this chapter into four parts. The first part explores how our understanding of proof is shaped by its intergeneric features, by the traditions of both fiction and female self-writing during the Old Regime. The next three parts are dedicated to unique moments in *Montbrillant* that exemplify the concerns about her reputation and the burden of proof placed upon her. Part two of the chapter is devoted to her childhood, where she learns early on that her testimony is not believed by those around her. She discovers that, in these moments, she is constantly perceived as being guilty, even when she does nothing at all. Part three contains an analysis of her marriage leading us ultimately to the *séparation de biens* with her husband. At that point, I examine the way her testimony is rejected while that of her husband is constantly accepted, despite the fact that he constantly engaged in publicly known debaucherous behavior. Part four of the chapter is devoted to what is perhaps the most infamous episode in *Montbrillant*: Louise d'Épinay's falling out with Rousseau. There, I examine the way in which the growing threat of public calumny – of private quibbles becoming public quarrels – presents unique challenges to her testimony and the documentary evidence that she can provide to defend herself against such attacks.

Each part of this chapter is focused on how Madame de Montbrillant feels the need to defend her reputation, and yet how each effort to defend herself is met with resistance. Calumnious attacks against her reputation are given more credence than her own testimony, even when she firmly believes in her own sincerity and the goodness of her intentions. Through close textual analyses of critical moments from this colossal text by Louise d'Épinay, this chapter endeavors to examine the way in which Madame de Montbrillant's failed efforts to defend her reputation are representative of the immense burden of proof placed upon women when they seek to defend their reputations before the court of public opinion in Old Regime society.

I.1. Gender and Genre: Establishing a Critical Framework

In order to begin to understand the particularities of evidence in the *Histoire de Madame de Montbrillant*, I believe it is necessary to approach the text through the lenses of both feminist criticism and the larger Enlightenment culture of memoir writing. In doing so, *Montbrillant* can be read at once as a unique representation of the totality of a woman's life in the 18th century, and as a part of a larger effort to write the account of one particular life during the mid-to-late Old Regime. As there were not yet any defined models of "autobiography," the efforts by Louise d'Épinay, Rousseau, and Voltaire all embody different types of attempts to write the account of their individual lives and to prove the veracity of the facts therewithin. Louise d'Épinay's *Montbrillant* plays a unique role in this corpus: it is the only work that speaks to a woman's experience, and it is the only one written as both autobiography and novel.¹⁸

Recent scholarship has helped to establish a framework for how to read the *Histoire de Madame de Montbrillant* through the lens of feminist literary theory. One of the most recent contemporary reflections comes from Rebecca Crisafulli, who proposes applying what she terms

¹⁸ On the publication history of *Montbrillant*, see: David, *Autobiographie de convenance*, 27–116.

the “Miller-Kamuf test” to *Montbrillant*. The “Miller-Kamuf test” considers the “biography and textual analysis in the extant scholarship on a woman author with the goal of encouraging further research that would lead to a fuller, more accurate understanding of women authors’ contributions to the Enlightenment.”¹⁹ This paradigm thus considers on the one hand the weight given to an author’s biography (Miller) and on the other, the weight given to textual analysis, which is done in an effort to avoid “othering” the identity of the author (Kamuf).²⁰ Crisafulli’s analysis is driven by a reaction to the long history of *Montbrillant* being read as a memoir crafted to respond to Rousseau’s *Confessions*, a reading of the work that reduces it to sitting in the shadow of the *citoyen de Genève*.²¹ Thus, Crisafulli argues that “D’Épinay scholarship scores low on the Kamuf side and high on the Miller side.”²² D’Épinay scholarship has therefore historically prioritized biography over textual analysis. The aim of this chapter is to understand how the problem of proof manifests itself textually in *Montbrillant*, and how this autobiographical novel can, in turn, help us better understand Louise d’Épinay’s reflections on the problem of proof for women in Old Regime society.

In an effort to bring greater balance to the Miller-Kamuf difference in d’Épinay’s work, Crisafulli reads *Montbrillant* as a “*roman pédagogique*,” instead of an “autobiographical novel.”²³ It appears to me, however, that this reading of *Montbrillant* as an educational novel is

¹⁹ Rebecca Crisafulli, “Using the Miller-Kamuf Test to Evaluate the Role of Biography in Scholarship on Eighteenth-Century Women’s Writing,” *Studies in Eighteenth-Century Culture* 52 (2023): 299–304. See further: Heidi Bostic, “Literary Women, Reason, and the Fiction of Enlightenment,” *The French Review* 85, no. 6 (May 2012): 1024–1038.

²⁰ On these debates, see: Nancy K. Miller, “The Text’s Heroine: A Feminist Critic and Her Fiction,” in *Conflicts in Feminism*, eds. Marianne Hirsch and Evelyn Fox Keller (Routledge: New York and London, 1990), 112–120; Peggy Kamuf, “Replacing Feminist Criticism,” in *Conflicts in Feminism*, 105–111; Kamuf and Miller, “Parisian Letters: Between Feminism and Deconstruction,” in *Conflicts in Feminism*, 121–133.

²¹ On a history of the scholarly readings of *Montbrillant*, see: David, *L’Autobiographie de convenance*, 41–46, 118–156.

²² Crisafulli, “Miller-Kamuf Test,” 300.

²³ *Ibid.*, 302. Crisafulli’s lengthier analysis of *Montbrillant* as a *roman pédagogique* can be found in: Rebecca Crisafulli, “Sincerity and Social Transformation in the Work of Louise d’Épinay,” Thesis (Chicago: University of Chicago, 2018).

not done because she claims that the work is purely fictional, but instead in an effort to reorient our readings away from the preoccupation with Louise d'Épinay's biography (and, thus, a proximity to powerful men that dominated the way her work was read) and towards an analysis of *Montbrillant* that focuses exclusively on a non-autobiographical literary analysis. That is to say, it is a reading of *Montbrillant* as an educational novel and *not* as an autobiographical work. This shift argues for a new understanding of d'Épinay's "contributions to the Enlightenment," where her writings allow for a deeper understanding of the burden of proof placed upon women in Old Regime society.²⁴ While Crisafulli's work demonstrates the remarkable importance of d'Épinay's pedagogical philosophy in the broader context of Enlightenment educational thought, I argue that *Montbrillant*'s contribution to our understanding of the Enlightenment does not reside solely in understanding the work as an educational treatise. Rather, I believe that *Montbrillant*, contributes to our understanding of the Enlightenment precisely *because* of its autobiographical components, particularly those that involve Louise d'Épinay's efforts to demonstrate the immense burden of proof placed upon women in their everyday lives.

It is precisely through this straddling of fact and fiction in the *Histoire de Madame de Montbrillant* that the work has been characterized as a roman à clef. Madame d'Épinay originally used fictional names for real people – "René" for Rousseau, for example – in her manuscript of the text; however, in the very first publication of the work in 1818 – done so under the title, *Mémoires et Correspondance de Madame d'Épinay* – the editor, J.-C. Brunet, rewrote the manuscript with the character's "real" names: "René" was thus replaced with "Rousseau."²⁵ As Odette David observes, critics in the 20th century began to shift away from the interest in "la querelle entre Philosophes," and instead return to the manuscript as it was originally written: a

²⁴ *Ibid.*, 302.

²⁵ *Mémoires et Correspondance de Madame d'Épinay*, ed. J.-C. Brunet (Paris: J.-C. Brunet, 1818).

long, pseudofactual novel.²⁶ First seen through Georges Roth's 1951 edition (*Les Pseudo-Mémoires de Madame d'Épinay. Histoire de Madame de Montbrillant*) and then further evidenced in Élisabeth Badinter's 1989 edition (*Les Contre-Confessions. Histoire de Madame de Montbrillant*), the work became increasingly understood as a literary text, a roman à clef, rather than memoirs.²⁷ Straddling fact and fiction, *Montbrillant* was at once clearly shaped by the life of Louise d'Épinay and molded by the creative possibilities inherent in novel writing.

In his analysis of the development of self-writing before Rousseau, Philippe Lejeune describes how the proliferation of memoirs *in the form of* novels set the stage for later 18th-century autobiographical writing:

Ces romans habituent écrivains et lecteurs à lier l'emploi du récit à la première personne (perspective subjective) à l'histoire de la sensibilité individuelle et à la peinture des mœurs [...] : les auteurs de ces récits ne parlaient jamais de leur vie sentimentale intime, et ne se donnaient jamais la peine de dépeindre comment le monde leur était apparu, puisqu'ils supposaient connus les milieux où ils vivaient et inintéressante la particularité de leur perspective.²⁸

This shift towards subjectivity, towards the particular experience of the narrator, shaped the evolution of the novel throughout the 18th century, including the novelistic structure of *Montbrillant*.²⁹ The intergeneric nature of *Montbrillant* – novel, memoir, and journal – necessitates an examination of the role of proof in the text that is shaped by its various genres.

²⁶ David, *Autobiographie de convenance*, 97.

²⁷ In his preface to the 1951 edition of *Montbrillant*, Georges Roth writes, "Il ne faut pas, en effet, beaucoup de temps à qui connaît l'histoire anecdotique et a lu les *Confessions* pour se rendre compte que Mme d'Épinay a finalement composé un roman à clef, long récit autobiographique où elle s'est mise en scène sous le nom de son héroïne, où Jean-Jacques figure sous celui de 'René', où Diderot s'appelle 'Garnier', où Grimm devient 'Volx', et où tous les autres acteurs, parents, amis et relations portent aussi des noms fictifs. Mais, bien que la trame du récit repose sur un fonds partiellement véritable, les noms de fantaisie attribués aux personnages maintiennent à la narratrice ses droits de romancière — dont elle a usé." Georges Roth, *Les Pseudo-mémoires de Madame d'Épinay. Histoire de Madame de Montbrillant*, xi–xii.

²⁸ Lejeune, *L'Autobiographie en France*, 43. On this particular moment in novel writing, see further: Showalter Jr., *The Evolution of the French Novel 1641-1782*; Pavel, *The Lives of the Novel: A History*. For more on the proliferation of the *roman-mémoires*, see: Démoris, *Le Roman à la première personne*.

²⁹ While Lejeune does signal prehistoric forms of the modern autobiography, such as the *autobiographie religieuse*, his observation about *romanesque* forms signals that he believes that there is a connection between novel writing and Rousseau's autobiographical venture in the *Confessions*. See: Lejeune, *L'autobiographie en France*, 40–45.

Furthermore, as we situate *Montbrillant* in a larger literary history of the Enlightenment, both in its conversation with Rousseau's *Confessions* and Voltaire's *Commentaire historique* and as a product of novel and memorialist writing during the period, it is also necessary to underscore the shifts occurring in women's memoir writing.

Perhaps the most useful study for understanding the growing force of the memorialist tradition in early modern women's is Adelaïde Cron's work, *Mémoires féminins de la fin du XVIIe siècle à la période révolutionnaire*.³⁰ In this work, Cron establishes two periods of women's memoir writing during the Old Regime: 1675-1720 and 1755-1793. The former period was marked by a strong interest in the private lives of the author: such lives were often either scandalous or constrained, depending on the author.³¹ The second period was marked first by alleged novels that "cachent peut-être aussi des mémoires" (like *Montbrillant*), and second, by the influence of Rousseau, both his *Nouvelle Héloïse* and his *Confessions*.³² Cron's first periodization highlights the unique lived experience of the authors. More than a literary categorization, it is an historical and sociological one: some women wrote memoirs to rebut allegations of scandal, or, perhaps, to prove their innocence in a scandalous affair.³³ Cron's second categorization, however, is predominantly a literary one. In this latter categorization, memorial practices are understood more through the prism of their form – that is to say, they would be modeled after the form of the epistolary novel (like *La Nouvelle Héloïse*) or would focus on an exploration of interiority (like the *Confessions*) – rather than the overt *need* or *desire*

³⁰ Cron, *Mémoires féminins de la fin du XVIIe siècle à la période révolutionnaire*.

³¹ *Ibid.*, 29–30.

³² *Ibid.*, 32.

³³ "La première période [1675-1720] a une unité forte, tant sur le plan des thèmes privilégiés par les mémorialistes que sur celui de la représentation de soi et des profils sociaux ; les mémorialistes y sont le plus souvent des femmes dont la vie privée et notamment conjugale fait scandale et qui relatent leurs tribulations pour, prétendent-elles, écrire leur apologies." *Ibid.*, 29.

of these writers to take up the venture of self-writing.³⁴ While Cron's choice of periodization helps us understand larger trends in autobiographical writing by women in the later 17th and 18th centuries, my approach in this chapter is to consider both the *need* to write a work of self-writing – seen in Cron's first periodization – and the literary form chosen for the venture – seen in her second periodization. As Rousseau outlined his desire to respond to disfiguration in the *Confessions* and Voltaire was clearly responding to public disfiguration in an effort to correct his image at the end of his life, Louise d'Épinay, too, sought to defend her reputation. Louise d'Épinay, however, left us no indication of her goals in writing *Montbrillant* beyond the prefaces, which are a typical component of the 18th-century novel. We do not have, for example, outlines of the project like we see with Rousseau's *Confessions*. Since Louise d'Épinay's intentions remain unknown – or, at the very least, are resigned to the level of mere speculation – we must turn to the content and structure of the text in order to give us clues about the way Louise d'Épinay may have believed proof ought to function in such a generically rich text.

In order to understand the practice of proof in *Montbrillant*, we must grapple with what the work purported to be: how was it conceived? what are its component parts? and how are these component parts conducive to proving the account? To call the work an epistolary autobiographical novel suggests three critical components: first, that the work is composed of letters (epistolary); second, that the subject and the author of the work is Mme d'Épinay (autobiographical); and third, there is in the work a degree of fictionality (novel). Yet beyond these inherent component parts of the “epistolary autobiographical novel,” there are other elements in the text, too, that complicate our understanding of the role of proof: for example, the

³⁴ “Les mémoires de la seconde moitié du siècle constituent néanmoins par certains côtés un groupe dont la cohésion est assurée par deux lignes de force. On constate une présence forte de *mémoires-romans* au statut ambigu : ce sont les œuvres frontières de Madame d'Épinay et de Madame de Crémay. [...] Deuxième ligne de force, la présence d'une influence rousseauiste souvent diffuse et ambiguë.” *Ibid.*, 31–32.

voice of the narrator is not Mme d'Épinay, but is instead the “editor” of the text, the fictional Marquis de Lisieux—this is typical of the “pseudofactual regime” of the novel, according to Nicholas Paige.³⁵ Additionally, she includes a *journal intime*, titled “Mon Journal,” which centers the act of writing around Émilie *alone*, rather than within what Marie-Claire Hoock-Demarle describes as the inherently *social* act of letter-writing.³⁶ *Montbrillant* is thus a work that straddles the public and the private, the sociability of 18th century culture and the intimate reflections of a woman striving to make sense of her position in it.

Montbrillant contains two moments where the project is announced clearly to the reader: one instance is located in the text; the other is contained in two unpublished prefaces. About a sixth of the way into the work, the fictional editor and tutor, M. le Marquis de Lisieux, writes:

On va voir à peu près, par celles [les lettres] dont j'ai gardé les copies, ce qui se passa alors. Ma véracité fera taire ici mon amour-propre : et si quelques critiques sévères condamnent le rôle que j'ai joué dans cette époque de la vie de Mme de Montbrillant, je les prie au moins de me tenir compte de ma bonne foi. Je les prie aussi, tant pour moi que pour ceux dont j'éclaire l'histoire, de se rappeler sans cesse que ce n'est pas un roman que je donne au public, mais les Mémoires très véritables d'une famille et de plusieurs sociétés composées d'hommes et de femmes soumis aux faiblesses de l'humanité.³⁷

Lisieux's language neatly situates the work in the tradition of the 18th-century novel, with its references to letters kept and its desire to describe society and its customs “truthfully.”

Nevertheless, if we recognize the fact that there is a degree of factuality in this statement, such as the fact that there *are* authentic letters included in parts of *Montbrillant*, we may begin to grasp

³⁵ Paige, *Before Fiction*, 4.

³⁶ See: Marie-Claire Hoock-Demarle, *L'Europe des lettres. Réseau épistolaire et construction de l'espace européen* (Paris: Albin Michel, 2008), 53–56. She writes, “À la différence de cet mode d'expression écrite de l'intime qu'est le journal, la lettre est une activité éminemment sociale” (53). She includes also a definition that I believed is worth citing here: “Presque tous ceux qui se sont occupés d'une théorie de la lettre sont unanimes pour dire que la lettre vient en lieu et place d'une conversation. La différence entre les deux ne tient qu'à la forme extérieure. Le dialogue connaît discours et contre discours, la lettre ne connaît que le discours. Son absence rend le dialogue univoque mais n'en fait pas pour autant un monologue, car la façon de s'adresser à l'absent, que l'on se rend présent à tout instant, demeure.” Johann Samuel Ersch and Johann Gottlieb Gruber, “Brief,” in *Allgemeine Enzyklopädie der Wissenschaften und Künste* (Leipzig, 1824), quoted in *Ibid.*, 54.

³⁷ Madame d'Épinay, *Les Contre-Confessions. Histoire de Madame de Montbrillant*, eds. Élisabeth Badinter and Georges Roth, t. I (Paris: Mercure de France, 1989), 418.

what precisely Louise d'Épinay is striving to accomplish with this autobiographical novel. What is remarkable in this statement by Lisieux is not solely the distinction between fact and fiction – it is not a *roman*, but *Mémoires* – but also the scope of the project. Capturing a true representation of a family and “plusieurs sociétés composés d’hommes et de femmes,” Lisieux, and by extension, Louise d'Épinay, suggests that the work is not about Louise d'Épinay alone. Rather, it is a work that speaks to the culture of the Old Regime and its networks of sociability. My focus in this chapter is on a particular aspect of this culture: the burden of proof placed upon women when they try to defend themselves, be it before the court of public opinion, or simply before other members of their “sociétés.” The form of the epistolary novel allows Louise d'Épinay to explore this notion of the “burden of proof”: through fictional and authentic documents, and through her own voice represented in Madame de Montbrillant and in the voice of others, she can rely on historical fact and the creative power of fiction to bring to light the burden of proof placed upon her as a woman throughout her life.

This formulation of the project by the Tutor resembles the language employed in a series of unpublished prefaces to *Montbrillant*, which appear in Georges Roth's 1951 edition of the text. In the first of these prefaces, the tutor writes:

Mon but, en publiant l'histoire de ses [Mme de Montbrillant] malheurs, est de *la justifier aux yeux du public du soupçon de légèreté, de coquetterie et de manque de caractère dont j'entends encore quelquefois offenser sa mémoire*
 [...]
 Comme je craindrais d'affaiblir les couleurs du tableau que je veux présenter dans la plus exacte vérité, je me contenterai de publier la collection des lettres que j'ai recueilli (*sic*) soigneusement, tant de Mme de Montbrillant que des différentes personnes qui se sont trouvées en correspondance avec elle, soit pour raison d'affaires, soit pour liaisons d'amitié.³⁸

³⁸ Madame d'Épinay, *Les Pseudo-mémoires de Madame d'Épinay. Histoire de Madame de Montbrillant*, ed. Georges Roth (1951), 4–5, my emphasis. While I am using Elisabeth Badinter's 1989 edition in my study of the text itself, that edition does not include the two unpublished prefaces. Thus, I rely on Georges Roth's 1951 edition for my citations of the prefaces.

The purported goals of the project inscribe the work in a much longer tradition of early modern novel writing, the “pseudofactual” novel, where the fictionalized editor amasses the collection of authentic letters to tell the story of Madame de Montbrillant’s life and justify her against public disfigurations of her character. This dualism of fact/fiction at the outset of the novel – factual documents composing a fictional text – is, in fact, an indicator of the work’s fictionality, an almost ludic threshold through which the reader must pass before entering the text itself. But in the case of this autobiographical text, it moves the narrative voice away from Louise d’Épinay and towards somebody else, distancing the autobiographical voice from a work that is, at the very least, pseudo-autobiographical.

There is also a second, unpublished preface, titled “Cahier trouvé dans les papiers de Madame de Montbrillant,” a preface where the narrative voice moves back towards Madame d’Épinay, separated only by the fictionality of a pseudonym. This is not to say, of course, that this is an “authentic” document in a true sense of the word, because it is not; yet it is a document constructed for the purposes of the project at hand. We must recognize the tension of these documents, their service as markers of fictionality yet potential indicators of Mme d’Épinay’s intentions in the work: to justify herself in the face of false accusations that denigrate her character. It is, nevertheless, illuminating. Madame de Montbrillant writes:

Ma santé s’altère de jour en jour et ne me laisse que peu d’espérance de parvenir à la rétablir. Je me sens affaiblie, et je crains que la mort ne me surprenne plus tôt qu’on ne croit et que je les voudrais, à présent que je suis heureuse. Je me dois, et je dois à ceux qui m’honorent encore de leur estime et de leur tendresse, de leur laisser les moyens de *détruire après moi la calomnie par le récit le plus sincère des différents événements dans lesquels j’ai eu presque toujours les apparences contre moi*. La timidité, la honte et quelquefois l’honnêteté et l’indulgence pour les autres, m’ont imposé silence, et m’ont portée à me laisser condamner sans me plaindre.

C’est à vous surtout, ô mon Tuteur, que je veux paraître telle que je suis, et aux yeux de qui m’importe de *me justifier*...³⁹

³⁹ *Ibid.*, 6–7, my emphasis.

Again, Madame de Montbrillant signals her desire to justify herself, even privately to her Tutor. This preface continues, with Madame de Montbrillant appealing to her tutor to read the letters and to publish them, in order to demonstrate the truth of the account of her life before the public, and the force of her character in the face of calumny, disfiguration.⁴⁰ Her choice of the word “justifier” is an overtly judicial gesture, as the word is defined in the 1762 *Dictionnaire de l’Académie française* as, “Montrer, prouver, déclarer que quelqu’un qui était accusé est innocent.”⁴¹

Although unpublished, these prefaces, invite us to reflect on the role of proof in *Montbrillant*, particularly as it concerns the need for self-justification in the face of calumny. Crisafulli’s “Miller-Kamuf” test encourages a consideration of the way in which both Madame d’Épinay’s biography and her writing in *Montbrillant* inform the way in which proof can be read throughout the text. It is designed to demonstrate her sincerity and correct disfigured images of her, thus salvaging her reputation. Throughout the next three parts of this chapter, I will explore the way in which her childhood, her marriage, and her quarrels with Rousseau (represented through the character of René) influence the way in which Madame d’Épinay uses different types of evidence – testimony, documentary evidence – in order to illustrate the burden of proof placed upon women.

I.2. The Failings of Testimony Before the Family Tribunal

The early pages of the *Histoire de Madame de Montbrillant* highlight the problems of proof faced by Émilie de Gondrecourt (the future Madame de Montbrillant and the pseudonym

⁴⁰ I insist on the public nature of this self-justification because “calomnie” is, in itself, a *public* attack. According to the *Dictionnaire de L’Académie française*, 1^e édition (1694), “calomnie” is defined as, “Fausse accusation qui blesse l’honneur ou la réputation.” Reputation, here, is a public quality, defined as, “Renom, estime, opinion publique,” in the *Dictionnaire de l’Académie française*, 4^e édition (1762). *Dictionnaire Vivant de la Langue Française (DVLf)*, accessed June 19, 2025, <https://dvlf.uchicago.edu/mot/calomnie>.

⁴¹ “Justifier” in *Dictionnaire de L’Académie française*, 4^e édition (1762). *DVLf*, accessed June 19, 2025, <https://dvlf.uchicago.edu/mot/justifier>

of Louise d'Épinay)—it is with a discussion of these pages that I begin my literary analysis of the work. As we shall see in this part of the chapter, Émilie's childhood was shaped by a remarkable callousness on the part of the adults around her, a callousness that left her desiring to defend herself, to prove the goodness of her being and the sincerity of her intentions. Through this literary representation of the young girl before a harsh family tribunal, Madame d'Épinay highlights a need for evidence that begins early on in one's life, a need that will persist throughout *Montbrillant* as a fundamental structuring element. We cannot understand the problems of evidence in the later, factual parts of *Montbrillant* without an adequate understanding of the origin of these problems during her childhood.

A letter addressed from Madame la Marquise de Beaufort to the M. le Marquis de Lisieux signals Mme d'Épinay's position straddling fact and fiction. While Lisieux fulfills the fictional, utilitarian role as the “editor” of the memoirs and as a correspondent and tutor of Émile de Gondrecourt (Mme d'Épinay), Madame la Marquise de Beaufort's name is the pseudonym for the very real Mme de Roncherolles, the cousin of Mme d'Épinay's father.⁴² It is not until much later, however, that Lisieux proclaims his role as editor, and so this blending of fact and fiction is not immediately apparent in the absence of a “key” to unlock the truth of the text.⁴³ What the text *does* display to us from the outset, however, is the shifting dynamics of the family structure. The father of Émilie de Gondrecourt is about to die, and, most critically to Mme la Marquise de Beaufort, he is about to leave behind no male heir. In such circumstances, going to a convent may constitute the most viable financial option for Émilie and her mother, who otherwise would

⁴² The notes to this edition of *Montbrillant* were done by Georges Roth and then reviewed by Élisabeth Badinter – the principal editor for the 1989 edition – which I am consulting for this dissertation. See tome I, page 803, note 2: “‘Mme de Beaufort’ est le masque de Mme de Roncherolles, cousine du baron d'Esclavelles, père de Louise, future dame d'Épinay [...] Dans son ensemble, le personnage du ‘marquis de Lisieux’ n'est qu'une fiction commode, créée pour les nécessités du récit, dont il réunit les fils et les documents entre ses mains.”

⁴³ Weinreb, thus, considers *Montbrillant* to be a “roman à clef.” See: Weinreb, *Eagle in a Gauze Cage*, 86.

be left with very little means to live independently. This scene thrusts the reader into Émilie's shifting family dynamic, where her early needs for proof begin to appear.

For our purposes, this opening section of *Montbrillant* could perhaps best be understood as the moment in which we observe the daughter's precarious role in the family structure: that of the defendant in the family tribunal. Given the straddling of fact and fiction in this work, we should read this family tribunal as lying somewhere between that which is seen at the beginning of Rousseau's *Confessions* – outlined in Chapter Two of this dissertation – and something out of a Marivaux novel, like *La Vie de Marianne*. The family tribunal in *Montbrillant* is paradigmatic of the first instance in which Émilie de Gondrecourt recognizes the burden of proof placed on her, where she must defend herself before an unfavorable judge and overcome her status as a “criminelle.” It is a moment of awakening to an incessant sense of culpability, as she is accused by others even when she has done nothing at all. What this means, in turn, is that like her guilty status, the need for proof in her self-defense is also incessant.

In a letter to Madame La Marquise de Beaufort, Émilie describes a dinner at the Bernon's (her aunt and uncle), where her cousin, M. de Saint-Ulce – whom she would later marry – “a tiré le gâteau des Rois. Mon cousin de Saint-Ulce a été Roi. On lui a dit de choisir une Reine, et il m'a choisie.”⁴⁴ In this scene, she is little more than a narrator and, grammatically, a direct object; besides her narrative position in recounting the event, she is simply chosen to be the “queen” of her cousin; *she* does not act, but instead is the object of *another's* actions. Despite her passive involvement in this seemingly trivial affair, Émilie would be scathingly rebuked by her aunt, who remarks to M. le marquis de Lisieux, “Voyez-vous comme elle est coquette, cette petite fille ? Je crois que, si on n'y a pas l'œil, ce sera un mauvais sujet.” Émilie responds to this by writing,

⁴⁴ *Montbrillant*, t. I, 71.

“J’avais le cœur bien gros alors, maman ; mais j’ai retenu mes larmes et j’ai demandé à ma tante *quelle faute j’avais faite pour m’accuser ainsi.*”⁴⁵ While Émilie is nothing more than the object of her cousin’s affection, even her role as an object is a transgression before her aunt’s eyes: she is guilty because of the actions of others. As she asks what she did to merit such an accusation (“*quelle faute j’avais faite pour m’accuser ainsi*”), Mme d’Épinay highlights the discordance between real action and the perception of culpability; it is clear to the reader here that no transgression was committed, but even her passivity risks running afoul of the “law” of her aunt.⁴⁶ To be the passive object of her cousin’s affection is in itself transgressive, as her cousin’s action marks her as coquettish.

Critically, however, the judge here is not an amorphous, anonymous figure (like Rousseau or Voltaire’s “cabal,” that we will see in Chapters Two and Three of this dissertation) that pronounces her guilty of coquetry: the only judge is her own aunt, Mme de Bernon. Émilie continues by writing: “Elle m’a traitée d’impertinente et voulait me faire sortir de table. Je me sentais en colère d’être obligée de lui obéir. Tout le monde a demandé grâce pour moi...”⁴⁷ The singular insult from Mme de Bernon fails to turn into a public condemnation; instead, the jury in this court demands that grace, forgiveness, be granted, that she not be expelled, exiled for her alleged wrongdoing. Émilie’s account marks a clear delineation between her aunt, who seeks her condemnation, and everybody else, who all seek her clemency: nevertheless, she must bow to the

⁴⁵ *Ibid*, t. I, 72.

⁴⁶ This type of behavior was not unique to Émilie’s situation but is instead reflective of a larger culture of parent-child relationships in Old Regime France. David Hunt, for example, observes that, “In [the seventeenth century] being a good parent did not add to a person’s standing and being a bad one brought no discredit. Adults had scant respect for children and neither the ability nor the inclination to make many sacrifices on their behalf [...] Children were treated with considerable callousness.” David Hunt, *Parents and Children in History: The Psychology of Family Life in Early Modern France* (New York: Basic Books, 1970), quoted in Weinreb, *Eagle in a Gauze Cage*, 55.

⁴⁷ *Montbrillant*, t. I, 72.

whims of her tyrannical judge. She asks her governess, Mademoiselle Anselme, to help her understand why Mme de Bernon would insult her in such a way:

Elle m'a conseillé de travailler à donner bonne opinion de moi à ma tante, en m'appliquant aux études qu'elle me fera faire, en écoutant ses avis avec docilité et supportant son humeur avec patience. [...] Ma bonne dit aussi que l'on est porté à avoir mauvaise opinion des jeunes personnes qui sont ignorantes. Est-ce ma faute, si je le suis ?⁴⁸

Émilie knows, of course, that she should not be at fault for being ignorant—if she knew nothing, it was because she had been taught nothing: “... si je n’ai rien su jusqu’à présent, c’est qu’on ne m’a rien enseigné.”⁴⁹ Her *bonne*’s assessment of her guilt, too, is quite general: rather than suggesting that Émilie acted coquettish in a discrete moment, she is instead condemned for generally being ignorant—this very general charge appears even more difficult to overcome, to disprove. She desires to portray reason in the face of the unreasonable, but this reason cannot overcome the condemnation from the severe, irrational judge, whose verdicts are guided by bitterness instead of a thorough investigation of the facts at hand. Like Rousseau’s condemnation before his own family tribunal, as we will see in Chapter Two, Émilie responds with deep anger to the charges leveled against her and to the fact that the burden of proof placed upon her appears insurmountable. In any search for proof, she can only be paralyzed, because no amount evidence of innocence or culpability seems to be able to sway Mme de Bernon.

After spending time working on her studies and showing what she has learned to her uncle, M. de Bernon, Émilie is encouraged to “perform” her studies for Mme de Bernon. In this moment, Émilie recognizes how Monsieur and Madame de Bernon behaved in such a way that the patriarchal norm for behavior was inverted: “... [il] ne pouvait rien changer aux volontés de sa femme. Il me semble pourtant que j’ai lu dans mon catéchisme historique que le mari est le

⁴⁸ *Ibid.*, t. I, 72.

⁴⁹ *Ibid.*, t. I, 73.

maître. Je voudrais bien que mon oncle le fût.”⁵⁰ This yearning by Émilie for the catechistic order to be upheld is rooted in an early desire for grace and justice, a desire shaped by the actions of her aunt and uncle, the former vile, the latter compassionate. But the power of Mme de Bernon was irreversible; it was she who occupied the place of the judge, before whom Émilie would have to appear to recite her lessons in the hope of receiving grace, kindness, even clemency. Fundamentally, she desires a judge who recognizes the goodness of her intentions.

The child, however, could not relieve the *juge de Bernon* of her bitterness and jealousy.

As Émilie writes in another letter to Madame la Marquise de Beaufort:

Mon oncle nous a fait répéter devant elle ce que nous avions étudié l'autre jour devant lui, en disant à ma tante : ‘Voyez, voyez, ma poule, comme vos enfants sont sages !’ (Car ce bon oncle m’appelle aussi son enfant.) J’ai encore mieux fait mes exercices que l’autre fois, et mon cher oncle en avait les larmes aux yeux. Je l’ai bien vu, il est si bon.⁵¹

Her performance is clearly moving, as her uncle’s eyes filled with tears are proof of her success.

But while her uncle is an emotive witness to her educational performance, her aunt is on the verge of rage, demanding to know how much time was spent on the lessons, and reproaching the governess for not spending as much on lessons with the Bernon’s daughter, Mimi.⁵² Émilie tries to respond in self-defense, when she says, “Mais il me semble, ma tante, que vous devez être contente de ma cousine. Elle a fort bien fait pour son âge, et je vous assure que ma bonne n’a fait que me donner les livres et que j’ai appris toute seule ce que vous venez d’entendre.”⁵³ Much like how she was condemned for being the object of her cousin’s affection, she is condemned here for being the object of the governess’s instruction, in the eyes of her aunt, the judge. Émilie attempts here to transform herself from the passive object of her governess’s instruction into a

⁵⁰ *Ibid.*, t. I, 75.

⁵¹ *Ibid.*, t. I, 76.

⁵² “Ma tante a demandé combien j’avais été de temps à apprendre tant de choses. J’ai répondu que j’avais été huit jours ; elle est entrée en colère contre notre bonne, et lui a reproché d’une manière bien humiliante pour moi qu’elle négligeait l’éducation de sa fille pour se donner tout entière à la mienne.” *Ibid.*, t. I, 76.

⁵³ *Ibid.*, t. I, 76.

non-actor altogether; in doing so, she is demonstrating a clear desire to avoid further condemnation by her aunt.

There is a sense, however, that it is impossible for Émilie to prove her claims. There is no documentary evidence of how the instruction was conducted, for example. The only evidence presented is Émilie's testimony, which, unfortunately for her case, had little value in the eyes of her judge. As in a court of law, Émilie's testimony was devalued because of her gender. While the judges in this tribunal system are women too, their rejection of Émilie's testimony signifies the cold, impersonable application of justice. As Boucher d'Argis observes in his *Encyclopédie* article, "TÉMOIN": "Les femmes peuvent porter témoignage en toute cause civile ou criminelle ; mais on ne les prend pas pour *témoins* dans les actes. Et dans les cas même où leur témoignage est reçu, on n'y ajoute pas tant de foi qu'à celui des hommes, parce qu'elles sont plus faibles, & faciles à se laisser séduire."⁵⁴ The final phrase of this definition, "faciles à se laisser séduire," captures the paradox that Émilie faces before her aunt when she is accused of coquetry: she is at once passive, yet responsible for this passivity. In the court of law as well as in the family court, the rejection of Émilie's testimony is a recurring theme throughout *Montbrillant*. Unable to overcome the distrust at work between the judge and the witness before her, Émilie's testimony is resoundingly deemed to be false, so much so that the reader might doubt if it was pronounced at all. While Émilie was the victim of the rhetorical wrath of her aunt, it is the governess who was threatened with being shown the door.⁵⁵ The rejection of her testimony, however, is devastating to Émilie, sending her into a fit of sobs. Asking for consolation from her uncle, he in

⁵⁴ Boucher d'Argis, "TÉMOIN," in *Encyclopédie*, 16:53, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/encyclopedie0922/navigate/16/162>.

⁵⁵ "Savez-vous, ma bonne maman, que j'avais bien peur que ma tante n'eût dégoûté ma bonne de me donner des leçons, car elle l'a menacée de la renvoyer si elle continuait de m'instruire plus vite que sa fille." Mme de Bernon then exclaims, "Croyez-vous (lui a-t-elle dit encore) que ma sœur vous payera la peine que vous prenez ? Je vous assure qu'elle n'en a ni la volonté ni le moyen. Elle vous aura bien de l'obligation de faire une savante de sa fille ! Allez, allez, elle sera assez bégueule sans cela." *Montbrillant*, t. I, 76.

turn tells her to ask for forgiveness—he is witness to the injustice, yet is unable, or unwilling, to testify in her favor, even though his testimony would carry far more weight than hers. She fails to find solace, only condemnation, as she cries out, “Pardon ? [...] qu’ai-je donc fait ? Ma tante m’a appelée menteuse, et je n’ai jamais menti ; pour rien dans le monde je ne le voudrais faire.”⁵⁶ Her aunt responds in turn, “Ne voulez-vous pas, mademoiselle la Marquise [...] que ce soit moi qui aie menti ? Vous êtes une ingrate, je vais vous reprendre tout ce que je vous ai donné, et je dirai à tout le monde que vous m’y avez forcée par vos impertinences.”⁵⁷ Émilie is, in a way, forced into a trap, unable to act, yet inaction is itself punishable. Her actions and intentions are unprovable. Her testimony cannot transcend the opinions that the judge has of her, rendering her the voiceless victim of other’s actions, and, in turn, the primary victim of the judge’s ire. Madame de Bernon sees these “impertinences” as being at the heart of Émilie’s testimony, an insolent tone inseparable from her speech act. Émilie has this sense – likely shared by the reader – that she could not speak before Mme de Bernon *without* at the same time producing such insolence.

These early scenes also help us begin to grasp the unique role that proof plays in *Montbrillant*: while proof must be clear and obvious to others – an easily believable testimony or unquestionable documentary evidence – gender norms serve as an obstacle to her being able to convey these proofs as believable.⁵⁸ In the aforementioned scene between Madame de Bernon and Émilie, neither woman could prove her intentions to the other: Émilie was perceived to be a coquette, yet saw herself as a victim; Mme de Bernon was perceived as an irrational judge, yet perhaps saw herself as the guardian of order against impertinent children. Yet as a child, unable

⁵⁶ “Je me suis jetée en sanglotant entre les bras de mon oncle, qui m’avait tendu la main tout en me repoussant. Je crois qu’il avait envie de m’embrasser, mais il n’a pas osé. Apparemment que ma tante le gronde aussi. Il m’a dit tout bas d’aller me jeter à genoux et de lui demander pardon.” *Ibid.*, t. I, 76.

⁵⁷ *Ibid.*, t. I, 76.

⁵⁸ This is a formulation that is overtly inspired by Jean Starobinski’s reflections on Rousseau, in: Jean Starobinski, *La Transparence et l’obstacle* (Paris: Gallimard, 1971).

to defend herself despite the burden of proof placed upon her, Émilie was subjected to the whims of her aunt. This remarkably Rousseauian account of youthful injustice foreshadows a problem that will continue throughout *Montbrillant*: Émilie facing injustice, struggling to prove her case and make her testimony be believed. This foreshadowing is shared with her in a letter by Madame la Marquise de Beaufort, perceived to be a far kinder and wiser aunt to Émilie than Mme de Bernon: “Le monde est remplie d’injustice ; vous seriez trop heureuse si vous n’aviez jamais de plus grands malheurs à essayer que ceux qui vous arrivent aujourd’hui [...] Faites votre devoir, cédez lorsqu’il est raisonnable de le faire, et gardez le silence lorsqu’on vous attaque mal à propos.”⁵⁹ Facing injustice is an inevitable part of life. This situation is particularly exacerbated by the actions of superiors, figures inscribed in an intractable hierarchy, where it is far better to remain silent than to riposte outright. This lesson from a female elder, however, is not a guiding principle for Émilie de Gondrecourt; instead, it is a signifier of the peculiar social position that she occupies as a woman in the 18th century. There is an expectation of silence, rather than response; she is in a double bind, faced with the burden of proof yet expected not to testify on her own behalf.⁶⁰ Yet the *Histoire de Madame de Montbrillant* is an act of speaking for Mme d’Épinay: as she demonstrates throughout the text, she is ready to prove her innocence, regardless of the immense burden of proof placed upon her.

This early scene with her cousin, Saint-Ulce, and the Bernons is just the beginning of a lifetime of injustice for the young Émilie de Gondrecourt. As these love letters are exchanged between the two cousins, there emerges a romantic affection. The exchange of letters does not remain a purely private affair—letters can be found and the material trace of the expression of

⁵⁹ *Montbrillant*, t. I, 82.

⁶⁰ This notion about the burden of Émilie’s silence is also echoed by Ruth Plaut Weinreb, who observes that, “[Émilie] herself figures as no more than an ellipsis, her voice suppressed while others deliberate about her behavior.” Weinreb, *Eagle in a Gauze Cage*, 53.

sentiments can be made available to others if precautions are not taken. As romantic feelings between Émilie and Saint-Ulce began to grow, so too does the need to prove their feelings for one another, as does the fear of their exchanges being discovered: the evidence of affection can also be used as evidence of their guilt.

One night while pretending to be asleep, Émilie overheard her mother asking her governess if she had noticed anything going on between Saint-Ulce and Émilie. After the governess replies that she has not, Madame de Gondrecourt says, “C’est que je viens d’avoir toute à l’heure une scène bien vive avec ma sœur [Madame de Bernon], qui prétend que la dévotion de ma fille n’est qu’hypocrisie, et qu’elle agace tant qu’elle peut mon neveu de Saint-Ulce ; enfin elle dit qu’à force d’intrigue, elle l’a rendu amoureux d’elle.”⁶¹ This passage illustrates the constantly competing images of Émilie’s character: while she is often vilified by the adults around her, she is supported by Mademoiselle Anselme. While the latter insisted that Émilie is “un exemple de sagesse, que toute la maison en était témoin et pourrait certifier...” Mme de Gondrecourt, for her part, complains about Émilie’s “réserve et [...] orgueil.”⁶² The former assessment is based upon collective proof – everyone in the house is witness to Émilie’s good character – but it is the particular perception of Émilie by the adults in her family that reigns supreme. It is this particular perception, held specifically by her mother and her aunt, that is the most difficult to overcome in this family tribunal; the fact that other members of the household see her as good is almost meaningless. Yet this once unjust perception of her character, here, does not frustrate Émilie as it had in the past; instead, it makes her curious about Saint-Ulce’s feelings towards her, leading her to wonder if the criticism of her is not in fact valid:

⁶¹ *Montbrillant*, t. I, 131. This event is recounted in a long letter from Émilie to Mademoiselle de Beaufort, who is a frequent confidant and correspondent during these early years of Émilie’s life.

⁶² *Ibid.*, t. I, 131.

“Sachez donc enfin que la mauvaise opinion que ma tante avait marquée de moi ne me fâcha pas comme à l’ordinaire, et me donna seulement l’envie d’examiner si mon cousin de Saint-Ulce était en effet amoureux de moi, bien sûre que, si cela était et qu’il osât m’en parler, je me conduirais de manière à me faire rendre justice par ma tante même.”⁶³ While she is a victim of unjust characterization by her aunt, she nevertheless feels a desire to discover if the seemingly scandalous claims made are true: does Saint-Ulce indeed love her? She does not appear able to alter her aunt’s perception of her; she desires, thus, to use it to her own advantage.

The problem of proof in Émilie’s life now begins to manifest itself through letters—particularly, love letters, a vehicle to discover and convey feelings and intentions. When Saint-Ulce slips Émilie a letter, he whispers, “Vous me perdez si vous refusez de la lire [la lettre] et si vous la montrez ; prenez garde à ce que vous allez faire, donnez-moi vos conseils, j’attends demain votre réponse.”⁶⁴ When Émilie finds an excuse to step outside and take a walk in private, she reads the letter. It is in this letter that Saint-Ulce professes his love and proposes marriage.⁶⁵ When he asks for her response, she retires to her room to write the letter, in which she comments to Mademoiselle de Beaufort that: “Je lui mandai que je remettais à répondre à sa proposition, qu’il m’eût *prouvé* par une longue suite de temps et par sa bonne conduite qu’il méritait que je l’écoutasse...”⁶⁶ Émilie makes it clear in this passage that one’s sentiments are better evidenced by actions than by words. This belief that actions are indicative of sentiments is a guiding force for Émilie throughout her life. It is through actions that one’s interior can be judged.

⁶³ *Ibid.*, t. I, 132.

⁶⁴ *Ibid.*, t. I, 133.

⁶⁵ See: *Ibid.*, t. I, 133–134. Here are some excerpts from the letter that help us grasp the emotional nature of this secret correspondence: “N’ignorez pas plus longtemps, ma belle cousine, tout le pouvoir que vous avez sur moi. [...] Oui, ma belle cousine, je brûle d’amour pour vous ; jugez vous-même de la violence de ma passion [...] Mon projet serait donc, si je suis assez heureux pour vous plaire et pour vous faire agréer mon amour, de prier M. [de] Ternan ou quelques-uns des amis intime de nos parents, de les pressentir sur notre mariage et de les assurer qu’ils n’ont même que ce moyen de ne me pas trouver rebelle à toutes leurs volontés.”

⁶⁶ *Ibid.*, t. I, 135.

This ability to prove one's sentiments, however, also proved detrimental to the young Émilie. After her cousin appeared to prove his love for her, these early pages of *Montbrillant* were supposed to be the beginning of a period of blissful young love; however, this bliss is shattered when Madame de Bernon announces during dinner that Saint-Ulce would be sent away the next morning to go live with one of their friends in the faubourg Saint-Germain to continue his education. Following dinner, Saint-Ulce leaves another letter for Émilie that she hides in her wardrobe to read. While she is in her wardrobe, the letter is suddenly ripped from her hands; standing there, evidence in hand, is her aunt, Madame de Bernon, who takes the letter to Madame de Gondrecourt to have it read aloud in front of all. In this letter, Saint-Ulce expresses the immense sadness he feels at leaving Émilie but is hopeful about the possibility of their marriage.⁶⁷ While her uncle, M. de Bernon, is clearly moved by the letter, Émilie's mother is not. As Émilie recounts, "Je me jetai aux genoux de ma mère et je lui dis que, si elle voulait avoir la bonté de m'écouter, je prouverais bien que je n'étais pas coupable. Hélas ! je dis cela dans le premier moment, car pour rien dans le monde je n'aurais voulu montrer cette première lettre de mon cousin."⁶⁸ Émilie is ready to exculpate herself—she is not the person who wrote these amorous letters, nor the one who proposed marriage. But she cannot present the evidence that would prove her innocence, as that evidence, the original letter from Saint-Ulce to Émilie proposing marriage, would risk condemning her cousin. "On me traite comme une criminelle,"

⁶⁷ *Ibid.*, t. I, 136–137. The following letter is cited within the longer letter from Émilie to Mademoiselle de Beaufort: "Oui, ma belle cousine, vous êtes sensible à mon amour : je n'en saurais douter. J'ai vu des larmes couler de vos beaux yeux, de ces yeux que j'adore, lorsqu'on nous a si cruellement annoncé notre séparation. Quelles larmes ! Mon Dieu ! qu'elles me sont précieuses ! Je voudrais pouvoir les recueillir toutes. J'ose donc vous croire assez de bonté pour me laisser le maître de suivre mon projet. Vous avez vu avec quelle soumission j'ai suivi tout ce que vous m'avez prescrit. Je vais profiter de mon éloignement, dans la dure nécessité où nous sommes de nous séparer, pour tout préparer et nous mettre en état de fixer notre sort l'hiver prochain. Votre cœur ne me désapprouve pas, j'en suis sûr ! Ah ! ma belle cousine, un mot avant mon départ pour me confirmer encore mon bonheur. Que j'attends l'heure de la promenade avec impatience ! Ne trouverai-je donc pas le moment de vous jurer à genoux un amour éternel ?"

⁶⁸ *Ibid.*, t. I, 137.

she laments, seeing herself perceived as guilty yet unable to overcome the immense burden of proof placed upon her—she is unable to defend herself against the accusations of criminality leveled against her, as she is faced with the burden of proof, yet expected to remain silent. The only way to overcome such accusations would be to present proof deemed acceptable in a court of law: letters, documentary evidence.⁶⁹ From the outset of *Montbrillant*, Émilie outlines the nearly insurmountable burden of proof placed upon her by her family, through the figures of her aunt and her mother.. In order to save herself, to clear her name, she would have to drag Saint-Ulce down with her. Her innocence would come at a tremendous price.

Émilie thus begins to recognize the burden of proof being placed upon her, as well as the difficulty of overcoming it. She writes in anguish in the following letter: “Est-il donc que je sois coupable ? Hélas, oui ! sûrement je le suis ! Que va-t-on penser de moi ? Il me semble que j’entends les propos de Mme de Bernon. Elle *publiera partout* ma honte...”⁷⁰ Through the verb *publier*, it is clear the Émilie sees this affair as spreading beyond the confines of the familial court: “tout ce que je fais est suspecte [...] Il semble que tout le monde me condamne.”⁷¹ This overt use of judicial language, where Émilie depicts her status first and foremost as that of a criminal, signals not only her own sense of culpability but serves more broadly to describe a set of relationships concerning innocence, working across class, gender, and the law.⁷² From the outset, it was Saint-Ulce who instigated, choosing her to be his “queen” during dinner, and later

⁶⁹ The relationship between letters and charges of criminality persisted throughout the 18th century, reaching a climax during the Revolution. For more on the relationship between letters and the law, see: Carla Hesse, “La Preuve par la lettre: pratiques juridiques au tribunal révolutionnaire de Paris (1793–1794),” *Annales. Histoire, Sciences Sociales* 3 (1996): 692–742.

⁷⁰ *Montbrillant*, t. I, 140, my emphasis.

⁷¹ *Ibid.*, t. I, 140–141.

⁷² This is spelled out particularly succinctly by Élisabeth Badinter, who writes, “De son vivant, la tante de Bellegarde s’y était [au mariage de Louise à son cousin] opposée avec violence, ne voulant pour rien au monde que son fils chéri promis à un grand avenir épouse *cette pauvre* qu’elle qualifiait d’intrigante. Mais, à force des caprices et de mensonges, le fils chéri, ayant perdu sa mère, obtient de son père qu’il consente à ce mariage.” Badinter, *Émilie, Émilie*, 111, my emphasis.

proposing marriage. Yet because of her own socio-economic status and gender, she is the guilty party, pursuing marriage with a wealthier man while she has nothing to offer; like the “témoin” in Boucher d’Argis’ *Encyclopédie* article, where women “se laisse[nt] séduire,” she is a passive actor yet considered guilty for her actions. Moreover, while Saint-Ulce, too, tries to speak in her defense, the status of criminal falls upon Émilie, the coquette.

This scene does not lead to Émilie’s innocence—instead, it reaffirms her inability to prove her innocence. Indeed, this scene, recounted in a single letter, is emblematic of a much larger problem for Émilie in the early part of *Montbrillant*. The burden of proof for Émilie within this family structure seems to be insurmountable. Throughout these early pages – and indeed throughout the whole work – she invokes on multiple occasions the notions of proof, culpability, and criminality. The burden of proof is a constant thread throughout the work, speaking both to her individual experiences (dealing with *her* mother, *her* aunt, *her* husband) and also her experience as a woman in Old Regime France, where, according to Charrier-Vozel, “la réputation est au centre de la vie au féminin.”⁷³ Her social experience is not determined by the idiosyncrasies of the judges and actors around her but is instead defined by the constant devaluing of her testimony, her constant need to defend her reputation; whereas – as we shall see in the next part of this chapter – men can act as they please and still have their reputation remain intact: the reputation of a woman is constantly under attack, regardless of how correctly they may act.

These familial tensions, particularly with regards to her mother, constitute an insurmountable problem for Émilie, particularly as it concerns her ability to prove her innocence in the face of an unjust judge. Her mother, Madame de Gondrecourt, wanted to seize her letters

⁷³ Charrier-Vozel, “La Construction de soi sous le regard de l’autre,” 47.

to see what else she was hiding, as it was only through these letters that one could “prouver la pureté de son cœur et de ses intentions.”⁷⁴ Letters can be used to prove the quality of one’s interior, of their sincerity and the goodness of their intentions. Letters can condemn, but they can also acquit. Émilie cannot testify orally, nor can she demonstrate by her actions the sincerity of her heart and of her words. Only letters can do that. While this is frustrating for Émilie, she also recognizes the power of the letter. When her cousin does leave, Émilie writes in a letter to Madame de Sally, “Il est parti ! Je serai donc six mois sans le voir [...] Je me suis ôté le seul moyen de bien *juger* de ses sentiments pour moi.”⁷⁵ Once again, Émilie reiterates her stance that she believes letters are a remarkably useful tool for judging one’s sentiments; in these early pages, letters are transparent, a clear means for conveying and judging sentiments. As Madame de Gondrecourt uses letters to try and judge Émilie, Émilie uses letters to try and judge her cousin, Saint-Ulce (who will be referred to from here on out as M. de Montbrillant).⁷⁶

These early pages in *Montbrillant* testify to the difficulty that Émilie de Gondrecourt (and by extension, Louise d’Épinay) faced in presenting proofs to others in order to defend herself, and, critically, to have that self-defense be believed. This is particularly driven by a seemingly inescapable sense of condemnation (“tout le monde me condamne”)—she is perpetually labeled as a sort of criminal in the eyes of the adults around her (“on me traite comme une criminelle”).

⁷⁴ This account is written during the narrative written by the tutor, le Marquis de Lisieux. As he recounts, “Lorsque je me trouvai seul avec Mme de Gondrecourt, elle me dit qu’elle voulait faire descendre sa fille, lui saisir ses papiers et lui faire rendre compte des conversations qu’elle pouvait avoir eues avec son confesseur [le Père ***]. Je lui dis qu’il me paraissait imprudent d’en agir ainsi, et que cet interrogatoire fait par un juge aussi sévère qu’elle s’était annoncée vis-à-vis de sa fille, pouvait avoir les suites les plus fâcheuses et influer peut-être sur sa confiance pour nombre d’années où elle était précieuse à conserver. [...] Je fus trouvé Émilie ; je lui dis que sa mère désirait prendre lecture de ses différentes correspondances, et que je lui en avais fait naître le désir comme un moyen sûr de lui *prouver la pureté de son cœur et de ses intentions.*” *Montbrillant*, t. I, 143–144, my emphasis.

⁷⁵ *Ibid.*, t. I, 229, my emphasis.

⁷⁶ In a letter to Émilie, Madame de Gondrecourt writes, “Votre oncle a donné à Saint-Ulce le nom de sa terre ; on l’appellera dorénavant : Montbrillant.” *Ibid.*, t. I, 206. In real life, her cousin, M. de Preux, became M. d’Épinay in 1744.

In this familial tribunal, there reigns a practice of injustice that is nothing short of tyrannical. As Émilie finds herself unable to prove to those around her the sincerity of her being and her intentions to others around her, however, it creates a unique relationship between her (the criminal) and the reader, the latter being the only figure to whom she is able to clearly communicate this sense of injustice. This inability to justify her actions and intentions – to acquit her in the face of charges of criminality – remains at work after she marries M. de Montbrillant. However, she is no longer the subject of her family's tyranny and instead must now grapple with her new legal and social status: the married woman. Once again, she will have to confront the limits of her testimony and seemingly insurmountable burden of proof placed upon her when she seeks justice.

I.3. Marriage and the Limits of a Woman's Testimony

Whereas Madame de Montbrillant's early quarrels largely take place within the confines of the family unit, the issues in her marriage take place in a far more public sphere. In this movement from private to public affairs, her concern over the power of her testimony becomes increasingly evident. This problem becomes more acute when, following a series of episodes where he exhibits remarkably poor behavior, Madame de Montbrillant seeks a *séparation de biens* from her husband. I argue in this section that as Madame de Montbrillant begins to face legal challenges and as her private affairs become ever more public, she comes to recognize the limits of her testimony when compared to that of her husband. There is a clear double standard: he behaves poorly yet is believed because he is a man, while she seems to behave correctly but is not believed because she is a woman. It is within this double standard that she feels an immense, insurmountable burden of proof: while she behaves correctly, it is frustratingly difficult to have her testimony be received.

While Monsieur de Montbrillant was publicly known as a gambler and a cheat, Madame de Montbrillant's reputation – that which is “au centre de la vie au féminin” – increasingly risks being compromised as private affairs became public knowledge. These concerns of the private becoming public will reach a climax later in *Montbrillant* with Madame de Montbrillant's falling out with René (pseudonym of Jean-Jacques Rousseau) during the “Hermitage Affair.” The purpose of this section is to examine how early concerns about private affairs becoming public evoke an overt sense of a need by Émilie de Montbrillant – from the early problems in her marriage to the *séparation de biens* – to prove the sincerity of her intentions and her sentiments. As I will demonstrate, this need is further exacerbated by her particular socio-legal status as a married woman in Old Regime France.

Under the Old Regime, there were two notions of marriage: one built upon sentimental fidelity (that is to say, the spouses were actually in love), and the other built upon nothing more than a fiscal or socially strategic union devoid of fidelity in any meaningful sense. While Mme de Montbrillant adopted the first notion, what Élisabeth Badinter calls a “bourgeois” notion that placed love at the center of the union, she would discover that M. de Montbrillant was far more in favor of “l'idéologie libertine.”⁷⁷ The failings of their marriage can thus be read as the product of two dissonant ideologies, with Madame de Montbrillant seeing the union as one built upon love and fidelity, while her husband saw it through a more fiscal, passionless lens. While the desire to marry out of love was commonplace in 18th-century society, her husband's actions provoked a remarkable tension in Madame de Montbrillant's life: she desired to love her

⁷⁷ Élisabeth Badinter, *Émilie, Émilie*, 112. The nature of Old Regime marriage is further examined in: Francis Ronsin, *Le Contrat sentimental. Débats sur le mariage, l'amour, le divorce, de l'Ancien Régime à la Restauration* (Paris: Aubier, 1990), 19–31.

husband, yet he did not seem to reciprocate that love in their marriage.⁷⁸ Thus, she begins to turn away from the “bourgeois” notion of marriage, taking up new lovers for herself: first M. de Formeuse, and then Volx. This was also the case for Madame d’Épinay in her real life, as she would first begin an affair with Francueil (Formeuse) and then the Baron Grimm (Volx). As Madame de Montbrillant evolved from one ideology to the other – abandoning fidelity towards her husband and finding new lovers – there was nevertheless an overt concern about her reputation: while her husband could publicly act as he pleased, accusations against her of having multiple lovers were far from palatable in Old Regime society.⁷⁹

While Madame de Montbrillant’s marriage seemed to be originally built upon a foundation of mutual love, adoration, and fidelity, it quickly becomes clear to her that such an idealized version of her marital life was, unfortunately, far from the reality she was experiencing. Her husband was a cheat and a heavy gambler, racking up debts with remarkable ease. Nevertheless, early on in her marriage, there were concerns about *her* behavior, not *his*. Madame de Grangé (pseudonym of Charlotte de Bellegarde, dame Pineau de Lucé, daughter of “M. and Mme de Bernon, female cousin of Émilie), accuses Madame de Montbrillant of “coquetterie et de manège” (flirtatiousness and artificiality), as Madame de Gondrecourt recounts in a letter in the Comte de Gersay, her brother.⁸⁰ While she dismisses the critiques hurled by her niece, she is forthright in her own scathing critiques of her daughter:

⁷⁸ Maurice Daumas, *Le Mariage amoureux. Histoire du lien conjugal sous l’Ancien Régime* (Paris: Armand Colin, 2004). See, in particular, chapter 10, “Au XVIII^e siècle : vers le mariage d’amour,” 259–286. Daumas observes, “La leçon est simple : si vous ne vous mariez pas par amour, vous ferez vous-même votre malheur. La clé du bonheur réside dans l’amour *avant* le mariage, qui se transforme en amour conjugal après la célébration des noces” (259).

⁷⁹ For example, there were calumnious whisperings about Louise d’Épinay’s love-life that risked threatening her reputation. See: Badinter, *Émilie, Émilie*, 148–155. Badinter writes, for example, “À peine mariée, Mme d’Épinay se trouvait enceinte. Sa passion pour son mari et son état n’empêchent pas le monde de lui prêter des aventures. Le bruit court qu’elle a des amants et ses bonnes amies, comme toujours, amplifient la rumeur. L’amant de sa cousine Maupeou n’hésite pas, pour sauver la réputation de celle-ci, à faire croire à tous que Mme d’Épinay est la maîtresse qu’il retrouve régulièrement dans ‘une petite maison’” (151).

⁸⁰ See: *Montbrillant*, t. I, 354. Comte de Gersay is the pseudonym of André Prouveur de Preux.

...elle met du rouge. Mon frère, ma fille qui met du rouge ! Si elle pouvait comprendre combien cela peut faire mal augurer d'elle ! Je ne le lui ai cependant pas caché ; je lui ai dit que tous les jeunes gens se font souvent un mérite et une gloire de tenir des propos indécents aux jeunes femmes qu'ils rencontrent, mais qu'ils n'osent jamais s'adresser aux femmes dont l'extérieur simple et naturel annonce la modestie et la vertu ; au lieu qu'ils ne doutent presque jamais de réussir à se faire écouter de celles dont la parure et l'artifice supposent toujours des intentions criminelles.⁸¹

Madame de Gondrecourt's critique of her daughter wearing rouge is undergirded by her perception of 18th century social life: to put on rouge is to wear a mask of artificiality, a mask that conceals the goodness of one's being and instead attracts those with bad intentions. As Weinreb notes, however, this scene signals first and foremost Émilie's failure to gain autonomy: "The episode demonstrates the lack of the young bride's power as she is shunted from the mother's authority to the husband's at odds on the subject."⁸² Those looking at Émilie do not see her good, natural self, but instead a beacon to which those with bad intentions flock. However, this distinction between the "natural" and the "artificial" in social life as described by Madame de Gondrecourt is at odds with the reality of Madame de Montbrillant's lived experience. Whereas her mother conceives of rouge as a mask for her natural goodness, Émilie has been experiencing the realities of a gendered mask since childhood, one that is not put on by the individual but instead imposed by society.⁸³ Her intentions go misunderstood, her fundamental decency disappears behind claims of *coquetterie* imposed upon a young woman. As concerns the

⁸¹ *Ibid.*, t. I, 355.

⁸² Weinreb, *Eagle in a Gauze Cage*, 55–56. Weinreb further notes that, "From the maternal perspective, wearing rouge takes on enormous significance—it marks her daughter as a coquette, it casts doubt on the new son-in-law's resolve to protect her name, and it endangers her own reputation which is strengthened or destroyed through her daughter" (56).

⁸³ This notion of gender as a performance can also be found in Rousseau's *La Nouvelle Héloïse*. The character Julie states that, "Considère dans nos communes infortunes l'état de mon sexe et du tien, et juge qui de nous est le plus à plaindre ? Dans la force des passions affecter d'être insensible ; en proie à mille peines paraître joyeuse et contente ; avoir l'air serein et l'âme agitée ; dire toujours autrement qu'on ne pense ; déguiser tout ce qu'on sent ; être fausse par devoir, et mentir par modestie : voilà l'état habituel de toute fille de mon âge. On passe ainsi ses beaux jours sous la tyrannie des bienséances." In Jean-Jacques Rousseau, *La Nouvelle Héloïse, II*, eds. Pierre-Alexandra Du Peyrou and Paul Moulton (Genève: J.M. Gallanar, 1782), *ARTFL*, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/rousseauonline/navigate/2/0/0/0/0/0/0/0/312?byte=482076&byte=482079&byte=482088&byte=482092>.

problem of proof, she demonstrates to the reader that her ability to provide an authentic, sincere testimony about her intentions and actions is inhibited not by the rouge, but by the sheer fact that a young woman is not to be believed.

The tension around how actions prove intentions is further heightened by her husband's remarkably poor behavior from the beginning of their marriage. Early marital bliss is quickly shattered by M. de Montbrillant's behavior, behavior that passes from merely suspected to publicly proven as he pursues countless women while racking up enormous debts. At first, Madame de Montbrillant finds her husband's behavior suspicious, and the expression of her concerns are shut down by seemingly everyone but her tutor. It is often to her tutor, M. le Marquis de Lisieux, that she recounts her conflicts with her husband, invoking Lisieux as almost a kind of judge in the case, "J'ai bien envie de vous rendre compte de ce qui s'est passé... Mais vous devez être notre juge ; n'est-ce pas peut-être chercher à vous prévenir en ma faveur ? [...] je consens que vous me trouviez un peu tort si je l'ai..."⁸⁴ It is only to him, and by extension the reader, that Madame de Montbrillant seems to feel able to make herself heard: "Si ma mère va me juger comme [mon mari] [...] je passerai pour avoir tort *sans pouvoir seulement me faire écouter*."⁸⁵ And when she *is* able to have a conversation with another and make her voice heard, the conversation seems to defy all reason. For example, when talking to her brother-in-law while she is in a state of distress, their discussion goes as follows:

À quoi sert, ma pauvre sœur, l'état où vous vous mettez ?... Eh bien ! mettez les choses au pire ; *quand il aurait une maîtresse*, une passade, que cela-signifie-t-il ? Vous en aimera-t-il moins dans le fond... ? — Que dites-vous, mon frère ? m'écriai-je. Quoi ! il aurait ? — Je n'en sais rien, je suppose, parce que je l'ai vu une fois ou deux avec... — Non, non, mon frère, n'achevez pas... ! — Mais encore une fois : *qu'est-ce que cela prouve ?* ...⁸⁶

⁸⁴ *Montbrillant*, t. I, 373.

⁸⁵ *Ibid.*, t. I, 374, my emphasis.

⁸⁶ *Ibid.*, t. I, 380, my emphasis.

For Émilie, there is a remarkable dissonance between her individual experience and reaction – that is, that her husband’s having mistresses warrants sadness, distress, and anger – and the call from others to continue to love her husband. After all, even if M. de Montbrillant is *seen* with mistresses, what does that prove? This question has two responses that Madame de Montbrillant is tasked with navigating: first, does the fact that he has been seen with women out in public actually *prove* that he has mistresses, that is engaging in immoral, mendacious behavior? Second, if he actually is engaging in this behavior, does that prove something about his character and his genuine feelings towards his wife? Her brother-in-law’s statements highlight a clear double standard: whereas Madame de Montbrillant, since childhood, has been calumniated and condemned even when she did not act, her husband’s intentions will be considered pure even when his behavior is repulsive. He engages in defamatory fiction while Madame de Montbrillant bends under the weight of the burden of proof imposed upon her.

M. le Marquis de Lisieux goes to speak to M. de Montbrillant, and in a letter to Madame de Montbrillant provides a series of reflections on the second question. Written specifically for the *Histoire de Madame de Montbrillant*, this letter serves both a narrative and a philosophical purpose: it not only allows Madame de Montbrillant to think about her husband’s actions but also provides a reflection on how one’s character ought to be judged. Lisieux writes to Madame de Montbrillant, “Il faut un peu juger les hommes par leurs caractères. Il s’en faut bien que M. de Montbrillant ait l’âme aussi tendre et aussi délicate que la vôtre : ses torts ne sauraient donc lui paraître aussi graves que votre délicatesse vous les a fait trouver.”⁸⁷ Her husband does not have a “delicate” enough character to be able to recognize his own faults; he thus cannot be seen as guilty because he is unable to recognize his wrongdoings. And one way or another, whatever the

⁸⁷ *Ibid.*, t. I, 386.

appearance, one should never rush to judgment: “Il faut en vérité se garantir de croire légèrement à la mauvaise conduite des gens qu’on aime. Une impression jetée au hasard, et la plupart du temps par des gens qui ne savent ni ne sentent un mot de ce qu’ils disent, suffit souvent pour empoisonner l’intérieur le plus tranquille et le plus heureux.”⁸⁸ Lisieux’s observation here highlights the corrupting power of rumor and gossip: listening to gossip – which is often spread carelessly – can only lead to unhappiness. He presents a moral argument that suggests that the ability to be judged as guilty is limited by a person’s character: her husband cannot be considered guilty, because he does not have the character to be able to recognize his wrongdoings. Gossip – which might be characterized as a collective art of defamatory fiction – constitutes a powerful corrupting force that blinds the perception of truth and obstructs judgment based on an actual understanding of evidence. It requires a delicate character, such as that of Mme de Montbrillant, to judge and to condemn fairly.

These reflections about the relationship between one’s being and action – notwithstanding M. de Montbrillant’s egregious behavior – constitutes a continuously growing problem, one that drives the plot over several hundred pages. In turn, it increasingly becomes the case that the evidence used to judge M. and Mme de Montbrillant’s intentions and actions is put before the reader by Lisieux, and we as readers are called upon to pass judgment on the marital affair. For example, Lisieux writes in his narration, “Voici comme M. de Montbrillant répondit à ses craintes, et à ce qui concernait ses affaires. *On jugera* en même temps de l’excès de l’aveuglement où la tenait sa passion. Celle lettre-ci est une des mieux écrites et des plus tendres qu’elle [Mme de Montbrillant] ait eues de lui.”⁸⁹ Lisieux presents the reader with powerful pieces of evidence testifying to the psychological state of M. de Montbrillant. He then turns to

⁸⁸ *Ibid.*, t. I, 387.

⁸⁹ *Ibid.*, t. I, 406, my emphasis.

one by Mme de Montbrillant and states, “Voici la lettre qu’elle lui écrivit. Je la produis aussi pour mieux faire sentir la différence de leurs sentiments et de leur façon de les exprimer.”⁹⁰ The reader now may weigh the accounts from the two parties against one another. Both sides of the case are represented by Lisieux, and thus, by Louise d’Épinay. Even though these letters are likely created exclusively for *Montbrillant* – rather than inserted as historical artifact or authentic documentary evidence taken directly from her real-life correspondence – they nevertheless allow Mme d’Épinay to relitigate in the novel the public scandal brought about by her husband’s actions. In short, it allows her to defend herself, not by simply relying on her own testimony as Rousseau does in the first six books of the *Confessions*, but by presenting evidence for the readers to judge.

Madame de Montbrillant received an anonymous letter that informed her of the fact that her husband’s poor behavior was making him enemies. But before we read the letter in question, we are first given a letter that she wrote to him, in which she states, “Je ne doute pas, mon ami, que la lettre que je viens de recevoir ne soit une calomnie des plus décidées. Je vous *prouve*, en vous l’envoyant, le peu de cas que j’en fais. [...] Et, quoique ce papier ne m’ait fait aucune impression, s’il était adressé à d’autres, il pourrait vous nuire.”⁹¹ By sending the letter along to her husband, Madame de Montbrillant wants to prove her loyalty to M. de Montbrillant – that instead of secretly suffering in silence about the content, she is going to allow him to defend himself against anonymous accusations. Nevertheless, she also recognizes that if such accusations were to begin circulating in the public, it could be detrimental to his reputation. This concern over public reputation is not unfounded, as the anonymous letter begins: “Je vous donne avis, Madame, que la conduite de M. de Montbrillant dans cette ville *lui attire des ennemis qui*

⁹⁰ *Ibid.*, t. I, 409.

⁹¹ *Ibid.*, t. I, 614–615, my emphasis.

lui feront un mauvais parti.”⁹² The author of the letter begins to lay out the case: “Il est amoureux d’une jeunesse qui est femme de condition et qui se moque de lui. Mais indépendamment de ce qu’il lui jette l’argent par les fenêtres, c’est que le mari et tous ses parents sont fort jaloux, étant la plus considérée de la ville.”⁹³ There was an overt threat to his public reputation because he chose to run afoul of a publicly reputable family. Another similar letter is sent to M. de Montbrillant’s father, M. de Bernon. The accumulation of these letters and the growing threat to his reputation – coupled with the fact that others in the public are witnessing his actions – begin to present a strong case against M. de Montbrillant and his ceaseless and shameful infidelities. While Madame de Montbrillant is willing to allow her husband the opportunity to defend himself, it is clear that the growing proof against her husband – and in turn, a growing public recognition of his behavior – risk making a mockery of him.

M. de Montbrillant is far from generous towards to his wife, insinuating her involvement in a conspiracy to attack him. He writes:

Je ne sais, Madame, si c’est à vous à qui je dois la lettre foudroyante que je viens de recevoir de mon père. Sans doute vous lui avez fait part des bons avis que vous avez reçus d’ici. Après la façon dont vous m’avez écrit à ce sujet, et celle dont je vous ai répondu, je n’avais pas lieu de m’attendre à un pareil procédé. Cela s’appelle joindre la fausseté à la trahison. J’ignore comment vous vous tirerez de cette vilaine affaire ; mais je sais, moi, plus d’un moyen de vous faire repentir de votre ingratitude.⁹⁴

Her only error, however, is letting her father-in-law, M. de Bernon, see an anonymous letter that was addressed to him when she was opening his mail per his request—this letter exposes his son’s debaucherous behavior. While her husband is dismissive of accusations against him, however, Madame de Montbrillant often lays out her defense, employing an overtly judicial language: “Je vais vous rendre compte de ma conduite, afin que vous puissiez vous juger aussi

⁹² *Ibid.*, t. I, 615, my emphasis.

⁹³ *Ibid.*, t. I, 615.

⁹⁴ *Ibid.*, t. I, 618.

sévèrement que vous méritez de l’être.”⁹⁵ The form of the letter allows Madame de Montbrillant to lay out her case, rather than be subject to dismissal and silencing by others; through the medium of the letter, she is able to lay out her case, to have her testimony be heard. It allows her to articulate her defense when she is under attack from her husband’s rude dismissiveness. This ability to articulate a defense, however, does not insulate her from her husband’s actions. It is this growing sense of suffering and injustice that precipitates her decision to file for a *séparation de biens* with her husband.

Divorce would not be legal in France until 1792—thus, although divorce is sometimes invoked in her desire to separate from her husband, she technically can only be “separated,” either physically or financially. While she first proposes the former (*séparation de corps*), she will ultimately receive the latter (*séparation de biens*), as the latter was far easier for a woman to attain. As Boucher d’Argis writes in the *Encyclopédie* article, “SEPARATION”: “La *séparation de biens* ne peut être demandée que par la femme, en cas de dissipation de son mari. Elle n’est pourtant pas obligée d’attendre que le mari ait dissipé tout son bien, & encore moins la dot de la femme...”⁹⁶ The *séparation de biens* was Louise d’Épinay’s sole recourse against her husband’s uncontrolled spending habits—she requested it in 1749. This recourse, as Weinreb remarks, “did not succeed in creating economic security, and her finances remained precarious until the end of her days.”⁹⁷ Nevertheless, it was a remarkable act of independence.

Louise d’Épinay uses a letter from Lisieux to Madame de Montbrillant to illustrate the difficulty in obtaining a *séparation de corps* – the physical separation that she first desired – as

⁹⁵ *Ibid.*, t. I, 620.

⁹⁶ Antoine Gaspard Boucher d’Argis, “SEPARATION,” in *Encyclopédie*, 15:59, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/encyclopedia0922/navigate/15/107?byte=549600&byte=549616&byte=549620>.

⁹⁷ Weinreb, *Eagle in a Gauze Cage*, 17.

opposed to the financially based *séparation de biens*. While Lisieux finds M. de Montbrillant's cheating and gambling behavior reprehensible, he writes:

...je ne crois pas que [les excès de M. de Montbrillant] puissent être suffisants pour faire obtenir une séparation de corps en justice. Ce projet est très grave et je ne sais si vos amis ont bien combiné les légers avantages d'un succès et les immenses inconvénients d'une mauvaise réussite. Ce sont de ces espèces de démarches qu'on ne peut entreprendre qu'avec la certitude du succès.⁹⁸

To try and have a *séparation de corps* and lose the case would be detrimental, regardless of how clearly atrocious the actions of her spouse may appear. He further highlights the difficulty of achieving such a *séparation* not solely in a general sense, but also in this particular case:

“Qu’avez-vous à alléguer contre votre mari ? Une dissipation de ses revenus ; peut-être même d’une partie de ses fonds, qui vous donne lieu de craindre qu’il ne vienne par la suite à disposer des vôtres. Cela peut tout au plus autoriser une séparation de biens.”⁹⁹ It is precisely around these financial concerns that Madame de Montbrillant can best make her case. Even in a case for a *séparation de biens*, however, it is not easy to prove her husband's intentions. He makes his concerns known, writing further, “Le triste état où il a réduit votre santé est un fait rarement admissible en justice, par la difficulté de prouver le coupable. Il ne vous reste donc que les petites ergoteries, ou les contradictions intérieures.”¹⁰⁰ Boucher d'Argis' *Encyclopédie* article, “SEPARATION,” further bolsters Lisieux's argument here: “La *séparation de corps* ne doit être ordonnée que pour des causes graves ; ainsi la diversité d'humeur, & même les petites altercations qui peuvent survenir entre mari & femme ne sont pas des causes suffisantes de *séparation*.”¹⁰¹ The legal system dictated marital practices according to the principles of canon

⁹⁸ *Montbrillant*, t. II, 16.

⁹⁹ *Ibid.*, t. II, 17.

¹⁰⁰ *Ibid.*, t. II, 17.

¹⁰¹ Boucher d'Argis, “SEPARATION,” in *Encyclopédie*, 15:60. He lists six reasons for why a wife would be able to demand a *separation de corps* from her husband: “1°. Les sévices & mauvais traitements, mais il faut qu'ils soient considérables [...] Des injures ni des menaces ne sont pas ordinairement une cause suffisante ; cependant entre personnes d'une condition relevée, les juges pourraient y avoir plus d'égard, parce que pour ces sortes de personnes, des injures sont aussi sensibles que des mauvais traitements pour des gens ordinaires. 2°. Si le mari est convaincu

law, thus placing a heavy burden of proof upon women to effectuate a *séparation*.¹⁰² Louise d'Épinay articulates through the character of Lisieux the immense difficulty of the case and her intimate knowledge of how the judicial system functions. If she is going to make a case against her husband, she has to present harms that are *provable*.

Lisieux remarks that each of the potential witnesses – Mme de Grangé, M. de Bernon, and her mother, Mme de Gondrecourt – all have their shortcomings and risk providing testimonies that do little to advance Madame de Montbrillant's cause. To declare before the public that a young man's actions warrant such a *séparation de corps*, and in turn, rendering their children the sons of a "père déshonoré," would be a remarkably difficult task indeed.¹⁰³ One wrong turn in such a trial would be detrimental to Madame de Montbrillant's reputation: "Un soupçon vague, une accusation fausse qu'il aura formée contre vous dans le cours de votre procès, vous interdira peut-être toute liaison avec les amis qu'il vous serait ou utile, ou agréable ou honnête de conserver."¹⁰⁴ The social gravity of a *séparation de corps* thus poses grave risk to Madame de Montbrillant's reputation; after all, as Boucher d'Argis tells us in the *Encyclopédie* article, "SEPARATION": "les séparations volontaires de corps sont de plus contre les bonnes mœurs."¹⁰⁵ It would be far more prudent, thus, to seek a *séparation de biens*, as "ce moyen

d'avoir attenté à la vie de sa femme. 3°. S'il vit dans la débauche, & qu'il y ait du danger pour sa femme. 4°. S'il accuse sa femme d'adultère, ou autres faits graves contre l'honneur, * qu'il y succombe. 5°. La folie & la fureur du mari, lorsqu'elles donnent lieu d'appréhender pour la vie de la femme. 6°. S'il a conçu contre sa femme une haine capitale."

¹⁰² "Le divorce était encore autorisé en certains cas du temps de Justinien ; mais parmi nous l'on tient, suivant le droit canon, que le mariage est un lien indissoluble, lequel étant une fois valablement contracté ne peut plus être dissous..." *Ibid.*, 15:60.

¹⁰³ "Vous constaterez, en face du public, les torts de votre mari ; vous dévoilerez les replis d'une conduite avilissante, dont une partie est ignorée et l'autre peut s'oublier avec le temps ; et vous noterez vos enfants, par cette démarche, comme fils d'un père déshonoré. Vous rendrez leur tâche bien plus difficile qu'elle ne l'est. Votre mari est jeune, et quelque grands [*sic*] que soient ses torts, les malheurs qu'ils lui attirent peuvent lui ouvrir les yeux et lui faire faire des réflexions. Les cœurs assez dépravés pour se déterminer à vivre dans l'opprobre à trente ans sont rares." *Montbrillant*, t. II, 18.

¹⁰⁴ *Ibid.*, t. II, 18.

¹⁰⁵ Boucher d'Argis, "SEPARATION," in *Encyclopédie*, 15:59.

d'acquérir une sorte d'indépendance *n'a rien de révoltant ni d'équivoque.*"¹⁰⁶ Pursuing a *séparation de biens* is not only a far more viable legal path but is also far less likely to tarnish her reputation.

Madame de Montbrillant finds little comfort in Lisieux's recommendation. She laments Lisieux's seeming dismissal of her situation, but also recognizes the difficulty of convincing the public of her situation:

Des ergoteries, des contradictions, dites-vous ; mais, à moins de me battre, il est impossible d'être plus maltraitée. Il est vrai que c'est toujours lorsque je suis seule que mon mari m'injurie ; et dès qu'il y a le moindre témoin, ce sont des attentions, une douceur, qui me révoltent encore davantage. Il est certain qu'aux yeux du public, j'aurai encore tort de me plaindre.¹⁰⁷

Madame de Montbrillant's letter to Lisieux lays out a particular problem for married women seeking separation: if the public does not *witness* the husband's poor behavior, it is extremely difficult to convince them of it. There is an overwhelming burden of proof placed upon women, as their testimony would almost certainly not be enough to convince the public—the evidence needed is out of Madame de Montbrillant's control and is instead fully dependent upon her husband conducting himself poorly in front of others. The *séparation de biens*, on the other hand, is secured once M. de Bernon agrees to leave her a stipend.¹⁰⁸ A securing of the financial separation, however, does not liberate Madame de Montbrillant from the harassment of her husband, nor from the judgmental regard of others who, since her childhood, have valued his testimony over hers.

¹⁰⁶ *Montbrillant*, t. II, 19, my emphasis.

¹⁰⁷ *Ibid.*, t. II, 19–20.

¹⁰⁸ "Mes indispositions réitérées ont retardé la conclusion de mes affaires. Mais d'un autre côté ma mauvaise santé a plus que jamais attendri M. de Bernon sur ma situation. Lui, Formeuse, Mlle Darcy et ma mère, ne m'ont presque point quittée pendant les huit jours de fièvre que je viens d'avoir. Ils ont tous été révoltés du peu d'égards et d'inquiétude que m'a marqué mon mari. Il ne paraissait presque point chez moi ; et lorsqu'il y venait, c'était toujours avec mauvaise humeur ou impatience d'en sortir. Cette conduite a déterminé M. de Bernon à fixer mon sort sans le consentement de son fils. Je jouirai actuellement de 14 000 livres, y compris mon bien. L'acte sera passé sous seing privé, et M. de Bernon se réserve à en faire un en forme par la suite pour m'assurer 15 000 livres de rente dans sa succession." *Ibid.*, t. II, 36.

Madame de Montbrillant is acutely aware of the power that her husband can exercise over her. Her lawyer, M. de Riltière, recounts the following story to her:

C'est celle [une aventure] de cette pauvre malheureuse femme de M. de ***. Elle est séparée de lui depuis longtemps. Il s'était engagé à lui payer une pension assez considérable ; il voulait s'en débarrasser, et il s'est servi pour cela d'un moyen si atroce qu'on ne peut y penser sans frémir. Il a voulu, le pistolet sur la gorge, lui faire signer un papier par lequel elle ordonnait à un de ses gens d'empoisonner son mari. Cette pauvre malheureuse a été obligée signer pour se sauver la vie, mais sur-le-champ elle a été protester chez un notaire contre ce qu'elle venait de signer. Le procès est entamé actuellement.¹⁰⁹

Madame de Montbrillant is all too conscious of the fact that her husband not only has superior standing in the court of law, but that he can exercise physical power over her too. His behavior incites an acute fear. One night, for example, he arrived intoxicated with a friend, the Chevalier de Canaple, and tried to force his friend on his wife. In an attempt to have his wife raped, it was clear that M. de Montbrillant embodied a physical brutality that not only risked her public reputation, but her private, personal safety.¹¹⁰ Her ability to prove her need for liberation often falls upon ears that are deaf to her pleas, ears that are far more concerned with the public fallout than with her desire for financial, if not physical, independence.

One evening, Madame de Montbrillant's daughter falls ill and is taken to stay at a nearby home out of fear that she has smallpox. Madame de Montbrillant goes out that night to go check on her daughter; her husband finds the fact that she left the house to be suspicious, given that she was recovering from an illness. He accuses her of sneaking out with Formeuse, her lover. He tells her, condescendingly, "Madame, vous prenez-là un ton dont vous vous repentirez. Croyez-moi, ne me poussez pas à bout et avouez-moi tout naturellement où vous avez été." She responds, in turn, "Cela est inutile ; je n'ai rien à avouer."¹¹¹ Her refutation of his accusations

¹⁰⁹ *Ibid.*, t. II, 60.

¹¹⁰ *Ibid.*, t. I, 520–524. See further: Crisafulli, *Society and Social Transformation*, 222; Mary Seidman Trouille, *Sexual Politics in the Enlightenment: Women Writers Read Rousseau* (Albany: State University of New York Press, 1997), 114.

¹¹¹ *Ibid.*, t. II, 62.

diminishes the power of her speech act, as the act of refutation is only perceived by her hostile husband as antagonistic. While she was forced into silence in early scenes in *Montbrillant*, here Madame de Montbrillant's silence is an affirmation of her dignity; while speaking was once impossible, now it is unnecessary. Her husband assumes the role of pardoner, of a judge with the power to grant clemency once she confesses to (*avouer*) her crime. While she did sneak out incognito, it was because "on la soupçonne d'avoir la petite vérole et que ma mère avait exigé de moi de ne la pas voir."¹¹² This fact, however, is only shared with the reader of her "Journal"; she does not provide justification when speaking with others, suggesting once again that she believes that her proclamations of innocence should be enough to absolve her, not solely the facts that support her self-justification.

M. de Montbrillant's testimony, on the other hand, has remarkable power before his father and her mother, despite the fact that they are knowledgeable of his untrustworthy behavior. He went to his father and accused his wife of sneaking out with Formeuse, where "Il avait ajouté à cela la plus grande démonstration du chagrin que lui causait le dérangement de ma conduite." Her mother, "pleurait amèrement et me demandait presque en tremblant si j'étais bien sûre de n'avoir point donné lieu à ces plaintes."¹¹³ Her mother bitterly scolds her for sneaking out, "Il s'en faut bien [...] que votre beau-père vous rende justice. Il est dans ce moment-ci furieusement irrité. Ne concevez-vous jamais le danger et le tort très réel de faire des démarches, quoiqu'honnêtes, qui peuvent être mal interprétées et qui peuvent faire mal juger de vous ?"¹¹⁴ She demands that her daughter's manservant (*laquais*) go with her to provide testimony before M. de Bernon. Madame de Montbrillant responds, "Comment j'aurais besoin du témoignage de

¹¹² *Ibid.*, t. II, 62.

¹¹³ *Ibid.*, t. II, 62.

¹¹⁴ *Ibid.*, t. II, 62–63.

mon laquais ? Et l'on ne me croira pas sur ma parole ? Non non, ce n'est point ainsi que je veux me justifier. [...] L'on me croira ou l'on ne me croira pas. Ce sont à d'autres juges que j'en appellerai."¹¹⁵ Once again, she is forced to reconcile the fact that her testimony alone is not adequate, and that another person (a man, at that) must testify in order to corroborate her account. She does not want to justify herself, defend herself, by being solely reliant on the testimonies of others to exculpate her. While her husband dismissed her for her tone, much like her aunt did when she was a child, her mother here is partaking in a dismissiveness that is reminiscent of the childhood scenes in *Montbrillant*: it is not the fact that she does not simply like certain parts of the act of testifying (i.e., her tone); rather, she is dismissive of the act altogether. Her daughter *cannot* testify, regardless of her character or her intentions. What distinguishes her testimony from her husband's is the gender of the witness: she is a woman; her husband is a man. Her mother embodies the principles of proof that dominate through the Old Regime: women were not treated as credible witnesses, even when testifying about themselves.

Madame de Montbrillant forcefully rejects her mother's dismissal of her testimonial power. To testify, she writes, "J'écirai..." "Comment, vous écrirez?" her mother responds. "Oui, ma mère, j'écirai mes raison et tout ce que j'ai dans l'âme, et c'est à midi, en présence de M. de Montbrillant, et lorsque vous serez tous assemblés, que je vous enverrai le papier qui renfermera ma volonté et le parti que je suis décidée de prendre. M. et Mme de Ménil, Mme de Beaufort, Mme de Lange dînent ici. Ils me jugeront tous."¹¹⁶ The power of writing out her testimony, I believe, is twofold. On the one hand, instead of relying solely on the oral formulation of her testimony, she believes that putting it in writing makes it more effective—it is not only an enduring piece of documentary evidence, but also resembles a sort of *pro se* document that could

¹¹⁵ *Ibid.*, t. II, 63.

¹¹⁶ *Ibid.*, t. II, 63.

be used in a court of law.¹¹⁷ On the other, this reflection upon her testimony, I argue, is representative of Louise d'Épinay's need to write the *Histoire de Madame de Montbrillant* in the first place. She was remarkably aware of the weakness of her oral testimony; throughout her life, it had been dismissed, rejected, criticized. To write her life as a novel is to demonstrate finally what was *dans l'âme*, that is to say, who she was and what her intentions were in the face of calumny.

In *Montbrillant*, her defense is titled: "À ma famille assemblée," and is a clear *pro se* defense. She begins by writing, "Avec quelques années de moins, j'aurais été la dupe des *accusations* que l'on fait aujourd'hui contre moi ; mais l'on s'y est pris trop tard, ou pour mieux dire, l'on a commencé de trop bonne heure à *me persécuter*."¹¹⁸ She condemns her husband's actions, noting that they occur with such frequency that they have become commonplace to her.¹¹⁹ It has forced her to regulate her behavior, and she reflects upon the way the public may have perceived it: "Il y a longtemps que j'ai réglé ma manière de vivre vis-à-vis de lui et vis-à-vis du public. Si on me prouve que ma conduite n'est ni décente ni raisonnable, comme alors j'agirai contre mes principes, je consens de tout mon cœur à la reformer."¹²⁰ She is stunned by

¹¹⁷ In a way, this embodies a turn towards a more judicial understanding of proof by Madame de Montbrillant/d'Épinay. In his *Loix civiles dans leur ordre naturel*, Jean Domat (1625-1696) writes: La force des preuves par écrit consiste en ce que les hommes sont convenus de conserver par l'écriture le souvenir des choses qui se sont passées et dont ils ont voulu faire subsister la mémoire, soit pour s'en faire des règles, ou pour y avoir une *preuve perpétuelle de la vérité de ce qu'on écrit*, et ces preuves tiennent lieu de vérité aux personnes qu'elles regardent." In Jean Domat, *Les loix civiles dans leur ordre naturel*, nouvelle édition (Paris, 1777), 277, quoted in Frédérique Pitou, "L'Usage de la preuve au siège ordinaire de Laval au XVIII^e siècle," in *La preuve en justice de l'Antiquité à nos jours*, dir. Bruno Lemesle (Rennes: Presses Universitaires de Rennes, 2015), 12, my emphasis. See further: Claude Pocquet de Livonnière, *Règles du droit français*, 5^e édition (Paris, 1756), 459, in Pitou, "L'Usage de la preuve," 13. Livonnière notes that, "lorsque les conventions ont été rédigées par écrit, on ne reçoit aucune preuve par témoins contre, et outre le contenu des actes, ni sur ce qui serait allégué avoir été dit avant, lors ou depuis les actes." See further: Boucher d'Argis, "PREUVE," in *Encyclopédie* 13:355.

¹¹⁸ *Montbrillant*, t. II, 64, my emphasis.

¹¹⁹ "Les extravagances de mon mari, ses mauvais procédés, ses soupçons ont été jusqu'à présent si répétés et si fréquents qu'ils ne m'étonnent, ni ne m'affligent, ni ne m'inquiètent. J'y suis accoutumée autant cependant qu'on peut l'être aux impertinences." *Ibid.*, t. II, 64.

¹²⁰ *Ibid.*, t. II, 64.

the fact that her parents (meaning, both her mother and her uncle) find her husband to be credible, whereas she is always “suspecte.”¹²¹ She can no longer rely on her family to judge honestly and thoughtfully: “Je ne prendrai pas non plus ma famille ni ma mère pour juges. Elle est trop douce et trop amie de la paix, et elle n’a pas malheureusement assez d’autorité.”¹²² The familial tribunal is committed to peace, stability, and tradition, instead of justice. Her husband commands credibility, as his father is not eager to condemn his son. The stakes, however, are high, and when Madame de Montbrillant cannot prove her intentions, she expresses her desire for a tribunal that will respect the rules of evidence: “Je ne reconnais plus que la justice pour juge entre mon mari et moi.”¹²³ It is in the realm of justice, she observes, that, “Des faits soutenus de preuves sont seuls écoutés. Qu’il parle et je serai prête à répondre. On verra si nos juges et le public, par la connaissance que je donnerai de l’intérieur de mon ménage, de sa conduite, de ma patience, de ses procédés et des miens, feront pencher la balance pour lui ou pour moi.”¹²⁴ Madame de Montbrillant is ready to defend herself, and defend herself with evidence. In this defense, she invokes three different judges: her family, who fails to recognize her testimony and gives credence instead to her husband’s; the judicial system, where the evidence can be used to exculpate her; and the public, where her reputation has been attacked. Justice can only be found before a real judge, as it is there and there alone that facts, supported by evidence, are truly valued.

It is Madame la Marquise de Beaufort who will read this letter before her family, rather than Madame de Montbrillant herself. To put her testimony in writing, rather than simply

¹²¹ “Quelle conduite a donc tenue M. de Montbrillant pour trouver tant de crédit auprès d’eux ? et qu’ai-je donc fait pour me rendre suspecte ? et plus suspecte aujourd’hui que lorsque M. de Bernon et ma mère ont rejeté plus d’une fois des accusations du même genre ?” *Ibid.*, t. II, 64–65.

¹²² *Ibid.*, t. II, 65.

¹²³ *Ibid.*, t. II, 65.

¹²⁴ *Ibid.*, t. II, 66.

formulating it orally, demonstrates a turn in Madame de Montbrillant's understanding of proof: she recognizes the limits of her own testimony, even in the face of searing and unfounded accusations. While the scenes from her childhood began to instruct her in the limits of her testimony, it is the falling out with her husband that solidifies her understanding. As a woman, the burden of proof placed upon her to justify herself before her family, judges, and the public feels almost insurmountable, particularly when she thinks that her sincerity and good intentions are enough to prove her innocence. An untrustworthy man like her husband is given more credence than a woman is, no matter how trustworthy she may be. The difficulty in a defending herself continues to grow in *Montbrillant*, however, as her quarrels continue to threaten to become public scandal. The threat becomes particularly acute when Madame de Montbrillant begins to quarrel with one of Europe's most famous men: René (the pseudonym of Jean-Jacques Rousseau).

I.4. Rousseau and the Threat of Public Scandal

While the purpose of this chapter is to pull Louise d'Épinay's self-writings out of the shadow of Rousseau's *Confessions*, her falling out with Rousseau was nevertheless a crucial event in the history of her life. With the intention of pulling *Montbrillant* out of the shadows of Rousseau's *Confessions*, I have striven in this chapter to analyze and demonstrate a particular conception of evidence developed throughout the *Histoire de Madame de Montbrillant*. It is nevertheless the case that her embroilment with Rousseau – represented through the character of René – dominates a significant part the latter third of her colossal work. To ignore Rousseau outright would not only be to ignore historical fact; it would mean disregarding a critical part in the text, where private quarrels threaten to become public scandal: both Madame de d'Épinay and her character, Madame de Montbrillant, faced public disfiguration by one of the most

famous men in Europe.¹²⁵ The problem of proof that we saw in her childhood and in her marriage persists as a forceful structuring element in Madame d'Épinay's novelistic narration of the Rousseau episode.

This part of *Montbrillant* also requires a new approach when studying the complex multiplicity of the uses of proof in the work: unlike in the early parts of *Montbrillant*, which Weinreb tells us are not particularly factual, the latter parts of *Montbrillant*, including her exchanges with Rousseau, are represented by the presence of authentic documents. By introducing authentic documentary evidence, she allows Rousseau to speak for himself, as it were. Rather than engaging in an effort to present him in an unfavorable light, she has recourse to documentary evidence: his own words. As Weinreb observes, “The model of the René character, for better or for worse, was Rousseau himself; and the source of his prose was Rousseau's own letters.”¹²⁶ While I disagree with Weinreb's precise phrasing, which I will address momentarily, Louise d'Épinay's characterization of the “Hermitage Affair” – a private affair that threatened to erupt in a public scandal – is in great measure based on authentic documents. However, we must also keep in mind that Rousseau was not represented *solely* through the letters that he himself wrote—René also figures into the narrative “Mon Journal” sections of *Montbrillant*, where the action is clearly recounted by Louise d'Épinay's hand, and her hand alone. Additionally, he figures prominently in the letters exchanged between Volx and Madame de Montbrillant. While it is true that Rousseau is represented by the letters from

¹²⁵ Rousseau's “celebrity” status is best outlined in: Lilti, *Figures publiques*, 153–220. While Rousseau was not as publicly celebrated as Voltaire, he had a tremendous capacity to reach a wide audience through his writings.

¹²⁶ Weinreb, *Eagle in a Gauze Cage*, 96. She continues, “Each of these facts leads to the conclusion that Mme d'Épinay has been erroneously blamed for schemes to libel Rousseau, taken together they weave a formidable demonstration against that theory.”

“René,” our vision of him is also shaped by the larger intergeneric nature of the *Histoire de Madame de Montbrillant*.

Weinreb’s use of the word “model” – “the *model* of the René character [...] was Rousseau himself” – situates Montbrillant in an overtly literary light. Weinreb writes elsewhere that, “One cannot overestimate the fact that Mme d’Épinay wrote a work of fiction never designated *by her* as ‘memoirs’.”¹²⁷ She further insists that, “*Montbrillant* is neither history nor memoir.”¹²⁸ She attributes this to the fact that the epistolary genre was “in an experimental stage,” nevertheless recognizing the fact that “[Louise d’Épinay’s] technique of incorporating historical correspondence in a work of fiction is decidedly *unusual*, but it is a misleading simplification to attribute to the author the primary motive of defaming Rousseau.”¹²⁹ The work, according to Weinreb, is nothing more than a “roman à clef.”¹³⁰ It should be remembered, however, that Louise d’Épinay did not designate this text as *anything*; she left it without a title. Thus, while she did not designate the work as a “memoir,” she also did not designate it as “fiction.” Additionally, in dismissing her inclusion of authentic correspondence as simply an “unusual” gesture in her experimentation in the epistolary genre, I believe that Weinreb runs the risk of reducing the complexity of the text down to a series of particular, experimental literary gestures. The goal of this chapter is to turn away from the partisan “intention” of Louise d’Épinay’s decision to include the “Hermitage Affair” in *Montbrillant* and turn instead towards what the text actually tells us about her conception of proof in light of conflict and scandal with a well-known public figure. While *Montbrillant* is constructed around a popular early-modern literary form, it is deeply informed by and imbued with Madame d’Épinay’s personal history.

¹²⁷ *Ibid.*, 85, my emphasis.

¹²⁸ *Ibid.*, 85.

¹²⁹ *Ibid.*, 85–86, my emphasis.

¹³⁰ *Ibid.*, 86.

While there is a well-intentioned effort by Louise d'Épinay specialists to pull her out from the shadow of Rousseau and his *Confessions*, I believe two truths about the work can coexist harmoniously: on the one hand, the text is a remarkably rich account of the complexities of the feminine experience in Old Regime France; on the other, the text is, at least in part, shaped by a particular cultural phenomenon: the anxiety about private affairs becoming fodder for public defamation.¹³¹ The “Hermitage Affair” figures into this latter part.¹³²

René is a prominent figure of conversation for a substantial part of the work. He is both a contributor of correspondence and a subject of other characters’ correspondence. Furthermore, he is often evoked in the narrative accounts “written by” her tutor, the Marquis de Lisieux, and Madame de Montbrillant’s journal entries. He is presented as a close friend of Madame de Montbrillant, a friend who would, by the time he arrives at Hermitage, become a complicated, curmudgeonly character; he is a friend whose intentions were difficult to discern, often spewing streams of frustration towards Volx.¹³³ It is the emotional complexity of Rousseau and the ultimate falling out between the two friends that poses particular problems for the presentation of proof in *Montbrillant*: it is a quarrel where the truth is difficult to discern, and a quarrel that puts public reputation on the line. Ultimately, it is a quarrel that transforms private discussions into a potentially public problem.

¹³¹ Again, on the growing public interest in private affairs during the Old Regime, see: Maza, *Private Lives and Public Affairs: The Causes-Célèbres of Pre-Revolutionary France*.

¹³² Of course, I would like to insist that the “Hermitage Affair” only occupies a part of *Montbrillant*. Weinreb spells out the place of the affair in the work neatly, if not critically: “The Hermitage section of *Montbrillant* occupies roughly twenty percent of its two thousand pages. In terms of chronology, it represents only two of a total of twenty-six years and it is undoubtedly the least creative part of the novel since it consists largely of Rousseau’s letters quoted verbatim.” Weinreb, *Eagle in a Gauze Cage*, 82.

¹³³ The nature of their friendship is outlined in the chapter, “The Hermitage: the Economics of Friendship,” in Weinreb, *Eagle in a Gauze Cage*, 79–97. While she does not highlight at length the tensions between Rousseau, Grimm, and Diderot that precede his time at the Hermitage, she does study in detail the nature of the friendship between Mme d’Épinay and Rousseau.

René first appears in Tome I of the Badinter version of *Montbrillant* (that is, in the first third of the work). He is introduced as a friend of Formeuse, Madame de Montbrillant's lover. Initially, he serves principally the role of a narrative figure, someone that Madame de Montbrillant meets and with whom she is fond of conversing.¹³⁴ As the work progresses, he becomes an intellectual presence in the "salons" with her, and will introduce her to Volx, her future lover.¹³⁵ In real life, Louise d'Épinay offered Rousseau the opportunity to stay in a cottage, called the Hermitage, on the grounds of La Chevrette in Montmorency. Following years of frustration in Paris, Rousseau accepted Louise d'Épinay's offer and moved there in April 1756. It was during his stay that Jean-Jacques Rousseau would begin writing his novel, *Julie ou la Nouvelle Héloïse*.¹³⁶ Particularly during the early part of his stay, he is portrayed as a reliable friend and confidant, whose views Madame d'Épinay deeply admired. This admiration manifests itself in an important dialogue about Madame de Montbrillant's character, a dialogue that takes place before René becomes a correspondent in the text. I stress the placement of this dialogue – it comes *before* René is ever a correspondent in *Montbrillant* – because it must be read as being written by, shaped by, the hands of Madame d'Épinay; it is *not* a case where the "source of [Rousseau's] prose was [his] own letter," as Weinreb suggests.¹³⁷ It is a dialogue that gives us a

¹³⁴ To offer the reader of this dissertation a sense of how René was described by Madame de Montbrillant in the text, let us consider this extract from a letter written by Madame de Montbrillant to M. de Formeuse: "C'est par-dessus tout une conversation que j'ai eue avec René à cette promenade qui m'a enchantée. [...] Et la simplicité avec laquelle René conte ses malheurs !... J'en ai encore l'âme attendrie. Quoique vous sachiez sûrement tous ces détails, je ne puis m'empêcher de vous rendre la manière originale dont René m'a conté son histoire." *Montbrillant*, t. 1, 744.

¹³⁵ Madame d'Épinay was not a *salonnière* in the proper sense of the term. However, her "salon" did bring in the intelligentsia, which fostered rich intellectual conversation. See: Weinreb, *Eagle in a Gauze Cage*, 10; David, *Autobiographie de convenance*, 26.

¹³⁶ After leaving Hermitage following his quarrel with Madame d'Épinay, Rousseau would go to live in Mont-Louis, also in Montmorency. He lived there from December 1757 to June 1762, during which he published a number of his most well-known texts: *La Lettre à D'Alembert* (1758), *Julie ou la Nouvelle Héloïse* (1761), *Émile* (1762), and the *Contrat Social* (1762).

¹³⁷ Again, see: Weinreb, *Eagle in a Gauze Cage*, 96. I stress the fact that I think it is factually misleading to suggest that Rousseau alone is responsible for his presentation in *Montbrillant*. As much as his own letters are used, he is also talked about in the correspondence between people like Mme de Montbrillant and Volx and is discussed in both

sense of not only Louise d'Épinay's own sense of self, but also her perception of Rousseau and his vision of the public. The dialogue is recounted in a journal entry. As George Roth notes in his critical footnote, "Cet entretien *a pu* avoir lieu vers le mi-août 1752."¹³⁸ I stress the qualifier "*a pu*" in Roth's note—the dialogue very may well have taken place, although we have no historical evidence to support this claim, nor is there any lasting trace of the actual words exchanged.

Madame de Montbrillant informs us that her dialogue with René was so exceptional that it merited documentation.¹³⁹ René expresses to Madame de Montbrillant that he is not particularly interested in seeing others besides her; he finds her entourage (*société*) insufferable, filled with *mirliflores* (what would be called a "dandy" in the 19th century). He gives a series of critiques about a number of them, as he finds them particularly devoid of civility.¹⁴⁰ Madame de Montbrillant responds that René is "sévère" and "injuste," and that "Que vous vous permettiez de me *juger*, je le trouverais tout simple."¹⁴¹ After all, René has known Madame de Montbrillant for many years, whereas he has only just met many those individuals that he so scathingly criticized.¹⁴² She invokes an almost judicial language (*injuste, juger*), evoking a vision of judgment that has been present in *Montbrillant* from the very beginning—were her aunt and

Lisieux's narrative and the Journal entries. While he is represented through his own voice, he is also the subject of a degree of literary craftsmanship.

¹³⁸ See *Montbrillant*, t. II, 831, note 204, my emphasis. Roth dates the event to this time because it is when Rousseau, in his *Correspondance*, writes about being in the countryside with Madame d'Épinay.

¹³⁹ "Je viens d'avoir une singulière conversation avec M. René. Elle mérite, en vérité, la peine d'être retenue. Elle a fini par un conte qu'il a fait sur-le-champ et qui m'a paru si excellent que je l'ai prié de l'écrire. J'y veux à l'avenir borner toute ma croyance. En attendant qu'il m'apporte le conte, je vais toujours vous rendre la conversation." *Ibid.*, t. II, 569.

¹⁴⁰ "Que voulez-vous que je fasse au milieu de votre société ? Je figurerais mal dans un cercle de petits mirliflores, promenant sur le poing leurs pieds endimanchés. Tout cela ne me va point. [...] Mme votre belle-sœur, sans aller plus loin, à l'œil mourant et au sourire voluptueusement dédaigneux ; un Maurepaire persiflant ; une Mme de Versel, qui fait des révérences en religieuse pour montrer sa belle gorge ; un Desbarres, despote, mordant et traiteusement brusque ; un Landry mielleux et important ; tous gens enfin remplis d'honnêteté, mais qui n'ont point de mœurs." *Ibid.*, t. II, 570. Georges Roth notes in a critical footnote that, "L'opinion de Rousseau sur Duclos [Desbarres in *Montbrillant*] était, en 1752, et restera longtemps encore beaucoup plus élogieuse. C'est le 'Desbarres' du roman que 'René' peut juger ainsi." *Ibid.*, t. II, 831, note 205. If it would have been uncharacteristic of Rousseau to critique Duclos in such manner, one could once again suppose the fabrication of this conversation by Louise d'Épinay.

¹⁴¹ *Ibid.*, t. II, 570.

¹⁴² The only figure René would have known for some time would be Desbarres.

mother not also unjust and severe in their judgments, judgments eagerly rendered while ignorant of the intentions of the accused? René ripostes in turn, also taking part in this judicial dialogue: “Je dis, Madame, ce que *le public en pense*, et certainement ce que j’ai vu ne m’a pas donné le désir de *les justifier*.”¹⁴³ The evidence for René’s criticism, first and foremost, is his honesty, an honesty that he does not believe is shared by members of Madame de Montbrillant’s social circle (represented here through the object pronoun *les*).¹⁴⁴

This frank criticism of others is not reserved, however, to those who are not present. Madame de Montbrillant tells René that she is concerned about what he thinks of her, and René in turn expresses that fact that he will be as frank in his critiques about her as he is in his critiques of others.¹⁴⁵ René provides what has generally been perceived to be an honest portrait of Madame de Montbrillant, commenting upon her physical and moral qualities. But in doing so, he begins by providing an assessment of what the public thinks about her: “On vous croit sans caractère, bonne femme, fausse cependant, un peu de penchant à l’intrigue ; inconstante, légère, beaucoup de finesse, beaucoup de prétention à l’esprit qui n’est, dit-on, chez vous que très superficiel.”¹⁴⁶ René states, however, that he does not believe these unjust assessments of Madame de Montbrillant. Yet, he notes that he is not surprised.¹⁴⁷ He continues:

Mais ne semble-t-il pas [...] que vous soyez la première à qui l’on ait fait injustice ? Qu’est-ce que tout cela signifie ? Je vais vous dire, moi, à quoi cela tient. Vous êtes bonne et souvent dupe ; vous ne soupçonnez la méchanceté ou la trahison que lorsqu’elle est avérée. Vous tâtonnez sans cesse pour trouver le bien, pour fuir le mal ; et *toutes vos actions* étant incertaines et

¹⁴³ *Ibid.*, t. II, 570.

¹⁴⁴ Although Rousseau is presented as being reliant on public opinion here, I argue in Chapter Two of this dissertation that he can be ambivalent about the public’s ability to judge, particularly as it pertains to *himself*.

¹⁴⁵ “Savez-vous que vous me faites trembler ? Je n’ose presque vous demander ce que vous pensez de moi, j’ai pourtant grande envie de le savoir. — Vous le pouvez, Madame, si cela vous fait plaisir. Je vous promets la même franchise ; et, si vous n’êtes pas absolument contente de ce que vous êtes, vous pourrez l’être de ce que je vous promets que vous deviendrez, si tous ces messieurs et ces dames ne s’en mêlent.” *Ibid.*, t. II, 570.

¹⁴⁶ *Ibid.*, t. II, 570.

¹⁴⁷ “Quoiqu’il n’y ait peut-être pas un mot de vrai, que je n’en croie pas la moitié, je n’en suis pas étonné.” *Ibid.*, t. II, 571.

contradictoires, soit *entre elles*, soit *avec vos paroles*, la peur surtout que vous avez d'offenser ou de blesser les autres, tout cela vous fait passer pour *fausse* et pour être *sans caractère*.¹⁴⁸

I believe this dialogue – this character and moral assessment by René – serves three principle purposes: first, it provides a type of self-portrait; as Georges Roth notes in his critical footnotes, the assessment that René provides actually mirrors what Madame d'Épinay wrote in her literary self-portrait, *Mon portrait*, a ventriloquizing that does not reproduce a real conversation but is designed to reproduce the spirit of the literary self-portrait in *Montbrillant*. Second, it is designed to highlight a difference between how a trusted confidant (René) perceives her and any potential disfigured image of her that might have been circulating in the court of public opinion. Third – and most importantly, for the purposes of this study – it can serve as a way to read the presentation of proofs in *Montbrillant*.

The “portrait” of Madame de Montbrillant, expressed through the figure of René, is confounding. Working under the assumption that this dialogue was fabricated, the literary portrait of Madame de Montbrillant was written by the hand of Madame d'Épinay to be expressed by René. But this is *not* the first time such a literary portrait of Madame d'Épinay/Montbrillant was written: in 1758, Louise d'Épinay published *Mes Moments heureux*, a compilation of several documents including letters, essays, and, most importantly for our purposes, a literary self-portrait called *Mon Portrait*.¹⁴⁹ *Mon Portrait* was likely written in 1756, the same year d'Épinay began writing the *Histoire de Madame de Montbrillant*. Odette David tells us that *Mes Moments heureux* was intended only for her closest acquaintances, not for larger public consumption.¹⁵⁰ This self-portrait, however, did not simply stay in *Mes Moments heureux*, but in fact goes on to shape the dialogue between René and Madame de Montbrillant. Georges

¹⁴⁸ *Ibid.*, t. II, 571, my emphasis.

¹⁴⁹ For more on *Mes Moments heureux*, see: Weinreb, *Eagle in a Gauze Cage*, 23.

¹⁵⁰ Odette David, *Autobiographie de convenance*, 20.

Roth's critical notes tell us that there is an intertextual game afoot, that concepts developed elsewhere, written in a particular style, reappear in *Montbrillant* in a different form: self-portraiture becomes portraiture, the subject, once painting herself, is now painted by another.

The "portrait" given by René/Rousseau very much resembles that which Madame d'Épinay wrote in *Mon Portrait*. This "resemblance" takes two forms: on the one hand, René's portrait of Madame de Montbrillant resembles the spirit of her literary portrait; that is to say, he is not repeating the same words but is nevertheless reflecting a remarkably similar characterization of the literary-portrait's subject. On the other hand, however, there are moments where the precise language is indeed reused. It is important, I believe, to compare the portrait by René with Madame d'Épinay's *Mon Portrait* so that we may see how this self-portrait has been reworked:¹⁵¹

René: On vous croit sans caractère, bonne femme, fausse cependant, un peu de penchant à l'intrigue ; inconstante, légère, beaucoup de finesse, beaucoup de prétention à l'esprit qui n'est, dit-on, chez vous que très superficiel.¹⁵²

Mon Portrait : La timidité m'a souvent donné les apparences de la dissimulation et de la fausseté... J'ai de la finesse pour arriver au but et pour écarter les obstacles.—Je suis née tendre et sensible. Il faut que j'aie l'âme bien honnête et un assez grand fonds d'esprit pour n'être pas un fort mauvais sujet et pour ne pas paraître une assez sotte enfant.¹⁵³

The critique by René reworks certain elements evoked in *Mon Portrait*: a perception of both falseness (*fausseté*) and mental acuity (*finesse*). The citation that Georges Roth provides from *Mon Portrait* is transformed from a self-reflection on one's flaws into a critique shared by the public, the amorphous, judgmental "on" invoked by René. René's portrait of Madame de Montbrillant not only captures the spirit of *Mon Portrait* – that's to say, his portrait of her reflects, first and foremost, the *ideas* expressed – but also, on occasion, reprises the very same

¹⁵¹ The comparisons I am giving are those signaled by Georges Roth in his critical footnotes, which were reviewed by Élisabeth Badinter for the 1989 edition of *Montbrillant*.

¹⁵² *Montbrillant*, t. II, 571.

¹⁵³ Quoted in *Ibid.*, t. II, 831, note 207.

language. For example, René writes, “et vous, Madame, vous êtes vraie sans être franche.”¹⁵⁴ In *Mon Portrait*, Madame d’Épinay states, “Je suis vraie sans être franche.”¹⁵⁵ But there are several instances in which direct reuse occurs.¹⁵⁶ To transfer her literary portrait from the self-reflective position – that is to say, *she* wrote it about *herself* – and to place it in the mouth of René/Rousseau is, I argue, an effort to present herself as a social individual, where her character is judged by others. It is not about her actions, but who she is perceived to be. As Michel Beaujour explains, “The operational formula of the self-portrait therefore is: ‘I won’t tell you what I’ve done, but I shall show you *who I am*’.”¹⁵⁷ As her reputation is at stake throughout *Montbrillant*, this portrait by René allows for a reflection on how others may perceive her, particularly as someone who is not always candid, someone who, since her childhood, is not always believed.

This takes me to my second point: the “literary portrait” serves to distinguish between the opinions of a trusted friend and that of the public. When René initially critiques members of Émilie’s entourage, she calls him *sévère* and *injuste*, language she has also used to refer to the court of public opinion.¹⁵⁸ What René lacks in mildness, however, he makes up for in honesty. His evidence is constructed upon a foundation of frankness, a frankness that is hard to find in

¹⁵⁴ *Ibid.*, t. II, 572.

¹⁵⁵ *Ibid.*, t. II, 832, note 211.

¹⁵⁶ René observes, “Ayant beaucoup lu, beaucoup appris, vous êtes ignorante...” (II, 572). Louise d’Épinay writes in *Mon Portrait*, “Je suis très ignorante...” *Ibid.*, t. II, 832, note 212. René observes, “Vous êtes bonne même, par exemple ; mais jusqu’à présent vous aimez vos amis pour eux, et vos enfants pour vous ; la mesure de vos sentiments à l’égard de ces derniers est la satisfaction qu’ils vous donnent” (II, 572–573). In *Mon Portrait*, Louise d’Épinay writes, “J’aime mes amis pour eux, et mes enfants pour moi. La boussole de mes sentiments à l’égard des derniers est, jusqu’à présent, la satisfaction qu’ils me donnent.” *Ibid.*, t. II, 832, note 214.

¹⁵⁷ Michel Beaujour, *Poetics of the Literary Self-Portrait*, trans. Yara Milos (New York: New York University Press, 1991), 3.

¹⁵⁸ For example, in a letter to Madame de Montbrillant, Volx writes, “mais le public juge *sévèrement*...” *Montbrillant*, t. III, 415. It is also language invoked when the Marquis de Lisieux outlines the project in Tome I: “Ma véracité fera taire ici mon amour-propre : et si quelques critiques *sévères* condamnent le rôle que j’ai joué dans cette époque de la vie de Mme de Montbrillant...” *Ibid.*, t. I, 418.

others in the public sphere.¹⁵⁹ In his candor, coupled with the intimate knowledge of a friend, René is able to provide Madame de Montbrillant – and by extension, the reader – with a robust and nuanced portrait of the subject: Madame de Montbrillant.

René's assessments of Madame de Montbrillant further contribute to the problem of proof that she faces throughout the *Histoire de Madame de Montbrillant*. He expresses an overt recognition of her goodness and of her intentions: “vous tâtonnez sans cesse pour trouver le bien, pour fuir le mal.” But good *intentions* do not translate into good *actions*: the interior is not always transparent to those on the exterior, an analysis that is remarkably Rousseauian, as Jean Starobinski analyzes in his famous study of Rousseau, *La Transparence et l'obstacle*.¹⁶⁰ René's diagnosis of the fact that Madame de Montbrillant clearly had good intentions but appears false, dishonest, or superficial is a fundamental problem throughout *Montbrillant*: the burden of proof placed upon her is insurmountable and she has faced this problem her entire life. She is an untrustworthy individual, trapped in a culture that prioritizes the testimony of untrustworthy men over that of a trustworthy woman.¹⁶¹ René's prognosis is: “Si vous parvenez à ne vous entourer que d'honnêtes gens, je vous promets que vous serez un jour une femme d'un grand mérite, mais je ne vous promets pas qu'on en dise pour cela plus de bien de vous.”¹⁶² In thinking that this is a problem of her *esprit*, René suggests that she be around sharper minds—that alone is the sole chance to improve public opinion of her, although it is not a guaranteed remedy.¹⁶³ After all, the problem of transparency very well may persist.

¹⁵⁹ “Je dis, Madame, ce que le public en pense, et certainement ce que j'ai vu ne m'a pas donné le désir de la justifier.” *Ibid.*, t. II, 570.

¹⁶⁰ Jean Starobinski, *La Transparence et l'obstacle*. This problem is something that we will see, too, in Chapter Two of this dissertation.

¹⁶¹ Again, see: Boucher d'Argis, “TÉMOIN,” in *Encyclopédie*, 16:53.

¹⁶² *Montbrillant*, t. II, 573.

¹⁶³ The bibliography on Rousseau's views on women is immense. For an overview, see: Céline Spector, *Au prisme de Rousseau. Usages politiques contemporains* (Oxford: Voltaire Foundation, 2011). See, in particular, chapter 8, “Le prisme féministe,” 227–261.

Shortly after this exchange takes place, René becomes an active correspondent of Madame de Montbrillant. At this point, the character of René develops in increasingly complex ways, and his psychological decline begins to occur. Although he first appears as an interlocuter who discusses primarily Madame de Montbrillant's pedagogical theory, his correspondence quickly turns to life at Hermitage.¹⁶⁴ The first expressions of René's overt frustration is directed towards Volx. After Volx learned that Madame de Montbrillant was intending to invite René to stay at Roches (the name given for the real-life Hermitage), he writes to her: "Vous lui rendez un fort mauvais service de lui donner l'habitation des Roches ; mais vous vous en rendez un bien plus mauvais encore. La solitude achèvera de noircir son imagination. Il verra tous ses amis injustes, ingrats, et vous toute la première si vous refusez une seule fois d'être à ses ordres."¹⁶⁵ Much like how Madame de Bernon perceived the young Émilie in the beginning of *Montbrillant*¹⁶⁶, René will also soon find Madame de Montbrillant to be "ingrate." He will lose sight of her intentions – intentions that he claimed to recognize in the earlier "literary portrait" dialogue – and will condemn her in turn based on her perceived actions. Before this turn, however, René's ire is directed toward Volx, an anger that would increasingly grow during his isolation.¹⁶⁷

¹⁶⁴ He writes to her, for example, "J'ai lu avec grande attention, Madame vos lettres à Monsieur votre fils." There is still a level of friendly intellectual exchange, even though René demonstrates in this letter the extent to which he clearly disagrees with Madame de Montbrillant's educational thought. Beyond *Montbrillant*, Louise d'Épinay's educational thought can be found in her work, *Lettres à mon fils* (1758) and *Les Conversations d'Émilie* (1774). Scholars like Rebecca Crisafulli have considered the way in which *Montbrillant* was written as a "roman pédagogique," especially one that could be used to educate girls and young women on how to overcome the injustices embedded in Old Regime society. See: Crisafulli, *Society and Social Transformation*.

¹⁶⁵ *Montbrillant*., t. III, 68.

¹⁶⁶ "Ne voulez-vous pas, mademoiselle la Marquise [...] que ce soit moi qui aie menti ? Vous êtes une *ingrate*, je vais vous reprendre tout ce que je vous ai donné, et je dirai à tout le monde que vous m'y avez forcée par vos impertinences." *Ibid.*, t. I, 76, my emphasis.

¹⁶⁷ "La solitude a déjà fait fermenter sa bile. Il se plaint de tout le monde..." *Ibid.*, t. III, 79.

Volx's antagonism towards René, as with Grimm's antagonism towards Rousseau, did not cause the German to act with hostility for all those affiliated with René/Rousseau. For example, Garnier and Volx gave a pension to René's wife, Mlle Éloy, as Diderot and Grimm gave a pension to Rousseau's real-life wife, Thérèse Levasseur.¹⁶⁸ But the beneficence of others does not always put René at ease. Over the concerns about his mental well-being, Madame de Montbrillant, Volx, and Saint-Urbain (pseudonym of Gauffecourt¹⁶⁹) encourage René to leave the Roches during the winter. But he rejects this advice, saying that not only did their original agreement allow him to stay, but that he needed to stay in order to finish his work. It is in this turmoil that René begins to accuse his friends of turning against him. In a letter to Madame de Montbrillant, for example, he shares that Garnier called him a "scélérat"¹⁷⁰—René began to believe that his former friends were now conspirators against him.¹⁷¹

Madame de Montbrillant finds these accusations difficult to believe—certainly there was some sort of misunderstanding, a misunderstanding born from a mind that had been stewing in isolation for too long.¹⁷² Nevertheless, she asks to see the letters: "N'ayant point vu vos lettres, ni celles de M. Garnier, je ne puis décider, ni raisonner conséquemment. Tout ce que je sais, c'est que M. Garnier a pour vous la plus sincère amitié, vous me l'avez dit cent fois."¹⁷³ She has not

¹⁶⁸ "Je croyais être seule à contribuer au bien-être de René, mais j'ai appris par Mlle Éloy que M. Volx et M. Garnier font à elle et à sa mère quatre cents livres de rente." *Ibid.*, t. III, 82.

¹⁶⁹ Jean-Vincent Capronnier Gauffecourt (1692-1766).

¹⁷⁰ In a letter from René to Madame de Montbrillant, he writes, "Garnier m'a écrit une lettre qui me perce l'âme. Il me fait entendre que c'est par grâce qu'il ne me regarde pas comme un scélérat, et, dit-il, *il y aurait bien à dire là-dessus*, ce sont ces termes..." *Ibid.*, t. III, 103.

¹⁷¹ Rousseau's condemnation of his friends is passionate. He writes, "M. Volx ne sera pas content lui-même, qu'il ne m'ait ôté tous les amis que je lui ai donnés. Philosophes des villes, si ce sont là vos vertus, vous me consolez bien de n'être qu'un méchant ! J'étais heureux dans ma retraite ; la solitude ne m'est point à charge ; je crains peu la misère ; l'oubli du monde m'est indifférent ; je porte mes maux avec patience. Mais aimer, et ne trouver que des cœurs ingrats, ah ! voilà le seul qui me soit insupportable." "M. René à Madame de Montbrillant," in *Ibid.*, t. III, 103.

¹⁷² "Je ne puis croire que M. Garnier vous ait mandé de but en blanc qu'il vous croyait un scélérat. Il y a certainement du malentendu à cela. Mon ami, soyez en garde contre la fermentation qu'occasionne souvent un mot fâcheux, entendu dans la solitude et reçu dans une mauvaise disposition. Croyez-moi, craignez d'être injuste..." *Ibid.*, t. III, 104.

¹⁷³ *Ibid.*, t. III, 104–105.

seen the proof that may be in the letters, and instead turns to the information that she knows: that Garnier is a friend of René's, and thus the accusations put forth have no basis in reality. In response, René writes, "Tenez, Madame, voilà les lettres de Garnier et ma dernière réponse. Lisez et jugez-nous, car pour moi je suis trop violemment indigné pour avoir de la raison."¹⁷⁴ These letters, however, are not given in the text—their content is only alluded to. Nevertheless, René gestures to the fact that the proof is indeed in the letters; proof of this conspiracy against him can be plainly seen in his correspondence.

The fundamental problem here for René and Madame de Montbrillant is the distinction between one's intentions (internal) and one's actions (external). This problem is manifested throughout the letter: what is the intention of the writer, and what was actually said? Given that these letters are not provided – a remarkably peculiar fact, given the nature of the work and its genre – the ability to judge the letter's content is left to Madame de Montbrillant, and not the reader. The reader is not invited to pass judgment, to engage in the affair; instead, I believe Madame d'Épinay allows the reader to observe a conversation over the principles of evidence at the heart of this affair, principles that have been invoked all through the *Histoire de Madame de Montbrillant*: letters, she believes, are useful for judging one's intentions.

Madame de Montbrillant signals to René that he is not in a mental state to write letters, to articulate his thoughts clearly and coherently. Good intentions are not expressed in his writings, because his mind is being warped as he retreats into isolation. She writes, for example, "[La lettre] que vous venez de m'écrire est plus injuste et plus remplie d'animosité que les premières. Mon ami, vous n'êtes point en état de vous juger ; votre tête fermente, la solitude vous tue, et je commence à me repentir de vous avoir donné la facilité de vous y renfermer."¹⁷⁵ She once again

¹⁷⁴ *Ibid.*, t. III, 105.

¹⁷⁵ *Ibid.*, t. III, 112.

invokes the term *injuste* and *juger*. Madame de Montbrillant's assessment of René's situation highlights a fundamental problem in this part of *Montbrillant* concerning how, precisely, one ought to interpret a letter when it is known that the writer of said letter is in a poor mental state. The content of the letter, thus, cannot be taken at face value, because Madame de Montbrillant insists that such content is not representative of the true expression of one's sentiments: the outward expression of discontent, even of vitriol, is not representative of one's true self, provided that she *knows* who that true self is. It begins to pose a fundamental difficulty in interpreting the evidence given, as the letter's content appears to be shaped by misguided intentions, rather than René's fundamentally good being.

René's vitriolic letters, however, are not isolated – a discrete moment in *Montbrillant* – but are instead indicative of a larger issue that will continue over the course of hundreds of pages: René does not appear to acknowledge or recognize his deteriorating mental state. Rather, it is observed in letters written by others, as, for example, in this letter that M. Volx writes to Madame de Montbrillant:

Je pense comme vous, que René devient fou ; mais je ne sais pas pourquoi vous vous en étonnez, ma tendre amie. Je l'ai toujours bien prévu [...] Ayant autant de crédit que vous en aviez sur lui, vous auriez dû l'employer à ramener à la raison son esprit égaré, avec la sévérité qui, seule, peut lui être vraiment salutaire.¹⁷⁶

There is a tension between how Madame de Montbrillant and Volx perceive René: the former has believed in the decency and justness of René's being, the latter has clearly noticed René's downfall and acknowledges that his reasoned mind needs to be restored, a biting assessment of their friend's *état d'esprit*.

I highlight this conflict in *Montbrillant* in order to underscore the relationship between this scene and the larger question of proof in this autobiographical work. In one of the

¹⁷⁶ *Ibid.*, t. III, 212–213.

unpublished prefaces, Madame d'Épinay writes that her goal is to “détruire après moi la calomnie par le récit le plus sincère des différents événements dans lesquels j’ai eu presque toujours les apparences contre moi.”¹⁷⁷ I believe that it would be a mistake to suggest that Louise d'Épinay's sole concern in writing *Montbrillant* was to respond to the potential calumnies launched by Rousseau in his *Confessions*: the problem of reputation extends well beyond the Hermitage Affair, and instead permeates many facets of her life story. Nevertheless, Madame d'Épinay demonstrates to the reader of the *Histoire de Madame de Montbrillant* that there were concerns about this affair going public and the ever-growing fear of a quarrel erupting between former friends.

In 1757, Madame d'Épinay became increasingly concerned about Rousseau's intentions, leading to an exchange of letters that has since been known as the “journée des cinq billets,” an exchange that would also occur in the *Montbrillant* between Madame de Montbrillant and René, too. The historical quarrel, once again, occurred because of Rousseau's belief that Louise d'Épinay was vocally critical of his infatuation with Sophie d'Houdetot and was trying to find proof of his indiscretions—thus, the two exchanged a series of tense letters over the course of a single day. The “journée des cinq billets” is the first overtly vitriolic exchange between René and Madame de Montbrillant in *Montbrillant*. This episode, however, also poses a historiographical problem: the letters included in *Montbrillant* and in Rousseau's *Confessions* differ greatly—there are two different accounts of the same dispute. As we will see, what is particularly remarkable about this exchange is that while the letters from René appear in Rousseau's *Correspondance Générale* and are thus authentic, Madame de Montbrillant's letters seem to be fictionalized,

¹⁷⁷ D'Épinay, *Les Pseudo-mémoires de Madame d'Épinay*, ed. Georges Roth, 6.

rewritten for the novel, and much different from the ones that would appear as counterparts to Rousseau's letters in the *Correspondance* and in the *Confessions*.¹⁷⁸

The language used in this exchange is overtly evocative of the themes of reputation and proof that are at the center of *Montbrillant*. This event is prefaced by a letter from Madame de Montbrillant to Volx, where she notes that "le pauvre René devient fou [...] et [...] voit partout des chagrins, des dangers, des complots comme Don Quichotte voyait des enchanteurs."¹⁷⁹ By prefacing the exchange with such language, she shapes René's status as a witness: what he says must be taken with a grain of salt, as his mental state would clearly deteriorate. Overwhelmed by a sense of a growing conspiracy against him, he sees dangers all around him, conspiracies that are growing and to which Madame de Montbrillant may be a party. Although René may have good intentions, his inability to perceive reality would hinder his ability to give a factual testimony.

Madame de Montbrillant laments in a letter to René that she has not seen him recently, expressing concern about his well-being.¹⁸⁰ René responds bitterly, catching Madame de Montbrillant off-guard: "Je ne puis vous rien dire encore. J'attends d'être mieux instruit, et je le serai tôt ou tard. En attendant, soyez sûre que l'innocence outragée trouvera un défenseur assez ardent pour donner quelque repentir aux calomniateurs, quels qu'ils soient."¹⁸¹ Madame de Montbrillant is surprised (*étonnée*) by this letter and remarks that she finds it *inintelligible*. Mlle

¹⁷⁸ Odette David observes that letters throughout *Montbrillant* are an "objet de fabrication pour l'auteur. Cette mise à distance du passé équivaut, en quelque sorte, à une autoanalyse à partir de faits réels, associée aux sources du subconscient." *Autobiographie de convenance*, 175.

¹⁷⁹ *Montbrillant*, t. III, 255.

¹⁸⁰ "Je suis en peine de vous, mon ami. Vous m'aviez promis, il y a cinq jours, que je vous verrais le lendemain. Vous n'êtes point venu, et vous ne m'avez rien fait dire. Vous n'êtes point accoutumé à me manquer de parole. Vous n'avez sûrement pas d'affaires ; si vous aviez du chagrin, mon amitié s'offenserait que vous m'en eussiez fait mystère. Vous êtes donc malade ? Tirez-moi de mon inquiétude, mon bon ami. Elle est proportionnée aux sentiments que vous me connaissez pour vous." In: *Ibid.*, t. III, 256, my emphasis.

¹⁸¹ *Ibid.*, t. III, 256, my emphasis.

Éloy reveals that René is in a state of extreme agitation (*agitation extreme*).¹⁸² While some letters differ radically from their counterpart in the *Confessions*, this letter by René is an authentic letter written by Rousseau.¹⁸³ She responds to this “unintelligible” letter from René, asking for a clearer expression of his sentiments, one that is perhaps less incensed.¹⁸⁴ René response, however, shows that he is no less irate than he was before. He suggests that she is feigning incomprehension: “Me croyez-vous assez dupe pour penser que vous ne l’avez pas compris ? Non, mais je saurai combattre et vaincre vos subtilités à force de franchise. Je vais m’expliquer plus clairement, afin que vous m’entendiez encore moins.”¹⁸⁵ René then lays out his side of the case before Madame de Montbrillant. He condemns her not because she thought unjustly about his actions, but because she expressed her disdain vocally: “Mais c’est seulement de l’avoir dit, et non de l’avoir pensé, que je vous taxe.” It is he, René, who is the victim here, “Moi qui ne fit jamais de mal à personne, servirai-je innocemment à en faire à mes amis ? Non, je ne vous le pardonnerais jamais ; je deviendrais votre irréconciliable ennemi. Vos secrets seuls seraient respectés, car je ne serai jamais un homme sans foi.”¹⁸⁶ René makes the case for his defense – that is, for his innocence – based on the decency and honesty of his being, very much in the style of a Rousseauian self-defense that we will see in Chapter Two of this dissertation. It is in the conclusion to his letter, however, that the primary concern for Madame de Montbrillant is once again evoked:

En faisant ce que nul autre ne fera après moi ; en vous disant sincèrement ce qu’on pense de vous dans le monde, et les brèches de toute espèce que vous avez à réparer *dans votre réputation*.

¹⁸² *Ibid.*, t. III, 256–257.

¹⁸³ Assessments of the (in)authenticity of the letters come from Georges Roth’s critical footnotes in the 1989 version of *Montbrillant*.

¹⁸⁴ “C’est de vos nouvelles que je demande. Votre billet ne m’en apprend pas. Il est une énigme à laquelle je ne comprends rien. J’attends de la confiance et de l’amitié un langage plus clair et plus conforme à mes sentiments pour vous. Vous savez si vous pouvez disposer de moi : au premier mot, je suis à vous.” *Ibid.*, t. III, 257. This letter is notably different from the one published in Rousseau’s *Confessions* and in the *Correspondance générale*.

¹⁸⁵ *Ibid.*, t. III, 257–258.

¹⁸⁶ *Ibid.*, t. III, 258.

Malgré tous les prétendus amis qui vous entourent, quand vous m'aurez vu partir, vous pourrez dire adieu à la Vérité. Vous ne trouverez plus personne qui vous la dise.¹⁸⁷

In invoking the faults in Madame de Montbrillant's reputation, he turns his discourse away from himself and places her greatest concern, her reputation, squarely in the crosshairs of his attack. His criticisms of her are not simply coming from himself but instead are representative of a larger vision of her (poor) reputation in the public sphere.

In the final letter of this exchange, Madame de Montbrillant forcefully ripostes. She writes, "Sans doute vous avez des *preuves incontestables* de ce que vous osez m'écrire, car il ne suffit pas du soupçon pour accuser une amie de dix ans. Vous me faites pitié, René. Si je ne vous croyais pas fou, ou sur le point de l'être, je vous jure que je ne me donnerais pas la peine de vous répondre, et je ne vous reverrais de ma vie."¹⁸⁸ If he is choosing to attack her reputation and accuse her of defamation, surely he must have uncontested evidence. She continues:

Gardez-vous de me parler de *ma prétendue réputation*. Loin de me donner par là ce que vous appelez une marque d'amitié, donnez-m'en une du respect et de l'estime que vous me devez, en ne me tenant que des propos que je puisse me permettre d'entendre. *Sachez, au reste, que peu m'importe la réputation qu'on me donne ; ma conduite est bonne, et cela me suffit.*¹⁸⁹

The state of Madame de Montbrillant's reputation is at the core of her concerns; both she and René know it. This letter suggests at once a level of fragility, as her reputation can be easily attacked, and resoluteness, as she believes her conduct is just, and that her detractors have no foundation for their attacks.

Let us consider again for a moment Weinreb's insistence that *Montbrillant* is a work of fiction, never designated to be published as "memoirs," and that the inclusion of authentic correspondence is simply a peculiar feature of Louise d'Épinay's exploration of the epistolary

¹⁸⁷ *Ibid.*, t. III, 259.

¹⁸⁸ *Ibid.*, t. III, 259.

¹⁸⁹ *Ibid.*, t. III, 260.

genre.¹⁹⁰ I argue that even if this were true, it is curious that in such an exchange with René, the letters from Madame de Montbrillant were rewritten for the literary work, despite the fact that the one's from René (and by extension, Rousseau) *are* authentic. It is not sheer coincidence that this division would occur, where letters from Louise d'Épinay are fabricated yet Rousseau's are authentic; it is, instead, a remarkably strategic gesture. Scholars like R. A. Leigh have treated *Montbrillant* as a conspiracy to rewrite the documentary evidence in order to slander Rousseau.¹⁹¹ From the point of view of the historian, Leigh's criticism of *Montbrillant* is fair, as much of the text has indeed been rewritten; one cannot, and should not, dismiss the fact that many of the letters in *Montbrillant* have indeed been rewritten. My own critical position, however, is not that of the historian, but is instead shaped by two factors: first, on a larger level, I argue that *Montbrillant* is a work designed to use the form of the novel, particularly the roman à clef, in order to illuminate the burden of proof placed upon women in Old Regime society; second, on the particular level of the "Hermitage Affair," I argue that the inclusion of some authentic documentation by Rousseau is indicative of a desire to begin to prepare a response to Rousseau's potential attacks in the *Confessions*. While this response was prepared with the help of Grimm and Diderot – two men who felt perhaps even more antagonism towards Rousseau than Louise d'Épinay did – this part of *Montbrillant* also embodies yet another moment where d'Épinay tries to underscore the problem of the burden of proof placed upon women. Rather than

¹⁹⁰ See: Weinreb, *Eagle in a Gauze Cage*, 85–86.

¹⁹¹ Leigh calls *Montbrillant*, "une des plus stupéfiantes supercheries de l'histoire littéraire [...] Du point de vue de l'historien, l'aspect le plus déconcertant de ces multiples opérations, c'était la manière dont Mme d'Épinay tripatoillait les documents qu'elle mettait en œuvre. En rédigeant son roman, elle n'avait plus devant elle le texte des lettres qu'elle avait adressées à Rousseau. Elle les recomposa donc, non en recourant à sa mémoire, car la reconstitution de la réalité historique n'était pas son but, mais en les adaptant aux situations fictives de son roman, et il faut bien ajouter, en se donnant invariablement le beau rôle." R. A. Leigh, "Note sur l'*Histoire de Madame de Montbrillant* et les *Pseudo-Mémoires de Madame d'Épinay*," xxv–xxvi.

trying to figure out how rhetorically powerful her testimony may be, however, she instead turns towards documentary evidence to prepare her case.

Immediately following the affair, René asks to speak to Madame de Montbrillant, who in turn suggests they speak privately. “Je ne veux point,” she tells him, “par égard pour vous, faire de ceci une scène publique, à moins que vous ne m’y forciez...”¹⁹² It is Madame de Montbrillant who is striving to keep this quarrel from going public, from even reaching the ears of those who in her immediate vicinity. When he attempts to apologize for his behavior, Madame de Montbrillant responds by saying, “Je n’aime point [...] à m’entretenir sans nécessité des affaires des autres, et je n’ai pas besoin de leur témoignage pour les croire honnêtes. Il m’en coûterait trop de les voir autrement, pour laisser l’entrée aux soupçons contre eux dans mon cœur.”¹⁹³ Once again, she is willing to recognize the goodness of one’s being, and does not need testimony concerning the events in order to make a judgment. It is a rejection of the “burden of proof” that has been placed upon her throughout her life by others (her aunt, her mother, her husband, her lover); while she must justify herself to others, this proclamation to René suggests that she does not expect others to justify themselves to her. They do not need to prove their intentions in the way that she has had to prove hers.

As we will see in the chapters on Rousseau and Voltaire in this dissertation, the judgmental power of the court of public opinion shapes the usage of evidence in autobiographical self-defense writing. This quarrel between Madame d’Épinay and Rousseau serves as a particularly revealing case study for understanding the influence of scandal on the usage of proof. It is a moment that embodies a deep-seated tension: on the one hand, Madame d’Épinay, in feeling tasked with judging her friend’s behavior, seeks to reject the burden of proof

¹⁹² *Montbrillant*, t. III, 260.

¹⁹³ *Ibid.*, t. III, 261–262.

that has been placed on her throughout her life. Rather than judging him by the content of his letters, by his outward expressions and actions, she strives to judge him by his interior, by his being and his intentions, which she assumes can only be good. On the other hand, the discourses of both René and Volx signal the fact that she is ultimately incapable of maintaining this position, for it is the content of the letters that will ultimately be judged, rather than the intentions behind the letter. Throughout *Montbrillant*, she has believed that letters are transparent, revelatory of one's interior; in this case, however, it is clear that they are not always able to do so. In a later scene, when Madame de Montbrillant's health was failing and she decided to go to Geneva to consult Doctor Tronchin, René was criticized by Garnier for not accompanying her on the journey. This letter, as well as another one by René, is read by Madame de Montbrillant, where he complains to Garnier that any letters that are sent end up being read by other people.¹⁹⁴ It is precisely these scandal-inducing letters that reverberate through the court of public opinion, where private affairs can become public knowledge. Through her use of the epistolary genre, Louise d'Épinay highlights not only the ease with which information can spread, but the difficulty in evaluating the relationship between another's intentions and the scandalous content of a given letter. The letter appears at once as a means to understand another's interiority and inherent goodness, and as an instrument for disfiguration and fostering misunderstanding. Despite Madame d'Épinay's intentions, few others care seem to care about the content of one's character; rather, they are solely interested in the scandalous affair about which they read.

¹⁹⁴ René writes, "De quoi vous avisez-vous [...] d'envoyer chez Mme de Montbrillant les lettres que vous m'écrivez ? Je vous ai dit vingt fois que *toutes celles [les lettres] qui passaient par ses mains étaient ouvertes*. Celle-ci l'a été comme les autres et me cause avec elle une tracasserie abominable." *Ibid.*, t. III, 316, my emphasis.

Conclusion

When Louise d'Épinay died in April 1783, the final literary portrait of her left to the public was written by a man; this man was none other than Grimm, her lover from 1755 to the end of her life. In the *in-memoriam* (*notice nécrologique*) to her in the *Correspondance littéraire* in November 1783, Grimm paints a portrait of her that both captures her singularity and situates her in the context of her time, highlighting even her quarrel with Rousseau.¹⁹⁵ While I argue that the *Histoire de Madame de Montbrillant* captures the remarkable burden of proof placed upon women throughout their lives in Old Regime society, from childhood to marriage to public affairs, it is a text that only receives brief mention by Grimm, treated as nothing more than “l'ébauche d'un long Roman.”¹⁹⁶ Whereas Rousseau's *Confessions* is seen as a radical and controversial act of self-defense and Voltaire's *Commentaire historique* is a monument to himself and his life amongst the great figures of Europe, *Montbrillant* – a work that Sainte-Beuve would describe as having captured the spirit of the 18th century – was given nothing more than a passing remark in this *notice nécrologique*.¹⁹⁷ Unlike the male writers in this corpus who try to control their image and assert the factuality of their lives for posterity through their own voices, it is only through her pedagogical writings that she was to be remembered; her self-writings are left to the side.¹⁹⁸

¹⁹⁵ “Paris, Novembre 1783,” in Friedrich Melchior Grimm, *Correspondance littéraire, philosophique et critique de Grimm et de Diderot depuis 1753 jusqu'en 1790*, t. 11, eds. Jules-Antoine Taschereau and A. Chaudé (Paris: Furne, 1829-1831), 475–482. ARTFL, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/grimm/navigate/11/19?byte=869205&byte=869207>. Louise d'Épinay would have also been known to readers of the *Correspondance littéraire* because she was an active contributor. On the breadth of her contributions, see: Mélinda Caron, *Écriture et vie de société. Les correspondances littéraires de Louise d'Épinay (1755-1783)*.

¹⁹⁶ *Ibid.*, 481.

¹⁹⁷ “Les *Mémoires* de Mme d'Épinay ne sont pas un ouvrage, ils sont une époque.” Sainte-Beuve, *Causeries du Lundi*, quoted in David, *Autobiographie de convenance*, 41.

¹⁹⁸ Whereas *Montbrillant* is simply “l'ébauche d'un long Roman,” Grimm writes, “Elle n'a point laissé d'autre ouvrage qu'une suite encore imparfaite des Conversations d'Émilie, beaucoup de Lettres, et l'ébauche d'un long Roman. Les deux petits volumes intitulés, l'un, Lettres à mon fils [...] l'autre, Mes moments heureux [...] quoique imprimés, n'ont jamais été publiés et ne paraissent pas faits pour l'être ; on y trouverait cependant beaucoup de

As I remarked earlier, the *Histoire de Madame de Montbrillant* would not be published during Louise d'Épinay's lifetime. She left no indication about why the work remained unpublished, but speculation by some scholars potentially illuminates how, precisely, Louise d'Épinay saw herself before the court of public opinion. As Weinreb remarks, Louise d'Épinay did indeed publish other works, such as her *Lettres à mon fils*, *Mes Moments heureux*, and *Les Conversations d'Émilie*.¹⁹⁹ However, Weinreb further suggests: "To that extent that it is a *roman à clef*, *Montbrillant* bore the risk of scandalizing or offending the public."²⁰⁰ It could also be the case that "*Montbrillant* may have grown beyond control; the prospect of integrating its disparate strands may have become daunting. [...] Mme d'Épinay may have felt that a work which falls short of 'genius' did not deserve to be published and she may have held higher standards for such an ambitious undertaking."²⁰¹ Élisabeth Badinter, however, observes that Louise d'Épinay's rejection of ambition likely contributed to her desire not to publish the text. Seeing this decision as being driven by "les nouvelles valeurs féminines," she writes, "Elle était de plus en plus convaincue qu'une femme digne de ce nom ne doit pas faire parler d'elle. [...] Mme d'Épinay n'est pas loin d'admettre que la femme idéale se rend inestimable par ses vertus paisibles, sa prudence et une réputation sans tâche."²⁰² Throughout the *Histoire de Madame de Montbrillant*, Louise d'Épinay demonstrates the immense burden of proof placed upon women, yet also highlights the fact that women are expected to remain silent despite this burden—their testimony ought to be kept to themselves. In many ways, this may well be the reason for her not publishing *Montbrillant*: despite the attacks against her reputation, it is better simply to stay silent.

choses aimables, de la finesse et de la sensibilité ; mais ce sont des ouvrages de société et les premiers essais d'une plume qui n'avait pas encore acquis toute sa force et toute sa maturité." *Correspondance littéraire*, t. 11, 481.

¹⁹⁹ Weinreb, *Eagle in a Gauze Cage*, 74. For more on d'Épinay as a "public" writer, see: Caron, *Écriture et vie de société*.

²⁰⁰ *Ibid.*, 75.

²⁰¹ *Ibid.*, 76.

²⁰² Badinter, *Émilie, Émilie*, 358.

The *Histoire de Madame de Montbrillant* is a peculiar effort by Louise d'Épinay to leave a trace of her life, an epistolary autobiographical novel that would be shared only with her lover, Grimm. While Rousseau and Voltaire both construct overt monuments to their lives, as we will see in the chapters that follow, Louise d'Épinay's effort is far more clandestine, as it was only in recent decades that the work finally received the attention that it is due. Less a monument to her life than a monument to her century, the *Histoire de Madame de Montbrillant* captures the remarkable burden of proof placed upon women in their everyday lives under Old Regime society. Despite the overwhelming desire to make her intentions known and to speak with sincerity, very rarely was her testimony ever believed—the interlocuter most likely to believe her throughout *Montbrillant* was the Marquis de Lisieux, a fictional character. Struggling to have herself be believed, Madame de Montbrillant continuously had her reputation threatened by the men around her, particularly by men like René and her husband. While her reputation was at the center of her social life, she had very little real opportunity to defend herself and struggled constantly to prove her innocence. The *Histoire de Madame de Montbrillant* is a work centered around the difficulty of speaking freely and truthfully and to have her intentions be believed.

Chapter Two: In Search of the Perfect Proof: Testimony and Documentation in Rousseau's *Confessions*

Introduction

“Je forme une entreprise qui n’eut jamais d’exemple et dont l’exécution n’aura point d’imitateur. Je veux montrer à mes semblables un homme dans toute la vérité de la nature ; et cet homme ce sera moi.”¹ Rousseau’s opening declaration of his *Confessions* is a radical hallmark in the history of letters. As several theorists of autobiography have proclaimed, it is here, in this unprecedented enterprise, that the “modern autobiography” is born.² The goal of this project is not to assess the merits of this claim, but I nevertheless highlight it for the following reason: as scholars such as Susan K. Jackson have shown, Rousseau’s sense of autobiography precedes the writing of these opening lines—indeed, it spans his entire œuvre.³ In particular, multiple forays into self-writing in the early 1760s will eventually culminate in the *Confessions*. Throughout these works – such as the *Lettre à Christophe de Beaumont* (1763) and the *Lettres écrites de la montagne* (1764) – Rousseau adopts an autobiographical stance where he evokes judicial metaphors in an effort to defend himself against perceived injustices—his sense of “autobiography” and his desire to defend himself and his reputation, I believe, are one in the same. These judicial metaphors are also fundamental to the *Confessions*, a work where Rousseau lays out the story of his life and his being to his reader in order to mount a remarkable self-defense. In this chapter, I will argue that throughout this attempt to defend himself in the *Confessions*, Jean-Jacques Rousseau grapples with the power and limits of his individual

¹ Jean-Jacques Rousseau, *Les Confessions. Livres I à VI*, ed. Alain Grosrichard (Paris: GF Flammarion, 2002), 29.

² See, for example: Philippe Lejeune, *Le Pacte autobiographique* (Paris: Seuil, 1975); Michael Sprinker, “Fictions of the Self: The End of Autobiography,” in *Autobiography: Essays Theoretical and Critical*, ed. James Olney (Princeton: Princeton University Press, 1980), 326.

³ Susan K. Jackson, *Rousseau’s Occasional Autobiographies* (Columbus: Ohio State University Press, 1992).

testimony, ultimately turning to documentary evidence in order to bolster his claim. In doing so, I argue that this problem of proof in the *Confessions* represents a significant shift in his own conception of self-defense: he cannot defend himself according to his own conception of how justice ought to be served but must instead prepare a defense that the court of public opinion would find enticing.⁴

My approach in this chapter is influenced by the work of several scholars who have considered the judicial themes in Rousseau's *Confessions*. Gisèle Mathieu-Castellani's analysis of the way in which Rousseau constructs a metaphorical tribunal at the beginning of the *Confessions* is invaluable for thinking about the way in which his judicial vision influences the role of proof at the beginning of the work.⁵ Morihiko Koshi considers the way in which the *Confessions*, particularly Part II, can be read as a *mémoire judiciaire*, highlighting further the relationship between the literary and legal language in Rousseau's work.⁶ Pascal Brissette, moreover, considers the complicated relationship of the reader in the judicial structure of the *Confessions*, who appears to play the role of judge, witness, and even the accused.⁷ Building on the work done by these scholars, the particular goal of this chapter is to understand how Rousseau uses proof within the judicial metaphors in the *Confessions*. Through an analysis of Rousseau's uses of judicial proof, I will argue that the *Confessions* not only represent a *pro se* defense but highlight Rousseau's fundamental beliefs about evidence, as well as about how truth

⁴ An earlier version of this part of my argument, where I consider how Rousseau's conception of the court of public influenced his use of proof in the *Confessions*, can be found in: Ryan Brown, "The Autobiographer as Jurist: Rousseau's *Confessions*, the Practice of Judicial Proof, and the Court of Public Opinion," in *Le Pouvoir en procès: Opinion publique et légitimité politique des Lumières au Premier Empire*, eds. Maximilien Novak and Ryan Brown (Paris: Classiques Garnier, 2024), 21–35. While some of the main points in the present chapter are shaped by similar arguments advanced in "The Autobiographer as Jurist," the text itself has been thoroughly reworked.

⁵ Gisèle Mathieu-Castellani, *La Scène judiciaire de l'autobiographie* (Paris: PUF, 1996).

⁶ Koshi, "Le Mémoire judiciaire et *Les Confessions* de Jean-Jacques Rousseau," 289–310.

⁷ Pascal Brissette, "Le Lecteur en procès: Analyse rhétorique du modèle judiciaire dans *Les Confessions* de Rousseau," *Orbis Litterarum* 57, no. 3 (2002): 181–196.

can be conveyed therewithin. As he strives to convey the truth of his account and his goodness to his readers, Rousseau will ultimately confront a tremendous obstacle: his own notions about evidence and truth appear to differ from those held by the public.

As in my chapters on Louise d'Épinay and Voltaire, I argue that proof in Rousseau's *Confessions* takes on many forms. In the *Confessions*, proof is a combination of, on the one hand, Rousseau's own belief in the power of his unique testimony and, on the other, his recognition of the importance of documentary evidence in bolstering his claim. Jean-François Perrin has demonstrated the way in which Rousseau uses documentary evidence – particularly, his correspondence – in his *Confessions* in order to prove the historical accuracy of his work and to construct a judicial defense before the court of public opinion.⁸ I argue, however, that proof as a literary device is present throughout the *Confessions*, where there is a constant navigation between Rousseau's individual belief in his testimony to ensure his innocence, and the court of public opinion's adherence to a system of proof more aligned with the Old Regime legal system: more than one witness is necessary, and documentary evidence alone is able to prove a fact.⁹

At the core of this chapter resides the question about the true value of Rousseau's testimony by itself when he seeks to defend himself. While he clearly relies on his individual testimony during Part I of the *Confessions*, he begins to recognize in Part II that he needs to include documentary evidence to buttress his defense. Throughout this chapter, thus, I will interrogate not only what precipitates this shift from his singular testimony to documentary evidence but will further interrogate how this shift informs our understanding about Rousseau's conception of the role of proof in self-writing.

⁸ Jean-François Perrin, "J.-J. Rousseau, la preuve par la lettre. Lire les *Confessions* avec la correspondance," *Annales de la Société Jean-Jacques Rousseau* (Paris: Droz, 2007): 407–426.

⁹ "La preuve par écrit peut suffire toute seule pour établir un fait." Boucher d'Argis, "PREUVE," in *Encyclopédie* 13:355.

This chapter is divided into three parts. The first part is an analysis of the “precursors” to the *Confessions*: that is to say, I will analyze the impact of Rousseau’s various judicial and social quarrels on the judicial metaphors developed in works that predate the *Confessions*, such as his *Lettre à Christophe de Beaumont*. The second part of this chapter is an analysis of Part I of the *Confessions* (Books I-VI) where Rousseau establishes the value of his unique testimony and recounts critical elements from his youth. There, I will consider not only the way in which Rousseau attempts to underscore the unique power of his testimony, but how he also begins to recognize its limits. The third part explores the way in which documents begin to figure into Part II of the *Confessions* (Books VII-XII) as his narration of more recent events in his life drives him to seek out other forms of proof. In this part, I will examine the way in which Rousseau begins to rely on the inclusion of documentary evidence in order to bolster further his self-defense.

II.1. Rousseau on Trial: Self-Defense Before the *Confessions*

It is in the early 1760s when Rousseau’s sense of persecution – both socially and judicially – led him to take up the practice of self-writing in order to mount his defense.¹⁰ In 1761, his publisher, Marc-Michel Rey, wrote: “... j’ose vous demander une chose que j’ambitionne depuis longtemps qui me serait très agréable & au public, ce serait votre vie que je

¹⁰ I have found Leo Damrosch, *Jean-Jacques Rousseau: Restless Genius* (Boston, New York: Houghton Mifflin Company, 2005), to be an invaluable resource for thinking through the relationship between Rousseau’s lived experience and his published works. While it is not by any means the sole source consulted – as several works cited in this present study touch on the life of Rousseau – Damrosch’s biography of Rousseau serves here as a guide for establishing the chronology of Rousseau’s life and writing practices. For the scholar, Damrosch’s biography of Rousseau has one critical shortcoming: his lack of citation. While letters, for example, are quoted, he does not provide a footnote to guide the scholar to the mentioned primary source. Nevertheless, I believe this source serves an acutely important role, as it provides remarkable detail about the actual events of Rousseau’s life, particularly as it concerns his late-in-life controversies and run-ins with the law. While this biography is clearly written for a popular audience, I agree with John T. Scott’s review of the work: while Damrosch analysis of Rousseau’s philosophical system is lacking, his study of the Rousseau the man is undoubtedly valuable. See: John T. Scott, “Jean-Jacques Rousseau: Restless Genius (Review)” *Eighteenth-Century Studies* 39, n° 4 (Summer 2006): 574–576 (Review). Another useful biography for this period in particular is: Frédéric Eigeldinger, *Des pierres dans mon Jardin: les années neuchâtoises de J.J. Rousseau et la crise de 1765* (Paris: Champion; Genève: Slatkine, 1992).

placerais à la tête de vos ouvrages...”¹¹ It is difficult to imagine precisely what type of text Rey had in mind when he asked Rousseau to write his life – it would undoubtedly be quite different from the *Confessions*, perhaps resembling something along the lines of Voltaire’s *Commentaire historique*, which we will see in the next chapter – but this sense of monumentalizing his life and physically attaching his life to his works begins to take shape in Rousseau’s mind. To understand Rousseau’s works is to understand his life, and vice versa.

Around the same time, Guillaume-Chrétien de Lamoignon de Malesherbes, worrying about Rousseau’s physical and mental state, wrote to the author: “je vois avec grande peine les violentes agitations [...] Elles sont très naturelles à un auteur, et d’ailleurs la solitude et la maladie doivent les augmenter prodigieusement.”¹² Unlike Rey’s view of Rousseau’s life – worthy of heading a collection of his works, a monument for his readers to marvel at – Malesherbes was clearly troubled about Rousseau’s mental state; unlike Rey’s monument, Rousseau’s life, according to Malesherbes, was destructive, a model for how *not* to live, rather than one to be glorified and placed at the head of a collection of his works. In a series of responses, known as the *Lettres à Malesherbes*, Rousseau delivers a stalwart defense of his lifestyle, for society has afflicted him with a great deal of harm. As he writes in the second of four letters:

Aigri par les injustices que j’avais éprouvées, par celles dont j’avais été le témoin, souvent affligé du désordre où l’exemple et la force des choses m’avaient entraîné moi-même, j’ai pris en mépris mon siècle et mes contemporains, et sentant que je ne trouverais point au milieu d’eux une situation qui pût contenter mon cœur, je l’ai peu-à-peu détaché de la société des hommes, et je

¹¹ Marc-Michel Rey, “1619. Marc-Michel Rey à Rousseau 13 décembre 1761” in *Correspondance complète de Jean Jacques Rousseau*, ed. R. A. Leigh, t. IX (Madison: The University of Wisconsin Press, 1969), 368.

¹² Chrétien Guillaume de Lamoignon de Malesherbes, “Chrétien Guillaume de Lamoignon de Malesherbes to Jean-Jacques Rousseau: Wednesday, 16 December 1761,” in *Electronic Enlightenment Scholarly Edition of Correspondance*, University of Oxford, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/rousjeVF0090323a1c>.

m'en suis fait une autre dans mon imagination laquelle m'a autant plus charmé que je la pouvais cultiver sans peine, sans risque, et la trouver toujours sûre, et telle qu'il me la fallait.¹³

Thus, well before the writing of the *Confessions*, Rousseau already assumes a position of witness to and victim of grave social injustices, preferring to cultivate a life as only he could imagine: charmed, separate, safe. Through the turn of phrase, “Par les injustices que j’avais éprouvées, par celles dont j’avais été le témoin,” Rousseau uses a judicial metaphor to situate himself in relationship to the reader and to the outside world: he can provide the eye-witness testimony needed to defend himself against the injustices committed by others.¹⁴ It is Rousseau alone who knows the facts of his life and his being – “Moi seul. Je sens mon cœur...”¹⁵ – a being that he perceives as incessantly under attack by his detractors. He occupies a unique position vis-à-vis himself, as he is the only person capable of knowing Jean-Jacques Rousseau, and thus is the only man who can provide truly adequate testimony. Further, he has taken it upon himself to detach himself from social life – where he sees society in a way that resembles his *Discours sur l’inégalité*¹⁶ – because he has been given no other choice—nothing in society remains that could be to his benefit: he has no supporters and no witnesses, and thus he alone must take up his defense. As in the Second Discourse, the seeds of self-defense have been planted in Rousseau’s mind as he navigates a society that appears to become increasingly hostile.

¹³ Jean-Jacques Rousseau, “Lettres diverses de J.J. Rousseau; 12-01-17 Seconde Lettre,” in *Œuvres de Jean-Jacques Rousseau*, eds. Peyrou et Moutou, vol. XII “Pièces sur divers sujets et recueil de lettres sur la philosophie, la morale et la politique” (Genève, 1782). ARTFL, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/rousseauonline/navigate/12/9/43>. For a study on the autobiographical nature of the *Lettres*, see: Jackson, *Rousseau’s Occasional Autobiographies*, 142–186.

¹⁴ On the culture of testimony, see: Bokobza Kahan, “Ethos in Testimony”; *Témoigner des miracles au siècle des Lumières*; Lisa Jane Graham, “Les Témoins dans le droit et la littérature.”

¹⁵ Rousseau, *Les Confessions. Livre I*, 29.

¹⁶ See: Rousseau, *Discours sur l’origine et les fondements de l’inégalité parmi les hommes*, eds. Blaise Bachofen and Bruno Bernardi (Paris: GF Flammarion, 2008). For more on Rousseau’s thought process, see: Arthur M. Melzer, *The Natural Goodness of Man: On the System of Rousseau’s Thought* (Chicago: University of Chicago Press, 1990).

In 1762, Rousseau was the subject of increasing personal attacks following the publication and immediate condemnation of the *Émile* and the *Contrat Social*. Seizing on the allegedly blasphemous religious ideas pronounced by Rousseau in the *Émile*, for example, the *parlement* of Paris – the French *parlements* being primarily judicial bodies in France during this time – put forth a formal *arrêt* (a judgment) on June 9, 1762, condemning the *Émile* and the shamelessness of its author:

Que l’Auteur de ce Livre n’ayant point craint de se nommer lui-même, ne saurait être trop promptement poursuivi ; qu’il est important, puisqu’il s’est fait connaître, que la Justice se mette à portée de faire un exemple tant sur l’Auteur que sur ceux qu’on pourra découvrir avoir concouru soit à l’impression, soit à la distribution d’un pareil ouvrage, digne comme eux de toute sa sévérité.¹⁷

The language of this *arrêt* confirms Rousseau’s sense of persecution—as much as he faces denunciation from other individuals, the *parlements* are seeking to condemn him for his ideas. Rather than participate in the established culture of anonymity, Rousseau actively chose to place his name directly on his work, and thus he is being hunted down, a prey that the *parlement* has in its sights. This gesture by Rousseau was radically different from Voltaire’s practices, the latter often publishing his works anonymously.¹⁸ The *parlement* passes over the content of the book and places Rousseau directly in its line of fire: as much as the content is condemnable, so too is its author. Before the judge, Rousseau and his work are inseparable from one another—the works are condemnable, and so too is their author. While Rousseau saw himself as the preeminent example of the persecuted individual in a corrupt society, the oldest and most prestigious

¹⁷ “Arrest de la cour de Parlement. Extrait des registres du parlement.” (Paris, June 9, 1762), 4. *Gallica*, accessed June 19, 2025, <https://gallica.bnf.fr/ark:/12148/btv1b8601472q/fl.vertical.r=arr%C3%AAt%20parlement%20de%20paris%201762parlement%20de%20paris06-09%20parlement%20de%20paris%2006-09>.

¹⁸ On the culture of anonymity, see: Olivier Ferret, *La Fureur de nuire: échanges pamphlétaires entre philosophes et antiphilosophes (1750-1770)* (Oxford: Voltaire Foundation, 2007). As we will see in Chapter Three of this dissertation, Voltaire had a particular propensity for publishing his works and letters anonymously, whereas Rousseau attached his name to his works.

appellate court in France, the *parlement* of Paris, seeks to make an example of him and all those that collaborate in producing and distributing his works as an individual who threatens social order.

This condemnation forced Rousseau into hiding, but it did not stop him from writing, nor did the act of hiding make Rousseau's conflicts disappear. In fact, going into hiding did little to stave off Rousseau's involvement in various polemics throughout the early 1760s. This is not to say that Rousseau was a Voltairean-type public defender, taking up the defense of those who have been persecuted by the same institutions as himself; Rousseau's focus, rather, was primarily on himself, and thus he took up a *pro se* defense as a uniquely persecuted author.¹⁹ For example, in 1763, when the archbishop of Paris, Christophe de Beaumont prohibited the reading of the *Émile* because of its alleged heretical stances, Rey published a letter by Rousseau that virulently countered the archbishop's positions. As Rousseau writes in concluding his *Lettre à Christophe de Beaumont*:

Monseigneur, vous m'avez insulté publiquement : je viens de prouver que vous m'avez calomnié. Si vous étiez un particulier comme moi, que je puisse vous citer devant un Tribunal équitable, et que nous y comparussions tous deux, moi avec mon Livre, et vous avec votre Mandement, vous seriez certainement déclaré coupable, et condamné à me faire une réparation aussi publique que l'offense l'a été. Mais vous tenez un rang où l'on est dispensé d'être juste ; et je ne suis rien. Cependant, vous qui professez l'Évangile, vous Prélat, fait pour apprendre aux autres leur devoir, vous savez le vôtre en pareil cas. Pour moi j'ai fait le mien, je n'ai plus rien à vous dire, et je me tais.²⁰

¹⁹ Like Voltaire, when great judicial cases occurred in France where the clout of a particular celebrity – Rousseau or Voltaire, for example – could help sway public opinion around the judgment, the parties involved in the case sought also to involve such public figures to help bolster their case. In the case of Rochette, Rousseau was contacted but declined to participate. This is notably unlike Voltaire, who gained a great deal of fame for his involvement in the Calas affair.

²⁰ Rousseau, "Jean-Jacques Rousseau, Citoyen de Genève, à Christophe de Beaumont," *Œuvres de Jean-Jacques Rousseau* eds. Peyrou et Moutou, vol. 6 (Genève: J.M. Gallanar, 1782), *ARTFL*, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/rousseauonline/navigate/6/2>. See further: Bernard Cottret, "Autorité civile, autorité divine chez Jean-Jacques Rousseau. La *Lettre à C. de Beaumont* et les *Lettres écrites de la montagne*, 1763-1764," *Anglophonia/Caliban* 17 (2005): 347–359.

Once again, as Rousseau situates himself within this framework of self-defense, he leans into a judicial metaphor to underscore his point, using language that, as we will see, also appears at the beginning of the *Confessions*. In this long letter, Rousseau lays out his claim against the archbishop for the crime of calumny – a public attack on his honor – and insists upon his own innocence.²¹ There is no doubt that, when he appears before the judges in this metaphorical tribunal, Rousseau will be declared innocent, his name cleared—as the archbishop of Paris insulted him publicly (“vous m’avez insulté publiquement”), Rousseau hopes that his acquittal will be an equally public affair (“vous y seriez certainement déclaré coupable, et condamné à me faire une réparation aussi publique que l’offense l’a été”). While the letter itself does not engage in the same eschatological imagery that we will see at the beginning of the *Confessions*, Rousseau nevertheless uses this metaphor of a tribunal to insist not only upon his innocence, but also upon his ability to demonstrate his innocence. It is not something that is purely self-evident, but rather, requires proof in order to ensure his innocence. In this tribunal, however, Rousseau also recognizes the status of his adversary and the fact that the archbishop has much greater freedom to act as he pleases in public, as his particular social position enhances the believability of his testimony.²² Throughout these conflicts, Rousseau continues to rely on these overt judicial metaphors to highlight injustice and mount his self-defense.

Such letters were widely distributed and read by all corners of the public. As Ourida Mostefai notes, “Sous la forme de lettres ouvertes, ils établirent l’opinion publique comme le

²¹ In Old Regime France, the notion of “honor” was often at the core of legal cases regarding libel and calumny, and thus it is natural for Rousseau to assume a legalistic position in his self-defense. While he cannot combat the truth of the allegations, he can nevertheless try and defend his ideal status as a respectable public individual. For more on the notion of honor and calumny, see: Charles Walton, *Policing Public Opinion in the French Revolution: the Culture of Calumny and the Problem of Free Speech* (Oxford: New York: Oxford University Press, 2009), 39–50.

²² On the importance of the social status of the witness, see: Steven Shapin, *A Social History of Truth: Civility and Sciences in Seventeenth Century England* (Chicago: University of Chicago Press, 2011).

seul arbitre légitime d'un livre et de son auteur."²³ These judicial metaphors were not crafted to appear before a truly "judicial" court; rather, they are distributed to the court of public opinion, where the defendant – Rousseau – hopes to find absolution by his peers, an absolution that the truly judicial courts appear unable to provide.²⁴ The implications of the dispute between the archbishop and Rousseau are not judicial, but are instead social in practice, where Rousseau's success in this tribunal would come through the restoration of his reputation, which the archbishop has roundly attacked. Nevertheless, this dispute was structured significantly by a judicial metaphor, a judicial metaphor that continues to appear in Rousseau's controversies, and one that will prominently figure into the *Confessions*.

Through the publication of the *Lettre à Christophe de Beaumont*, Rousseau believes that he will be able to convince those around him of the injustices committed against him. Far from the isolation in his *Rêveries* – "Me voici donc seul sur la terre"²⁵ – Rousseau's correspondences reveal a strong recognition of the fact that it is through the public's response to the *Lettre* that he will be found innocent of the crimes alleged by Beaumont. For example, he sends to Madame de Luze on March 26, 1763, a copy of his *Lettre à Christophe de Beaumont*, where he writes in the postscript: "Je vous supplie que cet exemplaire ne sorte pas de vos mains jusqu'à la publication de l'ouvrage."²⁶ While Rousseau sends copies of his defense to his friends, he nevertheless wants it to be published on his terms. The next day, March 27, Rousseau expresses in a letter to Madame Boy de la Tour a deep desire to send her a copy of the *Lettre à Christophe de Beaumont*

²³ Ourida Mostefai, *Jean-Jacques Rousseau, écrivain polémique: querelles, disputes et controverse au siècle des Lumières* (Leiden: Brill, 2016), 108.

²⁴ See further: Habermas, *The Structural Transformation of the Public Sphere*; Chartier, *Les Origines culturelles de la Révolution française*; Baker, *Inventing the French Revolution*; and Ozouf, "Le Concept d'opinion publique au XVIII^e siècle."

²⁵ Jean-Jacques Rousseau, *Les Rêveries du promeneur solitaire*, ed. Érik Leborgne (Paris: GF Flammarion, 1997), 37.

²⁶ Rousseau, "955. À Madame de Luze 26 mars 1763," in Jean-Jacques Rousseau, *Lettres*, t. 3, 1387.

as well: “J’ai fait imprimer une *Lettre* à M. l’archevêque de Paris, dont je viens de recevoir quelques exemplaires ; je voudrais bien, Madame, vous en faire passer un ; mais je ne sais comment faire. Quoique la brochure soit fort petite, cela est trop fort pour être envoyé par la poste...”²⁷ Rousseau clearly sends copies only when he is confident that they will not fall into the wrong hands—for if the letter were to fall into the wrong hands before Rousseau is ready, it could be disastrous, ensuring failure to attract supporters to his side. This judicial language continues in his correspondences, the use of which demonstrates an active effort by Rousseau to engage his social circle in the controversies.²⁸ Clearly, Rousseau is attempting to draw supporters by debasing the claims put forth by the archbishop. He writes to Madame de Luze, for example: “Parmi tous leurs écrits contre moi, j’ai choisi le moins sot pour y répondre, et très heureusement il s’est trouvé chez les catholiques. J’ai cru, d’ailleurs, devoir distinguer un homme en place de ces petits insectes venimeux et anonymes dont les piqûres ne valent pas même qu’on daigne les écraser dessus.”²⁹ By enumerating these attacks and providing his own testimony in order to defend himself, Rousseau is actively working to ensure that he is able to attract people over to his side, preventing him from being alone in this battle. This appeal to the court of public opinion – a recognition of its expiatory powers – is a common thread throughout the final decades of Rousseau’s life, extending well beyond the limits of his engagement with Beaumont. In fact, it is a constant theme throughout many of his writings.

²⁷ Rousseau, “956. À Madame Boy de la Tour 27 mars 1763,” in *Ibid.*, 1388.

²⁸ For example, see: Rousseau, “957. À la marquise de Verdelin 27 mars 1763,” in *Ibid.*, 1390: “Quand des quidams sous le nom de Sorbonne ont voulu pour juger de mon livre, et se sont aussi bêtement qu’insolamment arrogé le droit de me censurer, après avoir parcouru rapidement leur sot écrit, je l’ai jeté par terre et j’ai craché dessus pour toute réponse. Mais je n’ai pu lire avec le même dédain le *Mandement* qu’a donné contre moi M. l’archevêque de Paris ; premièrement parce que l’ouvrage en lui-même est beaucoup moins inepte, et parce que, malgré ses travers, j’en ai toujours estimé et respecté l’auteur. Ne le jugeant donc pas indigne d’une réponse, j’en ai fait une qui a été imprimée en Hollande, et qui, si elle n’est pas encore publique, le sera dans peu. Si elle pénètre jusqu’à Paris et que vous en entendiez parler, Madame, je vous prie de me marque naturellement ce qu’on en dit ; il m’importe de le savoir.”

²⁹ Rousseau, “955. À Madame de Luze 26 mars 1763,” in *Ibid.*, 386–387.

Already enmeshed in controversies centered around questions of legality, such as the publishing and reading of the *Émile*, Rousseau is also actively confronting social controversies. This situation is perhaps most clearly illustrated by the *Sentiment des citoyens*, published by Voltaire in 1764.³⁰ Written from the position of a Genevan preacher, the *Sentiment* was a response to Rousseau's series of letters, the *Lettres écrites de la montagne* (written between 1763 and 1764), in which Rousseau attacks the Genevan *Petit Conseil* for its condemnation of the *Émile* and the *Contrat Social*. Unlike Rousseau's *Émile*, where the author's name was attached to the work, Voltaire wrote the *Sentiment des citoyens* anonymously, leading Rousseau to guess that someone other than Voltaire had written the text.³¹ Regardless, the anonymous text is deeply critical of Rousseau's personal life and sharply denounces his abandonment of his children.

Voltaire writes:

Est-ce un homme de bien qui, trompé par un faux zèle, fait des reproches indiscrets à des hommes vertueux ? Nous avouons avec douleur et en rougissant que c'est un homme qui porte encore les marques funestes de ses débauches, et qui, déguisé en saltimbanque, traîne avec lui de village en village, et de montagne en montagne, la malheureuse dont il fit mourir la mère, et dont il a exposé les enfants à la porte d'un hôpital en rejetant les soins qu'une personne charitable voulait avoir d'eux, et en abjurant tous les sentiments de la nature comme il dépouille ceux de l'honneur et de la religion.³²

To attack publicly the author of the *Émile* for scandalously callous abandonment of his children was indeed a grave insult—the problem for Rousseau, however, was that it was true, and he could not bear the fact that the public might accuse of him of hypocrisy. It was this attack that sparked Rousseau's desire to take up his self-defense. The record needed to be set straight, his

³⁰ For more on this, see: Armand F. Mettraux, "Rousseau et Voltaire: La guerre des philosophes," *Revue des Sciences philosophiques et théologiques* 83, no. 2 (Avril 1999): 273–291; Henri Gouhier, *Rousseau et Voltaire: Portraits dans Deux Miroirs* (Paris: Librairie Philosophique J. Vrin, 1983).

³¹ Voltaire had a particular proclivity for writing texts anonymously. For more on this practice, see: Nicholas Cronk, "Voltaire and Authorship," in *The Cambridge Companion to Voltaire*, ed. Nicholas Cronk (Cambridge: Cambridge University Press, 2009), 31–46.

³² Voltaire, "Sentiment des Citoyens," in *Œuvres complètes de Voltaire*, ed. Louis Moland (Paris: Garnier, 1877–1885), *ARTFL*, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/toutvoltaire/navigate/711/1/>.

character kept intact. “Je me peindrai,” he told Duclos, “tel que je fus, tel que je suis ; le mal offusquera presque toujours le bien, et malgré cela j’ai peine à croire qu’aucun de mes lecteurs ose se dire, ‘je suis meilleur que ne fût cet homme-là.’”³³ Such language can be found in the opening pages of the *Confessions* as well. In this letter, written on January 13, 1765, Rousseau expresses to his friend, Duclos, the gravity of the growing plot against him. He believed – erroneously – that his former friend, Madame d’Épinay had provided information to bolster this extraordinary libel – the *Sentiment des citoyens* – condemning him, an insult that emboldens Rousseau further to take the stand, as it were, in his own defense and to defend his honor.³⁴ This moment embodies a critical turn in the life of Rousseau: the conflation of social and judicial persecution, where both the *parlements* and private citizens are seeking to condemn him. In addition to being a target of inquiry and condemnation by the courts, Rousseau also sees himself as being targeted by the public at large. His *Confessions*, I will argue, are an attempt to make his case before the court of public opinion, a sort of legalistic appeal to a new judgmental body following his judicial condemnation by the *parlements*. Self-writing, thus, is the vehicle through which Rousseau will attempt to be the primary witness in his own defense, as it is only he who knows himself; it is only he who can testify to the goodness of his soul.

As Rousseau’s works are burned and he is legally barred from entering Geneva, the rising conspiracy against Rousseau – anonymous assaults by Voltaire, betrayal by Madame d’Épinay,

³³ Rousseau, “1307. À Duclos 13 janvier 1765,” in Rousseau, *Lettres*, t. 4, 1868.

³⁴ “Ils travaillent beaucoup à me faciliter l’entreprise d’écrire ma vie que vous m’exhortez de reprendre. Il vient de paraître à Genève un libelle effroyable pour lequel la dame d’Épinay a fourni des mémoires à sa manière, lesquels me mettent déjà fort à mon aise vis-à-vis d’elle et de ce qui l’entoure. Dieu me préserve toutefois de l’imiter même en me défendant ; mais, sans révéler les secrets qu’elle m’a confiés, il m’en reste assez de ceux que je ne tiens pas d’elle pour la faire connaître autant qu’il est nécessaire en ce qui se rapporte à moi. Elle ne me croit pas si bien instruit, mais puisqu’elle m’y force, elle apprendra quelque jour combien j’ai été discret.” in *Ibid.* As R. A. Leigh notes, however, it was *not* Mme d’Épinay who provided Voltaire with information—instead, it was Doctor Tronchin. See further: Rousseau, “Jean Jacques Rousseau to Charles Pinot Duclos: Sunday, 13 January 1765,” in *Electronic Enlightenment*, ed. R. A. Leigh, footnotes 3 and 4, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/rousjeVF0230099a1c>.

Grimm, Diderot, and Hume – is not simply a series of literary attacks designed to slander his reputation. Rather, this apparent vitriol towards Rousseau begins to manifest itself as an active threat against his life. Following a particularly malicious sermon by the pastor Montmollin in September 1765, crowds of people began throwing rocks at Rousseau’s house in Môtiers over the course of several nights, forcing him to flee. The forces turning against Rousseau are not simply the institutions, nor men of influence like Voltaire or Montmollin; instead, it’s the people. These public attacks reach a climax when Rousseau begins to have a public falling-out with his friend, David Hume. Like much of Rousseau’s story, moments like this have already been studied at length, often in formidable ways. I am choosing to reexamine them, however, because I believe that by looking at these events through the lens of the judicial metaphor, the judicial nature of the *Confessions* is further illuminated. This episode in Rousseau’s life is particularly valuable for understanding how he mobilizes this judicial metaphor in order to prepare an overtly public defense against attacks to his character and reputation.

Well documented and studied by scholars such as Ourida Mostefai³⁵ and Dena Goodman³⁶, the Rousseau-Hume affair is a key moment in the history of the 18th Century Republic of Letters, a moment in which a private affair becomes a public scandal.³⁷ After fleeing Switzerland and going to England with David Hume, Rousseau became increasingly distrustful of the Scottish philosopher, causing the friendship to disintegrate. Rousseau first believed that Hume was spying on him and later believed that Hume figured into a larger plot to lure him to England in order to mock and destroy him; this quarrel between the two friends began to take a

³⁵ Ourida Mostefai, “Jean-Jacques Rousseau et les différends des Lumières. Le conflit entre David Hume et Jean-Jacques Rousseau,” *Littératures classiques* 2, no. 81 (2013): 119–129.

³⁶ Dena Goodman, “The Hume-Rousseau Affair: From Private Querelle to Public Procès,” *Eighteenth-Century Studies* 25, no. 2 (Winter, 1991-1992): 171–201.

³⁷ See further: Henri Guillemin, *Cette Affaire infernale. J.-J. Rousseau-Hume—1766* (Paris: Plon, 1942). For more on the interest of the public in private affairs, see: Sarah Maza, *Private Lives and Public Affairs*.

public turn following the publication of letters and accounts of the two men's falling out. In a letter on July 10, 1766, Rousseau accused Hume of grave betrayals, outlining the various figurative "*soufflets*" [slaps] with which the Scotsman attacked him.³⁸ He writes, "Je vous ferai l'histoire des mouvements de mon âme et de ce qui les a produits, et nommant M. Hume en tierce personne, je vous ferai juge vous-même de ce que je dois penser de lui."³⁹ Rousseau places the reader in the position of judge in order to weigh in on the matter—as much as Hume is the reader, so too is the public, as this letter was actively circulated. It is the public – which has taken a great interest in this controversy – that will ultimately judge the accounts of the two men and will place its support behind one philosopher or the other. In doing so, and in tracking the history of his soul, Rousseau engages in a style of writing that prefigures his *Confessions*, focusing instead on the actions of his adversary, rather than himself. As Dena Goodman writes:

Just as an earlier epiphany had shown Rousseau that the history of humanity was a history of corruption, this one caused him to rewrite his own history as one of betrayal. He now went back and reinterpreted Hume's every word and action since they had departed France in this new light. He found evidence of Hume's treachery as early as Calais, and traced it through their time in England. He accused him of actions that ranged from giving him a strange look to intercepting and opening his mail.⁴⁰

This falling-out with David Hume precipitated a dramatic shift in Rousseau's life, in which he began to recognize what appeared to be a growing conspiracy against him. This sense of a

³⁸ Rousseau, "Lettre à M. David Hume [10-07-1766]," *Œuvres de Jean-Jacques Rousseau*, eds. Peyrou et Moulton, vol. 12, *Pièces sur divers sujets et recueil de lettres sur la philosophie, la morale et la politique* (Genève: J.M. Gallanar, 1782), 554–555. Rousseau writes, for example, "M. Hume ayant été mon conducteur en Angleterre, y était, en quelque façon, mon protecteur, mon Patron. S'il était naturel qu'il prît ma défense, il ne l'était pas moins qu'ayant une protestation publique à faire, je m'adressasse à lui pour cela. Ayant déjà cessé de lui écrire, je n'avais garde de recommencer. Je m'adresse à un autre. Premier soufflet sur la joue mon Patron. En disant que la lettre était fabriquée à Paris, il m'importait fort peu lequel on entendit de M. d'Alembert ou de son prête-nom M. Walpole ; mais en ajoutant que ce qui navrait à déchirait mon cœur était que l'imposteur avait des complices en Angleterre, je m'expliquais avec la plus grande clarté pour leur ami qui était à Londres, & qui vouloir passer pour le mien. Il n'y avait certainement que lui seul en Angleterre dont la haine pût déchirer & navrer mon cœur. Second soufflet sur la joue de mon Patron. Il n'en sert rien." *ARTFL*, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/rousseauonline/navigate/12/9/160>.

³⁹ *Ibid.*, 538.

⁴⁰ Goodman, "The Hume-Rousseau Affair," 177.

conspiracy, with attacks coming from even those who were closest to him, continues to lead to the opening gambit of the *Confessions*, where, as we will see, Rousseau stands alone in his self-defense. Moreover, news of the quarrel began to spread in social circles. Far from a private quarrel amongst friends, this affair would become an increasingly public matter.⁴¹ Hume would ultimately publish the *Exposé Succinct de la Contestation qui s'est Élevée entre M. Hume et M. Rousseau avec les pièces justificatives*, and then in English, *A Concise and Genuine Account of the Dispute between Mr. Hume and Mr. Rousseau*.

According to Dena Goodman, Hume “restricted himself not simply to the facts of the case, but to the documents from which the facts could be drawn.”⁴² By formally publishing this text, Hume took the affair beyond the salons of the Republic of Letters and formally engaged the public in this private quarrel, going one step farther than Rousseau in his simple (yet very detailed) letter. Engaging in a legalistic argument against Rousseau by relying on the use of documents, Hume gave a judicial turn to a private, social affair. There was a growing fear that Rousseau would use his memoirs – the *Confessions*, which he was in the process of writing – to attack his enemies. By taking this step, it appears that Hume was seeking to preemptively defend himself against any charges brought on by Rousseau. As we saw in the last chapter, this very well may have been the same tactic employed by Louise d’Épinay when she wrote about the “Hermitage Affair” in the *Histoire de Madame de Montbrillant*; unlike Hume, however, Louise d’Épinay did not publish her work. As we saw in Chapter One, Louise d’Épinay began writing *Montbrillant* in the 1750s and would finish it around 1770. While she could have published the

⁴¹ Goodman describes the Republic of Letters as “that small but growing group of elite men and women who met in Parisian salons, and were bound together through networks of friendship, newsletters, and epistolary exchange. They had no official government, but their collective identity was increasingly shaped by the sociability and discourse of Enlightenment.” *Ibid.*, 177. See further: Dena Goodman, *The Republic of Letters: A Cultural History of the French Enlightenment* (Ithaca: Cornell University Press, 1996); Antoine Lilti, *Figures publiques*.

⁴² *Ibid.*, 182.

work and preempted a response to Rousseau's *Confessions* – as his public readings of his work were known – *Montbrillant* would not be published until the early 19th century.

The early 1760s – the years before and during the writing of the first part of the *Confessions* – were marked by events that greatly shaped Rousseau's sense of self-defense. As institutions, his friends, and the public turned progressively against him, Rousseau became increasingly separated from society to the point that he had only one place to turn: inward. It is through this remarkable inward turn that Rousseau would take up a legalistic defense against his detractors, with the hopes of appealing to any benevolent judge that was still out there. While he sensed that the conspiracy against him was growing, he maintained faith in the ability of the public at large to judge him fairly.

II.2. The Power and Limits of Individual Testimony in Part I of the *Confessions*

Rousseau's isolation constitutes a critically important framework for the beginning of the *Confessions*. Because of his unique position in – or, as he sees it, outside of – society, Rousseau believed that he alone was the only person capable of undertaking his defense. Much like the beginning to his later *Rêveries*, where he writes, “Me voici donc seul sur la terre,”⁴³ he stands alone before his judge at the beginning of the *Confessions*, with nobody else willing or able to stand beside him in his defense. It is he who knows his thoughts, his feelings, and his life; to have someone else stand in defense of him risks misinterpretation, if not utter disfiguration. The beginning of the *Confessions* is marked by this isolated individuality, the accused standing alone as he wades into a judicial proceeding that only he can take part in:

Moi seul. Je sens mon cœur et je connais les hommes. Je ne suis fait comme aucun de ceux que j'ai vus ; j'ose croire n'être fait comme aucun de ceux qui existent. Si je ne vaud pas mieux, au moins je suis autre. Si la nature a bien ou mal fait de briser le moule dans lequel elle m'a jeté, c'est ce dont on ne peut juger qu'après m'avoir lu.⁴⁴

⁴³ Rousseau, *Les Rêveries du promeneur solitaire*, 37.

⁴⁴ Rousseau, *Les Confessions. Livre I*, 29.

Unlike a lawyer who has learned the facts about his client, it is only Rousseau who possesses this knowledge of himself; the accused is in such an exceptional position that only he can take up his defense, as it is only he who possesses the knowledge capable of providing a fair defense. This underscoring of his singularity represents, in some way, a radical departure from the presentation of his other writings, such as, for example, the *Contrat Social*, where he writes: “Né citoyen d’un État libre, et membre du souverain, quelque faible influence que puisse avoir ma voix dans les affaires publiques, le droit d’y voter suffit pour m’imposer le devoir de m’en instruire.”⁴⁵ Member of a collective sovereign, he is nevertheless a unique individual presenting himself to his reader here at the opening of the *Confessions*. In fact, by this time, because of the decisions of the Petit Conseil in Geneva, Rousseau is forbidden from returning to his homeland as a member of the collective sovereign. He is thus unable to stand before the tribunal of any particular nation or region. Rather, his destiny has thrust upon him alone the task of taking up his own defense, be it before the divine judge of the Last Judgment or any possible robed, terrestrial judge. Rousseau can only be judged once his defense has been read. Rather than waiting on a judge to hand down a decision, the reader, any reader, can find Rousseau innocent upon reading the *Confessions*. This moment is a radical departure from a long tradition of autobiographical writing, going all the way back to Saint Augustine.

While Rousseau has given his work the same title as Augustine did – *Confessions* – he inverts the tradition established by the bishop of Hippo. “Augustine *is* what he is for God,” Ann Hartle tells us, “Only God can say what Augustine is. God sees in Augustine what even Augustine cannot see in himself.” Rousseau’s knowledge, on the other hand, is centered around self-knowledge; as his figure has become increasingly attacked by others, he develops a growing

⁴⁵ Jean-Jacques Rousseau, *Du Contrat Social*, ed. Pierre Burgelin (Paris: GF Flammarion, 1966), 39.

sense that it is only he who truly knows himself. Hartle continues, “Rousseau’s enterprise in *The Confessions* is the revelation of himself precisely as he is. He claims to see himself as he is, and what he is within, invisible to other. This inner self is experienced as the feeling of one’s own existence.”⁴⁶ This is not to negate God’s existence, as Rousseau believes in God as much as he believes in any other truth; rather, it is a turn away from the Augustinian belief that God knows man better than man knows himself.⁴⁷ This self-knowledge is known, however, to Rousseau and Rousseau alone; it is through this text that the “*on*” – the imprecise French pronoun that here constitutes his readership – will also come to know Rousseau as only he himself does. It is through this unique self-knowledge that Rousseau recognizes himself as being the only person that can take up his defense.

The opening strategy of the *Confessions* implies much more than a simple knowledge of the self; it is centered upon the way in which this self-knowledge can be martialled to defend Rousseau against his detractors, and even God himself. To accomplish this, however, Rousseau must construct a judicial scene within which this defense can take place. My analysis builds on the work done by Gisèle Mathieu-Castellani, who examines the way a metaphorical tribunal shapes the way Rousseau presents his life. She writes:

L’écriture se met alors en scène dans un dispositif singulier où l’on reconnaît un avatar de la situation judiciaire. Voici en effet que se constitue et se reconstitue au fil des pages de l’autobiographie un tribunal imaginaire devant lequel vient solennellement déposer un inculpé, voici que se figure le lieu idéal d’un interminable procès, où des juges, un (petit) juge, ou le

⁴⁶ Ann Hartle, *The Modern Self in Rousseau's Confessions: A Reply to Saint Augustine* (Notre Dame: University of Notre Dame Press, 1983), 15. For a more theological approach to reading Rousseau, see: Jeremiah Alberg, *A Reinterpretation of Rousseau: A Religious System* (New York: Palgrave Macmillan, 2007).

⁴⁷ As Rousseau writes in his *Lettre à Voltaire sur la Providence*: “Si Dieu existe, il est parfait ; s’il est parfait, il est sage, puissant & juste ; s’il est sage & puissant, tout est bien ; s’il est juste & puissant, mon âme est immortelle.” Rousseau, “Lettre à Monsieur de Voltaire,” in *Œuvres de Jean-Jacques Rousseau*, vol. 12 (1782), 107, *ARTFL*, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/rousseauonline/navigate/12/8/2>. See further: Victor Gourevitch, “Rousseau on Providence,” *The Review of Metaphysics* 53, no. 3 (March 2000): 565–611; John T. Scott, *Rousseau’s God: Theology, Religion, and the Natural Goodness of Man* (Chicago, London: The University of Chicago Press, 2023).

(grand) Juge, ont à entendre un accusé, accompagné de ses témoins, flanqué de ses avocats, puis à rendre sentence. Voici que s'impose la scène judiciaire.⁴⁸

Mathieu-Castellani's definition allows for a degree of variability around who the judge is in the *Confessions* – a figure that often seems to be changing – and whether or not the establishment of a tribunal implies a genuine desire for acquittal, given that the nature of a literary trial is that it is *interminable*, never-ending. It poses a fundamental question about whether a single sentence be handed down that is able to exculpate the accused once and for all, or if every reader who engages with the *Confessions* will pass his or her own judgment. Regardless of the potentially interminable nature of the trial, it is nevertheless a fact that in presenting his work, his “case,” before a judge, Rousseau is continuously partaking in a metaphorical judicial ritual, where readers for the rest of time will be tasked with judging his character. Up to this point, Rousseau has heard the accusations against him. He has read the *Sentiment des citoyens* and the *Exposé Succinct de la Contestation qui s'est Élevée entre M. Hume et M. Rousseau avec les pièces justificatives*. He has heard his name slandered and has seen the proofs against him. And, while he attempted to give contemporary testimonies – the *Lettre à C. de Beaumont*, the *Lettres à Malesherbes*, the *Lettres écrites de la montagne* – they failed to lead to his acquittal.

While Mathieu-Castellani's study considers the judicial structure within which Rousseau can present his defense, the purpose of this chapter is to analyze the particular role of proof within this tribunal. Rather than simply use the *Confessions* to construct a typical judicial scene, I argue that Rousseau reimagines a judicial scene in which he may be found innocent while still being one that mirrors his lived reality, a reality marked by his profound isolation; the burden of proof, thus, falls upon Rousseau alone. That is to say that Rousseau is not flanked by lawyers and witnesses who are able to testify to his innocence—his sole, sincere testimony is all that he

⁴⁸ Mathieu-Castellani, *La Scène judiciaire de l'autobiographie*, 14.

believes he can give in the first part of his work.⁴⁹ He believes, in turn, that the *Confessions* will continue to attract witnesses to his defense—once it is read, they will grasp his innocence and the gravity of his persecution and will flock to his side. Mathieu-Castellani’s consideration, however, of the presence of different judges is critical to understanding Rousseau’s gesture. Who is the judge of the *Confessions*? From whom is Rousseau seeking his acquittal? And does the judge assume a singular, traditional role, or does the reimagined Rousseauian tribunal allow for various configurations of judges? At the core resides the question of what exactly the *Confessions* are as a text, a text in which Rousseau navigates his desire to seek absolution. Alternating between his divine and terrestrial judge, the reader is called upon to preside over the trial and to determine what types of evidence are adequate. In doing so, the reader is tasked with judging whether or not the *Confessions* – a written self-defense – is able to demonstrate Rousseau’s innocence and goodness.

It is right at the beginning of the *Confessions* where he establishes this intimate relationship between his “self” and his written self-defense, the *Confessions*. He writes:

Que la trompette du Jugement dernier sonne quand elle voudra, je viendrai ce livre à la main, me présenter devant le souverain juge. Je dirai hautement : “Voilà ce que j’ai fait, ce que j’ai pensé, ce que je fus. J’ai dit le bien et le mal avec la même franchise. Je n’ai rien tu de mauvais, rien ajouté de bon, et s’il m’est arrivé d’employer quelque ornement indifférent, ce n’a jamais été que pour remplir un vide occasionné par mon défaut de mémoire ; j’ai pu supposer vrai ce que je savais avoir pu l’être tel que je fus ; méprisable et vil quand je l’ai été, bon généreux, sublime, quand je l’ai été : j’ai dévoilé mon intérieur tel que tu l’as vu toi-même. Être éternel, rassemble autour de moi l’innombrable foule de mes semblables ; qu’ils écoutent mes confessions, qu’ils gémissent de mes indignités, qu’ils rougissent de mes misères. Que chacun d’eux découvre à son tour son cœur aux pieds de ton trône avec la même sincérité ; et puis qu’un seul te dise, s’il l’ose : *Je fus meilleur que cet homme-là*.”⁵⁰

⁴⁹ As Lorraine Daston writes, “Implicit in this conventional distinction between facts and evidence is that in order for facts to qualify as credible evidence, they must appear innocent of human intention. Facts fabricated as evidence, that is, to make a particular point, are thereby disqualified as evidence. Nature’s facts are above suspicion, because presumed free of any intention, but man-made facts also qualify: the blood-stained weapon found at the scene of a murder counts as incriminating evidence as long as it was not planted there with the intention of incriminating; the unaffected simplicity of the witness adds weight to testimony as long it was not feigned with the intention of persuading.” Daston, “Marvelous Facts and Miraculous Evidence,” 94. Rousseau’s isolated testimony can function as an adequate piece of evidence in his defense, as long as it is not given with the intent to persuade .

⁵⁰ Rousseau, *Les Confessions I-VI, Livre I*, 29–30.

In this well-known apocalyptic opening scene, it is first before God that Rousseau will present his work, a work that contains the totality of his being – the *Confessions* – from his actions to his thoughts to his feeling. It is not happening in the present moment, but rather, in the future—note the verbs *voudra* and *viendrai*. Rousseau is not yet before God—after all, he still has earthly matters to deal with. While Rousseau’s fundamental motivation in writing the *Confessions* might well have been rooted in a desire to take on a new epistemological and anthropological study of the self, it is nevertheless the case that a judicial metaphor at the beginning of the *Confessions* is overtly present.⁵¹ It is a work of exceptional frankness, with every detail of Rousseau’s life, the good and the bad; and it is here where the novelty of the Rousseau’s philosophical and epistemological enterprise is clear. As much as he is guilty of transgressions, he is also a man of fundamental goodness. Moreover, as the judicial metaphor implies, the totality of man must appear before the court, and both the judge and God will summon before Rousseau a crowd of his peers to hear and, he hopes, be moved by his *Confessions*.

Jean Starobinski underscores how much this moment at the beginning of the *Confessions* is rooted in biblical language:

Chacun pourrait alors devenir – à l’instar du Christ – l’éducateur du genre humain, qui exalte les cœurs et y réveille une bonté paralysée. L’imitation de Jésus-Christ, chez Rousseau, est l’imitation de l’acte “divin” par lequel une conscience humaine solitaire devient source de vérité ou transparence à une vérité venue au-delà. [...] Rousseau, qui ne cherchera pas à faire son salut par le Christ, veut annoncer la vérité comme le Christ.⁵²

Like Christ, Rousseau sees himself as an educator of mankind, whose truths are able to stir emotions and prompt man to turn inward to question his own being. He is able to touch hearts directly, bypassing the rationality of the mind and reaching the sensitivity of the soul to persuade

⁵¹ On the intellectual genesis of Rousseau’s *Confessions*, see: Gauthier Ambrus, “Sur la genèse conceptuelle des *Confessions*,” *Genesis* 52 (2021): 159–172.

⁵² Starobinski, *La Transparence et l’obstacle*, 89–90.

the reader of his goodness.⁵³ This biblical metaphor is critical for understanding from the outset the way in which Rousseau conceives the power of proof: it is through the establishment of an inner certainty – rather than geometric or mathematical certainty – that the reader-judge will be certain of Rousseau’s innocence.⁵⁴ This certainty, we will see, becomes a critical problem in the judicial scenes that take place during Rousseau’s childhood.

This biblical language marks a recognition at the beginning of the work of the fact that that Rousseau’s individual struggle is revelatory of a general struggle, one that characterizes the human condition. This point is made abundantly clear at the end of the passage: “Que chacun d’eux découvre à son tour son cœur aux pieds de ton trône avec la même sincérité ; et puis qu’un seul te dise, s’il l’ose : *Je fus meilleur que cet homme-là*.”⁵⁵ Rousseau reimagines here the language used by Jesus during the parable of the woman caught in adultery, seen in the Book of John. In particular, he is rewriting John 8:7: “Que celui d’entre vous qui n’a jamais péché lui jette la première pierre !” Both instances depict the exposition of one’s faults before a crowd, a crowd of individuals who recognize that they, too, have committed faults, and thus are moved to abstain from passing judgment.⁵⁶ The use of an overtly religious reference at the end of the preamble to the *Confessions* suggests that Rousseau is aiming to establish an intimate relationship between himself and his readers, where his soul will be bared transparently before those who may have the willingness to regard themselves introspectively after reading Rousseau.

⁵³ See: Gourevitch, “Rousseau on Providence,” 599: “The contrast [...] between being convinced and being persuaded corresponds to the contrast which he draws [...] between reason proper and sentiment, as well as with the contrast which he goes on to draw between demonstration proper and proofs of sentiment. To convince and to demonstrate is to establish “physical” certainty; to persuade and to offer proofs of sentiment is to establish “moral” certainty.” See further: Christopher Kelly, “‘To Persuade without Convincing’: The Language of Rousseau’s Legislator,” *American Journal of Political Science* 31, no. 2 (May 1987): 321–335.

⁵⁴ On the philosophical disputes over geometrical certainty and inner certainty, see: Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton: Princeton University Press, 1988).

⁵⁵ Rousseau, *Les Confessions*, Livre I, 30.

⁵⁶ Geneviève Di Rosa, *Rousseau et la bible: Pensée du religieux d’un philosophe des Lumières* (Leiden, Boston: Brill, Rodopi, 2016), 108.

This assumption of a singular, christic role is not simply a biblical metaphor, but rather touches on the particular way in which Rousseau perceives his legal position in this tribunal before his judges, both God and the public. It is not simply the fact that Rousseau does not have a lawyer to defend him in this court, but rather that Rousseau believes that he alone is capable of pleading his case—to hand over his word – his work – to another would risk it being manipulated, tainted, even destroyed. As Morihiko Koshi notes, parts of his *Confessions* – particularly in Part II (Books VII to XII) – thus takes on the form of a *mémoire judiciaire*, a commonplace legal document in Old Regime France that is, however, coming from a very atypical man.⁵⁷ Koshi's work provides an invaluable starting for the present study, as he reads the *Confessions* through an overtly judicial lens; however, his work focuses primarily on one particular part of the *Confessions* – Rousseau's defense of himself and his intentions against Voltaire's claims of child abandonment – and the way in which legalistic language drives Rousseau's rhetoric. My study, on the other hand, treats the entirety of the *Confessions* as a legalistic defense, where legal proof is used throughout the work in an effort to demonstrate Rousseau's innocence and goodness, from paradigmatic childhood moments to more recent quarrels. Koshi observes that:

Dans cette perspective, *Les Confessions* de Jean-Jacques Rousseau présenteraient un cas typique : pour l'auteur le procès n'aura pas lieu devant le tribunal mais dans et par le discours autobiographique ; pour se justifier devant le public, il n'avait plus qu'un recours : écrire ses mémoires. *Les Confessions* apparaissent alors comme une sorte d'esquisse de la défense que l'inculpé aurait présentée en cas de procès. Son discours de plaidoirie installe un tribunal de substitution sous une forme imaginaire, en construisant l'interaction du narrateur-avocat avec le juge, c'est-à-dire le lecteur hypothétique.⁵⁸

Rather than engaging in the typical rhetoric of a plea that is to be presented before a true judicial court, Rousseau is actively using his autobiography to deliver a plea before the court constructed

⁵⁷ Koshi, "Le mémoire judiciaire et *Les Confessions* de Jean-Jacques Rousseau," 289–310.

⁵⁸ *Ibid.*, 289–90.

in the *Confessions*. Through the literary form of the autobiography, Rousseau is able to bypass the traditional legal process and mount his defense.

From the outset, Rousseau has in mind the sense of a particular kind of recipient of the text, those to whom the proof of his innocence is immediately clear, one who can feel in their heart of hearts that Rousseau is innocent.⁵⁹ Moreover, beyond its title, it is more than a confession: the reader is called to judge, rather than passively read or listen. As much as he is seeking absolution, he is demonstrating, through evidence, that he is innocent and good, rather than relying simply on the act of “confessing.”⁶⁰ The *Confessions* were written in order to assure the readers of Rousseau’s innocence, freeing them of any doubt and ultimately exculpating him.⁶¹ But in order for this to happen, the trial must take place: the accused must present his *pro se* defense before his judge. It is a story of Rousseau’s life, thus, but one that must be ardently defended: a “self-defense autobiography.”

Very early on, Rousseau recognizes the fact that doubt may seep into his readers’ minds. He writes:

Dans l’entreprise que j’ai faite de me montrer tout entier au public, il faut que rien de moi ne lui reste obscur ; il faut que je me tienne incessamment sous ses yeux, qu’il me suive dans tous les égarements de mon cœur, dans tous les recoins de ma vie ; qu’il ne me perde pas de vue un seul instant, de peur que, trouvant dans mon récit la moindre lacune, le moindre vide, et se demandant, qu’a-t-il fait durant ce temps-là, il ne m’accuse de n’avoir pas voulu tout dire.⁶²

Doubt can only be avoided through the act of telling the reader everything: “*tout dire*.”

Rousseau’s conception of “telling all” takes two forms: first, to tell everything, even the

⁵⁹ That is not to say that the facts should be interpreted in an outright positivist manner. Rousseau knows that his readers have their doubts about the veracity of his account, and so he seeks to prove it to them. See further: Carlo Ginzburg, “Checking the Evidence: The Judge and the Historian,” *Critical Inquiry* 18, no. 1 (Autumn 1991): 83–85.

⁶⁰ Paul de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust* (New Haven: Yale University Press, 1979), 278–301.

⁶¹ Pascal Brissette, “Le Lecteur en procès,” 182: “Il écoute, mais il peut aussi interroger, soupçonner, enquêter, et Jean-Jacques doit travailler à prévenir l’enquête et la germination du soupçon. C’est dire que la conscience du lecteur est un danger potentiel pour le narrateur, que cette conscience peut douter de son intégrité et chercher la faute oubliée, le crime non avoué, la vérité tue.”

⁶² Rousseau, *Les Confessions*, Livre II, 89.

unsayable; and second, to say everything as it comes from memory, letting his memory control his writing, rather than selecting memories to recount.⁶³ It appears that Rousseau does not fear that the reader will doubt the truthfulness, the authenticity, of each piece of evidence. Rather, he worries that any potential gaps in his account could foster to doubt. Nevertheless, he presumes that the reader-judge will recognize the inherent link between the evidence presented and its fundamental truth: each piece of accumulated evidence will lead to the full proof of Rousseau's innocence.

Rousseau's overture is not judicial in a strictly practical sense – that's to say, designed to be presented before a very human judge – but rather shaped by its overt religious tone, a rhetorical effort to give authority to his case—just as he will be absolved in the next lifetime, he should also be absolved in his current one. As Geneviève Di Rosa emphasizes, Rousseau paints an image marked by eschatological and apocalyptic language.⁶⁴ His testimony is given its strongest value precisely because he is presenting it during his Last Judgment (“*Que la trompette du jugement dernier sonne...*”). The Bible itself gives a variety of descriptions of the Last Judgment, many of which may inform the way we are able to read Rousseau's opening proclamation. In the Gospel of Matthew, for example, it is written, “Or, je vous le déclare, au jour du jugement les hommes rendront compte de toute parole sans fondement qu'ils auront prononcée. En effet, c'est en fonction de tes propres paroles que tu seras déclaré, ou que tu seras

⁶³ Rousseau writes, “car si je tais quelque chose on ne me connaîtra sur rien, tant tout se tient, tant tout est un dans mon caractère, et tant ce bizarre et singulier assemblage a besoin de toutes les circonstances de ma vie pour être bien dévoilé.” “Préambule du manuscrit de Neuchâtel” in *Les Confessions VII à XII*, 437. On the art of allowing memory to control writing, see: Stéphane Chauvier, “Mémoire autobiographique et identité personnelle,” in *Rousseau et Locke: Dialogues critiques*, dir. Johanna Lenne-Cornuez and Céline Spector (Liverpool: Liverpool University Press, 2022), 19–37.

⁶⁴ Geneviève Di Rosa, *Rousseau et la bible*, 107–114. See further: Marshall Berman, *The Politics of Authenticity: Radical Individualism and the Emergence of Modern Society* (London: Redwood Press Limited, 1970), 80. A comprehensive study of Rousseau's religious thought can also be found in: Pierre-Maurice Masson, *La Religion de J. J. Rousseau*, 3 vols. (Paris: Hachette et cie, 1916).

condamné” (Mathieu 12:36–37). This Gospel account lays the foundations for what can be expected and the terms – the evidentiary requirements – on which one will be judged. The Book of Revelations, on the other hand, paints the scene of judgment itself:

Ensuite je vis un grand trône blanc et celui qui y était assis. Le ciel et la terre s’enfuirent loin de sa présence. Ils disparurent sans laisser de trace. Je vis les morts, les grands et les petits, comparaissant devant le trône. Des livres furent ouverts. On ouvrit aussi un autre livre : le livre de vie. Les morts furent jugés, chacun d’après ses actes, suivant ce qui était inscrit dans ces livres (Apocalypse 20:11–12).

Rousseau’s defense at the beginning of the *Confessions* is overtly biblical in nature, seemingly inspired by the language of the New Testament. To Rousseau, like in the Bible, utterances and writings – words and deeds, or *paroles* and *actes* – are both the basis on which judgment can be rendered.

In the Gospel of Matthew, the term “words” refers to oral pronunciations, utterances; there is a link between the orality of words that are the basis for judgment and the orality of the confessional act.⁶⁵ Moreover, Rousseau’s initial proclamations are marked by their orality: “Je dirai hautement...”; “J’ai dit le bien et le mal avec la même franchise”; etc., announcing from the outset his desire to “tout dire.” This orality, critically, is linked to the notion of “deed,” and thus he combines the notions of “word” and “deeds,” “*parole*” and “*acte*,” as the Bible does. Here, the “deeds,” compiled in a written work, are presented before the sovereign judge, with the totality of Rousseau’s life, from his thoughts to his actions to his soul, all contained therewithin. Isabelle Chanteloube posits that there is a relationship between orality and the judicial nature of Rousseau’s autobiographical effort:

⁶⁵ By definition, the act of a “confession” can be an oral proclamation: “A.–Action de proclamer une croyance, une doctrine. [...] B. Aveu devant témoin(s) privé(s) ou public(s). 1. *RELIG. CATHOL.* Aveu de péchés que le pénitent fait au prêtre ou à Dieu seul. [...] 2. Aveu qu’une personne fait d’un acte blâmable qu’elle a commis ; action de se confier.” *Centre National de Ressources Textuelles et Lexicales (CNRTL)*, accessed June 19, 2025 via: <https://www.cnrtl.fr/definition/confession>. An *aveu* – an avowal or confession – is not restricted to a particular form: it can be written or spoken. The *Confessions*, for example, are a written work, but Rousseau’s act of *confessing* at the beginning of the work is marked by a series of oral proclamations.

Ainsi nous pouvons dire que le récit autobiographique tel que Rousseau le conçoit est en tous points d'essence oratoire : – en tant que plaidoyer visant à obtenir des lecteurs l'acquiescement de l'accusé, – en tant que narration exhaustive des événements, jusqu'aux plus intimes, – en tant que reproduction fidèle de la réalité, l'orateur et l'acteur des événements étant une seule et même personne, les faits, comme le veut Platon, “étant rapportées par le sujet lui-même”, – en tant qu'exemple offert à l'appui d'une théorie philosophique.⁶⁶

Chanteloube's assessment of the orality of the *Confessions* speaks to the generic complexity of the work: a judicial plea; a narration of the events in Rousseau's life, both historical and sentimental. From the outset of the *Confessions*, Rousseau expresses his intent to proclaim orally his innocence before God and his public. To return to Jean Starobinski's argument that Rousseau is presenting himself as a christic figure in the opening pages of the *Confessions*, it is precisely the orality of Rousseau's presentation – he exhorts his public to *hear* his *Confessions* (“qu'ils écoutent mes Confessions”) – that allows for a particular presence to be established between himself and his judges, as opposed to the distance afforded by the written word.⁶⁷ Nevertheless, the *Confessions* are fundamentally a written work, not simply because they are a book, but also in their form as a “plaidoyer.” Although Chanteloube characterizes the “plaidoyer” as an essentially oral act, Old Regime legal practice tells us instead that it was a written one. In an Old Regime tribunal, this “plaidoyer” would take the form of the *mémoire judiciaire*, the literary legal document in which a lawyer would present the case and the arguments for the accused's innocence. In the construction of a metaphorical tribunal in these opening pages of the *Confessions*, it is precisely through the act of writing – where the judicial case can be laid out, the arguments in favor of innocence put forth – that Rousseau is able to present his case before his judges.⁶⁸ This effort to determine what type of proof is the most valuable in his self-defense

⁶⁶ Isabelle Chanteloube, *La Scène d'énonciation de Jean-Jacques Rousseau: Étude des dispositifs énonciatifs dans les incipit des œuvres de Rousseau* (Paris: Honoré Champion, 2007), 124.

⁶⁷ Again, see: Starobinski, *La transparence et l'obstacle*, 89–90.

⁶⁸ I share Jean-François Perrin's analysis, who argues that the inclusion of documentary evidence in the *Confessions* constitutes a clear effort by Rousseau to prepare a judicial document before the court of public opinion. See: Perrin, “La preuve par la lettre,” 408. He writes, “la ‘confession’ au triple sens de l'aveu (juridique), du témoignage

is linked to the jurist Daniel Jousse's description of two forms of proof: particular and testimonial. Particular proof, on the one hand, is that in which a fact is established through argumentation. Relying on his singular testimony in these early pages of the *Confessions*, Rousseau strives to argue in favor of his innocence. Testimonial proof, on the other hand, is that in which proof is determined by multiple witness testimonies.⁶⁹ In the first part of the *Confessions*, Rousseau's legalistic presentation of his case does not invoke the testimony of other witnesses; instead, it is in his *pro se* defense where he strives to prove his innocence and goodness through his singular testimony. However, he will ultimately confront the fact that his singular testimony can only go so far, and thus he must find a workaround to demonstrate the truth of his claims about his life; he feels himself compelled to turn to a new type of proof. It is in the second part of the *Confessions* where he must turn towards other pieces of evidence, other testimonies that could help bolster his account; his own testimony in his writing is not enough to lead to his acquittal.

The *Confessions* are thus marked by two types of trials, what I am calling the "meta-trial" and the "occasional trial." The "meta-trial" can be understood as the project itself. As Rousseau presents before God and his readers this "seul portrait d'homme [...] qui existe et qui probablement existera jamais," the autobiographical project itself – the material manifestation of

(historique) et de l'histoire de soi (comme autobiographie spirituelle), n'est qu'une des composantes d'un programme beaucoup plus vaste de production des éléments nécessaires à informer l'intime conviction de futurs lecteurs, constitués par le texte en cour d'appel du jugement porté sur Rousseau par son époque – ou, plus justement, de ce qu'il représente dans ces écrits comme ce jugement."

⁶⁹ Daniel Jousse, *Traité de la justice criminelle* (Paris: Debure père, 1771), quoted in Georges Benrekassa, "La preuve et l'aveu: ce que parler peut dire," *Dix-huitième siècle*, no. 39 (2007/1): 118. Jousse states that particular proof is "[ce] qu'on appelle la preuve par arguments ou conjecturale, qui consiste à conclure par des arguments l'existence d'un fait, par le rapport qu'il a avec d'autres faits," whereas testimonial proof (*la preuve testimoniale*) can only be found certain or infallible "dans les cas où elle serait appuyée sur la déposition d'un grand nombre de témoins qui tous s'accorderaient à dire la même chose ; parce qu'alors de ce concours unanime de dépositions, il se forme une preuve morale dont la certitude équivaut à celle des démonstrations géométriques." See further: Antoine Astaing, *Droits et garanties de l'accusé dans le procès criminel d'ancien régime* (Aix-en-Provence: Presses universitaires d'Aix-Marseille, Faculté de droit et de science politique, 1999); Pierre Campion, *La Littérature à la recherche de la vérité* (Paris: Seuil, 1996).

his life and his being – is on trial. Here, the proof presented takes on a sense of totality, a representation of a unified truth that is demonstrated before a judge. The second trial, the “occasional trial,” can be understood through a glance at Rousseau’s Neuchâtel manuscript, where he writes:

Il est donc sûr que si je remplis bien mes engagements j’aurai fait une chose unique et utile. Et qu’on n’objecte pas que n’étant qu’un homme du peuple, je n’ai rien à dire qui mérite l’attention de mes lecteurs. Cela peut être vrai des événements en eux-mêmes : mais j’écris moins l’histoire de ces événements en eux-mêmes que celle de l’état de mon âme, à mesure qu’ils sont arrivés. Or les âmes ne sont plus ou moins illustres que selon qu’elles ont des sentiments plus ou moins grands et nobles, des idées plus ou moins vives et nombreuses. *Les faits ne sont ici que des causes occasionnelles*. Dans quelque obscurité que j’aie pu vivre, si j’ai pensé plus et mieux que les rois, l’histoire de mon âme est plus intéressante que celle de leurs.⁷⁰

Rousseau insists that the events themselves are of little importance compared to the impact that they had on his soul, a soul that is markedly unique and that only he can truly know. Through prolepsis, moreover – “Et qu’on n’objecte pas que n’étant qu’un homme du peuple...” – Rousseau sets himself up to stave off potential attacks or criticisms of his account; his very self-knowledge gives him both the legitimacy and the ability to take on his own defense against his detractors. He shifts far away from the style of the aristocratic memoirs, in which the events of one’s life are recounted, much like we will see in Voltaire’s *Commentaire historique* in the next chapter. Instead, Rousseau insists from the outset on the importance of his interiority, “l’histoire de [s]on âme...” He is neither king nor nobleman, but rather a mere “homme du peuple,” an “homme du peuple” on trial—while the events of his life may be of little interest, the history of his soul is remarkable. Seen from this point of view, the documentary evidence introduced is intended to prove that his interiority corresponds to the external world, the one in which his readers live, circulate, and make judgments. As we shall see, the awareness of the need to introduce evidence develops through the act of writing the first six books of the *Confessions*. It is

⁷⁰ Rousseau, “Préambule du manuscrit de Neuchâtel,” in *Les Confessions VII à XII*, 433, my emphasis.

in writing the narration of the first part of his life – as well as in the events that followed – that Jean-Jacques becomes conscious of the discrepancy between his interior certainties – the *real*, *true* certainties – and what could be demonstrated in a setting in which he is on trial. It is in the reading of this narration – a narrative which resembles all too much that of a *Bildungsroman* – that both Rousseau and his reader-judge become aware that this “story” might be just a tale – and a tall one at that! – and that hard evidence will be needed to overcome doubt, a suspicion that we have been drawn into a fictional world unhooked from that of hard-core facts.⁷¹ A rehearsal from this perspective of two well-known scenes will serve to illustrate my point.

The first formal occasional trial that Rousseau faces in the *Confessions* is the well-known case of the broken comb, a critical moment in which Rousseau begins to grasp the injustices that may take place within a trial, albeit a familial one, perhaps the gravest of them all. It is in this scene where the limits of proof may first enter into his consciousness. While the following passage is long, I believe that it is necessary to include it in its entirety so that we may see how it unfolds according to Rousseau. As he writes:

J'étudiais un jour seul ma leçon dans la chambre contiguë à la cuisine. La servante avait mis sécher à la plaque les peignes de M^{lle} Lamercier. Quand elle revint les prendre, il s'en trouva un dont tout un côté de dents était brisé. À qui s'en prendre de ce dégât ? personne autre que moi n'était entré dans la chambre. On m'interroge : je nie d'avoir touché le peigne.

M. et Mlle Lamercier se réunissent, m'exhortent, me pressent, me menacent ; je persiste avec opiniâtreté ; mais la conviction était trop forte, elle l'emporta sur toutes mes protestations, quoique ce fût la première fois qu'on m'eût trouvé tant d'audace à mentir. La chose fut prise au sérieux ; elle méritait de l'être. La méchanceté, le mensonge, l'obstination parurent également dignes de punition ; mais pour le coup ce ne fut pas par Mlle Lamercier qu'elle me fut infligée. On écrivit à mon oncle Bernard ; il vint. Mon pauvre cousin étant chargé d'un autre délit, non moins grave : nous fûmes enveloppés dans la même exécution. Elle fut terrible.

[...]

On ne put m'arracher l'aveu qu'on exigeait. Repris à plusieurs fois et mis dans l'état le plus affreux, je fus inébranlable. J'aurais souffert à la mort, et j'y étais résolu. Il fallut que la force

⁷¹ On the *Bildungsroman*, see: Pavel, *The Lives of the Novel*, 226–228.

même cédât au diabolique entêtement d'un enfant, car on n'appela pas autre ma constance. Enfin je sortis de cette cruelle épreuve en pièces, mais triomphant.

Il y a maintenant près de cinquante ans de cette aventure, et je n'ai pas peur d'être aujourd'hui puni derechef pour le même fait ; eh bien, je déclare à la face du Ciel que j'en étais innocent, que je n'avais ni cassé, ni touché le peigne, que je n'avais pas approché de la planque, et que je n'y avais pas même songé. Qu'on ne me demande pas comment ce dégât se fit : je l'ignore et ne puis le comprendre ; ce que je sais très certainement, c'est que j'en étais innocent.

Qu'on se figure un caractère timide et docile dans la vie ordinaire, mais ardent, fier, indomptable dans les passions, un enfant toujours gouverné par la voix de la raison, toujours traité avec douceur, équité, complaisance, qui n'avait pas même l'idée de l'injustice, et qui pour la première fois, en éprouve une si terrible de la part précisément des gens qu'il chérit et qu'il respecte le plus : quel renversement d'idées ! quel désordre de sentiments ! quel bouleversement dans son cœur, dans sa cervelle, dans tout son petit être intelligent et moral ! Je dis qu'on s'imagine tout cela, s'il est possible, car pour moi, je ne me sens pas capable de démêler, de suivre la moindre trace de ce qui se passait alors en moi.⁷²

Rousseau's recounting of the case of the broken comb is the moment where he is introduced to injustice. As I will argue, this case follows a judicial trial neatly: a crime appears to have been committed, and thus the system springs into action. Rousseau is questioned, and M. and Mlle Lamercier do all in their power to get him to confess. The language of this scene – “M. et Mlle Lamercier se réunissent, m'exhortent, me pressent, me menacent ; je persiste avec opiniâtreté ; mais la conviction était trop forte, elle l'emporta sur toutes mes protestations” – is almost evocative of the torture allowed in the Old Regime legal system to try and get the accused to confess to their crimes.⁷³ It is a trial in which the accused – Rousseau – is not seen in a favorable light before the judges. Despite the fact that the available evidence in this trial would reasonably assume his culpability, he is stalwart in his defense of his innocence. However, because of the preponderance of evidence condemning him, it is impossible for him to overcome the suspicion that the Lamerciers have of him. It is perhaps in the very telling of this tale that Rousseau – and certainly, his readers upon reading it – become aware of a crying need for supporting evidence.

⁷² Rousseau, *Les Confessions*, Livre I, 44–45.

⁷³ On the relationship between torture and proof in the Old Regime, see: Langbein, *Torture and the Law of Proof*.

The case of the broken comb provides insight into the cold functioning of the law, expressed equally in this “familial” setting as it would be in a true court, a problem that we also saw in Louise d’Épinay’s *Histoire de Madame de Montbrillant*. Jean Starobinski, in his foundational work, *La Transparence et l’obstacle*, sees this account as being particularly paradigmatic of the moment in which the discordance between *être* and *paraître* is established: “Jean-Jacques *paraît* coupable sans *l’être* réellement. Il *paraît* mentir, alors qu’il *est* sincère.”⁷⁴ It is the moment in which the protective womb has been shattered and Rousseau realizes the gravity of the misunderstanding, the true harm posed by this sharp distinction between *being* and *appearing*; the fear of this distinction will haunt Rousseau for the rest of his life.

I am revisiting this scene in order to build on the critical foundation that Starobinski’s analysis provides for the problem of proof in the *Confessions*. As Starobinski writes, “Ceux qui le châtient agissent injustement, mais parlent le langage de la justice.”⁷⁵ As important as the discordance between being and appearing may be, the problem for Rousseau is that he is treated *unjustly* by forces that act under the guise of *justice*, a problem – much like that of the discordance between *être* and *paraître* – that will continue throughout his life. At its core, this moment marks the beginning of Rousseau’s judicial obsession: a desire to prove his innocence before forces that act unjustly, despite their guise of justice. This obsession, I argue, manifests itself through a desire to perfect his defense before the judge, a desire that recurs throughout both his life and the *Confessions*.

⁷⁴ Jean-Starobinski, *La Transparence et l’obstacle*, 18. See further: Marcel Raymond, *Jean-Jacques Rousseau. La Quête de soi et la rêverie* (Paris: Librairie José Corti, 1962). In particular, see the chapter, “Lecture du premier livre des *Confessions*. Thèmes et structures,” where he writes, “On comparerait également ce Premier Livre à un microcosme auquel ‘correspondrait’ l’ouvrage entier en douze Livres, le Premier annonçant les principaux traits d’une physionomie qui se dévoilerait progressivement” (91).

⁷⁵ *Ibid.*, 18.

The case of the broken comb centers on the incompatibility between Rousseau's individual testimony and the preponderance of existing evidence. The facts of the case are simple yet damning: Rousseau was the only person in the room when the comb appears to have been broken. Rousseau does not propose an alternative; did the servant break the comb, for example, and it went unnoticed? Was he framed, and a conspiracy was afoot? Perhaps the sensitive young Rousseau would not dare cast a shadow of doubt over the qualities of another without a preponderance of evidence. Maybe the breaking of the comb was the product of an unfortunate happenstance. Rousseau's testimony is unable to break through the threshold of certainty (*certitude*)—while Rousseau desires his being to be understood through an *étude du cœur* as De Prades establishes in his *Encyclopédie* article “CERTITUDE,” it is only through collective knowledge, multiple witness testimonies, that one can arrive at certainty.⁷⁶ The goodness of Rousseau's being cannot alone exculpate him, especially in the face of a preponderance of evidence—only a confession of his *guilt* would suffice, certainly not protestations of his *innocence*. The *demandeurs*, his accusers, are trying to demand (*exiger*) a confession (*aveu*) from him, a confession that would confirm their suspicion of his guilt. To demand a confession from Rousseau runs contrary to his sense of self and is contrary to what he is attempting to do through the *Confessions*. His goal is to tell the truth *despite* the demands and suspicions of others, to be how he truly is (*être*) rather than what they believe him to be (*paraître*).

This episode further highlights another tension between the conceptions of proof that will return throughout the *Confessions*: the judicial obligation to provide proof, otherwise known as

⁷⁶ Again, see De Prades, “CERTITUDE,” 2:849: “Or voilà la différence essentielle entre la probabilité et la certitude ; celle-ci prend sa source dans les lois générales que tous les hommes suivent, & l'autre dans l'étude du cœur de celui qui vous parle ; l'une est susceptible d'accroissement, & l'autre ne l'est point. Vous ne seriez pas plus certain de l'existence de Rome, quand même vous l'auriez sous vos yeux ; votre certitude changerait de nature, puisqu'elle serait physique : mais votre croyance n'en deviendrait pas plus inébranlable. Vous me présentez plusieurs témoins, & vous me faites part de l'examen réfléchi que vous avez fait de chacun en particulier ; la probabilité sera plus ou moins grande selon le degré d'habileté que je vous connais à pénétrer les hommes.”

the “burden of proof,” a problem that, as we have seen, is overtly clear in Louise d’Épinay’s autobiographical novel.⁷⁷ The same onus of providing adequate proof falls on Rousseau; he writes, “On m’interroge”—Rousseau is being interrogated. The seeming proof against him is already clear: he was in the room, and the comb was broken. Thus, it is likely that he, while in the room, broke the comb. Rousseau is therefore charged with providing the necessary proof to overcome these accusations, to provide new proofs that triumph over the one’s that the Lambercier’s recognize. The trial itself moves quickly, from a rapid *enquête*, to a quick interrogation of Rousseau in a rapid attempt to gather as much information as possible—“M. et Mlle. Lambercier se réunissent, m’exhortent, me pressent, me menacent.”⁷⁸ However, despite the fact that Rousseau is permitted to give his testimony, he is not able to provide any supporting evidence for his claims of innocence; whereas the *aveu* is valuable for determining one’s guilt, it is much more difficult to use it to proclaim one’s innocence, especially in the face of other pieces of evidence. It is the young Rousseau who is tasked with overcoming the burden of proof, a seemingly insurmountable task.

In his conclusion to the scene, we see a stark relationship established between himself and his judges. He writes: “Qu’on se figure un caractère timide et docile dans la vie ordinaire, mais ardent, fier, indomptable dans les passions, un enfant toujours gouverné par la voix de la raison...”⁷⁹ This injustice disrupts Rousseau’s understanding of order, where reason and justice once reigned supreme, and where his character, despite all appearances, was proof alone of

⁷⁷ Boucher d’Argis highlights the way in which the burden of proof falls on the plaintiff to present the proof that is necessary against the defendant. The defendant, then, is charged with either proving their case, bringing forth the proof necessary to substantiate their own claims: “La maxime commune par rapport à l’obligation de faire *preuve* est que la *preuve* est à la charge du demandeur, & que le défendeur doit prouver son exception, parce qu’il devient demandeur en cette partie ; & en général il est de principe, que lorsqu’un fait est contesté en justice, c’est à celui qui l’allègue à le prouver.” Boucher d’Argis, “PREUVE,” in *Encyclopédie*, 13:355.

⁷⁸ Rousseau, *Les Confessions*, Livre I, 44.

⁷⁹ *Ibid.*, 45.

goodness: “Je n’avais pas encore assez de raison pour se sentir combien les *apparences* me condamnaient, et pour me mettre à la place des autres.”⁸⁰ Like Madame de Montbrillant, Rousseau advances a belief that he should be judged by his character, not by his perceived actions. This is not yet a moment where Rousseau sees his detractors as being a part of a universal conspiracy, one that will plague him later in his life.⁸¹ Rather, this moment embodies the first moment that he experiences injustice in the world, and where “judicial” proceedings – moments in which the accused is found innocent or guilty – may not take his being and his intentions into account. Unlike the later trials in Rousseau’s life where he is surrounded by a corrupt society, the case of the broken comb represents something else entirely: he is cast from the protective shield of the familial womb, thrust into a world of unjust judgment, of prejudice and of irrationality. It is a world where character and intention – one’s core being, *être* – do not figure into judgment, but rather, one will always be judged by how they appear to be – *paraître* – regardless of their actual innocence.⁸² Why would someone with no intention of breaking the comb, after all, seek to break it? But how can one be sure of one’s innocence when all the evidence points to the contrary, regardless of what their intention may be?

Rousseau’s further education in justice in the family tribunal and the role of evidence therewithin appears in another well-known case: that of the stolen ribbon at the end of Book II.

As he recounts:

⁸⁰ *Ibid.*, 45, my emphasis.

⁸¹ Yves Citton, “Fabrique de l’opinion et folie de la dissidence dans le ‘complot’ selon Rousseau,” in *Rousseau Juge de Jean-Jacques. Études sur les Dialogues* (Ottawa: Presses de l’Université d’Ottawa, 1998): 101–114. See further: Antoine Lilti, “The Writing of Paranoia: Jean-Jacques Rousseau and the Paradoxes of Celebrity,” *Representation* 103, no. 1 (Summer 2008): 53–83; Nicholas Veysman, *Mise en scène de l’opinion publique dans la littérature des Lumières* (Paris: Honoré Champion, 2004); Masano Yamashita, *Jean-Jacques Rousseau face au public: problèmes d’identité* (Oxford: Voltaire Foundation, 2017).

⁸² Gisèle Mathieu-Castellani writes that, “Le juge ne se prononce pas sur des intentions, mais sur des actions, dont le résultat est connu, à la suite d’une instruction.” Mathieu-Castellani, *La Scène judiciaire*, 35. See further, Starobinski, *La Transparence et l’obstacle*, 18–19.

Il est bien difficile que la dissolution d'un ménage n'entraîne un peu de confusion dans la maison, et qu'il ne s'égare bien des choses : cependant, telle était la fidélité des domestiques et la vigilance de M et Mme Lorenzi, que rien ne se trouva de manque sur l'inventaire. La seule Mlle Pontal perdit un petit ruban couleur de rose et argent, déjà vieux. Beaucoup d'autres meilleures choses étaient à ma portée ; ce ruban seul me tenta, je le volai, et comme je ne le cachais guère, on me le trouva bientôt. On voulut savoir où je l'avais pris. Je me trouble, je balbutie, et enfin je dis, en rougissant, que c'est Marion qui me l'a donné. Marion était une jeune Mauriennaise dont Mme de Vercellis avait fait de sa cuisinière, quand, cessant de donner à manger, elle avait renvoyé la sienne, ayant plus besoin de bons bouillons que de ragoûts fins. Non seulement Marion était jolie, mais elle avait une fraîcheur de coloris qu'on ne trouve que dans les montagnes, et surtout un air de modestie et de douceur qui faisait qu'on ne pouvait la voir sans l'aimer ; d'ailleurs bonne fille, sage et d'une fidélité à toute épreuve. C'est ce qui surprit quand je la nommai. L'on n'avait guère moins de confiance en moi qu'en elle, et l'on jugea qu'il importait de vérifier lequel était le fripon des deux. On la fit venir ; l'assemblée était nombreuse, le comte de la Roque y était. Elle arrive, on lui montre le ruban, je la charge effrontément ; elle reste interdite, se tait, me jette un regard qui aurait désarmé les démons, et auquel mon barbare cœur résiste. Elle nie enfin avec assurance, mais sans emportement, m'apostrophe, m'exhorte à rentrer en moi-même, à ne pas déshonorer une fille innocente qui m'a jamais fait de mal ; et moi, avec une impudence infernale, je confirme ma déclaration, et lui soutient en face qu'elle m'a donné le ruban. La pauvre fille se mit à pleurer, et ne me dit que ces mots : « Ah ! Rousseau, je vous croyais un bon caractère. Vous me rendez bien malheureuse ; mais je ne voudrais pas être à votre place. » Voilà tout. Elle continua de se défendre avec autant de simplicité que de fermeté, mais sans se permettre jamais contre moi la moindre invective. Cette modération, comparée à mon ton décidé, lui fit tort. Il ne semblait pas naturel de supposer d'un côté une audace aussi diabolique, et de l'autre une aussi angélique douceur. On ne parut pas se décider absolument, mais les préjugés étaient pour moi. Dans le tracé où l'on était, on ne se donna pas le temps d'approfondir la chose ; et le comte de la Roque, en nous renvoyant tous deux, se contenta de dire que la conscience du coupable vengerait assez l'innocent. Sa prédiction n'a pas été vaine ; elle ne cesse pas un seul jour de s'accomplir.⁸³

Rousseau goes on to explain that this event has weighed heavily on his mind for many decades, and that by recounting the event, he hopes not simply to confess and clear his conscience, but to show too that his intentions were good: he was, after all, planning on giving the ribbon to Marion.⁸⁴ Beyond being simply a confession of a youthful transgression, however, Rousseau's actions in this second court-like setting – as well as his regret for his actions – inform his need to construct an idealized tribunal in the *Confessions*, one in which innocence and guilt may be justly apportioned. The new tribunal structure of the *Confessions* allows for him to demonstrate his honesty, his culpability, and his shame. His testimony in the *Confessions*, thus, is different

⁸³ Rousseau, *Les Confessions*, Livre II, 116–117.

⁸⁴ For an analysis of the confessional nature of this episode, see: De Man, *Allegories of Reading*, 278–301.

from the one exhibited during this scene before the family tribunal—in exposing his faults, he seeks to bolster the honesty of his individual testimony during these opening scenes of the work.

As in the case of the broken comb in Rousseau's youth and during the 1760s, Rousseau increasingly recognized that before his judges (the Lamberciers, the Petit Conseil, the *parlement* of Paris, Montmollin, the philosophes, the public, etc.), it would be easier for them to maintain their suspicion of his guilt than for him to prove his innocence, especially inasmuch as he is already presumed guilty by the various judges—he must always overcome the outstanding prejudice he never ceases to feel throughout his life. Despite the fact that the court may, in theory, consider one's intentions, as Françoise Briegel and Michel Porret show in their study, "Paroles de témoins: certitude morale ou preuve légale? Les procédures genevoises au siècle des Lumières," the inability to mathematicise intention and figure it neatly into the system of mathematical proofs makes doing so nearly impossible.⁸⁵ In the case of the stolen ribbon, Marion's testimony cannot prove her innocence, as the testimony provided by Rousseau renders her incapable of overcoming the accusation of guilt precisely because there is no other proof that can demonstrate her innocence. And the court's disinterest in trying to get at the core of one's intentions (i.e. Marion had no intention to steal the ribbon – and thus did not – whereas Rousseau intended to steal it in order to give to Marion) means that intention cannot figure into the calculations necessary to render judgment. Just as the proceedings in the court of the Lambercier's found Rousseau wrongfully guilty, he was able to manipulate the proceedings

⁸⁵ Françoise Briegel and Michel Porret, "Paroles de témoins : certitude morale ou preuve légale ? Les procédures genevoises au siècle des Lumières," in *Les témoins devant la justice*, ed. Benoît Garnot (Rennes: Presses universitaires de Rennes, 2003), 113–127: "Mal mesurable dans les témoignages, l'intention criminelle, jaugée par les avocats, est qualifiée selon les aveux du prévenu, car la majorité des dépositions sont rejetées. Ivresse, colère, légitime défense, ignorance ou malveillance d'un ami : évoquées pour diminuer la 'responsabilité' pénale du prévenu, les 'circonstances' atténuantes sont multiples. Les avocats cherchent des indices dans les témoignages pour fonder les 'présomptions' d'innocence ou la culpabilité limitée de l'accusé. Les avocats discutent ainsi les preuves des règles 'extensibles', utiles à l'accusation ou à la défense."

before the comte de la Rocque to cause another to be guilty. This goes beyond the case of the broken comb, where it is a case of appearance versus testimony. Rather, the case of the stolen ribbon is about one testimony against another, and it is here where Rousseau shows himself to be a false witness, capable of being untrustworthy in a desire to preserve his own image. In a work like the *Confessions* where the authenticity of Rousseau's testimony is central to his project, his capacity to be untruthful would seemingly complicate the reader-judge's ability to find him to be an honest witness. However, it is through the avowal of his guilt, a confession to his crimes, that Rousseau seeks to bolster his credibility before his judge. After all, an *aveu* is the most powerful form of proof.⁸⁶

Part I of the *Confessions*, thus, embodies a desire by Rousseau to imagine – and thus, to have his readers imagine – a tribunal in which testimony alone can prove the innocence of the wrongfully accused. In attempting to show both the interior and exterior of one's existence – his thoughts and feelings along with his actions – Rousseau envisages a judicial system in which a single testimony alone can reach a level of *certitude* in the eyes of his judge. His account alone of his life will be adequate proof, as he is the only person who can access such information. This idealized judicial system, where one's testimony is enough to ensure acquittal, is the primary problem that Rousseau faces in his *Confessions*. Can testimony alone be enough to prove someone innocent? Part I of the *Confessions* is an attempt at answering this question; Part II, on the other hand, shows Rousseau's recognition that additional proof is required.

II.3. In Search of New Proof: the Documentary Turn in Part II of the *Confessions*

The period during which Rousseau was working on the second half of the *Confessions* was a particularly turbulent one. Not only was it the case that the legal institutions still had the

⁸⁶ Again, see: Halpérin, "La Preuve judiciaire," 23.

power to arrest and try him at any time, but Rousseau become increasingly worried that he would be persecuted by the society he denounced, which, like some monstrous hydra, was rearing its multiple heads to attack him.⁸⁷ Following the discovery that letters were missing from his archive, Rousseau believed that they had been stolen (in fact, they had been misplaced) and his distrust began to intensify. This context is critical, and it actively shapes Rousseau's changing conception of proof in this part of his *Confessions*.

At the start of Book VII, Rousseau notes that written proof (*liasses* [bundles] that contain letters) will be furnished, writing:

Il y a cependant, et très heureusement, un intervalle de six à sept ans dont j'ai des renseignements sûrs dans un recueil transcrit de lettres dont les originaux sont dans les mains de M. Du Peyrou. Ce recueil, qui finit en 1760, comprend tout le temps de mon séjour à l'Ermitage et de ma grande brouillerie avec mes soi-disant amis : époque mémorable dans ma vie et qui fut la source de tous mes autres malheurs. À l'égard des lettres originales plus récentes qui peuvent me rester, et qui sont en très petit nombre, au lieu de les transcrire à la suite du recueil, trop volumineux pour que je puisse espérer de les soustraire à la vigilance de mes Argus, je les transcrirai dans cet écrit même, lorsqu'elles me paraîtront fournir quelque éclaircissement soit à mon avantage, soit à ma charge : car je n'ai pas peur que le lecteur oublie jamais que je fais mes confessions pour croire que je fais mon apologie ; mais il ne doit pas s'attendre non plus que je taise la vérité lorsqu'elle parle en ma faveur.⁸⁸

The transcribed letters, a form of written proof, exist, and because they exist, Rousseau has recourse to them to buttress his argument, to illuminate the truth. These written proofs can “établir un fait” (establish a fact) and are added to support Rousseau's testimony. But the inclusion of such documents begins to complexify the narrative act of “confession.” In his study, *Rousseau and Critical Theory*, Alessandro Ferrara suggests that “the standard for judging the complex illocutionary act performed through the *Confessions* is not the standard of ‘historical

⁸⁷ Damrosch, *Jean-Jacques Rousseau: Restless Genius*, 447. He writes, “With the *Confessions* half-finished and exulting at his escape from nonexistent danger, Rousseau was back in France, where the danger was real. The parlement of Paris had jurisdiction over a large area of northern France; its arrest warrant for Rousseau was still very much in force, and any prosecutor could initiate a process that would be impossible to half.” Damrosch's characterization of this period not only highlights Rousseau's worries about the growing social plot around him but also highlights the degree to which he was being targeted by the judicial bodies.

⁸⁸ Rousseau, *Les Confessions, Livre VII*, 12–13.

truth,’ but the standard of the authenticity of the presentation of self.”⁸⁹ On one hand, Ferrara is correct: as we saw in Rousseau’s testimony at the start of the *Confessions*, orality is an essential element in the authentic presentation of the self. On the other hand, if we consider the judicial side of the *Confessions*, written proof is intended to demonstrate certainty. This period of his life, ending around the year 1760, was marked by events that were the source of Rousseau’s problems, most notably his falling out with Madame d’Épinay, Grimm, and Diderot, after he suspected them of publicly condemning his obsession with Sophie d’Houdetot. Letters from these episodes are transcribed in the *Confessions* so that the readership may examine them. After they “écoutent [ses] confessions...”⁹⁰ in their entirety and *read* the supporting proof in the *Confessions*, they can fairly judge Rousseau. Documents are fundamentally the source, the material trace, the evidentiary support of the truth being told in the second part of the *Confessions*.

In order to fill the gaps in his memory, Rousseau affirms that both sentiment and documentation will help him recount the truth to the greatest extent possible. These proofs, thus, are used to compensate for his allegedly “failing” memory – and, perhaps, for the absence of proof that characterized Jean-Jacques’ account of young Rousseau’s life in the opening books of the *Confessions*. At the start of Book VII, he writes:

Tous les papiers que j’avais rassemblés pour suppléer à ma mémoire et me guider dans cette entreprise, passés en d’autres mains, ne rentreront plus dans les miennes. Je n’ai qu’un guide fidèle sur lequel je puisse compter, c’est la chaîne des sentiments qui ont marqué la succession de mon être, et par eux celle des événements qui en ont été la cause ou l’effet.⁹¹

Rousseau’s consideration here of the role of the document seems to privilege sentiment over historical accuracy, a position that would seem to confirm Ferrara’s analysis of Rousseau’s

⁸⁹ Alessandro Ferrara, *Rousseau and Critical Theory* (Leiden: Brill, 2017), 17.

⁹⁰ Rousseau, *Les Confessions*, Livre I, 30.

⁹¹ Rousseau, *Les Confessions*, Livre VII, 12.

project, in which authentic self-presentation is privileged over historical accuracy. On the one hand, Rousseau explains that “L’objet propre de mes confessions est de faire connaître exactement mon intérieur dans toutes les situations de ma vie.” He goes on to add: “C’est l’histoire de mon âme que j’ai promise, et pour l’écrire fidèlement je n’ai pas besoin d’autres mémoires ; il me suffit, comme j’ai fait jusqu’ici, de rentrer au-dedans de moi.”⁹² What is happening *au-dedans* (inside) of him is, according to Rousseau, much more important than what is happening around him—the impact of the event upon Rousseau is more important than the facts of the event itself.

Nevertheless, Rousseau also insists on the fact that material evidence exists to prove that his version of the facts is true – he will not simply rely on this turn towards his interior but will instead furnish documentary evidence. After all, while certain documents have been lost, some still exist, such as those in the *recueil* that were from his time at Hermitage. It is this *recueil* that spans “tout le temps de mon séjour à l’Ermitage et de ma grande brouillerie avec mes soi-disant amis [...] je [transcrirai ces lettres] dans cet écrit même, lorsqu’elles me paraîtront fournir quelque éclaircissement soit à mon avantage, soit à ma charge.”⁹³ Is it truly, then, the “chaîne des sentiments,” that marks the succession of his being throughout the *Confessions*, with the letters serving merely as an added confirmation – a supplement – referencing the moments that are the

⁹² *Ibid.*, 12.

⁹³ *Ibid.*, 12–13. For more on collections of letters in the 18th Century, see: Janet Gurkin Altman, “Political Ideology in the Letters Manual (France, England, New England),” *Studies in Eighteenth-Century Culture* 18 (1989): 105–122; Janet Gurkin Altman, “The Letter Book as a Literary Institution 1539-1789: Toward a Cultural History of Published Correspondences in France,” *Yale French Studies*, no. 71 (1986): 17–62. Both articles provide a scholarly survey of the “letter manuals” as cultural documents that inform our understanding of the Early Modern Europe – especially the Enlightenment – as Altman gives recognition to the autobiographical nature of certain letter manuals. While her survey provides us with a point of view that is detached and is strictly analytical of the form, my analysis is preoccupied with an interrogation of how Rousseau views his collection of letters as a form of judicial proof. The question here, thus, is how compiled letters may ultimately serve in the defense of the persecuted “person of letters.”

cause or effect of these feelings (*sentiments*)?⁹⁴ Or is the fact of the event the key relevant element before the court of readers, in which case factuality is privileged over sentimentality, and event is privileged over intention and emotion? This fundamental, unresolved tension which inhabits the second part of the *Confessions* comes from Rousseau's deeply held belief that sentiment is the ultimate proof on the one hand and on the other his growing realization that sentimentality is failing before his judges as a genuinely complete proof and that he must provide supporting evidence.

Before wading into a study of this part of the text itself in order to understand how this shift in his view of the role of proof indicates a change in Rousseau's writing strategy, it is important first to consider the actual legal power that documentary proof maintains in the Old Regime legal system, and not just the sentimental power that Rousseau claims documents provide. The seventeenth-century jurist, Jean Domat, writes in his *Loix civiles dans leur ordre naturel*:

La force des preuves par écrit consiste en ce que les hommes sont convenus de conserver par l'écriture le souvenir des choses qui se sont passées et dont ils ont voulu faire subsister la mémoire, soit pour s'en faire des règles, ou *pour y avoir une preuve perpétuelle de la vérité de ce qu'on écrit*, et ces preuves tiennent lieu de vérité aux personnes qu'elles regardent.⁹⁵

⁹⁴ On the theory of the "supplement" in Rousseau's work, see: Jacques Derrida, *De la grammatologie* (Paris: Éditions de Minuit, 1967), 208. Derrida theorizes the supplement with the idea that every substance can only be determined by that which is placed around it. The supplement, fundamentally, can be either an enriching surplus or a compensation for that which may be lacking. While Rousseau sees the act of writing as a corruption of natural self-expression – as seen in his *Essai sur l'origine des langues* – Derrida shows that this relationship is more complicated in Rousseau's work than the *philosophe* may lead us to believe. It is the case that in undertaking his autobiographical writing, Rousseau sees the act of writing as a supplement to orality, as writing affords him to say that which he could not say out-loud, in-person before a judge. Documentation in the *Confessions* seems to serve thus as an additional supplement to Rousseau's writing, as even the act of writing itself is subject to shortcomings – such as an alleged failing memory – and requires further supplementation.

⁹⁵ Domat, *Les loix civiles dans leur ordre naturel*, 277, quoted in Pitou, "L'Usage de la preuve au siège ordinaire de Laval au XVIII^e siècle," 12, my emphasis. See further: Claude Pocquet de Livonnière, *Règles du droit français*, 5^e édition, Paris, 1756, 459, in Pitou, *Ibid.*, 13. Livonnière writes, "lorsque les conventions ont été rédigées par écrit, on ne reçoit aucune preuve par témoins contre, et outre le contenu des actes, ni sur ce qui serait allégué avoir été dit avant, lors ou depuis les actes."

Documentary proof in Rousseau's *Confessions* takes on two forms: the book itself – the material copy of Rousseau's life, preserved for history and to be presented to God – and the documents he furnishes over the course of Part II of the *Confessions* – the latter of which are used to supplement memory and increase the veracity of particular accounts in the text. The inclusion of documentary evidence enhances the presentation of the truth of Rousseau's life, where both his autobiographical work and his personal archive are able to attest to his innocence. He is now not only able to make a claim about an event or another person but can *prove* – through the correspondence in the *recueils* or *liasses* – the actual veracity of his action and his intentions.

The documentary evidence included by Rousseau, however, must be read and interpreted by the reader-judge. As Benoît Melançon informs us, however, the “letter” is not simply “neutral,” immune to any interpretation, functioning solely as a monument to the truth:

Bien au contraire, on pourrait soutenir que, parce que soumise à la lecture, à l'interprétation personnelle, elle peut être source de malentendus multiples – dès qu'il y a lecture, il y a risque –, et que ces malentendus épistolaires viennent miner de l'intérieur le projet d'ensemble des *Confessions* : à quoi sert-il de ne rien taire, si ce que l'on dit est soumis à des lectures diverses ?⁹⁶

Why would Rousseau furnish letters if they are not a reliable form of proof? Perhaps, simply put, it is because Rousseau believes that their status as external documents brought into the text of the *Confessions* alone is sufficient in the eyes of his judge. It is by these letters that the gaps in Rousseau's memory will be filled, the account will reach a higher level of “completion,” and thus the proof will be more convincing, more “perfect.” Or perhaps, the content is so clear that the faults of his detractors will finally be made clear, as they no longer have the power to fabricate testimonies that would trick the public. This question of the document as “proof” to Rousseau builds off the analysis established by Jean-François Perrin in his excellent study, “J.-J.

⁹⁶ Benoît Melançon, “Le Malentendu épistolaire. Note sur le statut de la lettre dans *les Confessions*,” in *L'Invention de l'intimité au Siècle des lumières*, ed. Benoît Melançon, *Littérales*, no. 17 (Nanterre: Université Paris X-Nanterre, 1995), 78.

Rousseau, la preuve par la lettre. Lire les *Confessions* avec la correspondance.”⁹⁷ As Perrin develops the idea that letters are a significant type of “proof” to Rousseau, my analysis centers on how documentation figures into an entire system of proof developed and refined by Rousseau throughout the *Confessions*. Documentation is not simply a type of proof, but rather, a necessary proof, one to which he must turn to bolster the veracity of his claims before a judge who may not accept his testimony alone.

Rousseau is fully aware of the fallibility of documents. Much like Voltaire, Rousseau was subject to the publication of forged documents: texts published that were alleged to be by his hand but were in fact composed and published by his detractors. In a letter written likely in late December 1762 or early 1763, Rousseau alludes to a letter written in a counterfeit edition of the *Contrat Social*:

J'apprends, Monsieur, que dans une édition contrefaite du *Contrat Social* on a mis sous mon nom une lettre que je n'ai point écrite et que je n'ai même jamais vue. J'apprends de plus qu'on fait courir aussi sous mon nom des lettres manuscrites, ou supposées en entier ou falsifiées ou défigurées.⁹⁸

The letter that Rousseau is mentioning was titled *Lettre de J.-J. Rousseau de Genève qui contient sa renonciation à la société civile, et ses derniers adieux aux hommes, adressée au seul ami qui lui reste au monde*, and was signed “Orang-outang, c'est-à-dire habitants des bois.” Rousseau was overtly aware of the fact that fake documents were being circulated, that his detractors were actively trying to disfigure his images through texts that they claimed were authentic.⁹⁹ He continues, “Mais les falsifications ne coûtent pas plus que les calomnies et n'effraient pas plus la probité de mes ennemis. Aussi ont-ils eu grand soin de prévenir d'avance mes protestations en

⁹⁷ Perrin, “J.-J. Rousseau, la preuve par la lettre,” 407–426.

⁹⁸ Rousseau, “Lettre 906. À Duchesne (?) fin décembre 1762-début janvier 1763,” in Rousseau, *Lettres*, t. 3, 1295.

⁹⁹ For more on this, see: Raymond Trousson, *Jean-Jacques Rousseau jugé par ses contemporains. Du Discours sur les sciences et les arts aux Confessions* (Paris: Honoré Champion, 2000).

s'emparant de tous les journaux, de toutes les gazettes en me laissant nul asile à la vérité dans aucun des papiers publics."¹⁰⁰ Rousseau articulates that at least to some degree, these falsifications are no worse than the incessant calumnies he finds himself facing. But he is not able to respond to counterfeit documents; he has no recourse that enables him to tell the truth. He has no access to the newspapers or gazettes, through which public opinion can be influenced. Falsified documents and calumny are able to run rampantly, circulating with ease, spreading a false image of Rousseau to all who are unfortunate enough to fall prey to such deceit. Because of these false images that disfigure Rousseau, he must find a new means to correct his image.

At the core of Rousseau's enterprise is a belief that "telling all" (*tout dire*), through his testimony and authentic documents, is the only way to correct a disfigured image. While the presence of apocryphal letters risked rendering his voice inauthentic – as the Rousseau in the fake documents is not the Rousseau of the *Confessions* – he also suggests that, in this effort to "tell all," his memory is nevertheless imperfect and thus is subject to shortcomings.¹⁰¹ He writes:

Ma première partie a été tout écrite de mémoire et j'y ai dû faire beaucoup d'erreurs. Forcé d'écrire la seconde de mémoire aussi, j'y en ferai probablement beaucoup davantage. Les doux souvenirs de mes beaux ans passés avec autant de tranquillité que d'innocence, m'ont laissé mille impressions charmantes que j'aime sans cesse à me rappeler. On verra bientôt combien sont différents ceux du reste de ma vie.¹⁰²

Rousseau claims that his memory deteriorates as he tries to recount more recent events.¹⁰³ Ann Hartle notes that it is impossible that everything Rousseau states be true; and we know for a fact that there are numerous inaccuracies in his text. Therefore, Rousseau seeks to describe important

¹⁰⁰ Rousseau, "Lettre 906. À Duchesne (?) fin décembre 1762-début janvier 1763," in Rousseau, *Lettres*, t. 3, 1295.

¹⁰¹ For more on the study of memory in autobiography, see: Francis R. Hart, "Notes for an Anatomy of Modern Autobiography," *New Literary History* 1, no. 3 (Spring 1970): 485–511; Bonnie Braendlin, "Who Speaks (for) Autobiography?" *CEA Critic* 57, no. 1 (Fall 1994): 9–19; Mark Freeman, "Telling Stories: Memory and Narrative," in *Memory: Histories, Theories, Debates*, ed. Susannah Radstone and Bill Schwarz (New York: Fordham University Press, 2010), 263–278.

¹⁰² Rousseau, *Les Confessions*, Livre VII, 11–12.

¹⁰³ Hartle, *A Modern Self in Rousseau's Confessions*, 16–17

events, rather than being precise about the totality of his life, and his interest in these events is *not* the event itself, but their impact on his being.¹⁰⁴ However, Hartle's analysis of the *Confessions* does not consider the inclusion of documents, documents which are specifically furnished to establish the truth of the account. Starting from Book VII (or, largely, during the writing of Book VII), the account of Rousseau's life becomes more turbulent, as he begins to experience unprecedented persecution. He is a man who is at once psychologically imprisoned by the delirium of persecution and actively persecuted by the institutions of the Old Regime. Consequently, questions of judgment and his status as a victim are central to understanding Rousseau and his work.¹⁰⁵

When Rousseau addresses the reader at the beginning of the second part of the *Confessions*, he proclaims: "Lecteur, suspendez votre jugement sur les raisons qui m'y forcent. Vous n'en pouvez juger qu'après m'avoir lu."¹⁰⁶ Judgment can only be delivered once Rousseau's defense has been read; in the idealized tribunal of the *Confessions*, it would be unfair to judge him before he can present his case. He believes himself to be the victim of universal conspiracy, acutely felt because he was incessantly hounded and harassed. Thus, he addresses his detractors across the continent by demanding that they read his work in order to pass fair judgment on him. Rousseau insists on the importance of suspending judgment until one has read this work which develops a complete or "full" proof, all that is required to acquit him. Testimony and written proof in the *Confessions* are constantly working together: Rousseau *announces* that one must *read* his work. A fair judgment can only be rendered after a reading of the *Confessions*, while judicial verdicts – both before the tribunal and before the public – were always rendered unjustly

¹⁰⁴ *Ibid.*, 17.

¹⁰⁵ On Rousseau's changing status in society, see: Lilti, *Figures publiques*.

¹⁰⁶ Rousseau, *Les Confessions*, Livre VII, 11.

towards him throughout his life. For example, when referencing the orders for his arrest, Rousseau writes: “Ces deux décrets furent le signal du cri de malédiction qui s’éleva contre moi dans toute l’Europe, avec une fureur qui n’eut jamais d’exemple.”¹⁰⁷ Even these arrest decrees, written orders, are marked metaphorically by a certain degree of orality—writing and orality are, once again, intertwined.¹⁰⁸

While scholars such as Laura Field claim that Rousseau “is willing to appear morose, unstable, and paranoid if it means creating toleration for a new kind of thinker, while at the same time diminishing the public appeal of intellectual life,”¹⁰⁹ it is clear Rousseau seeks to prove to the reader that his writing is shaped by his incessant persecution. This persecution is the reason for the construction of a literary tribunal. It is not simply the case that Rousseau’s sense of persecution is constructed out of thin air as a ruse to win over his reader. To recall, the *parlement* of Paris stated that he should be promptly pursued (*poursuivi*) judicially.¹¹⁰ Even though certain crises, such as the falling out with David Hume or the attacks in the *Sentiment des citoyens*, may have been driven by increasing suspicion of those around him, it is nevertheless the case that Rousseau was, at least to some degree, actively persecuted. While he cannot seem to find anyone who will see him as innocent in his lived life, given the growing sense of persecution at every turn, he may be able to find a solution in his literary one: the *Confessions* may just be the work

¹⁰⁷ Rousseau, *Les Confessions*, Livre XII, 357.

¹⁰⁸ On the relationship between writing and orality in Rousseau, see: Derrida, *De la grammatologie*. The “*cri de la malédiction*” signaled by the arrest decrees – the latter a necessary and formal representation of judicial condemnation – embodies the natural expression of a universal vitriol towards Rousseau that is expressed throughout Europe. It is interesting, thus, that while Derrida sees writing and orality as being linked within Rousseau’s work, Rousseau’s language here seems to suggest that there is some relationship between writing and orality used by his detractors as well.

¹⁰⁹ Laura K. Field, “The Philosopher Doth Protest Too Much: Rousseauian Enlightenment and the Rhetoric of Despair,” *The Review of Politics*, no. 75 (2013): 245. For more on the way in which paranoia shapes Rousseau’s writing, see: Lilti, “The Writing of Paranoia,” 53–83.

¹¹⁰ “Arrest de la cour de Parlement,” 4. “Que l’Auteur de ce Livre n’ayant point craint de se nommer lui-même, ne saurait être trop promptement poursuivi ; qu’il est important, puisqu’il s’est fait connaître, que la Justice se mette à portée de faire un exemple tant sur l’Auteur que sur ceux qu’on pourra découvrir avoir concouru soit à l’impression, soit à la distribution d’un pareil ouvrage, digne comme eux de toute sa sévérité.”

that finally leads to his acquittal. But as the chronological gap between the recounted events in the *Confessions* and the period during which he is writing the work begins to close, it appears that the need for additional evidence begins to grow. I argue that this need grows because more recent events – those that took place during the 1750s and 1760s – have a greater number of witnesses who can testify about the events that took place, unlike for the events of Rousseau’s childhood (we do not know what happened to Marion, for example, and she cannot testify about what happened in the case of the stolen ribbon). For such events, Rousseau is able to play the role of the sole witness, as no other evidence can be provided, save his testimony. For more recent events, Rousseau is encountering the problem of multiple witnesses – if multiple people argue that his account is false, his singular testimony cannot match the jurisprudential weight of multiple testimonies. It is for this reason that he has recourse to the power of documentary evidence, a particularly forceful type of proof in Old Regime law.

The importance of documentary evidence figures prominently in Book IX of the *Confessions*, which details the intense falling out between Rousseau and his friends: Louise d’Épinay, Diderot, and Grimm. As I explained in Chapter One of this dissertation, Rousseau became infatuated with Louise d’Épinay’s cousin and sister-in-law, Sophie d’Houdetot. In Rousseau’s telling, Louise d’Épinay was deeply critical of Rousseau’s interest in Sophie d’Houdetot, and would ask his companion, Thérèse Levasseur, about any letters that the guilty parties may have exchanged.¹¹¹ This leads to a series of letters exchanged – the “*journée des cinq*

¹¹¹ Rousseau, *Les Confessions*, Livre IX, 202–203. He states that Louise d’Épinay said to Thérèse, “Comment pouvez-vous [...] ne pas voir qu’ils ont entre eux un commerce criminel ? Si, malgré tout ce qui frappe vos yeux, vous avez besoin d’autres preuves, prêtez-vous donc à ce qu’il faut faire pour les avoir : vous dites qu’il déchire les lettres de M^{me} d’Houdetot aussitôt qu’il les a lues. Eh bien, recueillez avec soin les pièces, et donnez-les-moi ; je me charge de les rassembler.” It appears that if these words were indeed stated by Louise d’Épinay to Thérèse, it is the latter who would have passed them along to Rousseau. He writes, “Thérèse eut la discrétion de me taire assez longtemps toutes ces tentatives ; mais voyant mes perplexités, elle se croit obligée à me tout dire, afin que, sachant à qui j’avais affaire, je prisse mes mesures pour me garantir des trahisons qu’on me préparait” (203).

billets,” also evoked in the context of our discussion of Louise d’Épinay in Chapter One – which precipitated the beginning of this quarrel between friends.

While the letters included in the *Histoire de Madame de Montbrillant* are simply a part of the narrative structure of an epistolary novel, the letters included here in the *Confessions* do not only serve as a monument to the epistolary exchange that took place. Rather, Rousseau uses the evidence to comment further about the impact of the events on him. For example, after the final letter by Louise d’Épinay in this exchange, Rousseau writes, “Cette dernière lettre me tira d’un terrible embarras, et me replongea dans un autre qui n’était guère moindre. Quoique toutes ces lettres et réponses fussent allées et venues dans l’espace d’un jour avec une extrême rapidité, cet intervalle avait suffi pour en mettre entre mes transports de fureur, et pour me laisser réfléchir sur l’énormité de mon imprudence.”¹¹² The letter, transcribed in the text, can be read by the judge, but it is Rousseau’s reflection on the impact of the letter that allows us to understand the role of evidence in this part of the *Confessions*. Correspondence is not included simply as artifact, but instead with the intention of illuminating the goodness of Rousseau’s being and intention. Other letters are included so that he may justify himself, such as in this response to a letter by Diderot: “Il faut expliquer les deux dernières phrases de cette lettre.”¹¹³ The letters included in the *Confessions*, thus, do not serve simply as isolated features like, as we shall see in Chapter Three, they do in Voltaire’s *Commentaire historique*, where they are included but not often explained. In the *Confessions*, Rousseau strives to highlight his response to criticism and attacks from those around.

This key role of documentary evidence in Part II of the *Confessions* continues further into Book X, which is equally rife with examples about the role of letters in the *Confessions*. This

¹¹² *Ibid.*, 206.

¹¹³ *Ibid.*, 210.

becomes evident when one thinks about the way in which the inclusion of documentary evidence in a trial itself – particularly in the trial setting that Rousseau imagines through his work – is linked to his idiosyncratic conception of legal proof.¹¹⁴ Regarding a letter by Madame d'Épinay that he places at the beginning of Book X, he writes:

Mon triste état, la rigueur de la saison, l'abandon général où je me trouvais, tout leur faisait croire, à Grimm et à elle [Mme d'Épinay], qu'en me poussant à la dernière extrémité, ils me réduiraient à crier merci, et à m'avilir aux dernières bassesses, pour être laissé dans l'asile dont l'honneur m'ordonnait de sortir. Je délogeai si brusquement qu'ils n'eurent pas le temps de prévenir le coup et il ne leur resta plus que le choix de jouer à quitte ou double, et d'achever de me perdre ou de tâcher de me ramener. Grimm prit le premier parti, mais je crois que Mme d'Épinay eût préféré l'autre ; et j'en juge par sa réponse à ma dernière lettre, où elle radoucit beaucoup le ton qu'elle avait pris dans les précédentes, et où elle semblait ouvrir la porte à un accommodement. Le long retard de cette réponse qu'elle me fit attendre un mois entier, indique assez l'embarras où elle se trouvait pour lui donner un tour convenable et les délibérations dont elle la fit précéder. Elle ne pouvait s'avancer plus loin sans se commettre : mais après ses lettres précédentes, et après ma brusque sortie de sa maison, l'on ne peut qu'être frappé du soin qu'elle prend dans cette lettre de n'y pas laisser glisser un seul mot désobligeant. Je vais la transcrire en entier, afin qu'on en juge (Liasse B, n° 23).¹¹⁵

This narrative introduction to the letter by Louise d'Épinay is intended to explain her state of mind and intentions – or, critically, as Rousseau perceives them. He interprets her actions – such as her long wait before writing him back and the careful language that she uses in the letter – as proof of an effort not to be seen as unkind. Rousseau, however, believes these actions to be artificial, disingenuous – an effort to preserve her image. This is further evidenced by Rousseau's remark about the letter, as he goes on to say: “Après tout ce qui s'était passé, ne pouvant plus prendre de confiance en Mme d'Épinay, je ne voulus point renouer avec elle ; je ne répondis point à cette lettre, et notre correspondance finit là.”¹¹⁶ The inclusion of the letter by Madame d'Épinay, here, is another form of prolepsis: he is able to get out ahead of Louise d'Épinay's

¹¹⁴ See further: Perrin, “La preuve par la lettre,” 408; Anne-François Grenon, “Les Lettres dans les *Confessions* de J.-J. Rousseau,” *Revue de l'Aire*, no. 35 (2009): 59–72; see further: Koshi, “Le Mémoire judiciaire et *Les Confessions* de Jean-Jacques Rousseau,” 290–291.

¹¹⁵ Rousseau, *Les Confessions*, Livre X, 247.

¹¹⁶ *Ibid.*, 248.

rebuttal (he would never see her *Histoire de Madame de Montbrillant* and the letters that she rewrote therewithin). Rousseau hopes that when the readers have read the letter, they can only interpret it in his favor and recognize the dishonesty of Louise d'Épinay – while this quarrel may have been limited to the circle of *philosophes*, Rousseau seems concerned that it grow beyond his control. In this light, any response from Louise d'Épinay would be invalidated from the outset.

Rather than simply recounting an event himself, Rousseau puts his faith in the value of the document. His testimony alone cannot succeed in convincing the public—that has already been proven by the failings of the *Lettre à C. de Beaumont*, his *Lettres à Malesherbes*, the *Lettres écrites de la montagne*, and so forth. Rousseau is invoking another witness's testimony, but it is not done so in order to adhere to the theory of multiple witnesses (*testis unus, testis nullus*). Instead, given the fact that Louise d'Épinay is Rousseau's adversary, he is displaying a sort of “for” and “against” argument: this is what I, Rousseau, said, and this is what Louise d'Épinay said. It is a reconstruction of the facts so that they may be presented to the reader-judge, “afin qu'on en juge.”

This practice extends throughout Books IX and X of the *Confessions*. Sometimes he includes letters directly, and sometimes he makes passing reference to them, noting their position in his archives. For example, he writes about his conspirators: “Pour porter leurs coups avec plus d'adresse, ils commencèrent par débiter que c'était moi qui les avais quittés. (Voyez la lettre de Deleyre, Liasse B, n° 30).”¹¹⁷ In referencing letters without including them directly, Rousseau signals the existence of additional proof, should one require it, without actually producing it. His proofs lie in his archives – outside the confines of the book. In including the letters in the

¹¹⁷ *Ibid.*, 248.

Confessions, Rousseau is constructing a dossier that could be given to a judge during the early phases of a trial.

These letters will certainly not fill all the gaps in Rousseau's memory, but they will evoke certain events that otherwise would have been left forgotten. In Book XII, Rousseau writes:

Mes livres, qui m'avaient été envoyés depuis peu, me fournirent les moyens d'achever cet ouvrage : mes papiers, qui me furent envoyés en même temps, me mirent en état de commencer l'entreprise de mes Mémoires, dont je voulais uniquement m'occuper désormais. Je commençai par transcrire des lettres dans un recueil qui pût guider ma mémoire dans l'ordre des faits et des temps. [...] Cependant, en les arrangeant pour les transcrire j'y trouvai une lacune qui me surprit. Cette lacune était de près de six mois, depuis octobre 1756 jusqu'au mois de mars suivant. [...] Qu'étaient-elles devenues ?¹¹⁸

While it would be impossible for Rousseau fully to complete his memoirs – the *Confessions* – without the presence of these documents, even if the letters themselves are not always to be trusted — not all the gaps in Rousseau's memory will be filled; even if there are letters, there are other letters that will always remain missing. This problem of missing letters, furthermore, reveals the limits of the Rousseauian archive, both as it concerns the missing materials and the possible manipulation of other materials.¹¹⁹ Rousseau muses about the missing letters and wonders what may have happened to them, writing:

Quelqu'un avait-il mis la main sur mes papiers, pendant quelques mois qu'ils étaient restés à l'hôtel de Luxembourg ? Cela n'était pas concevable, et j'avais vu M. le Maréchal prendre la clef de la chambre où je les avais déposés. Comme plusieurs lettres de femmes et toutes celles de Diderot étaient sans date, et que j'avais été forcé de remplir ces dates de mémoire, et en tâtonnant, pour ranger ces lettres dans leur ordre, je crus d'abord avoir fait des erreurs de date, et je passai en revue toutes les lettres qui n'en avaient point, où auxquelles je l'avais suppléée, pour voir si je n'y trouverais point celles qui devaient remplir ce vide. Cet essai ne réussit point ; je vis que le vide était bien réel, et que les lettres avaient bien certainement été enlevées. Par qui et pourquoi ? Voilà ce qui me passait. Ces lettres, antérieures à mes grandes querelles, et du temps de ma première ivresse de la *Julie*, ne pouvaient intéresser personne. C'était tout au plus quelques tracasseries de Diderot, quelques persiflages de Deleyre, des témoignages d'amitié de Mme de Chenonceaux, et même de Mme d'Épinay, avec laquelle j'étais alors le mieux du monde. À qui pouvaient importer ces lettres ? Qu'en voulait-on faire ? Ce n'est que sept ans après que j'ai soupçonné l'affreux objet de ce vol.¹²⁰

¹¹⁸ Rousseau, *Les Confessions*, Livre XII, 374–375

¹¹⁹ On the archive, see: Ricœur, *La Mémoire, l'histoire, l'oubli*, 209–224.

¹²⁰ Rousseau, *Les Confessions*, Livre XII, 375.

As Alain Grosrichard notes, Rousseau was in a particular state of distrust when writing this part of the *Confessions*, believing himself to be surrounded by spies.¹²¹ This may thus explain the nature of his musings on what exactly happened to the letters in question: Did someone steal them at the Hotel de Luxembourg? Certainly not. Did he make a mistake when organizing the documents for his collection? Also, certainly not. Someone, then, must have stolen them.

Rather than focus on what happened to Rousseau's archive, however, the present analysis is principally concerned with Rousseau's perception of the role of the archive, particularly with regards to the presence – or absence – of certain letters. With the realization that certain letters are indeed missing from his personal archive, Rousseau appears to cease privileging the raw power of sentimentality in the account of his life. Interestingly, these letters are dated *prior* to his great quarrels, and thus few people –if any – would have had a personal interest in seeing them disappear. While Rousseau recognizes the fact that his archive may have material shortcomings – letters not having dates on them, or misplaced documents – he insists that any degradation of the archive cannot be his doing—it could only be the fault of someone other than him, someone aiming to rob Rousseau of his ability to provide all of the necessary evidence to defend himself. Regardless of the fact that these letters pre-dated the quarrels of the 1760s, it is precisely these events – which have left such a stain on Rousseau's memory – that led him to the conclusion that there are active hands at work trying to disfigure him.

Certain critics have demonstrated that Rousseau himself may have been one of those figures corrupting the archives: some of the letters he cites may have been apocryphal.

Regarding a letter to M. de la Martinière, to which Rousseau refers in Book IV, he writes:

M. de la Martinière voulut voir de mon style, et me demanda par écrit le même détail que j'avais fait à monsieur l'ambassadeur. Je lui écrivis une longue lettre, que j'apprends avoir été conservée par M. de Marianne, qui était attaché depuis longtemps au marquis de Bonac, et qui depuis a

¹²¹ Grosrichard, *Les Confessions*, Livre XII, 586–587, note 51.

succédé à M. de la Martinière sous l'ambassade de M. de Courteilles. J'ai prié M. de Malesherbes de tâcher de me procurer une copie de cette lettre. Si je puis l'avoir par lui ou par d'autres, on la trouvera dans le recueil qui doit accompagner mes Confessions.¹²²

In the endnotes, Alain Grosrichard observes, “on a perdu la lettre en question. Mais on sait, par des sources indirectes, qu’il y relatait de façon détaillée toute l’histoire de sa vie depuis sa fuite de Genève.” Grosrichard further explains:

Au moment d’entreprendre la rédaction de ses *Confessions*, Rousseau s’était constitué un dossier contenant une partie de sa correspondance, non seulement pour soutenir sa mémoire défaillante, mais avec l’idée de joindre à son récit les pièces à conviction qui prouveraient, s’il en était besoin, qu’il avait dit la vérité sur lui-même et sur ceux qui s’acharnaient à le défigurer.¹²³

Grosrichard lays out for the reader the material nature of the construction of Rousseau’s *Confessions*, particularly as it relates to the inclusion of letters for filling in the gaps of his memory and for proving the truth of his account – this letter to M. de la Martinière would have figured into this dossier. Rousseau’s intentions aside, the fact that this document is missing has provoked skepticism. In the Pléiade edition to the *Confessions*, Marcel Raymond and Bernard Gagnebin note:

La lettre à M. de La Martinière, secrétaire d’ambassade à Soleure, publiée pour la première fois par Musset-Pathay (*Œuvres inédites*, 1825, t. I, p. 3), d’après une copie remise par M. Dubois ‘de Genève’, et recueillie dans de nombreuses éditions des œuvres de Rousseau, notamment l’édition Hachette (t. XII, p. 358) est certainement apocryphe.¹²⁴

Raymond and Gagnebin demonstrate that, given the probable falsity of certain document, taking Rousseau at his word concerning his correspondence – never mind believing in the authenticity of Rousseau’s account as a whole – should be done only with prudence. This is a problem also, however, in Louise d’Épinay’s *Histoire de Madame de Montbrillant* and, as we will see, in Voltaire’s *Commentaire historique*. As we saw, Louise d’Épinay’s form of the epistolary novel

¹²² Rousseau, *Les Confessions*, Livre IV, 196.

¹²³ *Ibid.*, 380.

¹²⁴ Jean-Jacques Rousseau, *Œuvres Complètes*, eds. Bernard Gagnebin and Marcel Raymond, t. 1 (Paris, Bibliothèque de la Pléiade, 1959), 158.

afforded her the freedom to rewrite letters as she pleased; even in exchanges where the letters included by Rousseau were authentic, she rewrote her own half of the correspondence. Voltaire, as we will see in Chapter Three, rewrites documents throughout the *Commentaire historique*, despite the fact that he insists upon their authenticity. While Rousseau, thus, also insists upon the authenticity of his account, he too appears to engage in a practice of rewriting or fabricating the occasional letter.

It is unclear what happened to this piece of evidence: it is either missing, as Grosrichard claims, or it is fake, as Raymond and Gangebin claim. If this letter were to be attached to the *Confessions* in a collection of correspondence – which Grosrichard notes that Rousseau intended to do – the letter itself certainly could not serve as evidence, given the risk that it was fabricated.¹²⁵ Having learned this, the modern reader-judge may begin to doubt the truth of Rousseau's deposition to an even greater extent. The recognition of apocryphal documents should certainly put into question the veracity of certain components of Rousseau's account. However, from the point of view of this study, letters, be they true or false, nevertheless greatly contribute to both the contemporary and modern reader's understanding of Rousseau's conception of proof in the second half of the *Confessions*. This is fundamentally about what evidence *is* for Rousseau—regardless of whether or not the underlying facts are true or false, the use of letters embodies a particular worldview of what evidence actually is.

The goal of Rousseau's project is to reveal the depths of his soul to the reader, but the act of rendering his soul transparent changes over the course of the *Confessions*. The ideal of transparency, thus, does not seem to be determined by a constant, consistent methodology. Very early on, he insists on this aspect of the autobiographical project in the following way:

¹²⁵ Daston, "Marvelous Facts and Miraculous Evidence in Early Modern Europe," 94. She argues: "Facts fabricated as evidence, that is, to make a particular point, are thereby disqualified as evidence."

Je voudrais pouvoir en quelque façon rendre mon âme transparente aux yeux du lecteur, et pour cela je cherche à la lui montrer sous tous les points de vue, à l'éclairer par tous les jours, à faire en sorte qu'il ne s'y passe pas un mouvement qu'il n'aperçoive, afin qu'il puisse juger par lui-même du principe qui les produit.¹²⁶

By using words such as “yeux” and “montrer,” it seems that in the first part of the *Confessions*, Rousseau is already paying attention to questions of evidence and proof. This effort, particularly as we move into the second part of the *Confessions*, becomes more evident with the inclusion of documentary proof to bolster his case, which – as the jurist Boucher d'Argis states in his article “Preuve” in the *Encyclopédie* – is given particular weight in judicial proceedings.¹²⁷ In the first part, written proof is introduced first and foremost as being the book itself; Rousseau leans on his oral testimony, proclaiming his goodness before God, his peers, and those who took part in the “occasional trials” during his youth. In the second part, Rousseau furnishes written proof in the form of documents to enhance his deposition. This all contributes to realizing his intention to render his soul transparent. For Jean Starobinski, this transparency (*transparence*) is never actualized, but is always potential:

Tout se passe donc comme si la transparence n'était pas une donnée préexistante, mais une tâche à réaliser. Plus exactement, tout se passe comme si la clarté interne de la conscience ne pouvait se suffire à elle-même ; tant qu'elle reste strictement “intérieure”, tant qu'elle n'est pas accueillie par les autres, elle est paradoxalement une transparence voilée et solitaire ; elle n'est pas une transparence en acte, mais “en puissance” ...¹²⁸

This being said, if one examines the dichotomy of the messianic posturing of the biblical voice on the one hand, and, on the other hand, what might be termed the “judicial posturing” achieved through adducing documentary evidence in the form of letters, it seems that this transparency becomes a question of power and action. In the first part in particular, through biblical references

¹²⁶ Rousseau, *Les Confessions*, Livre IV, 215

¹²⁷ “La preuve par écrit peut suffire toute seule pour établir un fait.” Boucher d'Argis, “PREUVE,” in *Encyclopédie* 13:355.

¹²⁸ Starobinski, *La Transparence et l'obstacle*, 219.

and phrasings, Rousseau's voice begins to evoke that of a defendant, his personal testimony central to his self-defense .

Clearly Rousseau's actions are not just for himself; rather, he is seeking constantly the approval of other people.¹²⁹ Thus, the judge at the end of the *Confessions* is no longer divine but is rather humanity, the court of public opinion, the listeners around him as he gives his reading of his work.¹³⁰ Whereas God figured into his literary, metaphorical trial – we have not yet arrived at the active attempt really to present his work before God, such as it is recounted in the *Histoire du précédent écrit* in the *Dialogues*¹³¹ – the end of the *Confessions* testifies to a critical movement from a purely literary effort, one confined by the book's bindings, to an attempt to convince the public of his innocence—the literary trial becomes a genuine trial in the Habermasian public sphere, the metaphorical defense becomes a prepared material defense.¹³² At the end of Book XII, Rousseau gives a public reading of his work:

J'ai dit la vérité. Si quelqu'un sait des choses contraires à ce que je viens d'exposer, fussent-elles mille fois prouvées, il sait des mensonges et des impostures, et s'il refuse de les approfondir, et de les éclaircir avec moi, tandis que je suis en vie, il n'aime ni la justice ni la vérité. Pour moi, je le déclare hautement et sans crainte : quiconque, même sans avoir lu mes écrits, examinera par ses propres yeux mon naturel, mon caractère, mes mœurs, mes penchants, mes plaisirs, mes habitudes, et pourra me croire un malhonnête homme, est lui-même un homme à étouffer. J'achevai ainsi ma lecture, et tout le monde se tut. Mme d'Egmont fut la seule qui me parut

¹²⁹ This is not to say, however, that Rousseau was seeking what may be called a “celebrity lifestyle.” As Shojiro Kuwase writes, “Écrivain jouissant d'une rare renommée, Rousseau n'accepte pourtant pas facilement l'image du grand homme qu'on veut lui attribuer. Il déclare à une marquise désirant le voir que son cœur est fermé aux ‘nouvelles amitiés’, refuse l'offre des comédiens italiens qui lui proposent des entrées gratuites au spectacle, et se plaît à s'installer rue Plâtrière, ‘la rue la plus bruyante, la plus incommode, la plus passagère et la plus infestée de mauvais lieux’, et à vivre de son travail de copiste.” Shojiro Kuwase, *Les Confessions de Jean-Jacques Rousseau en France (1770-1794). Les aménagements et les censures, les usages, les appropriations de l'ouvrage* (Paris: Honoré Champion, 2003), 40.

¹³⁰ What type of reading this was – private or public – is characterized differently by different scholars. Shojiro Kuwase highlights the diversity of interpretations as both scholars and contemporaries of Rousseau sought to understand Rousseau's intentions with the readings. See: *Ibid.*, 47–51.

¹³¹ Jean-Jacques Rousseau, “Histoire du précédent écrit,” in *Rousseau juge de Jean-Jacques*, ed. Jean-François Perrin (Paris: Classiques Garnier, 2019): 525–540. As Rousseau recounts in the “Histoire du précédent écrit,” he went to present his manuscript of the *Dialogues* before God at the altar in Notre-Dame in Paris. However, upon his arrival at the church in February 1776, he was shocked to find the gates to the altar closed.

¹³² See: Habermas, *The Structural Transformation of the Public Sphere*.

émue ; elle tressaillit visiblement, mais elle se remit bien vite et garda le silence, ainsi que toute la compagnie. Tel fut le fruit que je tirai de cette lecture et de ma déclaration.¹³³

A crowd, carefully composed of acquaintances and potential supporters, remained silent. This is far from the glorious moment outlined at the beginning of the *Confessions* – the trumpets are not sounding; judgment is not being proclaimed. The only voice that is openly resonating is Rousseau's. But once he ceases to speak, only silence follows—the “truth” proclaimed by Rousseau is rejected by those who do not wish to recognize its existence. His testimony does not succeed. That which he declared and wrote was treated as unconvincing. We may ask ourselves: before this court of public opinion – or, perhaps, a court of (semi-)public opinion – is a second witness needed? In searching for approval, acquittal, is Rousseau seeking a corroborative testimony, coming from a witness to his life and his being – as well as one can be, following a reading of the *Confessions* – who is of equal sincerity who could understand his soul? We are far from the tribunal that was promised to acquit him at the beginning.¹³⁴ It appears that, to Rousseau, this tribunal is one in which truth itself is not as powerful as he hoped; rather, one must go to great lengths to convince a multiplicity of judges.

The end of Book XII of the *Confessions* is a sharp reversal from where the text began. As Eli Friedlander observes:

The opening paragraph contains a theatrical gesture that addresses the writing not to human judgement but rather to the divine judgement. But this gesture of turning away from his fellow beings cannot be sustained. After all, Rousseau expects others to recognize his innocence as it is proved by his writings.¹³⁵

¹³³ Rousseau, *Les Confessions*, Livre XII, 429.

¹³⁴ “Je me suis montré tel que je fus ; méprisable et vil quand je l’ai été ; bon, généreux, sublime quand je l’ai été : j’ai dévoilé à mon intérieur tel que tu l’as vu toi-même. Être éternel, rassemble autour de moi l’innombrable foule de mes semblables : qu’ils écoutent mes confessions...” Rousseau, *Les Confessions*, Livre I, 30.

¹³⁵ Eli Friedlander, “Rousseau’s Autobiographies,” in *The Cambridge Companion to Autobiography* eds. M. DiBattista and E. Wittman (Cambridge, Cambridge University Press, 2014), 64.

Rousseau must attempt to convince the public, the reader. Unlike the opening tribunal where God recognizes the truth once it is presented to him, the role of the truth changes in these public proceedings before the “innombrable foule.” The crowd – brought together by the Eternal Being at the beginning and is present at the end during the public reading – is no longer metaphorical. Once Rousseau won the prize from the Académie de Dijon in 1749 after the publication of his *Discours sur les sciences et les arts*, he increasingly becomes a celebrity, and thus a notion of exemplarity vis-à-vis the *foule* (Rousseau’s public), begins to take shape in his mind. This exemplarity, according to Starobinski, ends up fomenting distrust in Rousseau’s mind:

En présence des autres consciences, sur lesquelles il n’a aucune prise, le même vertige saisit [Rousseau] : comment faire pour supprimer la possibilité du malentendu, la quasi-probabilité d’un jugement monstrueux qui fait de lui un monstre ? Les autres *peuvent* voir en lui le méchant, et il n’a aucun privilège que prévienne ce risque.¹³⁶

No longer relying on the lyricism of the first part, the documentation furnished by Rousseau in the second part leads to acquittal in his mind alone—the public is unconvinced, his reading is met only with a deafening silence; Rousseau has been misunderstood—or worse, taken for a monster. He stages the spectacle of him reading of his own work – his consubstantial being – and it is a failure. His distrust drive him to seek approval and acquittal as soon as he possibly can. The documents in the second part were furnished by Rousseau in order to bolster his argument and the veracity of his project, but when he endeavors to give a public reading, to make this oral gesture, he fails to receive the approval for which he was yearning.

The reimagined tribunals – first, one in which a single testimony alone can ensure one’s innocence, and second, where documentary proof is needed, but innocence can still be proven – do not lead to the judgment Rousseau seeks. The tribunals are unable to provide any new judgment that trumps the condemnations that Rousseau faces in the real world. Rousseau, thus,

¹³⁶ Starobinski, *La Transparence et l’obstacle*, 299.

takes it upon himself to try again, to find a new way to demonstrate his innocence to his reader, and so he writes the *Dialogues. Rousseau juge de Jean-Jacques*.

Conclusion

While the *Confessions* may be considered a unified project in self-discovery, a work situated at the forefront of modern autobiographical writing, Rousseau's act of self-defense before the court of public opinion is marked by a series of uneven tensions and navigations. Through his belief in the fact that his testimony alone would guarantee his innocence – both during his childhood and on into the 1760s – to a growing sense that documentary evidence is a critical, if not necessary, form of proof before his reader-judge, Rousseau's demonstrates in his *Confessions* a growing effort by the author to engage with the principles of Old Regime proof in order to prove his innocence. He cannot provide the *aveu* that the judge desires: he will not confess to his guilt; instead, he only confesses to his innocence, a speech act that does not prove anything in a judicial tribunal. Moreover, it has been the case since Antiquity that more than one eye-witness testimony is needed to establish a fact. Rousseau, however, stands alone in his defense, no lawyer and no witness by his side.

In Part II of the *Confessions*, thus, Rousseau turns to documentary evidence in order to bolster his defense. Documentary evidence, after all, is more capable of establishing a fact than a singular testimony is. The inclusion of this documentary evidence is particularly necessary because the episodes that he is describing are far more apt to be known by the public—his adversaries are very much alive and capable of further condemning Rousseau. When he includes correspondence from people like Louise d'Épinay, he is not simply attempting to give a totalizing account of his life, where he outlines his actions, his beings, and his correspondence. Rather, he is underscoring the continued way in which his friends turned into his detractors—he

highlights the immense degree to which he was unfairly treated by those who were closest to him and, in turn, uses the correspondence in order to mount a defense of his actions and intentions to his reader-judge. Despite these efforts over the course of the *Confessions*, however, Rousseau is ultimately unable to move and convince the public. Condemned by both the legal institutions and by society, he appears incapable of proving his innocence, his intentions, and his goodness.

The *Confessions* are simultaneously marked by an unprecedented level of introspection, of individual testimony and the failure of this testimony in Old Regime society. The unprecedented nature of Rousseau's testimony about the history of his life cannot overturn judicial condemnation and increasing social isolation. Perhaps Rousseau's inability to prove his innocence stems from the fact that in the tribunal erected in the *Confessions*, he stands alone before the judge. However, there are other proofs – other testimonies, other documents – that exist, and they continue to condemn Rousseau. He has not yet ascended to Heaven to stand before a just and impartial judge but rather is condemned to spend the rest of his life in a hellish society, one in which the masses are unreceptive to the proofs that he can provide.

The *Confessions*, however, are not the end of Rousseau's attempt at self-defense. In his next effort at self-defense, the *Dialogues. Rousseau juge de Jean-Jacques*, Rousseau imagines a dialogue between "Rousseau" and "Le Français," where they discuss the condemned "Jean-Jacques." As Jean-François Perrin has outlined in his critical introduction to the work, this new effort by Rousseau is deeply judicial in nature. The form of the dialogue allows for the presentation of arguments in favor of and against "Jean-Jacques." As Jean-François Perrin has argued, the *Dialogues. Rousseau juge de Jean-Jacques* is an overtly judicial text, another instance in which Rousseau uses a literary tribunal to try to prove his innocence.¹³⁷ This effort,

¹³⁷ Perrin, "Introduction," in Rousseau, *Rousseau juge de Jean-Jacques*, 13–103.

however, would also fail to ensure Rousseau's innocence—not even God would accept the work, as the gates to the altar in Notre Dame were closed when he went to present it to Him.

In his final autobiographical enterprise, the *Rêveries*, Rousseau appears to reject the need for proof altogether. From the outset of the *Rêveries*, Rousseau acknowledges his isolation: “Je n’ai plus en ce monde ni prochain, ni semblable, ni frères. [...] Seul pour le reste de ma vie, puisque je ne trouve qu’en moi la consolation, l’espérance et la paix, je ne dois ni ne veux plus m’occuper que de moi.”¹³⁸ He is no longer concerned with presenting proofs to judges, no longer concerned convincing his readers and his contemporaries of his ultimate goodness, of his innocence. Instead, the *Rêveries* are a turn towards the interior, a self-study shaped by a sense of ultimate isolation from society. This radical turns towards his interior after a series of failed attempts at literary self-defense represent the immense problem of proof for Rousseau: despite his efforts, despite all the documentary evidence he has adduced, he cannot prove his innocence, his goodness, or the sincerity of his intentions. He cannot overcome the disfigured image that the public holds of him with his individual testimony or his documentary evidence. In spite of his efforts to prove his innocence, it is he alone who recognizes it.

¹³⁸ Rousseau, *Rêveries*, 41.

Chapter 3: Selective Totality: Voltaire's *Commentaire historique* and the Problem of Proof

Introduction

Roughly two years before his triumphant return to Paris in 1778, Voltaire composed and published the *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves* (1776), an end-of-life autobiographical work where Voltaire outlined the major points of his literary career, his continued proximity to the most powerful figures in Europe, and his vast network of intellectual exchange.¹ The work is composed of three principal elements: first, a third-person prose narrative of Voltaire's literary career—what we can consider to be the “commentaire historique”; second, a collection of thirty-one letters that touch on a variety of intellectual subjects; and lastly, the poem *Sésostris*, which was first published just months before the *Commentaire historique* in 1776. For the next two and a half centuries, the work remained relatively obscure and misrepresented: Voltaire's authorship of the work was doubted – scholars attributed the work to Voltaire's secretary, Wagnière – and the letters were separated from the body of the *Commentaire historique*.² It was not until 2018, with the edition that appeared in the *Œuvres complètes de Voltaire (OCV)*, that scholars have been able to examine the work critically as a whole. Finally, the narrative, the letters, and the poem can be read all together.³

¹ On Voltaire's return to Paris, see: Lilti, *Figures publiques*, especially chapter 1, “Voltaire à Paris,” 25–37. On transformation of the public perception of the philosophes: Paul Bénichou, *Le Sacre de l'écrivain* (Paris: José Corti, 1973).

² On the contested authorship of the *Commentaire historique*, see, for example: Ira O. Wade, *The Search for a New Voltaire: Studies in Voltaire Based upon Material Deposited at the American Philosophical Society* (Philadelphia: The American Philosophical Society, 1958), 56–58; Raymonde Morizot, *L'Autobiographie chez Voltaire* (Paris: Publibook, 2006). On the publication history of the *Commentaire historique*, see: Nicholas Cronk, “Introduction et dossier,” in *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves*, OCV, t. 78B, 3–13. All editions of the *Œuvres complètes de Voltaire* will be abbreviated as OCV throughout this chapter.

³ Voltaire, *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc. Avec les pièces originales et les preuves*, ed. Nicholas Cronk, OCV, t. 78B-C (Oxford: Voltaire Foundation, 2018).

Given the publication history of the *Commentaire historique*, the amount of scholarship devoted to the work is necessarily orders of magnitude smaller than on a work like Rousseau's *Confessions*. Moreover, what scholarship has been done rarely treats the *Commentaire historique* as a whole unto itself—our vision of the work has often been fractured. It is this complicated publication history that provides, in part, a rich avenue for the study of proof in this text. The title suggests to the reader from the outset that the historical commentary in the first part of the work will be supplemented by proofs and original documents in the next. However, without truly knowing the entirety of the text until very recently, there has been little opportunity to examine how exactly Voltaire conceptualizes this idea of proof in the *Commentaire historique*, despite its centrality to the work. As we will see, proof in the *Commentaire historique* does not simply appear as a supplement to the historical commentary but is instead woven into the central narrative by Voltaire, where the proofs are sometimes authentic, sometimes forged, sometimes written by his own hand, and sometimes written by the hands of others.

My analysis in this chapter builds upon the work done by scholars such as Nicholas Cronk and Christiane Mervaud, two scholars whose work lays a foundation for my own work on the problem of proof in Voltaire's *Commentaire historique*. In fact, Mervaud evokes this problem overtly, writing that when composing the *Commentaire historique*, Voltaire was shaped by a personal "obsession de la preuve."⁴ Cronk's critical introduction to the *Commentaire historique*, helps us understand the immense complexities of this work, from the various genres in which the text participates, to the larger historical context in which Voltaire wrote it.⁵ In this chapter, I will show how understanding Voltaire's proof obsession is essential for understanding of how Voltaire

⁴ Christiane Mervaud, "Voltaire en majesté: les 'lettres véritable' du *Commentaire Historique*," *Revue Voltaire* 11 (2011): 77.

⁵ Cronk, "Introduction et dossier," in *Commentaire historique*, OCV, t. 78B.

chose to depict himself and his life. This implies not only the need to understand the various ways in which proof is used by Voltaire to support his account in this particular work, but also how this sense of proof was itself shaped by his past works and experiences.

This proof obsession very much ties him to Rousseau, who, too, was obsessed with proving the truth of the account of his life and his inner being; however, as might be expected, this obsession manifests itself very differently in the *Confessions* and the *Commentaire historique*. While Rousseau stresses the fact that he goes to great lengths to tell the truth, Voltaire simply alters the evidence at hand to fit his narrative. The logic of the *Commentaire historique* is self-confirming: the narrative is about the greatness of Voltaire's life, and thus any proof included within the text becomes proof of that greatness. Given their history of intellectual combat and Rousseau's public readings of his *Confessions*, it may be the case that Voltaire's *Commentaire historique* should be understood in part as a response to Rousseau's efforts to defend his own life, an act of self-defense that involved denigrating his detractors, such as Voltaire.

We can confidently conclude that Voltaire was at least knowledgeable of Rousseau's public readings of his *Confessions*. After attending Rousseau's reading in 1771, Claude-Joseph Dorat wrote the countess Fanny de Beauharnais a letter that would be published in the *Année littéraire*, which Voltaire would have certainly read:

L'écrit dont il est question est vraiment un phénomène de génie, de simplicité, de candeur et de courage. Que de géants changés en nains ! Que d'hommes, obscurs et vertueux, rétablis dans tous leurs droits et vengés à jamais des méchants par le seul suffrage d'un honnête homme ! Tout le monde y est nommé ; on n'a pas fait le moindre bien à l'auteur qui ne soit consacré dans son livre ; mais aussi démasque-t-il les imposteurs sans le moindre égard pour leur difformité.⁶

Whereas Rousseau did not believe that those at his public readings were moved, Dorat's account suggests that at least some of those in attendance recognized the potential power of the work in

⁶ Claude Joseph Dorat, *L'Année littéraire*, July 1771, IV, 210–214, quoted in Trousson, *Jean-Jacques Rousseau jugé par ses contemporains*, 452.

the public sphere. If Dorat's assessment of the *Confessions* is correct, could Voltaire be one of these giants, turned publicly into a dwarf by Rousseau, his *frère-ennemi*? As we will see, unlike Rousseau, Voltaire does not from the outset evoke his desire for self-defense as a motive; instead, he will simply tell us that the account and the proofs within it are true. He thus appears far less concerned with the future impact of the project, or its ability to defend his reputation for the rest of time. While Rousseau seems dogged in his self-defense, we will see that Voltaire has a propensity for being almost insouciant in his autobiographical work.

I call the *Commentaire historique* “autobiographical,” rather than autobiography, as it falls outside the definitions of “autobiography,” and instead can be situated in a larger practice of “self-writing” or “memorialist” practices that took place during the 18th centuries.⁷ While in his later study in third-person autobiography, *Je est un autre* (1980), Lejeune broadens substantially his definition of “autobiography” to include many variations in the genre, the peculiarities of the *Commentaire historique* still make it difficult to classify, both as an autobiography and in general: if the *Commentaire historique* is *not* an autobiography, then what exactly *is* it?⁸ Unlike Rousseau's *Confessions*, Voltaire's work is rooted more in the aristocratic memorial tradition of the Old Regime.⁹ Yet there are deep similarities between the two works. As Nicholas Cronk

⁷ This goes beyond Lejeune's most traditional definition of autobiography as a “récit rétrospectif en prose qu'une personne réelle fait de sa propre existence, lorsqu'elle met l'accent sur sa vie individuelle sur l'histoire de sa personnalité.” Lejeune, *Le Pacte autobiographique*, 14. While Lejeune's traditional understanding of “autobiography” and its inclusion of the “histoire de [la] personnalité” would disqualify Voltaire, I believe that Voltaire's *Commentaire historique* is more representative of a varied representation of the “self” taking place in 18th century self-writing. For an overview of this shifting literary dynamic, see: Hersant, “Disséminations Autobiographiques,” 21–44.

⁸ Philippe Lejeune, *Je est un autre. L'autobiographie, de la littérature aux médias* (Paris: Éditions du Seuil, 1980), 8. Lejeune writes, “Mais j'avais aussi montré [dans *le Pacte autobiographique*] les pièges que l'étude d'un genre littéraire tend au critique. Il risque de s'enfermer dans une définition artificielle, simplifiée et statique ; de s'absorber dans l'analyse de quelques chefs-d'œuvre, choisis dans une même variété du genre, où il croira voir son 'essence'. Aussi ai-je pris tous mes exemples, à partir de la troisième variation, en dehors de l'écriture littéraire classique, pour explorer des formes variées d'expression (auto)biographique dans les médias les plus différents.”

⁹ Marc Hersant writes, for example, “Parmi les textes les plus parfaitement proches de la structure énonciative du *CH*, un modèle [...] est sans doute la *Vita*, biographique de Jacques-Auguste de Thou écrite par lui-même mais officiellement attribuée à un historien proche de l'auteur véritable.” Marc Hersant “Un patriarche en représentation:

writes, “Ils [Voltaire et Rousseau] sentaient tous les deux la nécessité de se défendre, de défendre leurs écrits, leur vie et leur personne, devant l’opinion publique comme devant leur persécuteurs.”¹⁰ Voltaire had already tried his hand at autobiographical writing after leaving Frederick the Great’s court, writing both *Paméla* and the *Mémoires pour servir à la vie de M. de Voltaire*, two works of self-writing where he expressed his displeasure with Frederick; both works, however, remained unpublished during his lifetime, and seemed rather to be private expressions of frustration than works destined to defend Voltaire before a public audience.¹¹ Unlike these unpublished works, the *Commentaire historique* is a final act by Voltaire publicly to establish with supporting evidence – to prove to his readers, as it were – the facts of his life and his literary career, as well as his effort to leave a “monument” (to borrow Marc Hersant’s term) to posterity that cannot be disputed.¹²

As Nicholas Cronk writes, “Le but n’est pas de faire un portrait de l’intérieur, à la manière de Rousseau, mais au contraire de se faire voir clairement de l’extérieur, et Voltaire, surtout le vieux Voltaire, aime prendre de la distance vis-à-vis de lui-même pour mieux se peindre.”¹³ In order to establish this distance necessary to depict himself convincingly, Voltaire writes his autobiographical *Commentaire historique* in the third-person, assuming for himself the third person “il” and handing the first person “je” over to a fictionalized witness, one who intervenes

le *Commentaire historique sur les œuvres de l’auteur de la Henriade*,” *Revue Voltaire* 11 (2011), 110, quoted in Cronk, *Commentaire historique*, OCV, t.78B, 83. See further: Marc Fumaroli, “Les Mémoires du XVII^e siècle au carrefour des genres en prose,” 7–37. Certain aspects of the *Commentaire historique*, like the inclusion of letters, figure prominently into the Old Regime memorial tradition. See, for example: Myriam Tsimbidy, *La Mémoire des lettres. La lettre dans les Mémoires du XVII^e siècle* (Paris: Classiques Garnier, 2013).

¹⁰ Cronk, “Introduction,” *Commentaire historique*, OCV, t.78B, 82.

¹¹ *Paméla et Mémoires pour servir à la vie de M. de Voltaire*, ed. Jonathan Mallinson, OCV, t. 45C (Oxford: Voltaire Foundation, 2010).

¹² On the work as a monument, see: Marc Hersant, “Des *Mémoires pour servir à la vie de M. de Voltaire* au *Commentaire historique sur les œuvres de l’auteur de la Henriade*. Déconstruction et reconstruction du passé,” in *Le Passé composé. La mise en œuvre du passé dans la littérature factuelle (XVI^e-XIX^e siècles)*, dir. Frédéric Charbonneau and Marie-Paul de Weerdt-Pilorge (Paris: Classiques Garnier, 2019), 185–199.

¹³ Cronk, “Introduction,” *Commentaire historique*, OCV, t. 78B, 99.

to provide eye-witness testimony about the account at hand. This distance extends well beyond Voltaire himself; René Pomeau, for example, calls this work a *curriculum vitae* that puts on display Voltaire's networks, networks that were at once intellectual and political.¹⁴ As Jacques-Henri Meister (1744-1826), director of the *Correspondance littéraire*, notes, moreover, in his contemporary reaction to Voltaire in the *Correspondance*, there is only one "notice abrégée d'une partie de ses ouvrages" in the *Commentaire historique*, "mais qu'on y trouve en revanche une liste pompeuse de toutes ses liaisons avec les grandeurs et les puissances de la terre, une énumération très édifiante de ses bonnes œuvres, et un recueil de pièces originales pour servir de preuves."¹⁵ Indeed, I argue that the *Commentaire historique* is primarily a story of Voltaire's connections, of his intellectual, political, and social exchange, a story of his proximity to power throughout his life. He constructs a monument to his greatness, but a greatness that is not seen by him alone: both his fictionalized witness – that which interjects with the first-person *je* and speaks about Voltaire through the third-person *il* – and various figures from throughout his life are integrated into the narrative. At each turn, Voltaire attempts to demonstrate to the reader how the quality of his literary production continued to ensure his proximity to power; at its core, the *Commentaire historique* is a story of how others recognized Voltaire's greatness.

The challenge in endeavoring to understand the *Commentaire historique* is that it is a relatively succinct work intended to serve as a monument for a man who lived an immensely rich social and intellectual life. It is difficult to understate how well-known and connected Voltaire

¹⁴ René Pomeau, *On a voulu l'enterrer, Voltaire en son temps*, t. 5 (Oxford: Alden Press, 1994), 205. Pomeau writes, "Il [Voltaire] souhaite ardemment – mais il ne faut pas trop le dire – couronner sa vie par un retour triomphal à Paris. Le *Commentaire* sera comme le brillant *curriculum vitae* qui va lui servir d'introduction. Il ne peut s'avouer l'auteur du portrait rassurant qu'il doit donner de lui, au moment où se joue une partie difficile, qu'il ne veut perdre à aucun prix. Il lui faut amadouer le pouvoir, l'Église, les adversaires, et à cette fin épurer son image, en la débarrassant de tout ce qui pourrait la ternir."

¹⁵ Meister, "September 1776," *Correspondance littéraire*, ed. M. Tourneux (1877-1882), xi.328, quoted in Pomeau, *On a voulu l'enterrer*, 205–206.

was across Europe—his intellectual and political network was vast by any measure. Vast, too, was his body of work: Voltaire wrote about 2,000 works and about 20,000 letters. He exchanged letters with prominent figures like Frederick the Great, Catherine the Great, Jean-Jacques Rousseau, and Denis Diderot, to name only a few, and wrote on a vast number of topics: history, law, science, religion, philosophy, etc. I do not evoke all of this, however, in order to glorify Voltaire, but to raise instead the problem reading this text poses in the context of studying it is fundamentally one of scale. His colossal career led Voltaire to examine the concept of proof in a variety of disciplines over the course of several decades. How, thus, does Voltaire’s immense interdisciplinary knowledge, a vast set of knowledge accumulated over his lifetime, shape the nature of proof in what is a relatively small text, comprised only of a “historical commentary” on his life, thirty-one selected letters to serve as additional “proofs,” and the poem, *Sésostris*? This problem of proof is further complicated in the *Commentaire historique* because some of these proofs are authentic, while others are forged, some are well-known, while others are never-before-seen. The authenticity of the evidence presented by Voltaire through the *Commentaire historique*, as we will see, is often shabby at best. This celebrated author of unprecedented literary production fabricates some of the evidence and presents other pieces to the reader for the first time, thus setting aside authentic evidence of his literary production that the public would have already seen throughout his life.

This problem of proof, moreover, is not simply one of authenticity, but is very much shaped by Voltaire’s unclear criteria for selecting these proofs in the first place to be representative of particular moments of his life and career. Voltaire is adducing discrete pieces of evidence that, when combined, tell a “complete” story of his life and career, what might be termed a “selective totality.” Clearly these proofs consist of only a small selection from a much

wider pool of potential pieces of evidence. Throughout this chapter, I will grapple with the question: why these proofs? does Voltaire have specific criteria for selecting these pieces of evidence, a criterion which is able to help shape our vision of the role of evidence in the *Commentaire historique*?

In this chapter I will argue that Voltaire seeks to “prove” his life, as it were, by inviting testimony and providing documentation that place him in a wider European network of exceptional figures, both intellectually and politically powerful. Rather than the Rousseauian account of an exceptional and exemplary individuality that is conveyed to the public through his unique testimony in the *Confessions*, Voltaire establishes a system of proof operating throughout the *Commentaire historique* that situates him in a wider circle of elites; he is an exceptional figure amongst exceptional figures. But in doing so, Voltaire is not always truthful about the authenticity of the evidence presented. In order to convey what Voltaire is doing in this strategic text, I will follow the narrative of the *Commentaire historique* itself and examine the work’s principal parts in order to show how Voltaire constructs a unique system of proof operating throughout the work in order to erect an enduring monument to his life and career. The paradoxical nature of this text as a monument is that it is incommensurably small in the scope of Voltaire’s life and career and lacking in esthetic coherence, despite the grandeur it seeks to glorify. As I follow Voltaire’s narrative through the text, I will also examine the critical moments that he evokes, moments that may have served as an impetus for writing the *Commentaire historique* in the first place. I will first examine the early part of the narrative, where Voltaire was a young man trying to launch his literary career; it is in this early account of the “historical commentary” where he begins to forge the proofs that he presents. I will then turn to the moment when Voltaire becomes a renowned public figure following the publication of *La Henriade* in

order to examine how his sense of proof changes with his new social status. Lastly, I will turn to Part II of the *Commentaire historique*, the *pièces originales et les preuves*, in order to understand how these pieces of evidence further enhance our understanding of proof in the *Commentaire historique*.

III.1. Rewriting the Early Years: Manipulating Authentic Evidence and Establishing a Network

To understand the Voltaire's use of proof in the *Commentaire historique*, this first section is devoted to two questions that arise immediately at the beginning of the text: first, how does the genre of the "historical commentary" shape the role of proof in the text? And second, are the proofs furnished at the beginning of the text authentic, as he and others insist they are? This section is particularly focused on the early part of Voltaire's narrative, before he became a public figure following the publication of *La Henriade* (a period examined in the next part of this chapter). It is in these opening moments of the "historical commentary" that Voltaire first begins to include elements of proof testifying to the importance of his literary works in his life and his career, works that began to tie him to influential figures throughout Europe. However, as we shall see, the question is whether or not these proofs are authentic.

A study of the *Commentaire historique* must begin with a consideration of what a Voltairean commentary is, and what a historical commentary about his works might look like. According to the definition offered by the *Trésor de la langue française*, a *commentaire*, is, an "[e]xamen critique du contenu et de la forme d'un texte documentaire ou littéraire, en vue d'une lecture plus pénétrante de ce texte."¹⁶ This definition, aligns itself neatly with Voltaire's *commentaires*: his *Commentaire sur Corneille* (1764) and his *Commentaire sur le livre Des*

¹⁶ "Commentaire," *Trésor de la langue française*, accessed June 19, 2025, <http://stella.atilf.fr/Dendien/scripts/tlfiv5/visusel.exe?12;s=986027880;r=1;nat=;sol=1>.

Délits et des peines (1766), as well as the *Commentaire sur l'Esprit des lois* (1777). The practice of the genre of the *commentaire* in Voltaire's *œuvre* is limited to his late career.¹⁷

The *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc.* is the only work in Voltaire's corpus that calls itself a "historical commentary"; in fact, it is the case that the *Commentaire historique* is the one of the very few texts in the 18th century bearing such a title.¹⁸ It is surprising – if not completely shocking – that Voltaire would choose this genre for a work of self-writing. In his own body of work, the term "*commentaire historique*" appears only in Voltaire's *Commentaire sur Corneille*, where he lays out his plan for his critical assessment of the classical dramaturge. In the "Avis concernant l'édition des œuvres de Pierre Corneille" which serves as an introduction to the text, he writes that he and his publishers are printing, "avec la plus grande diligence, le commentaire historique et critique sur la plupart des tragédies et des comédies de Pierre Corneille, avec quelques réflexions sur ses pièces qui ne sont plus représentées."¹⁹ The *Commentaire sur Corneille* is not simply historical but is also a critical discussion of Corneille's works. The commentary, thus, is not just an edition of Corneille's works themselves, but rather a critical supplement to the classical master's works, a supplement that is designed to enhance the curious reader's understanding of the texts and how they fit into a larger corpus.²⁰ But, according to the title Voltaire does not establish his *Commentaire historique* as a

¹⁷ That is not to say, however, that there is no historical precursor to the "commentary." Caesar's *Commentarii de Bello Gallico* and *Commentarii de Bello Civili* are both third-person accounts of Caesar's military campaigns, written by Caesar. Voltaire, however, does not appear to reference them in any of his works. Voltaire also references Calmet's *Commentaire littéral et critique* (1707-1716) and *Commentaires sur l'Ancien et le Nouveau Testament* (1707-1717) in his *Un Chrétien contre six juifs* (1776). Voltaire does not provide a clear sense of his conception of the "commentary" throughout history, and so the present focus of this dissertation is on how Voltaire's conceptualizes the genre of the "commentary" in his own writings.

¹⁸ This can be seen through a search in both ARTFL and the *Electronic Enlightenment*. One work that bears a similar title is the *Commentaire littéral historique et moral sur la règle de Saint Benoît* (1734) by Dom Augustin Calmet.

¹⁹ Voltaire, *Commentaire sur Corneille*, ed. David Williams, *OCV*, t. 54-55 (Oxford: Voltaire Foundation, 1974), 2, ARTFL, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/toutvoltaire/navigate/623/table-of-contents/>.

²⁰ For example, for the first work examined in the *Commentaire sur Corneille* that Voltaire studies, *Médée*, Voltaire writes: "Nous commençons ce recueil par la *Médée*, parce que, dans ce poème, on peut entrevoir déjà le germe des

purely “critical” text; it is also an historical one. Moreover, the *Commentaire historique* has very little paratext in comparison to the *Commentaire sur Corneille*, and so Voltaire gives us very few clues about whether or not the *Commentaire historique* falls into a similar category.²¹ The unicity of the *Commentaire historique* in the scope of Voltaire’s *œuvre* thus requires us to pay particular attention to the specific elements of proof included, as their unique construction in this generic form allows us to investigate how Voltaire sought to establish a new form of self-defense writing. There is no precedent for the *Commentaire historique* in Voltaire’s corpus: nothing matches it stylistically, and nothing matches the way in which Voltaire compiled a collection of evidence to prove an account of his life.

Before entering the text itself, however, the reader is struck by the introductory paratext, in which Voltaire affirms the veracity of the *pièces originales* he has marshalled. After the title, Voltaire begins the work by providing two quotations testifying to the authenticity of the work:

J’ai vu les pièces originales et les preuves qui sont dans le *Commentaire*, et je les ai remises entre les mains du Sr Wagn.... le 1^{er} mai 1776. Signé Du Rey, avocat

J’ai confronté les mêmes pièces et je les ai trouvées entièrement conformes aux originaux, le 1^{er} juin 1776. Signé Christin.²²

This paratextual gesture – a short but striking one – is in itself demonstrative of several aspects of Voltaire’s conception of proof. First, Du Rey and Christin are both lawyers; as if to highlight

grandes beautés qui brillant dans les autres pièces.” *Ibid.*, 7. His analysis of the text itself are called “*remarques*” and are a close reading of the text. In Act I Scene I, Corneille writes, “Mais un objet plus beau la chasse de mon lit etc.” Voltaire, in turn, writes, “Je ne ferai sur ce début qu’une seule remarque, qui pourra servir pour plusieurs autres occasions. On voit assez que c’est là le style de la comédie ; on n’écrivait point alors autrement les tragédies. Les bornes qui distinguaient la famille bourgeoise et la noble simplicité, n’étaient point encore posées.” *Ibid.*, 16.

²¹ The *Commentaire sur Corneille*, for example, contains numerous paratextual elements: “Avis concernant l’édition des œuvres de Pierre Corneille,” “Avertissement de M. de Voltaire,” “A MM. de l’Académie française,” and “Avertissement du commentateur sur cette nouvelle édition.” Unlike the *Commentaire historique*, thus, where one must engage first with voices that are not Voltaire’s, the paratext to the *Commentaire sur Corneille* is shaped by several interventions by Voltaire himself.

²² Voltaire, *Commentaire historique*, OCV, t. 78C, 2.

the evidentiary aspect of the text, Voltaire turns to two men of the law.²³ Indeed, the fact of having *two* lawyers, rather than one, suggests that Voltaire is neatly adhering to the rules of Old Regime legal proof, where two witnesses are needed, rather than one.²⁴ This is also an imitation of the paratextual gestures found the *roman-mémoires*, where a narrator or editor insists from the outset that the given account is truthful, and that it will be supported by authentic documentation; nevertheless, this is a transition away from the fictionalized accounts in *roman-mémoires* and towards an allegedly authentic representation of the life of a real individual, Voltaire.²⁵ There is something to be said, lastly, about Du Rey's choice of the preposition *dans*, as it nuances our understanding of the usage of the *pièces originales et les preuves* around the *Commentaire historique*: unlike the idea of the proofs being tacked on as a supplement – as a preposition like *avec* may suggest – Du Rey's use of *dans* throws the proofs into the midst of the *Commentaire historique*, treating them as intertwined with the account of Voltaire's life. Du Rey's observation encourages the reader to see the proofs – *les pièces originales et les preuves* – not simply as added on to the *commentaire historique*, but rather as transcending the generic divisions within the text, figuring into the prose narrative, the letters, and the poem.

What is perhaps most striking about this paratextual gesture, however, is the fact that it exists at all. In September 1776, Meister began his review of Voltaire's *Commentaire historique* in the *Correspondance littéraire* by writing, “Comme Alexandre ne voulut être peint que par Apelles, il paraît fort simple que M. de Voltaire n'ait voulu l'être que par lui-même.”²⁶ Voltaire's

²³ In the saga around the identity of the author of the *Commentaire historique*, both of these lawyers were thought to be the true author of the *Commentaire historique* at one point or another. See Cronk, *Commentaire historique*, t. 78B, 19–21.

²⁴ See: Bloembergen, *The Development of the Criminal Law of Evidence*; Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton: Princeton University Press, 1988); Schaffer and Shapin, *Leviathan and the Air-Pump*.

²⁵ On documentation in the *roman-mémoires*, see: Stewart, *Imitation and Illusion in the French Memoir-Novel*, 112–120.

²⁶ Jacques Henri Meister, “Paris, Septembre 1776,” *Correspondance littéraire, philosophique et critique de Grimm et de Diderot depuis 1753 jusqu'en 1790*, eds. Jules-Antoine Tschereau and A. Chaudé, t. 9 (Paris: Furne, 1829–

literary portrait could only be written by himself, not mediated by the distanced vision of even a close friend or confidant.²⁷ By this time, Voltaire had already had several portraits of himself executed in the 1760s and 1770s; these pieces largely done by Jean Huber, ranged from *découpures* – Huber’s specialty – to small tableaux depicting Voltaire’s more personal life: the images, for example, depicted him playing checkers or taking walks.²⁸ Now, however, was the time for Voltaire’s literary portrait, and the world of the written word was Voltaire’s specialty. Seen in this light, it seems only logical that when Voltaire composes this portrait, it be he – the master writer – and only he who can assume the narrative position of the witness to his own life. But if Voltaire was the Alexander of his time, as Meister’s comparison suggests, one may ask why he would from the outset need to justify the authenticity of the proofs supporting his account. One might perhaps expect instead that the public would somehow anticipate Voltaire’s truthfulness to be inherent in his autobiographical work, thus saving the author from any apparent need to bring in other witnesses – that is, Du Rey and Christin – to attest to the veracity of the *Commentaire historique*. After all, if he is preparing this work for his triumphant return to Paris, as René Pomeau suggests, why would he need to have the evidence verified?²⁹ This gesture from Voltaire is far from arbitrary, but rather it is a very deliberate gesture on his part,

1831), ARTFL, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/grimm/navigate/9/9?byte=346509&byte=346515&byte=346525&byte=346528>.

²⁷ For more on the literary portrait, see: Dirk van der Cruysse, *Le Portrait dans les « Mémoires » du duc de Saint-Simon. Fonctions, Techniques et Anthropologie. Étude Statistique et Analytique* (Paris : A.G. Nizet, 1971); Michel Beaujour, *Poetics of the Literary Self-Portrait*. By Beaujour’s analysis, it is clear that Voltaire’s *Commentaire historique* does not fit neatly into the genre of the literary self-portrait either. Again, he writes, “The operational formula for the self-portrait therefore is: ‘I won’t tell you what I’ve done, but I shall tell you who I am’” (3). Despite Meister’s reference to portraiture in the *Correspondence littéraire*, Voltaire nevertheless emphasizes action over being (thus, what he has *done*, not who he is) in the *Commentaire historique*.

²⁸ Lilti, *Figures publiques*, 30–31.

²⁹ Pomeau, *On a voulu l’enterrer*, 205. Again, Pomeau writes, “Il [Voltaire] souhaite ardemment – mais il ne faut pas trop le dire – couronner sa vie par un retour triomphal à Paris. Le *Commentaire* sera comme le brillant *curriculum vitae* qui va lui servir d’introduction. Il ne peut s’avouer l’auteur du portrait rassurant qu’il doit donner de lui, au moment où se joue une partie difficile, qu’il ne veut perdre à aucun prix. Il lui faut amadouer le pouvoir, l’Église, les adversaires, et à cette fin épurer son image, en la débarrassant de tout ce qui pourrait la ternir.”

one meant to guide the reading of the text at hand; for, as we shall see, this text is about more than Voltaire as an individual; it is a text about Voltaire's unique position in a much larger social and intellectual network.

Voltaire further insists on the role and nature in very opening line, the threshold through which the reader must cross before entering the text: "Je tâcherai dans ces Commentaires sur un homme de lettres, de ne rien dire que d'un peu utile aux lettres ; et surtout de ne rien avancer que sur des papiers originaux. Nous ne ferons aucun usage ni des satires, ni des panégyriques presque innombrables, qui ne seront pas appuyés sur des faits authentiques."³⁰ It is here, in one phrase, that Voltaire establishes his vision of how proof will function in the *Commentaire historique*; instead of coming from the voice of the other – a Du Rey or a Christin – and inserted by Voltaire's hand, this insistence on proof is now coming from the narrator's voice. From the outset, Voltaire creates a distinction between the testimonial act and the evidence that will be adduced. Proof is assured by documents: letters and original papers. The *homme de lettres*, participating in the larger Republic of Letters, can only have the veracity of this account of his life proved by his own correspondence: letters are at the core of Voltaire's identity in this larger system of exchange with the intellectual and the powerful. However, Voltaire is not telling us that they are authentic simply because they exist: they do not serve as evidence simply because he has written them. Instead, they are evidence because of their context and the value that is to be assigned to them within this context. It is like finding a knife at a crime scene. The knife is not evidence *because* it is a knife, but is instead evidence because it is bloody, or next to a dead

³⁰ Voltaire, *Commentaire historique*, OCV, t. 78C, 11. I use the term "threshold" deliberately. The translation of Genette's "*seuil*," Voltaire develops a threshold of engagement with the reader. This engagement, however, is not relegated to the exterior, to the paratext, but rather bleeds into the work itself. This is a far different strategy from Rousseau, who neatly established a preface to lay out for the reader his claims of authenticity. See: Gérard Genette, *Seuils* (Paris: Éditions du Seuil, 1987).

body, or in the hand of the assassin. The letters and original papers are not evidence of the facts of Voltaire's account *because* they exist as historical, material traces of one's life; they are pieces of evidence in the *Commentaire* precisely because of their context. They are presented to the reader as authentic, presented to the reader by the author in order to prove the facts of the account. Their authenticity is doubly assured, as the lawyers, just pages before attested to having verified the documents – the proofs – that undergird this text. This insistence on authentic documentation is verified by several witnesses aims to eliminate any uncertainty in the reader's mind. And much like in his *Commentaire sur Corneille*, Voltaire rejects the use of panegyric and exaltation—it is through facts alone, rather than ornamentation, that the truth will be established.³¹

But while Voltaire promises “authentic” proofs to the reader when he insists on using material proofs, that is, documentary evidence to be found in the work itself, the authenticity of the author's testimony is disrupted in the very first line. “*Je tâcherai, dans ces Commentaires sur un homme de lettres...*” If these commentaries are about Voltaire, who, then, is the “*je*,” a “*je*” that, in the next sentence, turns into a “*nous*”?³² Our understanding of the *je* as autobiographical is shaped largely by the relationship between the author (Voltaire) and the subject matter (Voltaire's literary career). But the insertion of Voltaire's voice through the *je* is not unique to this work; rather, it also figures on occasion in his contemporary histories like the *Précis du siècle de Louis XV*, where the Voltairean *je*, both in the narration and in additional notes, serves as an extra

³¹ In the “Avertissement du commentateur sur cette nouvelle édition,” in the *Commentaire sur Corneille*, Voltaire writes: “Ceux qui crurent que je voulais exalter Corneille par des louanges se trompèrent ; ceux qui imaginèrent que je voulais le déprimer par des critiques de trompèrent bien davantage : je ne voulus qu’être juste. J’avais assez longtemps réfléchi sur l’art, je l’avais assez exercé, pour être en droit de dire mon avis. Je dus le dire, puisque j’étais obligé de faire un commentaire.” *ARTFL*, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/toutvoltaire/navigate/623/1/6/>.

³² Voltaire, *Commentaire historique*, *OCV*, t.78C, 11: “Nous ne ferons aucun usage ni des satires, ni des panégyriques presque innombrables, qui ne seront pas appuyés sur des faits authentiques.”

witness to the account at hand.³³ In some sense, thus, Voltaire's voice as an established historian figures prominently into his self-history, and so the historical and autobiographical voices both speak at once: by replicating past techniques from his historical writings, he is signaling to the reader that he speaking about his historical subject. The difference here, however, is that this historical subject is *himself*. This historical witness in the *Commentaire historique* is a fictional one, but one who nevertheless sits at the exterior and can consistently attest to the truthfulness of each moment in Voltaire's life.

Instead of developing an autobiographical pact with the reader in the Lejeunian – and thus Rousseauian – sense, Voltaire chooses the route of an “evidentiary pact,” a pact built on the publicly verified components of his work, rather than on an intimate confidence in the writer himself. Correspondences circulated after the publication of the *Commentaire historique* confirm, after all, that readers knew well that it was Voltaire who was the author.³⁴ From the outset of the *Commentaire historique*, we can draw a contrast between Voltaire's choice of proofs and those chosen by Rousseau, the latter relying on a sense of authenticity that is rooted in a

³³ See Voltaire, *Précis du siècle de Louis XV (I). Introduction, Chapters 1-16*, eds. Janet Godden and James Hanrahan, *OCV*, t. 29A (Oxford: Voltaire Foundation, 2019), 142–144. They write in particular, “The purpose of these eyewitness statements, therefore, is not necessarily to provide a fuller account of the event, but is part of a rhetorical strategy that presents insider knowledge and eyewitness statements as the most incontrovertible evidence for supporting historical facts and, thereby, establishing Voltaire's status as a reliable historian.”

³⁴ Jean François de La Harpe writes to Andrei Petrovich Shuvalov, “La seule nouveauté remarquable en ce moment c'est un Commentaire historique sur l'auteur de la Henriade. Il est composé par Mr de Voltaire lui-même avec beaucoup de modestie et de réserve et avec l'agrément inséparable à tout ce qu'écrit l'Auteur. Mais il ne s'y montre pas, pour ainsi dire, qu'en décoration. Ce sont des fait publics retracés avec une exacte vérité ; mais les détails particuliers, les ressorts secrets, les anecdotes personnelles, tout ce qui pourra faire la matière de mémoires très curieux après la mort de Mr de Voltaire, voilà ce qu'il a cru devoir passer sous silence et laisser à dire après lui. Il y a pourtant beaucoup de particularités qui n'avaient pas encore été publiées, et en général cette brochure est très agréable à lire.” Jean-François de La Harpe, “Jean-François de La Harpe to Andrei Petrovich Shuvalov: Thursday, 15 August 1776,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/lahajeVF1080011a1c>. It is with far more clouded language that Charles Bonnet refers to the work in his letter to Lazzaro Spallanzani (a letter to whom is included in the second part of the *Commentaire historique*). See: Charles Bonnet, “Charles Bonnet to Lazzaro Spallanzani. Wednesday, September 18, 1776,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1270295a1c>.

unique knowledge of the self, a knowledge that cannot be fully known by others.³⁵ While Voltaire did not know the exact content of the *Confessions*, as they were published after his death, he nevertheless knew the Rousseau was undertaking such a project and was giving public readings of the work, indeed such information was widely circulated during this period.³⁶

In the first part of the *Confessions*, Rousseau's own belief in his unparalleled self-knowledge and his vision of his exemplarity status in European society undergird his reliance on his personal testimony; as we have seen, it is only because of the failure of this strategy that, in the second part of the *Confessions*, he begins to rely on evidentiary documentation. In the *Commentaire historique*, Voltaire's approach is, from the outset, centered on *material* evidence, that by which the public knows him: his literary works and letters, the same documents that have been ultimately authenticated by the legal experts in the first pages of the work. Voltaire's particular threshold of veracity, his "evidentiary pact," turns the reader's attention toward the use of material proofs, rather than to the identity of the author himself. Yet it is this very evidentiary pact that fundamentally destabilizes Voltaire's narrative position even as we cross over the threshold of engagement with the reader into the text itself. The *Commentaire historique* begins:

Les uns font naître François de Voltaire le 20 février 1694 ; les autres le 30 novembre de la même année. Nous avons des médailles de lui qui portent ces deux dates ; il nous a dit plusieurs fois qu'à sa naissance on désespéra de sa vie : et qu'ayant été ondoyé, la cérémonie de son baptême fut différée plusieurs mois.³⁷

³⁵ Nicholas Cronk suggests that Voltaire could never have imagined taking up such an enterprise (literary, anthropological, epistemological): "... Sa posture auctoriale est à l'opposé de celle de Jean-Jacques Rousseau, qui se croit obligé de dire la vérité, toute la vérité, sur son moi. Voltaire aurait été incapable d'écrire les *Confessions*, certes, mais autant que Jean-Jacques, il ressent le besoin de s'expliquer et de se défendre. Cependant, à la différence de Rousseau, il le fait de façon indirecte, en ayant justement recours à l'esthétique du redoublement." Nicholas Cronk, "Voltaire et le style tardif: une esthétique du redoublement," *L'Atelier des idées: pour Michel Delon* (2017): 171.

³⁶ Voltaire was likely not knowledgeable of the exact content of Rousseau's *Confessions*. See, for example: Henri Gouhier, *Rousseau et Voltaire: Portraits dans deux miroirs*, 8. We know, however, that many people knew of Rousseau's *Confessions* when he was writing them, as seen in: Raymond Trousson, *Jean-Jacques Rousseau jugé par ses contemporains*, 416–469. Voltaire understood that some sort of memoir was being written by Jean-Jacques, as d'Alembert writes to Voltaire that Hume told the former that, "ce pauvre fou [Rousseau] travaille actuellement à ses mémoires." Jean Le Rond d'Alembert, "Jean Le Rond d'Alembert to Voltaire: Monday, 18 January 1768," in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/rousjeVF0350034a1c>.

³⁷ Voltaire, *Commentaire historique*, OCV, t. 78C, 11–12.

This uncertainty about Voltaire's birthdate puts into question our original assumptions about him, much in the same way the opening phrase to the *Commentaire historique* disturbs our sense of who the narrator of this peculiar work is. Moreover, Voltaire begins his "autobiography" with a sleight of hand: it was Arouet, not Voltaire, who was born in 1694; the name Voltaire would not be adopted until 1718. While Voltaire seems to insist on the truthfulness of the text from the outset, even the first sentence of the narrative is deceiving. It was in this manner that Voltaire shifts the focus away from a certainty about the subject – himself – and toward the proofs that can be used to shape our understanding of the account.

From the outset of this history of his published works, however, Voltaire also brings the reader closer to his theory of History, particularly as it is outlined in his famous *Encyclopédie* article, "HISTOIRE." In the subsection, titled, "*Les monuments, les cérémonies annuelles, les médailles mêmes, sont-elles des preuves historiques ?*" Voltaire outlines his theory of how – if at all – medals can be used as historical proofs. He writes,

Une médaille, même contemporaine, *n'est plus quelquefois une preuve*. Combien la flatterie n'a-t-elle pas frappé de médailles sur des batailles très indécises, qualifiées de victoires, & sur des entreprises manquées, qui n'ont été achevées que dans la légende. N'a-t-on pas, en dernier lieu, pendant la guerre de 1740 des Anglois contre le roi d'Espagne, frappé une médaille qui attestait la prise de Carthagène par l'amiral Vernon, tandis que cet amiral levait le siège ?³⁸

Much like the way in which Voltaire establishes the fact that the *Commentaire historique* will be constructed by authentic documents that will prove facts, rather than flattery and panegyrics, he also contends that medals can only serve as adequate proofs if they are devoid of flatteries and mythos. In order for a medal to serve as proof, he stipulates that certain conditions must be met: "Les médailles ne sont des témoignages irréprochables que lorsque l'événement est attesté par

³⁸ Voltaire, "HISTOIRE," *Encyclopédie*, 8:224, my emphasis, accessed June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/encyclopedia0922/navigate/8/1210>.

des auteurs contemporains ; alors ces preuves se soutenant l'une par l'autre, constatent la vérité.”³⁹ But, if using these very same conditions, we return to the question of the fundamental problem concerning the beginning of the *Commentaire historique*, we can only note that no “auteur contemporain” is mentioned; and there is no second witness to lead us to a more certain understanding of the beginning of Voltaire’s life; the medal mentioned plays, at most, the role of the first witness, called by Voltaire a “témoignage.” The medals at the beginning signal to the reader the possibilities and limits of material proofs, especially as it concerns our understanding of history. Voltaire is fundamentally repeating an historical argument about the limits of the evidence at hand. Voltaire’s sense of historical evidence applies, too, to his sense of self-history. Without secondary confirmation, one object alone does not necessarily always serve as adequate evidence.

Evidence is thus the subject framing the reader’s entry into the *Commentaire historique*—that is to say, Voltaire ensures that the reader understands from the outset the veracity of the evidence presented throughout the text. This “evidentiary threshold” to the *Commentaire historique* leaves the reader grappling with the question of what precisely evidence *is* in this text: who are our witnesses? what do they know? how do they know it? and at what point will the proofs presented actually establish truth, unlike the medals and Voltaire’s birthdate? If the author will “ne rien avancer que sur des papiers originaux,” one may wonder why, then, the text does begin by fostering uncertainty in the reader. Voltaire does not address these problems outright. Rather than focus on the sincerity of the autobiographical testimony at the outset, Voltaire emphasizes the role of proofs and the necessary details for establishing the true account of his life and career.

³⁹ *Ibid.*, 8:224–225.

He develops this point as he moves into the account of his childhood. This is far from a Rousseauian account of childhood and adolescence, where paradigmatic events shape not only Rousseau's sense of injustice, but perhaps more importantly, his sense of a necessary judicial link between evidence and innocence, as we saw in Chapter Two.⁴⁰ Moreover, this is also far from the overwhelming burden of proof placed upon a child within a family tribunal, as we saw in Chapter One with Louise d'Épinay. Voltaire begins the story of his childhood by writing, "Quoique je pense que rien n'est plus insipide que les détails de l'enfance et du collège, cependant je dois dire, d'après ses propres écrits et d'après la voix publique, qu'à l'âge d'environ douze ans, ayant fait des vers qui paraissaient au-dessus de cet âge..."⁴¹ His prose moves here from a rejection of what he describes as the insipidity found in detailed accounts of one's youth to a celebration of his youthful literary prowess: "ayant fait des vers qui paraissaient au-dessus de cet âge..."

The narrative that follows is a simple one: the Abbé de Chateauneuf took Voltaire to the home of Ninon de Lenclos (1620-1705), the famous French *femme de lettres* who, in her will, would bequeath the young writer two thousand francs so that he might go out and buy books. Voltaire tells us that the poem to which he is referring – the *Etrennes à feu Monseigneur le Dauphin* – was perhaps written for an *invalide* serving under the Dauphin: "Cette petite pièce de vers, qu'il avait faite au collège, est probablement celle qu'il composa pour un invalide qui avait servi dans le régiment Dauphin."⁴² This poem, a rather minor poem in Voltaire's corpus, not only

⁴⁰ See, for example, Jean Starobinski's analysis of the impact of the "broken comb" episode on Rousseau's life in: Starobinski, *La Transparence et l'obstacle*, 18.

⁴¹ Voltaire, *Commentaire historique*, OCV, t. 78C, 12.

⁴² *Ibid.*, 13. In the critical edition to the *Commentaire historique*, Nicholas Cronk informs us that this poem was likely written sometime between 1709 and 1710 (a few years after the death of Ninon de Lenclos) and was formally published for the first time in the *Nouveaux Amusements du cœur de l'esprit*, t. 1 (Amsterdam, La Haye, 1741), 68–69. See: Cronk, *Commentaire historique*, OCV t. 78C, 13, note 9. The editor of the poem, Nicole Masson, in further clarifies this story t. 1B: "Selon J.-P.-L. Luchet, *Histoire littéraire de M. de Voltaire* (Cassel 1780), i.8-9, un soldat invalide se présenta au Collège Louis-le-Grand où étudiait le jeune Arouet et demanda au Père Porée de lui

warrants mention by our author, but citation *in extenso* as well. It is important to signal the use of the adverb *probablement* in Voltaire's introduction to the poem, which modifies the demonstrative pronoun *celle*, which replaces "cette petite pièce de vers." By including the adverb *probablement*, Voltaire appears to be winking at the reader, saying "perhaps it was this version of the poem that I wrote, and in this context." He is throwing into question the relationship between the poem included in the *Commentaire historique* (1776), and the original version of the poem (written in 1709-1710). I include the poem here – the first *pièce originale* furnished in the *Commentaire historique* (1776) – because it gives a good sense of what Voltaire deemed important enough to include as evidence:

Digne fils du plus grand des rois,
 Son amour et notre espérance
 Vous qui, sans régner sur la France,
 Réglez sur le cœur des Français;
 Souffrez-vous que ma vieille veine,
 Par un effort ambitieux
 Ose vous donner une étrenne,
 Vous qui n'en recevez que de la main des dieux ?
 On a dit qu'à votre naissance
 Mars vous donna la vaillance,
 Minerve la sagesse, Apollon la beauté :
 Mais un dieu bienfaisant, que j'implore en mes peines
 Voulut aussi me donner mes étrennes
 En vous donnant la libéralité.⁴³

Instead of beginning his *Commentaire historique* with one of his more well-known works – the *Œdipe* or *La Henriade* – Voltaire makes a deliberate choice of beginning instead with one of his youthful minora, albeit abridged and modified for the *Commentaire historique*.⁴⁴ It is intriguing

composer un placet pour le Dauphine. Porée s'adressa à Arouet, qui en une demi-heure, rédigea, dit-on, une vingtaine de vers. D'après le *Commentaire historique* (M.i.71-72), cette petite pièce de vers aurait circulé à Paris et à Versailles, valant déjà une belle réputation à son jeune auteur. *L'anecdote est sans doute amplifiée et enjolivée.*" *Œuvres de 1707-1722 (II)*, eds. Nicholas Cronk, Haydn T. Mason, Nicole Masson, Christiane Mervaud, Ralph A. Nablow, and Catriona Seth, *Œuvres complètes de Voltaire*, t. 1B (Oxford: Voltaire Foundation, 2002), 362, my emphasis.

⁴³ Voltaire, *Commentaire historique*, OCV t. 78C, 13.

⁴⁴ The original version of the poem can be found in: *Œuvres de 1707-1722 (II)*, ed. Nicole Masson, OCV, t. 1b, 363.

that when Voltaire chooses to cite one of his texts in the *Commentaire historique*, it is often a text that is much lesser known, like the *Étrennes*. It is this choice of citation that raises eyebrows, leaving the reader and critic to wonder why this text was included at all. But it is the subsequent “commentary” – if it may indeed be called that – that begins to complicate even further our understanding of what precisely Voltaire is seeking to do.

Voltaire’s “commentary” following the inclusion of the poem gives us critical insight into this gesture. He writes:

Cette bagatelle d’un jeune écolier valut quelques louis d’or à l’invalidé, et fit quelque bruit à Versailles et à Paris. Il est à croire que dès lors le jeune homme fut déterminé à suivre son penchant pour la poésie. Mais je lui ai entendu dire à lui-même que ce qui l’y engagea plus fortement, fut qu’au sortir du collège, ayant été envoyé aux écoles de droit par son père, trésorier de la chambre des comptes, il fut si choqué de la manière dont on y enseignait la jurisprudence, que cela seul le tourna entièrement du côté des belles-lettres.⁴⁵

The first sentence signals the fact that this piece of youthful minora nevertheless made some impression on others outside the walls of the Collège Louis-le-Grand. There appears to be no historical evidence to substantiate Voltaire’s account, and, as Nicole Masson, the editor of the poem, tells us at least some elements of this account have likely been “amplifiée et enjolivée.”⁴⁶ But this paragraph, despite its potential historical embellishments, does tell us something critical about Voltaire’s sense of what the *Commentaire historique* should treat, and how the art of proving his life to his reader may unfold. Through the “je lui ai entendu dire à lui-même,” Voltaire’s fictional witness remains present through this word game, serving as the only figure able to testify to the account at hand—Voltaire had no other interlocuter, and so the testimonial gesture here comes off as sheer happenstance. The insertion of this eye-witness testimony from the fictional narrator is included not only to bolster the end of the paragraph – where Voltaire

⁴⁵ Voltaire, *Commentaire historique*, OCV, t. 78C, 14.

⁴⁶ Voltaire, *Œuvres de 1707-1722 (II)*, OCV, t. 1b, 362.

turns away from the law and towards a career in the *belles-lettres* – but also to signal Voltaire’s clear understanding of the rules of proof: he would like another witness to be present.

Voltaire’s *Etrennes* serves here, in the early pages of the *Commentaire historique*, as the first instance of proof establishing the truth of the early literary prowess of the young Arouet. This literary prowess is not simply understood retrospectively by Voltaire but was recognized immediately from Paris to Versailles. Keeping in line with our base definitions of *preuve* – for example, “ce qui sert à justifier qu’une chose est véritable”⁴⁷ – it is clear that Voltaire is relying on the content of the *Etrennes* to prove the proceeding commentary. Having read the abridged and modified poem, the reader could only agree that these verses prove beyond a reasonable doubt his claim to having had precocious talent: “des vers qui paraissaient au-dessus de cet âge,”⁴⁸ as he recounts in the paragraph preceding the *Etrennes* – and that such a poem by a young man would certainly “fit quelque bruit à Versailles et à Paris.”⁴⁹ This remarkable and early success would inspire the young Arouet to abandon the law for a career in letters. Unlike his *Commentaire sur Corneille*, where Voltaire gives a detailed literary analysis of the presented works, Voltaire here seeks instead to situate the literary proof within the context of his wider social circle.⁵⁰

Although Voltaire introduces the *Etrennes* with the demonstrative affirmation, “Voici les vers que cet enfant composa”⁵¹, the given verses are not exactly those which “that child composed,” but are, as I have noted, abridged and edited. The poem, to be more explicit, is a

⁴⁷ Boucher d’Argis, “PREUVE,” in *Encyclopédie* 13:355.

⁴⁸ Voltaire, *Commentaire historique*, OCV, t. 78C, 12.

⁴⁹ *Ibid.*, 14.

⁵⁰ See the critical introduction by David Williams to the *Commentaire sur Corneille: Commentaire sur Corneille I*, OCV, t. 53. See, in particular, part IV, chapter 1 “General Objectives,” 192–213.

⁵¹ Voltaire, *Commentaire historique*, OCV, t. 78C, 13.

forgery, alleging to be something that it is not.⁵² This poem is likely unknown to a reader who probably has not read, or at the very least has forgotten, the precise formulation of the original poem. But it is important to emphasize that Voltaire is actively falsifying the original pieces of evidence. Here is a side-by-side comparison of the two versions of the poem:

Original (1709-1710):

Noble sang du plus grand des rois,
 Son amour et notre espérance,
 Vous qui, sans régner sur la France,
 Réglez sur le cœur des Français,
 Pourrez-vous souffrir que ma veine,
 Par un effort ambitieux,
 Ose vous donner une étrenne
 Vous qui n'en recevez que de la main des dieux ?
 La nature en vous faisant naître
 Vous étrenna de ses plus beaux traits
 Et fit voir dans vos premiers traits
 Que le fils de Louis était digne de l'être.
 Tous les dieux à l'envi vous firent leur présent :
 Mars vous donna la force et le courage ;
 Minerve, dès vos jeunes ans,
 Ajouta la sagesse au feu bouillant de l'âge ;
 L'immortel Apollon vous donna la beauté :
 Mais un dieu plus puissant, que j'implore en mes
 peines,
 Voulut aussi me donner mes étrennes
 En vous donna la libéralité.⁵³

Commentaire historique (1776):

Digne fils du plus grand des rois,
 Son amour et notre espérance
 Vous qui, sans régner sur la France,
 Réglez sur le cœur des Français;
 Souffrez-vous que ma vieille veine,
 Par un effort ambitieux
 Ose vous donner une étrenne,
 Vous qui n'en recevez que de la main des dieux ?
 On a dit qu'à votre naissance
 Mars vous donna la vaillance,
 Minerve la sagesse, Apollon la beauté :
 Mais un dieu bienfaisant, que j'implore en mes
 peines
 Voulut aussi me donner mes étrennes
 En vous donnant la libéralité.⁵⁴

In a text where Voltaire claims to be concerned with a truthful presentation of himself, the pieces of evidence that he uses to build his case are altered, manipulated to be passed off as genuine. He made a whole range of changes, from small, stylistic ones – “noble sang” becoming “digne fils,” for example – to very substantial ones, involving the suppression of entire passages. It is

⁵² For the idea of “forge” – a critical term for this chapter – I believe it is necessary to highlight two *OED* definitions: “4. To fabricate, frame, invent (a false or imaginary story, lie, etc.); to devise (evil). Also, to pretend (something) to have happened, to fable.” And “5a. To make (something) in fraudulent imitation of something else; to make or devise (something spurious) in order to pass it off as genuine.” These definitions can be found here: https://www.oed.com/dictionary/forg_v1?tab=meaning_and_use#3783376.

⁵³ Voltaire, *Œuvres de 1707-1722 (II)*, *OCV*, t. 1b., 363.

⁵⁴ Voltaire, *Commentaire historique*, *OCV*, t. 78C, 13. In the two columns, the words in bold signify the changed words from one version to another.

abundantly clear is that Voltaire is playing with the truth. He does not invite the casual reader to compare the two texts, written nearly a lifetime apart. Even for the scholar looking at a comparison of the two versions of the poem, it becomes clear that Voltaire's edits did little to change the spirit of the original; nevertheless, the evidence at hand has clearly been manipulated. I believe, however, that this manipulation of the evidence is not done out of malice towards the reader, however audacious the act may be. Instead, this level of insouciance towards the original form of the proof suggests that Voltaire is far more interested in reproducing the spirit of the evidence, rather than the true text and the prodigious quality of his youthful poetics.

After the *Etrennes*, Voltaire briefly turns to his tragedy, *Œdipe*. He tells us little about the play, indicating only that it was a play “dans laquelle il voulut mettre des chœurs à la manière des anciens.”⁵⁵ But the actors' reaction to it was far more pronounced: “Les comédiens eurent beaucoup de répugnance à jouer une tragédie par Corneille et en possession du théâtre : ils ne la représentèrent qu'en 1718 ; et encore fallut-il de la protection.”⁵⁶ Unlike with the *Etrennes* before, Voltaire does not seek to prove any part of this account. Instead, the anecdote aims to show that the fervent reaction by the *comédiens* and the apparent failure of the play were of little to no concern to the young Voltaire.⁵⁷ Voltaire, retrospectively, sees *Œdipe* not as an example of literary prowess, but as an early catalyst for networking. As he recounts:

[Voltaire] badinait sur le théâtre, et s'avisa de porter la queue du grand prêtre dans une scène où ce même grand prêtre faisait un effet très tragique. Mme la maréchale de Villars, qui était dans la première loge, demanda quel était ce jeune homme qui faisait cette plaisanterie, apparemment pour faire tomber la pièce ; on lui dit que c'était l'auteur. Elle le fit venir dans sa loge, et depuis ce temps, il fut attaché à M. le maréchal et à madame jusqu'à la fin de leur vie [...]⁵⁸

⁵⁵ *Ibid.*, 13.

⁵⁶ *Ibid.*, 15. See Cronk, *Ibid.*, 15, note 14, for more on the question around the protections.

⁵⁷ *Ibid.*, 15. He writes, “Le jeune homme, qui était fort dissipé et plongé dans les plaisirs de son âge, ne sentit point le péril, et ne s'embarrassait point que sa pièce réussît ou non...”

⁵⁸ *Ibid.*, 15.

This narrative example does not aim to show Voltaire's interest in the particularities of his texts, but rather how his texts contribute to the establishment of new interpersonal connections: a lot of very important people are concerned. The movement of this account, from the given text to his relationships with others, provides us with a sense of Voltaire's primary concern in the *Commentaire historique*: how his works tie him to other people. Despite the title, the central focus of the work seems to have little to do with the original *œuvres* of the author and is instead on how these texts are proof of a larger social exchange; the text itself does not matter as much as his relationships with others. True fidelity to the texts – letters, poems, etc. – is thus not Voltaire's concern in the *Commentaire historique*.

The anecdote here is used to serve as evidence of that liaison. In her article, "Exemplary or Singular? The Anecdote in Historical Narrative," Malina Stefanovska argues, "In fact, even when they are used as evidence, anecdotes follow the logic of accumulation rather than that of narrative progression, and turn into autonomous, sometimes gratuitous items in a collection, governed by the pleasure principle which allows for repetition, accumulation, and exhibition."⁵⁹ Throughout the *Commentaire historique*, Voltaire employs these types of anecdotes to emphasize his constant proximity to power, and it is the steady accumulation of such anecdotes that proves this point. One cannot help but notice, however, the ostentatious nature of Voltaire's writing in this part of the *Commentaire historique*: his forgery of the *Etrennes* and how this (now falsely represented) text propelled his early literary career. While it is clear that Voltaire does not feel the need to remain loyal to the original version of the text, his display of the text without any commentary around its substance is an act of monstrosity, a simple but profound call to the reader: "Behold!" One can only assume that he believes that the reader will necessarily perceive

⁵⁹ Malina Stefanovska, "Exemplary or Singular?: The Anecdote in Historical Narrative," *SubStance* 38, no. 1 (2008): 27.

them as being true, authentic. But this casual assumption is in itself a particular kind of aristocratic gesture of insouciance, *sprezzatura*. It is this *sprezzatura* that is present throughout the text that is in fact a source of remarkable tension: how can we square the initial insistence on the authenticity of the proofs and the casualness that he is trying to portray? The paratextual authentication of the documents is remarkably antithetical to his aristocratic esthetic.

The final phrase in the paragraph cited above concludes: “il fut attaché à M. le maréchal et à madame jusqu’à la fin de leur vie, comme on peut le voir par cette épître imprimée...”⁶⁰ Voltaire then proceeds to cite a part of *Épître à Monsieur le maréchal de Villars*.⁶¹ The citation of the *Épître*, however, has far less to do with the literary prowess demonstrated by the young Arouet (unlike in the *Étrennes*, where it was central to the narrative), and is instead far more concerned the fact that this work is proof of the connection between Voltaire and the Madame and Maréchal de Villars. The short but nevertheless significant phrase “comme on peut le voir...” succinctly introduces the proof of this relationship in the text itself, visible to even the most superficial reader. This relationship is further evidenced by the sentence that directly proceeds the excerpt of the *Épître*: “Ce fut à Villars qu’il fut présenté à M. le duc de Richelieu, dont il acquit la bienveillance, qui ne s’est point démentie pendant soixante années.”⁶² The end of this paragraph embodies a clear shift in Voltaire’s focus, a shift away from the texts themselves – that is, their content and original language – and toward the network that was established through them, and thus proven within them. The text is hardly a historical commentary *about* the works of the author of *La Henriade*, and much more of a commentary about the various individuals

⁶⁰ Voltaire, *Commentaire historique*, OCV, t. 78C, 15.

⁶¹ The cited *épître* goes as follows: “Je me flattais de l’espérance / D’ailleurs goûter quelques repos / Dans votre maison de plaisance ; Mais Vinac a ma confiance, / Et j’ai donné la préférence, / Sur le plus grand de nos héros, / Au plus grand charlatan de France, etc.” Cronk tells us in the footnote to the poem that the poem does not include verses 5 and 6, and that the poem appeared for the first time in the *Mercur de France* in July 1722 (Cronk, *Ibid.*, 15, footnote 16). This poem can be found in: Voltaire, *Œuvres de 1707-1722 (II)*, OCV, t. 1B, 453.

⁶² *Ibid.*, 16.

involved in the construction of the works, an occasion for Voltaire to showcase his place in their privileged network.

This movement away from Voltaire's texts themselves and toward a focus on other actors continues in the next paragraph. I am citing the entirety of the following anecdote and its accompanying proofs so that the reader may see at a glance the relationship between the proof and the narrative that bookends it. Voltaire writes:

Ce qui est aussi rare, et ce qui à peine a été connu, c'est que Monseigneur le prince de Conti, père de celui qui a été si célèbre par les journées de la barricade de Démont et de Château-Dauphin, fit pour lui des vers dont voici des derniers :

Ayant puisé ses vers aux eaux de l'Aganippe,
Pour son premier projet il fait le choix d'Œdipe,
Et quoique dès longtemps ce sujet fût connu,
Par un style plus beau cette pièce changée
Fit croire des enfers Racine revenu
Ou que Corneille avait la sienne corrigée

Je n'ai pu retrouver la réponse de l'auteur d'*Œdipe*. Je lui demandai un jour s'il avait dit au prince en plaisantant : Monseigneur, vous serez un grand poète ; il faut que je vous fasse donner une pension par le roi. On prétend aussi qu'à souper il lui dit : Sommes-nous tous princes ou tous poètes ? Il me répondit : *Delicta juventutis meae ne memineris, Domine* [Ne vous souvenez point des fautes de ma jeunesse].⁶³

Despite the final phrase, Voltaire did indeed remember this poem, having referred to it in his *Lettres sur Œdipe*.⁶⁴ By including this anecdote and the six verses from the Prince of Conti, Voltaire pulls the reader away from the interpersonal network produced by the short-lived *Œdipe* and back to the literary quality of the work itself. However, instead of including anything written by himself, beyond his *épître* to the Villars, such as excerpts from *Œdipe* or a written response to this critique from the Prince of Conti, he chooses to include verses written by someone else. Why add to the existing polyphony by including another literary voice? And why does the narrator

⁶³ *Ibid.*, 16–17. The cited text comes from the *Vers de son altesse sérénissime le prince de Conti à M. de Voltaire*.

⁶⁴ He writes: "Il faut que j'avoue que Mgr le prince de Conti est celui qui m'a fait les critiques les plus judicieuses et les plus fine. S'il n'était qu'un particulier, je me contenterais d'admirer son discernement : mais puisqu'il est élevé au-dessus des autres par son rang autant que par son esprit, j'ose ici le supplier d'accorder sa protection aux belles-lettres, dont il a tant de connaissance." (*OCV*, t. 1A, 371), quoted in *Ibid.*, 16, note 20.

intervene and initiate a dialogue – a conversation, not a debate – where he ceases to function simply as the compiler of the work and observer of Voltaire, but becomes rather a former interlocuter of Voltaire?

Voltaire turns next to *La Henriade*, the sole work cited in the title of the *Commentaire historique*. Given the prominence accorded to the work here – *Commentaire historique sur les œuvres de l’auteur de la Henriade, etc. Avec les pièces originales et les preuves* – Voltaire clearly sees it as the work that launched him into public awareness.⁶⁵ Nevertheless, there is a tension between the historical reality of the publication and the recounted history in the *Commentaire historique*, one that ultimately illuminates how he seeks to establish the effect of the publication of *La Henriade* on his life and career. It is here that we see Voltaire’s conception of proof grow even larger, as he turns away from supplementary documents and seeks, rather, to incorporate “proof” directly into his narrative account:

Il commença *la Henriade* à Saint-Ange chez M. de Caumartin, intendant des finances, après avoir fait *Œdipe* et avant que cette pièce fût jouée. Je lui ai entendu dire plus d’une fois que quand il entreprit ces deux ouvrages, il ne comptait pas les pouvoir finir, et qu’il ne savait ni les règles de la tragédie ni celles du poème épique ; mais qu’il fut saisi de tout ce que M. de Caumartin, très savant dans l’histoire, lui contait de Henri IV, dont ce respectable vieillard était idolâtre ; et qu’il commença cet ouvrage par pur enthousiasme, sans presque y faire réflexion. Il lut un jour plusieurs chants de ce poème chez le jeune président de Maisons, son intime ami. On l’impatia par des objections ; il jeta son manuscrit dans le feu. Le président Hénaut l’en retira avec peine. ‘Souvenez-vous, lui dit M. Hénaut dans une des lettres, que c’est moi qui ai sauvé *la Henriade*, et qu’il m’en a coûté une belle paire de manchettes.’ Plusieurs copies de ce poème, qui n’était qu’ébauché, coururent quelques années après dans le public ; il fut imprimé avec beaucoup de lacunes sous le titre de *la Ligue*.⁶⁶

Much like the preceding accounts, the story of the genesis of *La Henriade* is deeply wrapped up in Voltaire’s relationships with others: here, the story takes place at the home of M. de

⁶⁵ This observation is also echoed in: John Leigh, *Voltaire: A Sense of History* (Oxford: Voltaire Foundation, 2004), 113. In signaling the scholarly quarrel over *La Henriade*, Leigh cites: William Calin, *A Muse for Heroes: Nine Centuries of the Epic in France* (Toronto: University of Toronto Press, 1983), 282, where he describes *La Henriade* as “pre-eminently, ostentatiously a work of youth.”

⁶⁶ Voltaire, *Commentaire historique, OCV*, t. 78C, 17. A full account of the origin story to *La Henriade* can be found in: *La Henriade*, ed. O. R. Taylor, *OCV*, t. 2 (Oxford: Voltaire Foundation, 1970), 20–25.

Caumartin, the finance intendant, and in the presence of the *homme de lettres*, Charles-Jean-François Hénault. These men, whose names, like those of others, are dropped casually in Voltaire's self-history, are indeed men of great reputation.⁶⁷ Saint-Simon tells us that Caumartin “savait tout, en histoire, en généalogies, en anecdotes de cour, avec une mémoire qui n’oubliait rien de ce qu’il avait vu ou lu, jusqu’à en citer les pages sur-le-champ, dans la conversation.”⁶⁸ By his own account, Voltaire's early literary career was not shaped by himself alone, but rather through the intervention of significant figures. This is not to say, however, that Voltaire is suggesting that these figures influenced his work. Rather, he is highlighting his *proximity* to the powerful and influential, his becoming a part of this aristocratic circle. This is further evidenced by Voltaire's aristocratic casualness vis-à-vis his work, carelessly throwing it into the fire. By including these small quotations from these figures, like Hénault speaking about the need for a new pair of *manchettes*, Voltaire continues to insert into his narrative short testimonies by others. These testimonies serve primarily as proof of Voltaire's greatness as recognized by others; these testimonies work to build up the legend around the origins of Voltaire's success.

Síofra Pierse tells us that “in Voltairean history, the design and style of the narrative, or telling the story of history, arguably takes precedence over the events that are recounted.”⁶⁹

Reframing this observation to fit the above anecdote, it could thus be said that Voltaire is more

⁶⁷ This sort of “name dropping” is a common practice in Voltaire's histories, too. See, for example, Síofra Pierse, *Voltaire historiographer: narrative paradigm* (Oxford: Voltaire Foundation, 2008), 50. She writes, “[Voltaire's] clear wish is to underline his proximity to power in several courts around Europe of his day, for the approval and delectation of posterity and for the ultimate glory of the *self*.”

⁶⁸ Louis de Rouvroy, duc de Saint-Simon, *Mémoires*, t. 1, Chapitre XXVI (1691), 158, *ARTFL*, accessed June 19, 2025, <https://artflsrv04-uchicago-edu.proxy.uchicago.edu/philologic4.7/frantext0822/navigate/504/0/0/0/0/0/0/158?byte=1064716&byte=1064719&byte=1064729>. Voltaire recounts Caumartin's prowess in a 1742 letter: “J’avais eu l’honneur de jouir quelques mois à la campagne en 1716 de la société de feu M/ de Caumartin, l’homme en France qui savait le plus sur la vie de Henri IV, il m’apprenait mille traits si sublimes et si touchants de ce grand roi, que mon imagination échauffée par ces conversations, osa concevoir l’idée d’un poème épique.” Quoted in Voltaire, *Commentaire historique*, *OCV*, t. 78C, 17.

⁶⁹ Síofra Pierse, “Voltaire: Polemical Possibilities of History,” in *An Enlightenment Companion to Historiography*, eds. Sophie Bourgault and Robert Sparling (Brill: Leiden, Boston, 2013), 167.

interested in *how* the story of the genesis of *La Henriade* is told than in simply recounting to the reader the facts of the event. The narrative style in the above paragraph seems to prove as much. In the first sentence, for example, Voltaire speaks little of content or his desire to take up the work, but rather situates it in time and place: *chez M. Caumartin [...] après avoir fait Œdipe et avant que cette pièce fût jouée*. But even Voltaire's sense of time is not bound by the calendar: no month or year is given. Rather, time here is measured in relation to works produced, the chronology of the narrative is determined by the clock of Voltaire's literary production.

Voltaire's description of himself at the time he began constructing *La Henriade* once again focuses on his youthfulness. Rather than highlight how exceptional this work would have been for a man of his age, as he does with the *Étrennes*, here Voltaire focuses on his naïveté and youthful enthusiasm: "il ne comptait pas les pouvoir finir, [...] il ne savait ni les règles de la tragédie ni celles du poème épique ; [...] [il] commença cet ouvrage par pur enthousiasme, sans presque y faire réflexion."⁷⁰ But in fact, Voltaire was not actually naïve concerning the rules of tragedy, as evidenced by his *Essai sur la poésie épique*.⁷¹ Voltaire's characterization of himself here can be seen as an effort to inscribe himself in the tradition of the aristocratic memorialist, where his art, his writing, is not the product of immense labor, but was instead produced offhandedly. He is clearly displaying for the reader a certain nonchalance, *sprezzatura*.⁷² This initial

⁷⁰ Voltaire, *Commentaire historique*, OCV t. 78C, 19. Ira O. Wade tells us that Voltaire's principal problem was situated around the question of how to harmonize history and epic in a single work. He writes: "The author, too, had to broaden his perspective, since he was forced to study the relationship between history and the epic, as well as the nature of the epic in the various countries. Two very important ideas resulted: (1) there are no universally valid rules for a literary form, and (2) a work of art takes its origin in the history of the country of its birth. Both ideas were to play an important role thereafter." Ira O. Wade, *The Intellectual Development of Voltaire* (Princeton: Princeton University Press, 1969), 157. The problem was not, fundamentally, the rules of the genre, but rather how exactly to educate an English reading public about French history to such a level that they could understand and appreciate *la Henriade*. See further, *La Henriade de Voltaire: Poésie, histoire, mémoire*, dir. Daniel Maira and Jean-Marie Roulin (Paris: Honoré Champion, 2019).

⁷¹ See: Christophe Martin, "Une 'place vide' dans le Parnasse français. L'Essai sur la poésie épique, 'Apologie de La Henriade'," in *La Henriade de Voltaire*, 25–41.

⁷² On *sprezzatura*, see: Paolo d'Angelo, *Sprezzatura: Concealing the Effort from Aristotle to Duchamp* (New York: Columbia University Press, 2018). See further: René Démoris, *Le Roman à la première personne*.

treatment of the work almost seems to reduce it to simple *juvenilia*.⁷³ But this is not a studied act of modesty by Voltaire, but instead a “casual” effort to shape the legend surrounding the author and the work of which he is the most proud, the work that propelled him into the literary scene and which sits prominently in the title of his memoir: *Commentaire historique sur les œuvres de l’auteur de la Henriade*, etc. It is a work that not only will carry his life story onward after his death but also has its own exciting story at its origin: how M. Hénault saved the work after Voltaire had thrown it into the fire—even the story of *La Henriade*’s origin cannot be told without including the daring acts of others. Important people were willing to risk their personal safety to save Voltaire’s great work.⁷⁴

“Histoire,” Voltaire writes in the *Encyclopédie*, “c’est le récit des faits donnés pour vrais ; au contraire de la fable, qui est le récit des faits donnés pour faux.”⁷⁵ Up to this point in the *Commentaire historique*, however, Voltaire has made it abundantly clear that a fact is not true simply because he stated it; rather, he needs to prove its veracity. To recall the opening sentence of the *Commentaire historique* – “Je tâcherai dans ces Commentaires sur un homme de lettres, de ne rien dire que d’un peu utile aux lettres ; et surtout de ne rien avancer que sur des papiers originaux”⁷⁶ – Voltaire continues to insist on proving to the reader that these anecdotes are not to be taken as factual simply because he is recounting them, but rather, because they are

⁷³ A characterization of the work that has also been promoted by scholars. See further: Leigh, *Voltaire: A Sense of History*, 113.

⁷⁴ “Il lut un jour plusieurs chants de ce poème chez le jeune président de Maisons, son intime ami. On l’impatenta par des objections ; il jeta son manuscrit dans le feu. Le président Hénaut l’en retira avec peine.” Voltaire, *Commentaire historique*, OCV, t. 78C, 17.

⁷⁵ Voltaire, “HISTOIRE,” in *Encyclopédie* 8:220, accessed online June 19, 2025, <https://artflsrv04.uchicago.edu/philologic4.7/encyclopedia0922/navigate/8/1210>. Any potential reaction to the seeming banality at the beginning of Voltaire’s *Encyclopédie* article here is perhaps best understood through Suzanne Gearhart’s assessment that “if Voltaire poses a difficulty to the modern reader, it is often not because his ideas seem antiquated and bizarre, but because they seem so self-evidence as to be banal.” Suzanne Gearhart, *The Open Boundary of History and Fiction: A Critical Approach to the French Enlightenment* (Princeton: Princeton University Press, 1984), 38, footnote 11.

⁷⁶ Voltaire, *Commentaire historique*, OCV, t. 78C, 11.

demonstrable: Voltaire's status as an *homme de lettres* is best confirmed through his correspondence and his writings, and thus each subsequent anecdote about his social status – if not particular greatness as an *homme de lettres* – needs to be documented. Voltaire initially expressed disdain for this level of anecdotal detail. In a letter to Jean Baptiste Dubos in 1738, writing about his *Siècle de Louis XIV*, Voltaire wrote, “Malheur aux détails : la postérité les néglige tous : c’est une vermine qui tue les grands ouvrages. Ce qui caractérise le siècle, ce qui a cause des révolutions, ce qui sera important dans cent années: c’est là ce que je veux écrire aujourd’hui.”⁷⁷ But as Malina Stefanovska shows, in the 1751 and 1752 editions of the *Siècle de Louis XIV*, Voltaire changes his tune, writing that the work now contains “plus de faits intéressants et plus d’anecdotes curieuses...”⁷⁸ He developed a sense throughout his career that despite his personal taste, the reading public had a particular interest these anecdotes.⁷⁹ In the *Commentaire historique*, thus, he takes these alluring anecdotes and reinforces their truth-value by including proof. This can be seen, for example, in the letter from Hénault cited above: “Souvenez-vous, lui dit M. Hénaut dans une des lettres, que c’est moi qui ai sauvé *la Henriade*, et qu’il m’en a coûté une belle paire de manchettes.”⁸⁰ This anecdote is not just amusing to the

⁷⁷ Voltaire, “Voltaire to père Jean Baptiste Dubos, abbé Dubos: Thursday, 30 October 1738,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee.doc/voltfrVF0890344a1c>.

⁷⁸ Stefanovska, “Exemplary or Singular?” 19.

⁷⁹ Stefanovska tells us that the reading public was immensely fond of anecdotes: “Telling anecdotes also served as a means of tightening the community and drawing its boundaries through the exchange of rumors and news. Their oral circulation, which undoubtedly preceded any written versions, delineated groups of shared interests, channels of communication, and elective affinities. Their popularity testified to circles that discussed and spread court secrets, a first manifestation of public opinion and satire. It also signaled a widespread practice of exchanging curiosities, a feature which, ironically, contributed in the eighteenth century to the marginalization of anecdotes, which were increasingly taken out of their context (court life, historical narrative, etc.) and compiled into autonomous collections of curiosities.” *Ibid.*, 17.

⁸⁰ Voltaire, *Commentaire historique*, OCV, t. 78C, 17. This event is also recounted in Hénault’s *Mémoires*: “Voltaire qui commençait à paraître, lisait quelques morceaux de la *Henriade* chez La Faye où je dînais... Il s’éleva une dispute sur ce poème. Il y eut de l’aigreur que Voltaire supporta assez patiemment. Mais La Faye, qui était fort gai, fit quelque mauvaise plaisanterie qui déconcerta Voltaire ; de dépit il jeta le livre au feu : je courus après et je le tirai du milieu des flammes, en disant que j’avais plus fait que ceux qui n’avaient pas brûlé l’*Énéide*, comme Virgile avait recommandé de le faire : j’avais tiré du feu la *Henriade* que Voltaire allait brûler de sa propre main. Si je voulais, j’ennoblirais cette action, en rappelant ce beau tableau de Raphaël au Vatican, qui représente Auguste empêchant

reader; Voltaire insists that it is true, as there is a letter that says as much. This letter is the first letter to be included in the *Commentaire*, marking a shift away from Voltaire's own literary production and towards his intellectual engagement with other figures.

Unlike the poems that are blocked out into a separate citation, the letter fits neatly into the narrative structure of the paragraph. The critical problem with this letter, however, is that it does not appear to exist, or at the very least no trace can be found of it. Hénault does recount the event twice to Voltaire and once to Madame Denis. To Madame Denis, he writes, “c'est cette main qui a arraché des flammes la *Henriade*, que Voltaire avait jetée dans le feu pour une mauvaise plaisanterie de Lafaye?”⁸¹ On May 12, 1758, Hénault writes to Voltaire: “souvenez-vous des engagements que vous avez pris à mon égard avec le public, par ces lettres charmantes que vous m'avez écrites, souvenez-vous que vous n'avez pas d'admirateur plus ancien que moi, et que je dois vivre dans l'histoire de votre vie, surtout après avoir tiré la *Henriade* du milieu de la cheminée de la Faye.”⁸² And on March 3, 1765, he writes to Voltaire again, “Pour moi j'y ai ma place comme votre ami, qui ai eu l'honneur de tirer la *Henriade* de la cheminée de Lafaye. Ce sera une place dans la vie d'un homme de lettres et que personne ne peut me disputer.”⁸³ None of these accounts, however, match the alleged letter cited in the *Commentaire historique*; we can only conclude that the letter is fabricated. While we cannot rule out the fact that a letter may have existed, it is more likely that Voltaire took some creative liberties – “creative liberties” we have already seen at work in the *Etretnes*, for example – in order to tell a mildly more interesting

Virgile de brûler l'*Énéide*. Mais je ne suis point August et Raphaël n'est plus.” Charles-Jean-François Hénault, *Mémoires* (Paris, 1911), 33, quoted in Taylor, *La Henriade*, OCV, t. 2, 34–35.

⁸¹ Charles Jean François Hénault, “Charles Jean François Hénault to Marie Louise Denis [née Mignot]: Monday, 24 November 1755,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1000403a1c>.

⁸² Hénault, “Charles Jean François Hénault to Voltaire: Friday, May 12, 1758,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1030035a1c>.

⁸³ Hénault, “Charles Jean François Hénault to Voltaire: Sunday, 3 March 1765,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1120425a1c>.

story than that which Hénault had recounted in their correspondence. But, on the other hand, it does not seem to be the case that Voltaire is taking his readers for fools by trying to convince them that it was indeed “authentic.” Instead, he seems to be signaling the fact that this event really *did* happen, and that there are letters out there that could verify it. The language is of little importance; his focus here is on recounting the thrilling origins of *La Henriade*.

As he engages in these manipulations of the evidence, it is clear that Voltaire is not respecting his own rules concerning history writing. While Voltaire’s sense of history evolves over time, Síoira Pierse tells us that, nevertheless, it has six fundamental elements: 1) the historian should emphasize on fact over fiction; 2) the historian “benefits from distance and hindsight”; 3) the evidence must be rigorously chosen from sources one knows to be accurate; 4) the narrative must be “smooth,” regardless of how fragmented our knowledge of history may be; 5) history should be written without “authorial bias”; 6) history should not resemble simple annals, but rather demand a certain level of analysis.⁸⁴ Several aspects of this approach prove difficult for Voltaire, not simply in his more general historical works, but particularly here in the *Commentaire historique*.⁸⁵ Certain of these elements – the emphasis on fact, the selection of evidence, a lack of authorial bias – begin to fall away as the *Commentaire historique* progresses. Above all, I signal these points in order to raise a critical question concerning the proofs that Voltaire uses in the *Commentaire historique*: does his use of proof have precedent in his history writings, and thus he is engaging in his own established system of historical proofs? Or does this “historical commentary” – perhaps different from a proper history and more a “commentary” about his literary works – allow for more flexibility in terms of proofs? Perhaps these proofs,

⁸⁴ Pierse, “Voltaire: Polemical Possibilities of History,” 157–158.

⁸⁵ Point number two, for example, is difficult for Voltaire, given the remarkable “presentism” of his histories. On this subject, see: Pierre Force, “Voltaire and the Necessity of Modern History,” *Modern Intellectual History* 6, no. 3 (2009): 457–484.

taken directly from original papers as we are told at the beginning of the work, do not have to be “true” in a strictly factual sense, but only “true” insofar as they capture the spirit of these particular anecdotes. They are true inasmuch as they fit into a narrative truth: the story of Voltaire, where his greatness is recognized.

The notable feature of this “letter” is not simply the fact that it is included, but the aspect of Voltaire’s account that it is proving. In the *Œuvres complètes de Voltaire (OCV)* edition of *La Henriade*, O. R. Taylor describes this episode in the following way: “Cet épisode, sans doute abondamment colporté, n’a pas dû nuire à la réputation du poème et l’on peut se demander si Voltaire ne s’est pas laissé faire complaisamment.”⁸⁶ This sort of titillating mythology around the origin of the work that first made his name famous has its truth ensured not simply by the inclusion of the letter in which Hénault tells his account, but also because a second witness – an authoritative one – can testify. Beyond the actors who play an active role in the story – Voltaire and Hénault – other people are evoked, such as the marquis de Maisons. Interestingly, however, Voltaire omits La Faye from the story. It is this very Jean-François Leriget de La Faye (1674-1731) who, in Hénault’s *Mémoires*, is described as being responsible for ribbing Voltaire to the point of causing the young writer to throw the manuscript into the fire in the first place.⁸⁷ Yet while La Faye is mentioned in passing in Letter 17, he remains otherwise absent from Voltaire’s text.⁸⁸

While the structure of the *Commentaire historique* gives us a sense that Voltaire imagines evidentiary proof as being the most useful when it follows the narrative (as evidenced by the structure of part I (the narrative) versus part II (the letters and poem), each example of proof that

⁸⁶ Taylor, *La Henriade*, OCV, t. 2, 35.

⁸⁷ Hénault, *Mémoires*, 33.

⁸⁸ The letters in the second part of the *Commentaire historique* are notated as L# (L1, L2, L3, etc.)

we have seen thus far – the *Étrennes*, the *Épître*, and the *Vers* by the Prince de Conti – is bookended by narrative and some degree of commentary. The “letter” by Hénault is no different. Once the poem was saved by the brave (and likely burned!) hands of Hénault, it was finally able to be circulated to the reading public. This wide public circulation that, as we shall see, led to Voltaire’s first public “trials”; the public figure subject to the court of public opinion.

III.2. Fear of Disfiguration: Proof and the Public Figure

The outcry against *La Henriade* was immediate. “Tous les poètes de Paris, et plusieurs savants se déchaînèrent contre lui,” he writes.⁸⁹ This “cabale” did not simply take the vague form of public condemnation by the literary intelligentsia; it was in fact far more structured (according to Voltaire), with attacks being fomented by religious and judicial bodies, very much like in the case of his Genevan counterpart: “La cabale fut si forte, qu’on engagea le cardinal de Bissi, alors président de l’Assemblée du clergé, à censurer *juridiquement* l’ouvrage ; mais une si étrange procédure n’eut pas lieu.”⁹⁰ As much as Voltaire emphasizes his own network, his proximity to power and influence, he signals here the importance of another network – one far more nefarious and remarkably powerful – that spread throughout Old Regime France. By his telling, this outcry against *La Henriade* would distance him from the *gens de lettres*, especially in Paris, preventing him from making new connections easily.⁹¹ Considering the movement from his anecdote about Hénault saving the manuscript of his historical epic – the anecdote “proven” by the fabricated

⁸⁹ Voltaire, *Commentaire historique*, OCV, t. 78C, 18.

⁹⁰ *Ibid*, my emphasis. In a critical footnote, Cronk cites the *Daily Journal*, which further illuminates these events: “‘They say that he has received notice from France, not to print his poem of the League [*la Henriade*]; a prosecutor still depending against him, by the cardinal de Bissy, on account of the praises bestowed in that book on Queen Elizabeth’s behavior in matters of religion and a great many strokes against the abuses of popery and against persecution in matters of faith’ (*Daily Journal* du 27 janvier 1727, réimprimé le lendemain dans le *British journal*, cité dans OCV, t. 2, 65–66).” I include Cronk’s citation here in order to insist upon the fact that Voltaire’s sense of persecution here was not imagined but was instead very much known publicly.

⁹¹ Voltaire writes, “Le jeune auteur fut également étonné et piqué de ces cabales. Sa vie très dissipée l’avait empêché de se faire des amis parmi les gens de lettres ; il ne savait point opposer intrigue à intrigue : ce qui est, dit-on, absolument nécessaire dans Paris, quand on veut réussir en quelque genre que ce puisse être.” *Ibid*.

“letter” that it was indeed Hénault who saved it – Voltaire describes a remarkable tension between private support for the work and its public condemnation: while Hénault found it to be worth saving, the young *homme de lettres* finds himself isolated from the Parisian *gens de lettres*. Proof, here, is not included simply to demonstrate the existence of a rapport between Hénault and Voltaire, but is also used to justify a narrative constructed by Voltaire that would risk contradicting public perception of the event.⁹² This story of *La Henriade* is titillating, and the fact that it was saved from the flames further heightens the work’s image. The *Henriade*, thus, is not simply the work that made his name, but is also the work that first prompts this desire for self-defense, self-justification, and further public recognition. The work may have been written by a young man driven by enthusiasm, claiming to be ignorant of the traditional literary rules – again, an act of *sprezzatura* – but Voltaire’s early literary prowess was recognized by the elites with whom he was in immediate contact.

This transition in the narrative from youthful writings and early professional relationships to growing criticism of Voltaire by the public invites a new form of epistolary proofs to be inserted into the text. Very much in the style of the *Commentaire historique*, Voltaire’s transition here is strangely abrupt. Unlike the verses that have thus far been included, these epistolary references serve as a narrative device that has an evidentiary function. Voltaire had to continue publishing *La Henriade* in England, because in France he could obtain neither privilege nor protection.⁹³ In a letter addressed to Dumas d’Aiguebère, Voltaire talks about his journey:

Je ne dois pas être plus fortuné
Que le héros célébré sur ma vielle :
Il fut proscrit, persécuté, damné
Par les dévots et leur douce séquelle :
En Angleterre il trouva du secours,

⁹² On the contemporary reception of *La Henriade*, see: “Le Sort de la *Henriade* à partir de 1730,” in *La Henriade*, OCV, t. 2, 189–213.

⁹³ “...ni privilège ni protection,” in: Voltaire, *Commentaire historique*, OCV, t. 78C, 19.

J'en vais chercher...⁹⁴

But this letter did not survive in its totality, and even the authenticity of what did survive is doubtful. Voltaire chooses to tell us that: “Le reste des vers est déchiré: elle finit par ces mots: ‘Je n’ai pas le nez tourné à être prophète en mon pays’.”⁹⁵ In the *Correspondance de Voltaire (1726-1729)*, Lucien Folet expresses doubt about when this letter was written: it does not stylistically match other works from this period of Voltaire’s life. A similar problem arises concerning a letter to d’Aiguebère that is cited later in the *Commentaire historique* concerning the tragedy *Mérope*—a letter that was also reworked for the *Commentaire historique*. D’Aiguebère had died decades before the publication of the *Commentaire historique* and could not counter the forgeries made by Voltaire.⁹⁶

Upon his return to France, Voltaire receives subscription funds from King George I and the Princess of Wales, funds that allowed him to establish a substantial fortune. As proof of the fact that he did indeed receive these funds, Voltaire writes:

C’est un des associés qui m’a certifié cette anecdote, dont j’ai vu la preuve sur les registres. M. de V... lui écrivait : ‘Pour faire sa fortune dans ce pays-ci, il n’y a qu’à lire les arrêts du Conseil. Il est rare qu’en fait de finances le ministère ne soit forcé à faire des arrangements dont les particuliers profitent.’⁹⁷

But as Cronk tells us, this letter “n’a pas été retrouvée et cet extrait n’est pas inclus dans l’édition Besterman de la correspondance.”⁹⁸ In the context of this study, determining whether Voltaire’s

⁹⁴ *Ibid.*, 19.

⁹⁵ *Ibid.*, 19.

⁹⁶ “Nous avons un peu hésité à l’insérer [ce fragment] dans notre édition. Voltaire n’y prend pas tout à fait le ton qui est celui des lettres authentiques de cette période. On peut se demander si ce petit fragment n’a pas été composé plus tard pour exécuter une pirouette là où on ne se souciait pas d’entrer dans les détails. [...] Le *Commentaire historique* est de 1776 : d’Aiguebère, qui était mort depuis vingt et un ans, n’était plus là pour protester, le cas échéant et supposé qu’il s’en fût soucié, contre une attribution fantaisiste. Un peu plus loin, le *Commentaire historique* cite une longue lettre du 4 avril 1743 adressée également en son temps à Dumas d’Aiguebère [D2744]. C’est une lettre qui semble faite pour le public tout autant que pour M. d’Aiguebère. Ce public est-il celui de 1743 ou de 1776, nous n’en savons rien.” Lucien Folet, *Correspondance de Voltaire (1726-1729)*, Paris, 1913, l-li, quoted in *OCV*, t. 78C, 19, note 33.

⁹⁷ *Ibid.*, 20. This unnamed associate is likely Charles Marie La Condamine (1701-1774).

⁹⁸ *Ibid.*, 20, note 36.

story is true or not is not the issue, for this project is primarily focused on how and why Voltaire proves the account to the reader. The 1776 reader would not have would likely not know with any certainty whether such letters did or did not actually exist.

The problem of fabricated evidence continues to manifest itself in the *Commentaire historique*, when Voltaire recounts his quarrel with the Abbé Pierre François Guyot-Desfontaines (1685-1745). Imprisoned in the Bicêtre in 1725, Desfontaines reached out to several people – Voltaire among them – for help.⁹⁹ Voltaire includes in the *Commentaire historique* the letter written to him by Desfontaines, thanking him for his help: “Je n’oublierai jamais les obligations que je vous ai : votre bon cœur est encore au-dessus de votre esprit, ma vie doit être employée à vous marquer ma reconnaissance. Je vous conjure d’obtenir encore que la lettre de cachet qui m’a tiré de Bissêtre, et qui m’exile à trente lieues de Paris, soit levée, etc.”¹⁰⁰ Voltaire even specifies where this letter can be found (“parmi les lettres du marquis d’Argens Déguille, page 228, tome I^{er}”) and the date of the letter (“Cette lettre est du 31 mai. La date de l’année n’y est pas ; mais elle est de 1724”).¹⁰¹ The latter piece of information is in a footnote by Voltaire himself, an occasional feature in the *Commentaire historique*. This sense of precision – including information like dates, for example – figures into his sense of modern history.¹⁰² However, this is the first moment that Voltaire is so precise in the *Commentaire historique*. In his effort to place

⁹⁹ Voltaire writes: “Il avait été pris en flagrant délit avec de petits Savoyards, et mis en prison à Bissêtre. On commença à instruire son procès, et on voulait le faire brûler ; parce qu’on disait que Paris avait besoin d’un exemple. Il employa pour lui la protection de Mme la marquise de Prie.” Voltaire, *Commentaire historique*, OCV, t. 78C, 22.

¹⁰⁰ *Ibid.*, 22–23.

¹⁰¹ *Ibid.* 22–23.

¹⁰² He writes, “On exige des historiens modernes plus de détails, des faits plus constatés, des dates précises, des autorités, plus d’attention aux usages, aux lois, aux mœurs, au commerce, à la finance, à l’agriculture, à la population. Il en est de l’*histoire* comme des Mathématiques & de la Physique.” In Voltaire, “HISTOIRE,” in *Encyclopédie* 8:225.

the piece of evidence chronologically, Voltaire places it in a context of production and exchange—the evidence testifies to the particularities of the moment.

Unlike the forementioned nameless, faceless cabal and the “cancelled” detractors like La Faye that Voltaire omitted from his historical account, Desfontaines becomes a named detractor. Just weeks after writing the praise-filled letter to Voltaire where he thanked him for his help in securing his release from the Bicêtre, Desfontaines publishes a “libelle diffamatoire” against Voltaire: the *Apologie de Monsieur de Voltaire, adressé à lui-même*.¹⁰³ And he would go on to write two more libels directed against Voltaire: *Voltaire-roman* (1738) et *Voltaire-iana*¹⁰⁴ (1748), two texts that, according to Voltaire, are “un ramas de contes absurdes.”¹⁰⁵ Voltaire sees these texts as calumny: their author pulled quotes at random from Voltaire’s works and provided scandalous commentary about the man and his ideas in an effort to denigrate him. Voltaire does not comment further on the absurdity of these libels and instead turns to a letter written by M. le duc de Richelieu. Richelieu calls the stories “ridicule” and “plat” in a 1749 letter to Voltaire, and he disputes the accounts that his late wife gave Voltaire 100 louis and a carriage (Madame de Richelieu would have been deceased at the time of this event, according to the duc de Richelieu, although Jean Dagen disputes this).¹⁰⁶ While Voltaire misdates the letter – it was written in 1749, not 1739 – he argues that at their core, these libels ignore basic facts about his life.

¹⁰³ “Quinze jours après, le même homme [Desfontaines] imprime un libelle diffamatoire contre celui pour lequel il devait employer sa vie. C’est ce que je découvre par une lettre de M. Tiriot du 16 août, tirée du même recueil. Cet abbé Desfontaines est celui-là même qui, pour se justifier, disait à M. le comte d’Argenson : *Il faut que je vive* ; et à qui M. le comte d’Argenson répondit : *Je n’en vois pas la nécessité*.” Voltaire, *Commentaire historique*, OCV, t. 78C, 23.

¹⁰⁴ Cronk tells us that the *Voltaire-iana*, ou *éloges amphigouriques de Fr. Marie Arrouet* “date de 1748 (trois ans après la mort de Desfontaines) et a été attribuée à Louis Mannory et Louis Travenol.” *Ibid.*, 24, note 54. Voltaire, nevertheless, includes *Voltaire-iana* in his narrative account.

¹⁰⁵ *Ibid.*, 24.

¹⁰⁶ “Ce livre est bien ridicule et bien plat. Ce que je trouve d’admirable, c’est que l’on y dit que Mme de Richelieu vous avait donné cent louis et un carrosse, avec des circonstances dignes de l’auteur et non pas de vous ; mais cet homme admirable oublie que j’étais veuf en ce temps-là, et que je ne me suis remarié que plus de quinze ans après, etc. *Signé* : le duc de Richelieu, 8 février 1739.” *Ibid.*, 24. Jean Dagen notes, however, that Mme de Richelieu died in 1716, and the story in question would have taken place in 1711. See: *Ibid.*, 24, note 55.

Voltaire, however, does not stop with Richelieu's criticism of the work. The narrator tells us that, "M. de V... ne se prévalait pas même de tant de témoignages authentiques, et ils seraient perdus pour sa mémoire, si nous ne les avions retrouvés avec peine dans le chaos de ses papiers."¹⁰⁷ Unlike the Rousseauian project of relying, in part, on his memory, a memory that only he possesses, Voltaire turns instead to his papers to help prove to the reader the unsavory qualities of Desfontaines, *as recognized by others*. In particular, he cites René Louis de Voyer de Paulmy, marquis d'Argenson, who writes in 1739: "C'est un vilain homme que cet abbé Desfontaines ; son ingratitude est encore pire que ses crimes...."¹⁰⁸ While Voltaire is obviously seeking to combine proofs in order to make a stronger case, it is also to be noted that he omits several potential "proofs" when he composes the story about the *Voltairemanie* in the *Commentaire historique*. If we understand what Voltaire has left out of this account, we can better understand how he is striving to present this account of his quarrel with Desfontaines to his readers.

Voltaire first evokes Desfontaines in the context of the *Alzire ou des Américains*: "Celui qui se déchaîna le plus contre *Alzire* fut l'ex-jésuite Desfontaines."¹⁰⁹ But Voltaire's claim here is not true; as T. E. D. Braun writes, "Desfontaines attacked Voltaire on numerous other occasions, but he had only good things to say in print about *Alzire*."¹¹⁰ The *Apologie de Monsieur de Voltaire* – the libel that Voltaire firmly denounces in the *Commentaire historique* as a personal attack from a man who should be grateful for Voltaire's intervention in his release from prison – was likely written before his imprisonment, and published later only out of financial need.¹¹¹

¹⁰⁷ *Ibid.*, 25.

¹⁰⁸ *Ibid.*, 25.

¹⁰⁹ *Ibid.*, 21–22.

¹¹⁰ *Œuvres de 1734-1735, OCV*, t. 14, 47, quoted in *Ibid.*, 22, note 46.

¹¹¹ "Il est beaucoup plus vraisemblable que Desfontaines ait rédigé l'*Apologie* avant son arrestation. On peut croire qu'il l'a montré à Thieriot lors que leur séjour à la Rivière-Bourdet, que celui-ci lui a conseillé de ne pas publier une critique des œuvres de son bienfaiteur, qu'il a promis de la détruire, mais qu'il ne l'a pas fait, et qu'il l'a fait publier

Voltaire then goes on to construct the narrative in the *Commentaire historique* in such a way as to suggest that Desfontaines, in a continued ungrateful rage, published more defamatory material against his liberator. But Desfontaines' *Voltairemanie* and *Voltaireiana* appear rather to have been born out of a desire to respond to Voltaire's work, *Le Préservatif* (1738) – unmentioned in the *Commentaire historique*! – that was itself a response to Desfontaines critiques (*Observations*) of Voltaire's ideas about Newton and Descartes.¹¹² But more than a simple refutation, the *Préservatif*¹¹³ veers into personal attacks against Desfontaines. As the critic M. H. Waddicor observes, “Desfontaines est présenté au lecteur comme un critique ignorant et sot, et comme un homme présomptueux et ingrat.”¹¹⁴ The *Voltairemanie* is a direct response to this, as the full title of the work makes clear – although Voltaire does not give it in the *Commentaire historique*! – *La Voltairemanie, ou lettre d'un jeune avocat, en forme de Mémoire, en réponse au libelle du Sieur de Voltaire, intitulé, Le Préservatif, etc.* Both authors see themselves as the victims of the other's libels.

This is not to say, however, that the content of the *Voltairemanie* does not warrant Voltaire's consternation, if not indignation. In fact, it compels him to write not one but two works: the *Mémoire du sieur de Voltaire* and the *Mémoire sur la satire à occasion d'un libelle de l'abbé Desfontaines*. The *Mémoire du sieur de Voltaire* is divided in two parts, with the first part serving as a response to the literary accusations launched by Desfontaines; the second part is a

l'année suivante, après le départ de Voltaire pour l'Angleterre, parce qu'il manquait d'argent.” Pierre François Guyot Desfontaines, *La Voltairemanie*, ed. M. H. Waddicor (Exeter: A. Wheaton & Co. Ltd., 1983), xviii. Waddicor further suggests to us that “libel” does not fully capture the reality of the text—it is a “satire” of Voltaire's works, rather than a personal attack.

¹¹² *Ibid.*, xxxviii. For more on Voltaire and Newton, see: John Bennett Shank, *The Newton Wars and the Beginning of the French Enlightenment* (Chicago: University of Chicago Press, 2008).

¹¹³ As is typical, Voltaire denies authorship of the *Préservatif*.

¹¹⁴ Waddicor, *La Voltairemanie*, vii.

response to the more personal allegations in the *Voltairemanie*.¹¹⁵ More than a simple riposte, the *Mémoire sur la satire* is, on the other hand, a study of the history of satire and a discussion of the public injury that it may cause.¹¹⁶ I signal the existence of these two works and the place the *Voltairemanie* occupied in Voltaire's correspondence in order to emphasize that Voltaire has already tried to prove that the allegations in Desfontaines' work are false. In the context of this study, it is important to note that the most significant aspect of Voltaire's combat against Desfontaines is that very little, if anything, written by Voltaire himself actually figures in the *Commentaire historique*—that is to say, Voltaire does not include the *Mémoire sur la satire* or the *Mémoire du sieur de Voltaire* in the *Commentaire historique* when he discusses this quarrel with Desfontaines. The evidence that he provides is, instead, that which was written by others. For example, he relies on the testimonies of Richelieu and d'Argenson to attack Desfontaines in passing, before simply transitioning to the next part of his narrative, writing that “il paraît que les contradictions, les perversités, les calomnies qu'il essayait à chaque pièce qu'il faisait représenter, ne pouvaient l'arracher à son goût...”¹¹⁷ The best defense for Voltaire is simply to include the testimonies of others.

¹¹⁵ Voltaire writes: “On divisera la réfutation en deux parties. Les accusations littéraires les plus graves seront le sujet de la première ; on se détermine à en parler, parce que le public en peut retirer quelque avantage, et qu'on ne doit jamais négliger l'éclaircissement d'une vérité ; d'ailleurs, par une fatalité malheureuse, ces éclaircissements tiennent à des calomnies personnelles ; la vertu s'y trouve souvent intéressée ainsi que les belles-lettres. La seconde partie contiendra la réfutation par pièces originales des plus outrageantes impostures que jamais honnête homme ait essayées, et qui aient armé la sévérité des lois. Le sieur de Voltaire, préférant la retraite et l'étude à la malheureuse occupation de solliciter lui-même sa vengeance au tribunal de la justice, s'adresse d'abord à celui du public, et impose quelque silence à sa douleur pour examiner ce qui concerne certaines accusations littéraires dans lesquelles il s'agit de noms illustres dont il doit venger l'honneur outragé.” Voltaire, *Mémoire du sieur de Voltaire* (1739), *Œuvres complètes de Voltaire*, ed. Louis Molant, t. 23 (Paris: Garnier, 1877-1885), ARTFL, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/toutvoltaire/navigate/303/table-of-contents/>.

¹¹⁶ He writes in the *Mémoires sur la satire*: “Un libelle infâme ayant révolté le public, il y a quelques mois, j'ai cru qu'il ne serait pas inutile de proposer ici quelques idées sur la satire, accompagnées de l'histoire récente des injustices des crimes même, et des malheurs qu'elle a produits de nos jours. Je tâcherai de parler en philosophe et en historien, et de montrer la vérité la plus exacte dans les réflexions comme dans les faits.” *Ibid.*

¹¹⁷ Voltaire, *Commentaire historique*, OCV, t. 78C, 25-26.

This story about the *Voltairemanie* and how Voltaire seeks to prove it illuminates, I argue, a particular value accorded to a particular type of witness in his text. In her article, “Les Témoins dans le droit et la littérature : la construction de l’intimité dans la France du 18^e siècle,” Lisa Jane Graham observes that “[...] le témoin fonde sa crédibilité sur l’autorité de ce qu’il a vu et décrit. [...] En même temps, le témoin requiert une tierce partie, une communauté, qui écoute et valide son témoignage. Le témoin renforce la confiance qui permet à la société d’être une communauté morale régie par les lois.”¹¹⁸ In *Le témoin oculaire*, Renaud Dulong further echoes this relationship between witness and auditor, writing: “On ne témoigne pas dans le désert [...] les récits sont le plus souvent produits dans un cadre interactif [...] cette participation engage aussi la responsabilité morale des personnes, elle convoque leur affectivité, elle réclame de leur part un jugement sur l’événement.”¹¹⁹ But in this account in the *Commentaire*, Voltaire’s witness, Richelieu, does not consistently demonstrate to the reader that he was present, that he *saw* what occurred, and is now relaying it back to Voltaire. As Paul Ricœur observes in his work, *La Mémoire, l’histoire et l’oubli*, “La spécificité du témoignage consiste en ceci que l’assertion de réalité est inséparable de son couplage avec l’autodésignation du sujet témoignant. De ce couplage procède la formule type du témoignage : *j’y étais*. Ce qui est attesté est indivisément la réalité de la chose passée et la présence du narrateur sur les lieux de l’occurrence.”¹²⁰ There is a tension, thus, between the fictionalized witness, the *je* inserted throughout the text, and the real witnesses that Voltaire evokes. He does not appear preoccupied with demonstrating to the reader that these were eyewitnesses either; in fact, the most important eyewitness in the *Commentaire historique* is Voltaire’s fictionalized narrator. While Richelieu’s testimony does provide both a

¹¹⁸ Lisa Jane Graham, “Les Témoins dans le droit et la littérature,” 148.

¹¹⁹ Renaud Dulong, *Le Témoin oculaire* (Paris: Éditions de l’École des Hautes Études en Sciences Sociales, 1998), 13–14, quoted in Graham, “Les Témoins dans le droit et la littérature,” 148.

¹²⁰ Paul Ricœur, *La Mémoire, l’histoire et l’oubli*, 204, my emphasis.

literary critique (“ce livre est bien ridicule et bien plat”) and his personal, eye-witness testimony (“j’étais veuf en ce temps-là” (my emphasis), the testimony from the marquis d’Argenson is primarily a critique of Desfontaines’ character, rather than an insistence on a firsthand account of the events of Voltaire’s life.¹²¹

Given the speed at which Voltaire passes from anecdote to anecdote, he relies on very specific witnesses who not only support the critiques that he seeks to advance but also occupy a social position that would allow them to be believed when they testify in the text. Steven Shapin, in *A Social History of Truth*, argues that there is a link between social status and testimonial credibility.¹²² In particular, the gentleman in society had a necessary social feature: credibility as an indispensable quality in the generation of collective knowledge in society.¹²³ A similar argument is made in Simon Schaffer and Simon Shapin’s *Leviathan and the Air-Pump*, where they highlight the critical role that witnesses played in proving scientific experiments. “If knowledge was to be empirically based...” they write, “then its experimental foundations should be witnessed.”¹²⁴ In order to ensure that the “collective act” of witnessing did not give into “radical individualism” – that is, a witness seeing and reporting what they please – there needed to be several witnesses of reputable social standing, someone of a strong “moral constitution” and intellectual reputability.¹²⁵ The inaccuracy of Voltaire’s account – after all, it is not about

¹²¹ That is not to say, however, that d’Argenson did not have a first-hand account of the affair. Voltaire and Desfontaines were both pressured to reconcile by publishing *désaveux* (retractions), a process in which d’Argenson is involved. See: “Introduction,” in Desfontaines, *La Voltairomanie*, ed. Waddicor, xlix.

¹²² Shapin, *A Social History of Truth*; See further: Michael Oakeshott, *Experience and Its Modes* (Cambridge: Cambridge University Press, 1966), 115. Oakeshott observes: “A belief is never guaranteed by a ‘series of reasons’ or a number of witnesses”, for these (and the testimony they offer) must themselves be believed before they can influence our belief...”

¹²³ *Ibid.*, 98.

¹²⁴ Shapin and Schaffer, *Leviathan and the Air-Pump*, 56.

¹²⁵ While the 18th century saw a particular rise in the role of multiple witnesses in scientific experimentation, this notion nevertheless goes back many centuries in other fields, such as the law. See: Bloembergen, *The Development of the Criminal Law of Evidence*, 39–59.

Alzire – and Voltaire giving voice to these two “witness” accounts perhaps suggests as much. The manner in which each account turns towards the exterior to include other people is central to the narrative; Voltaire never does anything alone. His enthusiasm, as he calls it, is guided by his relationships with others. What is peculiar about the case of Desfontaines, however, is how remarkably selective Voltaire is in choosing his witnesses for the account, because others, too, could have been called to testify.

Unlike Rousseau, Voltaire does not tell us from the outset the intent of his work, focusing instead on how the work will be constructed: through the use of original papers. However, as we move through the *Commentaire historique*, Voltaire does give us a concrete understanding of what the focus of the project actually is, beyond being simply a “[commentaire] sur un homme de lettres.”¹²⁶ He writes, for example:

Nous le voyons [Voltaire] bientôt après faire un nouveau voyage auprès du roi de Prusse, qui l’appelait toujours à Berlin ; mais pour lequel il ne pouvait quitter longtemps ses anciens amis. Il rendait dans ce voyage au roi son maître un signalé service, comme nous le voyons par sa correspondance avec M. Amelot, ministre d’État. *Mais ces particularités ne sont pas l’objet de notre Commentaire. Nous n’avons en vue que l’homme de lettres.*¹²⁷

This brief account of Voltaire’s diplomatic trip to Prussia – another account about the greatness of his network – is quite peculiar for the *Commentaire historique*, primarily because of the way in which the narrator interjects. It is indeed the case that the “particularités” of an event are not always of interest to Voltaire as he is recounting the story of his life and career; this can be seen, for example, in how he writes about Desfontaines and the *Voltairemanie*. What is particularly remarkable here is the fact that the narrator shifts the focus to Voltaire himself: “Nous n’avons en vue que l’homme de lettres.”

¹²⁶ Voltaire, *Commentaire historique*, OCV, t. 78C, 11.

¹²⁷ *Ibid.*, 42, my emphasis. Voltaire covers this moment in greater detail in his *Mémoires pour servir à la vie de M. de Voltaire*, OCV, t. 45C, 355–358, 370–372.

This way of directing the narrative back to Voltaire poses somewhat of a problem for the reader's understanding of the text and what it is supposed to be. First, the *homme de lettres* is, according to the title, not the focus of the work; it is rather his works, although we begin to understand early on that more than his works are treated.¹²⁸ But this problem is also further complicated by Voltaire's apparent intentions in this text, in which he reconstructs his life and career to present a particular, lasting image of himself for posterity. For example, as Christophe Cave writes, "L'univers très maîtrisé de la représentation de soi dans le *Commentaire historique* s'achève en effet sur l'obsession voltairienne du piratage et de la falsification, en particulier épistolaire..."¹²⁹ While the epistolary – the direct inclusion of letters, correspondence, into the *Commentaire historique* – will enter our focus even more clearly when I study the second part of the *Commentaire historique* later in this chapter, it nevertheless plays a central role in the first narrative part of the text as well, particularly as it concerns Voltaire's combats against falsified, libelous works.¹³⁰ The *Commentaire historique* is shaped by two defining features: 1) the presence of texts written by people other than Voltaire, accompanying his own writing; 2) a narrative that paints his life as a series of combats, extending well beyond the *Voltairemanie*. The *Commentaire historique sur les œuvres de l'auteur de la Henriade, etc.* is less about Voltaire's works and more about his larger network of social and intellectual exchange as well as his proximity to power, all manifested through, in part, Voltaire's vast correspondence.

The combats that shape Voltaire's life are countless. Beyond initial controversies about *La Henriade* and Desfontaines' *Voltairemanie*, Voltaire also includes: the critiques of his idea

¹²⁸ Pomeau, *On a voulu l'enterrer*, 205: "Et c'est l'auteur de *La Henriade*, unanimement admirée, qui sera loué. Cependant, on découvre vite que le sujet annoncé n'est pas vraiment traité."

¹²⁹ Christophe Cave, "Lettre et biographie: Voltaire 'peint par lui-même'," in *Les Vies de Voltaire: discours et représentations biographiques XVIII^e-XXI^e siècles* eds. Christophe Cave and Simon Davies (Oxford: Voltaire Foundation, 2008), 109.

¹³⁰ Cave further writes, "le [*Commentaire historique*] construit une image qui est une réponse (discrète, subtile) à toutes les attaques (Voltaire est-il capable d'amitié, par exemple) et à toutes les polémiques jusque-là." *Ibid.*, 109.

about Newton and Locke¹³¹; *Mahomet*¹³²; his defense of the general Lally¹³³; his quarrels with Maupertuis¹³⁴; a series of (unnamed) libels published against him¹³⁵; the Calas affair¹³⁶; the Pigal statue affair¹³⁷; continued calumny from the Bishop Biord¹³⁸; the La Barre affair¹³⁹; and the publication of forged letters against Voltaire.¹⁴⁰ These combats can be divided into two distinct groups: on the one hand, we see Voltaire's engagements against injustices, such as in the *causes célèbres*; on the other, we see Voltaire as the "victim" of attacks against him, of calumny and libel. It is important to note that while these combats play a significant role throughout the narrative part of the *Commentaire historique*, it is not only Voltaire's own writings that are included in the text that serve as proof. Rather, interspersed throughout the text, often in between the narrations of Voltaire's combats, are long proofs written by both Voltaire and others.

It is also the case, moreover, that Voltaire also seeks to develop a sense of proof in his historical, third-person autobiographical narrative, taking that position of distance vis-à-vis himself, and in doing so defending himself through the lens of the witness who can attest to his actions and the recognized quality of his literary productions. This can be seen, for example, in the way Voltaire writes about his involvement in the Calas affair. To understand the way in which Voltaire conceives the role of judicial proof in the *Commentaire historique*, I first propose an examination of his conception of proof while taking up Jean Calas' defense. By doing so, we will be better able to understand how Voltaire translates his vision of proof from his original

¹³¹ Voltaire, *Commentaire historique*, OCV, t. 78C, 27.

¹³² *Ibid.*, 37.

¹³³ *Ibid.*, 59.

¹³⁴ *Ibid.*, 67–70.

¹³⁵ *Ibid.*, 88–89.

¹³⁶ *Ibid.*, 89–91.

¹³⁷ *Ibid.*, 105.

¹³⁸ *Ibid.*, 110–111.

¹³⁹ *Ibid.*, 116–117; this includes his support for both La Barre and d'Étallonde.

¹⁴⁰ *Ibid.*, 131–132.

engagement in the 1760s into the system of proofs established in the *Commentaire historique*, written over a decade later in 1776. We will see here how Voltaire's involvement in the *causes-célèbres* contributed to the development of a sense of judicial proof that will neatly accompany the historical proofs employed in the *Commentaire historique*, rendering his self-writing at once a legal and historical text.

Voltaire entered onto the scene of judicial affairs when he first stepped in to assist the Calas family. This famous affair warrants being recounted in full, in order to appreciate the ways in which the events of the affair and Voltaire's involvement therein contributed to an understanding of judicial proofs that are employed in the *Commentaire historique*. In October 1761, Marc-Antoine Calas, the eldest son of the merchant, Jean Calas, was discovered dead in the Calas family home. The family first claimed that Marc-Antoine was murdered; later, however, they told authorities that he had been with them that evening. After he went down to the shop following their time together, they admitted that they believed that he committed suicide, a dishonorable and criminal act in Old Regime France. It was this inconsistent testimony, this attempt to cover something up, that led the magistrates to believe that the family had murdered the eldest son—the Calas family was Protestant, and it was rumored that Marc-Antoine was converting to Catholicism.

While the courts interrogated many alleged witnesses in an attempt to piece together the crime following legal procedure, the evidence that they compiled was, according to Peter Gay, flimsy at best.¹⁴¹ Gay writes, “Much of the testimony they admitted into evidence was hearsay

¹⁴¹ Peter Gay, *Voltaire's Politics: The Poet as Realist* (Princeton: Princeton University Press, 1959). As he writes, “But while they [the officials] were willing to believe that Huguenots were capable of such a fanatical enormity, the authorities did scrupulously observe most of the trial procedure laid down in the Criminal Ordinance of 1670 for the guidance of all French courts. They interrogated scores of witnesses, questioned the accused privately and separately, reconstructed the crime in the Calas house, requested local priests to read to the congregations a *monitoire*—a public invitation for witnesses to come forward” (274).

based upon hearsay, but that violated only common sense, not French legal procedure.”¹⁴² Gay’s distinction here between “common sense” on the one hand and “French legal procedure” on the other signals a further distinction between how Voltaire believes the law ought to work and how it actually does work. What Voltaire believes to be appropriate evidence does not necessarily align with the actual practices of the French magistrates during the Old Regime.¹⁴³ While Voltaire’s critique of procedure and, most importantly, his system of proofs, is notably distinct from the reality of Old Regime law, it is Voltaire’s own understanding of the law and its system of proofs that permeates his works, not the lived and practiced reality of Old Regime law.¹⁴⁴

On March 9, 1762, Jean Calas was condemned to death. When news of the affair reached Voltaire, he was incredulous at the affair’s moral and judicial flaws.¹⁴⁵ There is a distinction to be made between what was acceptable under the 1670 Criminal Ordinance and what Voltaire considered to be an acceptable practice of justice before the public. If there was strong evidence against Jean Calas, it certainly was not shared with the public, and what Voltaire believed to be a just outcome, and what actually transpired, were greatly at odds with one another.

¹⁴² *Ibid.*, 274. See further: P.H. Maugham, *The Case of Jean Calas* (London: William Heineman Ltd., 1920), 87. Maugham writes, “One Massaleng, a widow, gave evidence that her daughter has told her that le sieur Pagès had told her that M. Soulié had told him that la demoiselle Guichardet had told him that demoiselle Journu had made a statement from which she (Journu) had inferred that *le père* Lerraut, a Jesuit, had been the confessor of Marc-Antoine Calas. When the reverend father Lerraut was summoned he showed that the whole of this was without foundation.”

¹⁴³ See: David Bien, *Interpreting the Ancien Régime* (Oxford: Voltaire Foundation, 2014).

¹⁴⁴ On the distinction between Voltaire’s perception of the law and the realities of Old Regime law, see again: Benoît Garnot, *C’est la faute à Voltaire... Une imposture intellectuelle ?* (Paris: Éditions Belin, 2009). Scholars who have studied his particular engagements in certain *causes-célèbres* also highlight the way in which the procedure of the case was not unjust, but rather, Voltaire’s interpretation of it was wrong. See, for example: Eric Wenzel, “Les Juges, les témoignages et les aveux: l’affaire du chevalier de La Barre au prisme de la procédure criminelle de l’Ancien Régime,” in *L’Affaire La Barre* (Paris: Presses de l’université de Paris-Sorbonne, 2017), 17–28. Despite the severity of the case, Wenzel shows that the case was not particularly exceptional in the scheme of Old Regime jurisprudence.

¹⁴⁵ See Gay, *Voltaire’s Politics*, 274. He writes, “But to Voltaire, the Calas case was more than a horror story suitable for philosophic propaganda—it was an enigma, made more enigmatic by the scarcity of documents, the secrecy imposed on the trial by French procedure, and the reluctance of local officials to give information.”

When Voltaire first learned of the *père* Calas' condemnation and execution, he did not immediately leap into action, defending the Calas with fervor. Instead, he sought to educate himself about the facts of the case. For example, he writes in a letter to Mademoiselle ***:

Je ne connais que les factums faits en faveur des Calas, et ce n'est pas assez pour oser prendre parti. *J'ai voulu m'instruire en qualité d'historien* [...] cet événement, dis-je, appartient essentiellement à l'histoire de l'esprit humain et au vaste tableau de nos fureurs et de nos faiblesses, dont j'ai déjà donné une esquisse.¹⁴⁶

Voltaire's judicial lens was not – and *could not be* – fully separated from his sense of history: a universal history shaped by the certainty of documentary sources, described in his *Essai sur les mœurs*, the *esquisse* to which he appears to be referring in the last line.. This singular, particular *événement* figures into the *vaste tableau* of human history: *l'histoire de l'esprit humain*.¹⁴⁷ These cases, thus, inspire Voltaire to see legal problems through a lens that he had traditionally applied to history: the particularities of individual events speak to a larger universalism of human experience.

It is in this same letter to Madame *** that he establishes not only how he would like to go about understanding the trial, as he does in the above quotation, but he also clearly lays out the fundamental problems that he sees with the Calas trials. As he concludes his letter:

Ces deux procès [Calas et Damiens] intéressent le genre humain ; et si quelque chose peut arrêter chez les hommes la rage du fanatisme, c'est la publicité et la preuve du parricide et du sacrilège qui ont conduit Calas sur la roue, et qui laissent la famille entière en proie aux plus violents soupçons.¹⁴⁸

The only way to prevent the raging fire of fanaticism is through publicity (antithetical to the nature of the notoriously secretive inquisitorial process) and the presentation of actual proof of

¹⁴⁶ “Lettre à Mademoiselle ***, Aux Délices, le 15 avril [1762],” in Voltaire, *L’Affaire Calas et autres affaires. Traité sur la tolérance*, ed. Jacques Van den Heuvel (Paris: Gallimard, 1975), 36, my emphasis.

¹⁴⁷ This idea is most overtly evoked in Voltaire’s *Essai sur les mœurs et l’esprit des nations*, published in: Voltaire, *Essai sur les mœurs et l’esprit des nations*, eds. Bruno Bernard, John Renwick, Nicholas Cronk, and Janet Godden, *Œuvres complètes de Voltaire*, t. 21-27 (Oxford: Voltaire Foundation, 2019).

¹⁴⁸ “Lettre à Mademoiselle ***, Aux Délices, le 15 avril [1762]” in Voltaire, *L’Affaire Calas et autres affaires. Traité sur la tolérance*, 36.

the crimes committed. Voltaire demands real, verifiable proof, not the rumors that led to the *père Calas*' condemnation in the first place. It is here, in Voltaire's first engagement with the Calas affair, where we see the foundation of his judicial vision.

It is Voltaire's direct intervention – in his *Pièces originales concernant la mort des sieurs Calas*, rather than in his correspondence – that Voltaire's idiosyncrasies can be most clearly seen. The *pièces originales* contain a series of different documents: the “Extrait d'une lettre de la dame veuve Calas”; the “Lettre de Donat Calas fils à la dame veuve Calas”; “Lettre à Monseigneur le Chancelier”; *Requête au roi en son conseil*; the *Mémoire de Donat Calas pour son père, sa mère, et son frère*; the “Déclaration de Pierre Calas”; the *Histoire d'Élisabeth Canning et des Calas*; and finally, “À M. Thiroux de Crosne maître des requêtes, etc.,” all published in 1762.¹⁴⁹

According to Robert Granderoute in his chapter “De la source au texte: les mémoires voltairiens de l'affaire Calas” that appeared in the larger edited volume, *Voltaire et ses combats* (1997), these texts have three defining characteristics. First, the voices in the texts are not Voltaire's, but rather, those of the Calas family members. Second, the documents are designed to condemn fanaticism outright. And lastly, through these texts Voltaire is seeking, ultimately, to render public the private proceedings of the inquisitorial process.¹⁵⁰

The way Voltaire sought to depict the Calas affair in the *Commentaire historique* (1776), however, is notably different, especially as it concerns the question of proof. Despite his critical role in the support of Calas, Voltaire opens his account of the affair by putting the spotlight on others: “Mais voici la plus étrange et la plus fatale aventure qui soit arrivée depuis longtemps, et en même temps la plus glorieuse au roi, à son conseil et à MM. les maîtres des requêtes.”¹⁵¹

¹⁴⁹ Voltaire, *L'Affaire Calas et autres affaires. Traité sur la tolérance*, 41–87.

¹⁵⁰ Robert Granderoute, “De la Source au texte: les mémoires voltairiens de l'affaire Calas,” in *Voltaire et ses combats*, dir. Ulla Kölling and Christiane Mervaud, t. 1 (Oxford: Voltaire Foundation, 1997), 576–578.

¹⁵¹ Voltaire, *Commentaire historique*, OCV, t. 78C, 89.

While Voltaire was not involved in the Calas affair from the outset (as the news of the affair had to reach him), neither was the king—the affair was handled by the *parlement* of Toulouse. At its core, Voltaire is moving the narrative beyond his own role and is seeking to involve others in the *Commentaire historique*.

When Donat Calas was banished to Switzerland, however, he sought to engage Voltaire in the affair. When Voltaire recounts this event in the *Commentaire historique*, it is the third-person narrator who inserts himself again into the narrative: “J’ai été témoin qu’il prit pendant plus d’un mois toutes les précautions imaginables pour s’assurer de l’innocence de la famille.”¹⁵² Beyond the limitations of this testimony in this third-person autobiographical structure – again, it is Voltaire and Voltaire alone who is “testifying” – it is nevertheless the case that according to this (fictionalized) witness, this insistence on “témoignage” seeks to prove Voltaire’s tireless engagement in the Calas affair. In many ways, this is the moment that Voltaire became the most well-known version of his public self, the moment where, according to Michel Delon, Voltaire became “voltairien,” where his advocacy shaped his role as a participant in public affairs, particularly those intent to combat religious intolerance and fanaticism.¹⁵³

Voltaire’s engagement in the Calas affair, of course, produced ardent detractors. As he notes in the *Commentaire historique*:

On remarque en ce temps qu’il n’y eut dans toute la France que le nommé Fréron, auteur de je ne sais quelle brochure périodique intitulée *Lettres à la comtesse*, et ensuite *Année littéraire*, qui osa jeter des doutes, dans ses ridicules feuilles, sur l’innocence de ceux que le roi, tout son conseil et tout le public avaient justifiés si pleinement.¹⁵⁴

It was Fréron’s “ridiculous” works and his fostering of doubt in the public mind that compelled Voltaire to write his *Traité sur la tolérance*, a literary and philosophical effort supported by many

¹⁵² *Ibid.*, 90.

¹⁵³ Michel Delon, “Comment Voltaire est devenu ‘voltairien’,” *Revue des Deux Mondes* (April 2015): 25–32.

¹⁵⁴ *Commentaire historique*, 91.

in his circle.¹⁵⁵ To Voltaire, the *Traité sur la tolérance* was a work designed to be a commonsense response to the irrational intolerance perpetuated by figures like Fréron. Voltaire recognized the practical possibility of enacting a law of universal tolerance; after all, Catherine the Great was doing it in Russia: “...même l’impératrice Catherine seconde, [...] donnait des lois à son empire qui contient la cinquième partie du globe : et la première de ses lois est l’établissement d’une tolérance universelle.”¹⁵⁶ His engagement with the practical realities of the Old Regime legal system fostered a sense, too, of the practical possibility of legislating tolerance, a rational society built in response to the irrationality perpetuated by the legal systems and his detractors.

Despite his clear vision of the possibility of codifying laws of tolerance, intolerance nevertheless would continue in France, as would Voltaire’s engagements in the various *causes-célèbres* of his time. In the *Commentaire historique*, he cites, for example, the cases of Sirven and Montbailly, innocent people condemned by those who acted out of ignorance, cruelty, and ridiculousness, rather than reason and justice. On the Sirven case, Voltaire writes, “Toute la famille Sirven condamnée à la mort dans un bourg auprès de Castres, par les juges *les plus ignorants et les plus cruels* [...]”¹⁵⁷ And on the Montbailly case, for example, Voltaire recounts in the *Commentaire historique* that, “Ces innocentes et respectables créatures, avaient été accusées de parricide, et jugées sur des allégations qui auraient paru ridicules aux condamnateurs même des Calas.”¹⁵⁸ Proof of injustice in Old Regime society manifested itself, first, simply through the *fait*, the fact that it was *clearly* happening. Underneath this proof enunciated to the reader – society is unjust because injustices are occurring, a self-evident proof, rather than one

¹⁵⁵ *Ibid.*, 91–92. He writes: “Plusieurs gens de bien engagèrent alors M. de Voltaire à écrire son *Traité sur la tolérance*, qui fut regardé comme un de ses meilleurs ouvrages en prose, et qui est devenu le catéchisme de quiconque a du bon sens et de l’équité.”

¹⁵⁶ *Ibid.*, 92. See further where Catherine writes to Voltaire in 1765: “La tolérance est établie chez nous, elle fait loi de l’État, et il est défendu de persécuter,” quoted in *Ibid.*, 92, note 334.

¹⁵⁷ *Ibid.*, 92, my emphasis.

¹⁵⁸ *Ibid.*, 93.

that he needs to call upon a judge to evaluate – is a more implicit, but nevertheless important, conception of injustice based on the idea that injustices occur when judicial decisions defy reason.

While Voltaire was engaged in these combats against fanaticism, he nevertheless continued to believe in mankind's potential to practice tolerance. It is at Ferney where theory becomes practice, and it is through the actions of men that Voltaire begins to see the practical potential of his ideas. Despite the incessant injustices perpetrated by the Old Regime legal systems, Voltaire describes in very explicit terms the human potential to act out of tolerance, that is, to inscribe it into one's behavior; there exists a potential for tolerance to topple the intolerance perpetuated by Old Regime legal systems. He writes further, "C'était le fruit des principes d'humanité que M. de Voltaire a répandu dans tous ses ouvrages, et surtout dans le livre de la tolérance dont nous avons parlé. Il avait toujours dit que les hommes sont frères, et il le prouva par les faits."¹⁵⁹ Voltaire, here, sees the success of his ideas in the actions of others. This is a movement away from the tableau "Voltaire amongst the greats" that he paints throughout the *Commentaire historique*. Instead, Voltaire situates himself here as a great thinker, the leader of a movement against the intolerance. As the narrative begins to touch upon the last decades of his life, Voltaire begins to characterize himself not only as someone who was surrounded by Europe's most influential figures, but as someone who was one of them.

Of equal importance to Voltaire is the way Ferney attracted the elite that he so often references: "Parmi ces étrangers qui vinrent en foule à Ferney, on compte plus d'un prince souverain. Il fut honoré d'une correspondance très suivie avec plusieurs d'entre eux dont les lettres sont entre mes mains."¹⁶⁰ It is at Ferney where Voltaire's celebrity status begins to first take

¹⁵⁹ *Ibid.*, 95.

¹⁶⁰ *Ibid.*, 96.

shape (it was Voltaire's home from 1761-1778).¹⁶¹ Among the elite is Wilhelmine of Prussia, Margrave of Brandenburg-Bayreuth (1709-1758), a letter from whom is cited in the *Commentaire historique*. I am including here the entire (short) paragraph that Voltaire uses to introduce the letter so that we may consider, once again, Voltaire's peculiar style when writing about others and the proofs included:

Le temps qui s'écoula entre la bataille de Kollin (le 18 juin 1757) que le roi de Prusse perdit, et la journée de Rosbac du 5 novembre où il fut vainqueur, et le temps le plus intéressant de cette correspondance, rare entre une maison royale de héros et un simple homme de lettres. *En voici une grande preuve dans cette lettre mémorable.*¹⁶²

Voltaire has moved suddenly away from his discourse on tolerance at Ferney and once again signals to his reader his rapport with the great figures of his time, manifested here through epistolary exchange. He moves the discussion away from his personal story – this has little to do with his own actions at the time – and focuses instead on the exceptional nature of the historical moment, a moment situated between two battles during the Seven Years' War, the first of which, the battle of Kolin, was Frederick's first defeat in the war. By reducing his own status to a "simple homme de lettres" vis-à-vis the "maison royale de héros," he accentuates his exceptional proximity to the biggest players in Europe, an act of false modesty that we saw earlier in his account about the origins of *La Henriade*.

What is perhaps the most useful for understanding this letter is not the language used by Wilhelmine, but rather Voltaire's brief commentary after it, where he tells the reader what the letter proves. Interestingly, Voltaire chooses to include the letter by Wilhelmine instead of the language of his own *Ode*, which he references, nor does he include one of his own letters to demonstrate a mutual epistolary exchange. He explains to the reader that:

¹⁶¹ Lilti, *Figures publiques*, 30–32.

¹⁶² Voltaire, *Commentaire historique*, OCV, t. 78C, 96, my emphasis.

On voit par cette lettre aussi attendrissante que bien écrite quelle était la belle âme de la margrave de Bareith, et combien elle méritait les éloges que lui donna M. de Voltaire en pleurant sa mort, dans une ode imprimée parmi ses autres ouvrages. Mais on voit surtout quels désastres épouvantables attirent sur les peuples des guerres légèrement entreprises par les rois ; on voit à quoi ils s'exposent eux-mêmes et à quel point ils sont malheureux de faire le malheur des nations.¹⁶³

In this passage, Voltaire's work is no more than a passing reference. The focus here appears to be solely on Wilhelmine's writing, a proof, first and foremost, of correspondence between Voltaire and an elite circle.

Síofra Pierse observes that, "[Voltaire's] clear wish is to underline his proximity to power in several courts around Europe of his day, for the approval and delectation of posterity and for the ultimate glory of the *self*."¹⁶⁴ It thus becomes abundantly clear by the inclusion of proofs like this letter that Voltaire's desire to prove the account of his life extends well beyond the works that he alone wrote. That is not to say that Voltaire's voice in the first part of the *Commentaire historique* is not present; it very much is, both in the works that he chooses to include from the outset, as well as in his historical narrative voice that constantly serves as a witness to public events that others, too, witness. But it is also the case that Voltaire's presentation of himself as being in proximity to power is a polyphonic act, confirmed both by his own writings and anecdotes and by the accounts provided by those individuals, and always confirmed by the third-person witness included in the *Commentaire historique*. This glory cannot be recognized by Voltaire alone—he must have, and provide, documentary evidence.

While it is indisputable that Voltaire's final autobiographical act is a response to the growing circulation of forged letters, tarnishing a carefully crafted public image, Voltaire's manifestation of this need for self-defense in the first part of the *Commentaire historique* extends

¹⁶³ *Ibid.*, 98. After Wilhelmine's death in 1758, Voltaire published an *Ode sur la mort de Son Altesse royale Madame la princesse de Bareith* (1759).

¹⁶⁴ Pierse, *Voltaire historiographer*, 50.

beyond a simple reproduction of letters.¹⁶⁵ That is not to say, of course, that the problem of forgeries does not occupy a central place within the work: even in the concluding pages, Voltaire exposes the scandal of circulating collections of forged letters, published under various titles such as *Lettres secrètes de Voltaire, publiées par M. L. B.* (1764, attributed to Jean-Baptiste René Robinet) and the *Lettres de M. de Voltaire à ses amis du Parnasse, avec des notes historiques et critiques* (1766, also Robinet, but Voltaire suspected it was instead written by La Beaumelle).¹⁶⁶ Unlike earlier libels like the *Voltairemanie* that were composed of citations pulled from Voltaire's work accompanied by bitter libel, these collections from the 1760s are composed of "secret" – that is, forged – letters. Voltaire would write to d'Argental that in an effort to refute the calumnies perpetuated by the *Voltaire à ses amis du Parnasse*, he received proof from his correspondents that the letters were false: "Heureusement les preuves sont nettes et claires. J'ai en main les certificats de ceux à qui j'avais écrit ces lettres qu'un faussaire a défigurées."¹⁶⁷ Voltaire became particularly aggravated by the circulation of forged letters and the injurious notes attached to them. He recognized, thus, that the only way to prove the truth to the public was to provide evidence from the hands of his correspondents, not just from himself. But while Voltaire does not dwell on these works at length at the end of Part I of the *Commentaire historique*, it is nevertheless abundantly clear that Voltaire carried this worry of forged letters

¹⁶⁵ On this need, see: Cave, "Lettre et biographie," 109. For example, he writes: "Le *Commentaire historique* fournit la preuve, me semble-t-il, que la biographie a partie liée, déjà, avec la nature infiniment dangereuse et falsificatrice de la lettre."

¹⁶⁶ Voltaire, *Commentaire historique*, OCV, t. 78C, 131–132. Voltaire expresses that he is not completely sure of the *paternité* of these falsified texts, suggesting at one point that he thinks La Beaumelle is behind it. He also does not mention a third *recueil*: *Lettres de Monsieur de Voltaire peint par lui-même, ou Lettres de cet écrivain, dans lesquelles on verra l'histoire de sa vie, de ses ouvrages, de ses querelles, de ses correspondances, & les principaux traits de son caractère : avec un grand nombre d'anecdotes, de remarques et de jugements littéraires* (1766).

¹⁶⁷ Voltaire, "Voltaire [François Marie Arouet] to Charles Augustin Feriol, comte d'Argental and Jeanne Grâce Bosc Du Bouchet, comtesse d'Argental: Monday, 6 October 1766," in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1150013b1c>.

with him until the end of his life; the *Commentaire historique*, thus, is clearly a response to this fear.¹⁶⁸

He then abruptly transitions to Part II of the *Commentaire historique*, writing: “Nous allons donner quelques véritables lettres de M. de Voltaire d’après ses propres minutes que nous conservons ; nous ne publions que celles dont on peut tirer quelque utilité.”¹⁶⁹ Despite this conclusion, however, the proofs furnished by Voltaire throughout Part I of the *Commentaire historique* extend far beyond the epistolary. Rather, he develops a system of proofs that is at once historical and judicial. Following the practices he developed in past texts such as the *Précis du siècle de Louis XV* and the *Traité sur la tolérance*, Voltaire leans on testimony, the occasional literary work, and letters by himself and others to prove the account of his career, a career marked at once by scandal and by diverse intellectual exchanges with the elites of Europe. The proof concerning Voltaire as an individual in Part I of the *Commentaire historique* has, in some ways, less to do with the individual himself than with the network within which he exists. This network and Voltaire’s desire to prove his place in it becomes even more clear in Part II of the *Commentaire historique*. But Part II of the *Commentaire historique* gives us new insight into Voltaire’s attempt to select proofs that speak to the spirit of his intellectual exchange, and how the *pièces originales et preuves* – dedicated to the act of proving the *commentaire historique* – allow us to further understand Voltaire’s conception of proof in this work.

¹⁶⁸ As Nicholas Cronk writes, “Avoir violé une correspondance ‘privé’ n’était pas en soi un crime aux yeux des contemporains de Voltaire, mais, comme le confirme l’article sur les *Lettres de Voltaire à ses amis du Parnasse* paru dans la *Correspondance littéraire*, c’était le fait d’avoir falsifié le texte des lettres, et d’y avoir ajouté des notes injurieuses, qui choquait vraiment, car, comme l’a suggéré J. Iverson, une telle pratique heurtait le principe d’honnêteté qui régnait dans la république des lettres.” Cronk, *Commentaire historique*, OCV, t. 78B, 28. See further: John R. Iverson, “The Falsification of Voltaire’s Letters and the Public Persona of the Author: from the *Lettres secrètes* (1765) to the *Commentaire historique* (1776),” in *An American Voltaire: essays in the memory of J. Patrick Lee*, eds. E. Joe Johnson and Byron R. Wells (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2009), 182.

¹⁶⁹ Cronk, *Commentaire historique*, t. 78B, 133.

III.3. Selective Totality: Proof as 31 Letters and *Sésostris*

Following the narrative section of the *Commentaire historique*, Voltaire includes thirty-one letters and the poem *Sésostris*.¹⁷⁰ Most of the letters (Letters 2, 3, 5, 8, 11-14, and 16-31) are published for the first time in the *Commentaire historique*. The poem *Sésostris* had already been published in May 1776.¹⁷¹ Adding further to the text's polyphony, Letters 3 and 8 were not written by Voltaire, but rather addressed to him. The chosen letters are peculiar, as they are not written to his typical correspondents: close friends, elevated figures like Frederick, or the French *philosophes*.¹⁷² Rather, as Christiane Mervaud observes, "c'est la République des Lettres qui est convoquée"—in these letters it is with a series of figures spread throughout Europe that he is communicating.¹⁷³ Furthermore, while the *Commentaire historique* covers the entirety of Voltaire's life, most of the letters in Part II of the work only cover the 1760s. The letters and poem that compose the *pièces originales et les preuves*, thus, are hardly representative of Voltaire's correspondence practices

Following Boucher d'Argis' formula for proof – "*ce qui sert à justifier qu'une chose est véritable*"¹⁷⁴ – we can understand these letters as being the "*ce qui*" that serve to justify the

¹⁷⁰ Given how distinct *Sésostris* is from the rest of the work, I was initially inclined to treat *Sésostris* as Part III of the *Commentaire historique*, separate from the *pièces originales et les preuves* embodied by the letters. However, Voltaire provides two indications that *Sésostris* ought to be considered as a part of this larger supplement. First, the title gives no indication of a supplementary poem being included: anything following the *Commentaire historique* (Part I) is a *pièce originale* and a *preuve*. Second, following the attestations by Du Rey and Christin at the beginning of the text, Voltaire provides a "liste des lettres véritables de M. de V... qui sont à la fin du *Commentaire*," which includes *Sésostris*. This list is imperfect, missing Letter 3 and Letter 6 (see Cronk, *Commentaire historique*, OCV, t. 78C, 4, note 1), but it is nevertheless clear that Voltaire intended to have *Sésostris* treated as a part of this supplementary section, regardless of the fact that it is not a letter. While Nicholas Cronk describes it as "*Le poème comme œuvre séparée*," in Cronk, "Introduction et dossier," *Commentaire historique*, OCV, t. 78B, 74, I believe that Voltaire's classification of the poem warrants considering the poem as a part of the larger *pièces originales et les preuves* (the letters) included in this part of the chapter.

¹⁷¹ For more on the publication history of the letters, see: Cronk, *Commentaire historique*, OCV t. 78B, 51.

¹⁷² *Ibid.*, 70. Cronk writes, "ce dossier de lettres est un amalgame curieux, très peu 'typique' de la correspondance de Voltaire en général." He explains further that it is actually in the first part of the *Commentaire* that we see Voltaire's correspondence represented more authentically: "Si nous cherchions dans cet ouvrage un recueil de la 'vraie' correspondance voltairienne, c'est dans le commentaire historique de la première partie qu'il faudrait le chercher."

¹⁷³ Mervaud, "Voltaire en majesté," 73.

¹⁷⁴ Boucher d'Argis, "PREUVE," in *Encyclopédie*, 13:355.

truthfulness of the “*chose*,” the narrative. Perhaps this seems obvious. But as I established in the preceding section, Voltaire demonstrates a clear vision of how he intends proof to be understood in the narrative about his career: proof can be manipulated, rewritten, as he clearly cares less about the original text than about the system of social exchange and proximity to power that the proof is able to represent. Moreover, Voltaire is particularly concerned with including proof that appears to be of remarkable quality. As I will show in this section, Voltaire gives us an idea of his system of proof *within* the letters, in the part of the work that Voltaire designates in the title of the *Commentaire historique* as that where proof will actually play a principal role: *Commentaire historique sur les œuvres de l’auteur de la Henriade, etc. Avec les pièces originales et les preuves*. Nicholas Cronk writes that, “Point par point, les éléments mis au-devant de la scène dans la première partie sont renforcés dans la deuxième.”¹⁷⁵ I posit, however, that the letters are not simply destined to reinforce the claims made in the narrative but are meant to function more autonomously – although part of a larger whole – through their own internal uses of proofs, reinforcing the ideas argued by Voltaire in each letter. Developing Christiane Mervaud’s fundamental observation that in 1776, Voltaire was haunted by an “obsession de la preuve,” I will demonstrate how his proof obsession manifests itself on several levels, both between the parts of the *Commentaire historique* and within the individual pieces of evidence themselves.¹⁷⁶ In the course of my discussion, I will show that Voltaire continues to insist on the importance of the *quality* of proofs, but here does so by linking this notion of quality with his reflections on a variety of intellectual subjects.

This question of the manifestation of proof on various levels in this part of the *Commentaire historique* is particularly important when we examine the text through the lens of

¹⁷⁵ Cronk, *Commentaire historique*, OCV, t. 78B, 70.

¹⁷⁶ Mervaud, “Voltaire en majesté,” 77.

what I refer to as “selective totality,” that is, the practice of carefully selecting evidence that, when combined, is able to represent a more totalizing vision of the account. If it is indeed the case, as I believe it to be, that Voltaire is obsessed with proof while he carefully crafts this small “monument” to himself, we must ask why Voltaire chose these particular proofs for his final autobiographical act. Rather than taking on Rousseau’s effort to tell all – that is, to tell all that can and cannot be said, a totalizing vision of man’s ability to use his memory to recount his life before turning to documentary evidence – Voltaire carefully selects thirty-one letters and *Sésostris* to serve as the *pièces originales et les preuves*. His choice of proofs and details is strongly shaped by his own particular interests—the proof selected is used precisely to craft a particular narrative of his life. It is an act of selectivity that we also saw in Louise d’Épinay’s *Histoire de Madame de Montbrillant*, in which authentic evidence was included in particular moments in order to prepare a response to public disfiguration. In the *Commentaire historique*, Voltaire rejects the notion of the sheer *quantity* of evidence and instead favors the *quality* of the evidence in order to prove the essential goal of the work: to highlight his proximity to power and his role in a vast intellectual network. In this way, Louise d’Épinay, Rousseau, and Voltaire each share a similar goal in their works: despite their radically differing approaches, each writer is concerned about potential disfiguration as their images are left to posterity.¹⁷⁷ The difficulty with making sense of the proofs in the *Commentaire historique*, however, is that Voltaire gives us little indication of his selection criteria.

Given the seeming impact of the falsified collections of letters that circulated in the decades prior to Voltaire’s decision to write the *Commentaire historique*, John Iverson argues

¹⁷⁷ This observation is echoed by Christophe Cave, who writes that both Rousseau and Voltaire are occupied by the same central question: “comment passer à la postérité non déformé, non falsifié [...] ?” Cave, “Lettre et biographie,” 109.

that Voltaire is “opening up a portion of his epistolary network (letters and letter-writers alike) to general scrutiny,” in order to respond to this potential disfiguration.¹⁷⁸ This need to scrutinize the proofs, however, is born out of Voltaire’s sense that some part of his account might be seen as inauthentic, as allegedly “authentic” (but actually false) accounts of his life have already been read by the public. This part of my dissertation is not concerned with the question of whether or not Voltaire’s letters are actually authentic or not; such work has already been done by scholars such as Mervaud and Cronk.¹⁷⁹ I propose a reading of the letters here in which the letters, selected by Voltaire to represent a more totalizing vision of his thought, constitute a fundamental element for our understanding of a system of proof on display for the reader, rather than a selection of letters that simply speak to his correspondence network, his history of epistolary exchange. Indeed, in establishing for the reader his varied interests, this very particular choice of letters invites us once again – now using the lens of a different and distinct generic format – to think about how his sense of proof, as displayed in these epistolary exchanges, can further enhance our understanding of the use and deployment of “proof” in the Voltairean autobiography.¹⁸⁰

It is clear, first and foremost, that certain letters included amongst the *pièces originales et les preuves* are done so in direct response to the collection of forged letters that circulated earlier

¹⁷⁸ Iverson, “The Falsification of Voltaire’s Letters,” 181.

¹⁷⁹ Again, see Mervaud, “Voltaire en majesté”; Cronk, “Introduction,” *Commentaire historique, OCV*, t. 78B. There are some further fundamental problems that these scholars address, such as the fact that many letters are published in the *Commentaire historique* for the first time, and we have no sense of how many earlier versions of the letter may have existed prior.

¹⁸⁰ Mervaud, “Voltaire en majesté,” 75. Mervaud writes “C’est un échantillon d’une immense correspondance qui exclut la lettre familière, la lettre intime, la lettre de compagnonnage philosophique, les billets du quotidien, les offres ou injonctions aux éditeurs, la mise en place des réseaux de la clandestinité permettant la diffusion des œuvres de Voltaire. *L’histoire du moi n’a pas sa place*. Point de lettres de confiance, d’amour ou d’amitié, point de lettre familiale, rien qui pourrait relever directement d’une orientation autobiographique indiscutable, même corsetée dans les limites du ‘convenable’.” See further : J. Goldzink, *Écrits autobiographiques* (Paris : GF Flammarion, 2006), 27, my emphasis; it is Goldzink who calls the *Commentaire historique* an “autobiographie convenable” and is who Mervaud is citing.

in Voltaire's life. He brings this relationship to the forefront with Letter 1, placing the problem – and his response – front and center. Letter 1 is titled in the “Liste des véritables lettres,” the work's table of contents, as, “A M. Tovasi sur la langue italienne et sur la française,” a seemingly innocuous letter that is oddly placed at the beginning of the *pièces originales et les preuves*. But at the top of the actual letter in Part II of the *Commentaire historique*, Voltaire writes, “Voici une copie fidèle de la lettre sur les langues, qu'il écrivit à M. Tovasi Deodati le 24 janvier 1761, et qui a été si indignement défigurée dans une édition de Hollande.”¹⁸¹ At face value, it appears that the intellectual content of the letter is not of the utmost importance: Voltaire is simply comparing the Italian and French languages. Rather, it is the fact that this letter was disfigured and inserted into the *Lettres de Monsieur de Voltaire à ses amis du Parnasse*, the “édition de Hollande” composed by Robinet (but that Voltaire attributed to La Beaumelle). Voltaire signals this in Part I of the *Commentaire historique*, writing: “[La Beaumelle] falsifia quelques lettres qui avaient en effet couru, et entre autres une lettre sur la langue française et l'italienne, écrite en 1761 à M. Tovazzi Deodati, dans laquelle ce faussaire déchire avec la plus plate grossière les plus grands seigneurs de France.”¹⁸² There is a call and response, thus, between the two parts of the text: “a letter of mine was forged, so here is the original version.” However, Voltaire does not tell us *how* or under what circumstances the letter was forged, and instead simply tells us that it *was*. The act of including this letter on the Italian and French languages is a corrective measure; if the reader had seen the version of the letter that was forged by La Beaumelle/Robinet, they would now be able to see the authentic version of it. He is correcting the false vision of himself perpetuated by

¹⁸¹ Voltaire, *Commentaire historique*, OCV, t. 78C, 137.

¹⁸² *Ibid.*, 132. Voltaire and La Beaumelle had a series of combats, primarily around the former's *Siècle de Louis XIV*. La Beaumelle was overtly critical of Voltaire's work, leading the Voltaire to his *Supplément au Siècle de Louis XIV* squarely against La Beaumelle. The latter responded with a *Réponse* that would ultimately lead to him spending several months in the Bastille.

another. But it is also the case that *other* letters by Voltaire appeared in these forged accounts – this letter on the Italian and French languages to M. Deodati de Tovazzi is one of several letters in *Lettres de Monsieur de Voltaire à ses amis du Parnasse* – and yet he chose *this* letter. It thus raises the question: were the other letters in the *pièces originales et les preuves* chosen according to the same strategy? Or is Voltaire simply choosing at random, in which case Part II of the *Commentaire* would be nothing more than an arbitrary reconstruction of his epistolary exchanges?

It is the argument in Letter 1 that may help inform our understanding of the letter's role in the *Commentaire historique*. In his letter to Deodati de Tovazzi, a response to Tovazzi's *Dissertation sur l'excellence de la langue italienne* (1761), Voltaire lays out a defense of the preeminence of the French language over the Italian language, where he gives a series of examples of his language's richness and extols the literary prowess of French authors. As John Iverson argues in his article, "Voltaire's Militant Defense of the French Language," Voltaire also relies heavily on militaristic metaphors to make his case about the preeminence of the language.¹⁸³ At first, it appears that Voltaire is making a purely quantitative argument: "Vous mettez d'un côté [dans la *Dissertation*] *orgoglio, alterigia, superbia*, et de l'autre *orgueil* tout seul. Cependant, Monsieur, nous avons *orgueil, superbe, hauteur, fierté, morgue, élévation, dédain, arrogance, insolence, gloire, gloriole, présomption, outrecuidance*."¹⁸⁴ But Voltaire is doing more than just making a longer list of words. He continues, "Tous ces mots expriment des nuances différentes, de même que chez vous, *orgoglio, superbia, alterigia*, ne sont pas toujours

¹⁸³ John R. Iverson, "Voltaire's Militant Defense of the French Language," *Romance Notes* 40, no. 3 (Spring, 2000): 313–324. This metaphor is further noted by Nicholas Cronk in: Cronk, *Commentaire historique*, OCV, t. 78C, 135–136, note *.

¹⁸⁴ Voltaire, *Commentaire historique*, OCV, t. 78C, 144.

synonymes.”¹⁸⁵ Voltaire is not arguing that French is superior because it has more words than Italian, but instead that French allows for a greater level of flexibility and nuance than Italian; it produces a higher quality level of expression. Voltaire further emphasizes this point about the richness of literary production in French, when he writes:

Mais croyez-moi, Monsieur ; ne reprochez à notre langue, ni la rudesse, ni le défaut de prosodie, ni l’obscurité, ni la sécheresse. Vos traductions de quelques ouvrages français prouveraient le contraire. Lisez d’ailleurs tout ce que MM. d’Olivet et Du Marsais ont composé sur la manière de bien parler notre langue. Lisez M. Duclos : voyez avec combine de force, de clarté, d’énergie et de grâce s’expriment MM. D’Alembert et Diderot. Quelles expressions pittoresques emploient souvent M. de Buffon et M. Helvétius dans des ouvrages qui n’en paraissent pas toujours susceptibles.¹⁸⁶

It is the ability of authors to produce richness and eloquence in the language that demonstrates French’s superiority; even those like Buffon and Helvétius who should not be able to do so are nonetheless able to, simply because of what the language affords its speakers. He concludes the letter by writing, “Je finis cette lettre trop longue par une réflexion. Si le peuple a formé les langues, les grands hommes les perfectionnent par les bons livres ; et la première de toutes les langues est celle qui a les plus d’excellents ouvrages.”¹⁸⁷ While Voltaire spent time in the letter lauding the literary capabilities of other writers in his language, this final phrase takes on a level of self-reflexivity when read within the *Commentaire historique sur les œuvres de l’auteur de la Henriade*, a work precisely about Voltaire’s *excellents ouvrages*. His effort’s to prove the primacy of the French language in 1761 may to be applied to his 1776 self-writing: in order to prove something, an abundance of evidence of the utmost quality should be supplied.

It becomes even clearer as we move further into the second part of the *Commentaire historique*, however, that Voltaire’s letters are not simply a response to the forged collections. Letter 2, for example, is titled: “Lettre à M. Le Comte de Caylus sur des morceaux de sculpture

¹⁸⁵ *Ibid.*, 144.

¹⁸⁶ *Ibid.*, 152.

¹⁸⁷ *Ibid.*, 153.

de Bouchardon (On n’a pas trouvé la date).”¹⁸⁸ Although the letter dates from around the time Voltaire was grappling with Desfontaines’ publication of the *Voltairemanie*, the letter in the *Commentaire historique* does not speak of the event at all. Further, any indication of the letter’s role in the larger text, and in Voltaire’s life, has been removed: there is no date, and no statement by Voltaire about why this letter has been included. It is a radical departure from the introduction to Letter 1. It is clear, thus, that the letters are not included simply to refute forged collections. Rather, these letters touch on a wide breadth of intellectual discussions concerning the subjects that shaped Voltaire’s sense of proof in the *Commentaire historique*.¹⁸⁹ Letter 7 bridges this divide, serving at once as a rebuttal to the falsified collection and, more importantly for our purposes, as an example of Voltaire’s conception of proof at the end of his life. Titled “A M. de la Vallière, sur Urceus Cordus,” this forged letter to Louis César de La Baume Le Blanc, duc de La Vallière was written in 1761, and was intended to be published in the *Journal encyclopédique*, a periodical that ran from 1756 to 1793.¹⁹⁰ The letter would be slightly modified by Robinet and published in *Lettres de Monsieur de Voltaire à ses amis du Parnasse* in 1766. In response to this work of forgery, Voltaire published in 1766 his *Appel au public contre un recueil de prétendues lettres*, in which several of his correspondents – Damilaville, Wagnière, Deodati de Tovazzi, and Le duc de Vallière – would denounce the *Lettres de Monsieur de Voltaire à ses amis du Parnasse* and testify that the letters included were indeed forgeries.¹⁹¹ In this sense, Letter 7 plays a role very similar to Letter 1: both letters (along with Letter 6) were included in Robinet’s *Lettres de Monsieur de Voltaire*, and both letters were directly verified in the *Appel au public*. Like Letter 1,

¹⁸⁸ *Ibid.*, 157.

¹⁸⁹ Mervaud, “Voltaire en majesté,” 74. “Ces lettres véritables sont présentées comme autant d’essais sur l’esthétique de Voltaire, sur sa pensée politique, sur sa vision historique, sur son intérêt pour les sciences, sur ses jugements concernant la législation en vigueur.”

¹⁹⁰ For more on the publication history of L7, see: Cronk, *Commentaire historique*, OCV, t. 78B, 187, note *.

¹⁹¹ Voltaire, *Writing of 1766*, eds. James Hanrahan, Graham Gargett, et al., OCV, t. 60C (Oxford: Voltaire Foundation, 2013), 252–254.

Voltaire's observations in Letter 7 seems to resonate thematically and intellectually with Voltaire's concerns in the *Commentaire historique* with regards to the overarching question of proof: the evidence provided is designed to combat potential public disfigurations.

When looking at Letter 7, one can see that there is a clear distinction between the original reason for which Voltaire wrote the letter and the actual *content* of the letter. When Voltaire was writing his *Appel à toutes les nations de l'Europe* (1760), Voltaire “avait mal identifié un passage tiré des *Sermones festivi* d'Urceus Codrus.”¹⁹² In the critical *OCV* edition to *Appel à toutes les nations de l'Europe*, David Williams explains that it was, in fact, La Vallière who had misinformed Voltaire of the passage, an obscene anecdote that Voltaire had misattributed to Annibel Codret, not Codrus.¹⁹³ As Williams further recounts, “In the fourth section of the *Appel* Voltaire used La Vallière's information when comparing the indecency of mystery plays with that of early sixteenth-century sermons, quoting extensively from what were purported to be ‘les sermons du rév. P. Codret...’”¹⁹⁴ La Vallière became aware of his error and would send a letter to Voltaire to apologize (April 9, 1761). The letter by Voltaire (Letter 7) is thus a response to the letter by La Vallière, and this response would turn into a public affair. As Williams writes, “Voltaire's response to La Vallière, occasioned by this curious slip in the composition of the last section of the *Appel*, has emerged as a literary manifesto in its own right, a formal reaffirmation on Voltaire's part of the neoclassical canon operative over a wide range of literary and other matters...”¹⁹⁵ By including this letter in Part II of the *Commentaire historique*, it is clear that Voltaire is concerned both with his expression of high literary ideas – an expression of his

¹⁹² Cronk, *Commentaire historique*, *OCV*, t. 78C, 187, note *.

¹⁹³ “Introduction” in *Appel à toutes les nations de l'Europe, des jugements d'un écrivain anglaise; ou manifeste au sujet des honneurs du pavillon entre les théâtres de Londres et de Paris*, in *Writings of 1760-1761*, ed. David Williams, *OCV*, t. 51B (Oxford: Voltaire Foundation, 2013), 38–42.

¹⁹⁴ *Ibid.*, 38.

¹⁹⁵ Williams, *Writings of 1760–1761*, *OCV*, t. 51B, 41.

intellectual engagement – and his continuing efforts to rectify a public misunderstanding. It is in this letter where Voltaire gives a vision of how literature should be judged in this moment of abundant production, a vision, too, that could apply to his own works.

Voltaire uses this letter to talk about a two-part historical vision: on the one hand, pre-Louis XIV, and on the other, the time between Louis XIV's assumption of power (1661) and Voltaire's present moment. This vision has less to do with Louis XIV himself and more to do with the "siècle," embodied by the advancement of culture, mores, and laws that took place over the course of the century.¹⁹⁶ And this evocation of the "siècle" as the object of his celebration continues into his view of his own time period, a time period worth celebrating because of the immense quantity of production done by more instructed minds, and this in spite of the fact that he believed that there were fewer geniuses in his own time than previously.¹⁹⁷ Voltaire describes his own literary production as being a part of this larger body:

Nous sommes inondés, à la vérité, de pitoyables brochures ; et les miennes se mêlent à la foule : c'est une multitude prodigieuse de mouchérons et de chenilles, qui *prouvent* l'abondance des fruits et des fleurs : vous ne voyez pas de ces insectes dans une terre stérile ; et remarquez que dans cette foule immense de ces petits écrits, tous effacés les uns par les autres, et tous précipités au bout de quelques jours dans un oubli éternel, il y a quelquefois plus de goût et de finesse que vous n'en trouveriez dans tous les livres écrits avant les *Lettres provinciales*.¹⁹⁸

Throughout the *Commentaire historique* as well as in this excerpt from his letter to La Vallière, Voltaire, privileges the accumulation of several proofs that are understood to be convincing

¹⁹⁶ "Le bon goût en tout genre n'établit son empire que dans le siècle de Louis XIV: c'est là ce qui me déterminait il y a longtemps à donner une légère esquisse de ce temps glorieux ; et vous avez remarqué que dans cette historique, c'est le siècle qui est mon héros, encore plus que Louis XIV lui-même, quelque respect et quelque reconnaissance que nous devions à sa mémoire." Voltaire, *Commentaire historique*, OCV, t.78C, 191.

¹⁹⁷ "Je défie l'homme de la plus mauvaise humeur de me dire quel siècle il voudrait préférer au nôtre. [...] La nation la plus instruite, le style en général, est meilleur ; par conséquent les esprits sont mieux faits aujourd'hui qu'ils ne l'étaient autrefois. Vous me direz, que nous sommes à présent dans la décadence du siècle, et qu'il y a beaucoup moins de génie et de talents que dans les beaux jours de Louis XIV. Oui, le génie baisse, et baissera nécessairement, mais les lumières sont multipliées, mille peintres du temps de Salvator-Rosa ne valaient pas Raphaël et Michel Ange ; mais ces mille peintres médiocres, que Raphaël et Michel Ange avaient formés, composaient une école infiniment supérieure à celle que ces deux grands hommes trouvèrent établie de leurs temps." Voltaire, *Commentaire historique*, OCV, t. 78C, 200.

¹⁹⁸ Voltaire, *Commentaire historique*, OCV, t. 78C, 201, my emphasis.

because of their indisputable quality. In this fertile landscape of unprecedented literary production, there are both works that ought to be dismissed (the *mouchérons* and *chenilles*) and works of remarkable esteem (the *fruits* and the *fleurs*). But in this landscape of abundance, it is easy to get lost amongst the weeds—many works will go on to be forgotten. But there are nevertheless a rare few of exceptional quality, of *goût* and *finesse* that rise above the noise. It is impossible to separate these reflections in Letter 7 from Voltaire’s larger sense of the pieces of evidence in the *Commentaire*: he is highlighting the works of his that speak to the quality of his career and that best represent his connections with the highest echelons of European life. He is once again reproducing the air of insouciance that permeates the *Commentaire historique*; his works rise above the drivel of the period, the works like *Lettres de Monsieur de Voltaire à ses amis du Parnasse*, for example.

This vision of proof is further complicated, however, by Letter 15, listed as “À M. Walpole, sur la tragédie et sur l’histoire” (1768). This letter was written as a response to Walpole after the Englishmen sent two books to Voltaire: *Historic doubts* and the *Castle of Otranto*. Voltaire would send this letter to Jacques Lacombe to have it published in the *Mercure* the following year.¹⁹⁹ Letter 15 opens with Voltaire responding directly to Walpole’s criticism of his competency in the English language and his disdain for English authors. Voltaire begins the letter by writing, “Il y a quarante ans que je n’ose plus parler anglais; et vous parlez notre langue très bien. J’ai vu des lettres de vous écrites comme vous pensez. [...] Vous aurez donc des remerciements dans ma langue.”²⁰⁰ While his linguistic competencies may have been lacking, his

¹⁹⁹ For more on the context and publication history of the letter, see: Cronk, *Commentaire historique*, OCV, t.78B, 253, note *.

²⁰⁰ OCV, t. 78C, 254. In his preface to the *Castle of Otranto*, he writes of Voltaire: “May not the critic’s skill in the force and powers of our language have been as incorrect and incompetent as his knowledges of our history.” Walpole, *The Castle of Otranto*, London, Bathoe, 1766, xviii, quoted in Cronk, *Commentaire historique*, OCV, t.78C, 254, note 1. As Cronk tells us, Walpole continued to criticize Voltaire’s competencies even after the latter’s death, writing in 1784 that, “Voltaire’s English would be good English for any other foreigner – but a man who gave

literary production and work to bring English literature to France through translations more than makes up for it: “Vous [Walpole] avez presque fait accroire à votre nation que je méprise Shakespear. Je suis le premier qui ait fait connaître Shakespear aux Français ; j’en traduisis des passages il y a quarante ans, ainsi que de Milton, de Waller, de Rochester, de Dryden et de Pope. Je peux vous assurer qu’avant moi, personne en France ne connaissait la poésie anglaise.”²⁰¹ Voltaire then goes on to explain the persecution he faced for his support of Locke and Newton, writing: “J’ai été votre apôtre et votre martyr : en vérité il n’est pas juste que les Anglais se plaignent de moi.”²⁰² This is a remarkable shift from the rhetoric of modesty seen throughout the *Commentaire historique*: while maintaining an air of *sprezzatura*, as in Letter 15, Voltaire presents a more defensive posturing. His vision turns away from the *siècle* and the quality of literary production done during it and towards himself: Voltaire the individual. He successfully translated several renowned English authors, an exploit of remarkable quality precisely because he was the first to do it. Far from the false modesty elsewhere, here he very much insists upon the fact that English literature became known in France precisely because of his own actions. While he suggests that Walpole was making fun of Voltaire – “Vous vous moquez un peu de moi [dans la préface de l’*Histoire*]” – Voltaire not only insists upon the quality of his contributions, but the contributions of his nation to theater.

It is in Voltaire’s reflections on French theater in Letter 15 that his considerations on the quality of the evidence come even further to the fore. He writes, for example, “Oui, je crois

himself the air of criticizing our – and I will say the world’s greatest author, ought to have been a better master of our language, though both this letter and his commentary prove that he could neither write it nor read it accurately and intelligently.” *Walpole’s correspondence*, ed. W. S. Lewis, t. 42 (London, 1937-1983) 121, quoted in *Ibid.*

²⁰¹ *Ibid.*, 257.

²⁰² Voltaire writes in full: “À peine avait-on entendu parler de Locke. J’ai été persécuté pendant trente ans par une nuée de fanatiques, pour avoir dit que Locke est l’Hercule de la métaphysique, qui a posé les bornes de l’esprit humain. Ma destinée a encore voulu que je fusse le premier qui ait expliqué à mes concitoyens les *découvertes* du grand Newton, que quelques personnes parmi nous appellent encore des *systèmes*. J’ai été votre apôtre et votre martyr : en vérité il n’est pas juste que les Anglais de plaignent de moi.” In *Ibid.*

démontré qu’il y a beaucoup plus d’hommes de goût à Paris que dans Athènes. Nous avons plus de trente mille âmes à Paris qui se plaisent aux beaux-arts, et Athènes n’en avait pas dix mille...”²⁰³ At first glance, it appears that Voltaire is arguing that Parisians are better at judging theater than the Athenians because there are, simply put, more Parisians, especially as he writes, “il y a *beaucoup plus* d’hommes de goût à Paris que dans Athènes.” At first glance, Voltaire appears to be positing a simple question of quantity over quality. However, it is within this landscape of an immense quantity of “âmes à Paris qui se plaisent aux beaux-arts,” that a theatrical tradition of superior quality can appear. Voltaire’s argument here is fundamentally shaped by a preference for the theatrical tradition established in France: “Permettez-moi [...] de prendre un peu le parti de ma nation. [...] Je vous dirai hardiment que toutes le tragédies grecques me paraissent des ouvrages d’écoliers en comparaison des sublimes scènes de Corneille, et des parfaites tragédies de Racine.”²⁰⁴ Voltaire’s response to Walpole, here, is a defense of the quality of French theater; the Parisians ability to judge theater is shaped largely by the quality of theatrical works in Paris, and argument similar to that espoused in Letter 7: amongst the “mouchérons” and “chenilles,” there are, too, “fruits” and “fleurs.” He writes further in Letter 15 that, “De très mauvaise pièces, il est vrai, ridiculement intrigues, barbarement écrites, ont pendant quelque temps à Paris des succès prodigieux soutenus par la cabale...”²⁰⁵ The quality of the production is not perfect; amongst great works, there are some of far lesser quality that, too, find success. But this qualification does not reduce his insistence on the quality of the evidence. This insistence upon the quality of the evidence is apparent from the beginning of the *Commentaire historique*. Rather than providing an abundance of evidence, Voltaire

²⁰³ *Ibid.*, 262–263.

²⁰⁴ *Ibid.*, 263.

²⁰⁵ *Ibid.*, 264.

includes evidence of notable quality. Proof of his early literary prowess, for example, can be seen through the quality of the verses in the *Étrennes*. Fundamentally, throughout this second part of the *Commentaire historique* – the *pièces originales et les preuves* – this discourse on the quality of the evidence is self-reflexive. In a work fundamentally concerned with the question of evidence, he is signaling to the reader his belief in the high quality of the evidence displayed in the *Commentaire historique*.

Letter 18 further underscores Voltaire's belief in the evidentiary power of *faits*; it is in these reflections on *faits* – facts or events, that he further articulates his belief in the power of quality evidence over an immense quantity of evidence. As we have shown earlier, and as elaborated in his article on the subject in the *Encyclopédie*, *faits* are central to Voltaire's theory of History. Letter 18, written in to Milord Chesterfield and published for the first time in the *Commentaire historique*, has Voltaire adopting a tone that is, as Cronk has noted, at once *intime et erudite*.²⁰⁶ In many ways, it is a letter of friendship, one in which the advanced age of the two men becomes as a subject of reflection. Evoking the Englishman's hearing loss in his later years, Voltaire seeks to pair ideas with lived reality. He is writing to a true friend:

Je me borne à croire que si vous avez du soleil dans la belle maison que vous avez bâtie, vous aurez des moments tolérables. C'est tout ce qu'on peut espérer à l'âge où nous sommes, et même à tout âge. *Cicéron écrivit un beau traité sur la vieillesse ; mais il ne prouva point son livre par les faits; ses dernières années furent très malheureuses.* Vous avez vécu plus longtemps et plus heureusement que lui. Vous n'avez eu affaire ni à des dictateurs perpétuels ni à des triumvirs. Votre lot a été et est encore un des plus désirables dans cette grande loterie, où les bons billets sont si rares, et où le gros lot d'un bonheur continu n'a été encore gagné par personne.²⁰⁷

Voltaire sees Cicero's treaty on old age – *Cato maior de senectute* – as failing to harmonize the reality of one's life, factual events (*faits*), and the ideas that one expresses. Despite the beauty of

²⁰⁶ Cronk, *Ibid.*, 279, note *.

²⁰⁷ Voltaire, *Ibid.*, 280–281, my emphasis. For more on Voltaire's reflections on age, see the article "AGE," in his *Questions sur l'Encyclopédie*, where similar language is used. See: Voltaire, *Questions sur l'Encyclopédie, par des amateurs (III)*, eds. Nicholas Cronk and Christine Mervaud, *OCV*, t. 39 (Oxford: Voltaire Foundation, 2008), 129.

Cicero's treaty, the end of his life was nevertheless unfortunate (*malheureuse*). Underneath this notion belies the importance, once again, of quality: Cicero took no actions in the latter years of his life that match the purported beauty of old age. It is not that he did *nothing*, but the fact that he did nothing that rose to the level of the beauty that he espoused in his *Cato maior de senectute*.

Our understanding of the importance Voltaire gives to the quality of facts is further exemplified by Voltaire's critiques of Montesquieu in Letter 9, "À M. l'avocat L..., sur Montesquieu et Grotius" (1767).²⁰⁸ Voltaire begins the letter by writing, "Je crois comme vous, Monsieur, qu'il y a plus d'une inadvertance dans l'*Esprit des lois*. Très peu de lecteurs sont attentifs. On ne s'est point aperçu que presque toutes les citations de Montesquieu sont fausses."²⁰⁹ *Toutes les citations*, as Voltaire will show in this letter, in fact means several: examples are given, and several of these are fabricated. He writes further that, "Presque tous les exemples qu'il apporte sont tirés des peuples inconnus du fond de l'Asie, sur la foi de quelques voyageurs mal instruits ou menteurs."²¹⁰ Again, proof does not come from the variety and quantity of sources cited, but from the trustworthiness of the source – a critical component of the quality of the evidence – and their ability to attest to the facts of the affair at hand; once again, this is fundamentally an argument about the quality of proof presented. The quantity of the proof – *toutes les citations* – presented means little when the proofs are of poor, untrustworthy quality. While the letter form allows for a certain level of intimate knowledge to be shared, Voltaire does not limit himself to this kind of affirmation – rather, he includes supporting evidence – the

²⁰⁸ This letter is written to the lawyer Simon-Nicholas-Henri Linguet (1736-1794). L8 is also addressed to him.

²⁰⁹ Voltaire, *Commentaire historique*, OCV, t. 78C, 213. Voltaire critiques further Montesquieu's work in his *Commentaire sur l'Esprit des lois* (1777). Because this work was published after the *Commentaire historique* and thus does not directly influence Voltaire's thoughts here, I will not comment on it as it falls outside the scope of the current project.

²¹⁰ *Ibid.*, 215.

letters, verses, etc. – to prove his point; he draws on authoritative sources, recognized throughout Europe.²¹¹ When witnesses are evoked throughout the *Commentaire historique*, Voltaire assures their trustworthiness, carefully selecting those individuals or works who can best attest to the account at hand—he applies the same standard to Montesquieu, and concludes that the latter fails miserably in his *Esprit des lois*.

Our understanding of Voltaire’s sense of proof is further enriched when we turn to Letter 10, a critique of systems. This critique is at the core of Letter 10, “À M. L. C. sur les systems de physique,” dated 23 décembre 1768. The letter is incorrectly dated, as Nicholas Cronk tells us the letter actually dates from the 1740s.²¹² Voltaire begins the letter by writing, “Si vous voulez, Monsieur, vous appliquer sérieusement à l’étude de la nature, permettez-moi de vous dire qu’il faut commencer par ne faire aucun système. Il faut se conduire comme les Boyle, les Galilée, les Newton, examiner, peser, calculer et mesurer, mais jamais deviner.”²¹³ It is this evaluation (*examiner, peser, calculer, mesurer*) of the evidence that is at the core of Voltaire’s project: the assessment of which proofs can prove the facts of his life, which pieces of evidence meet his (vague) criteria. Although Voltaire’s rationale for selecting certain pieces of evidence may be unclear, it is nevertheless clear throughout the *Commentaire* that he is primarily concerned with selecting the highest quality evidence. The reader of the *Commentaire historique*, however, is not called upon to determine whether or not the evidence is of adequate quality; it is the work of Voltaire alone, and the evidence has already been approved of by the lawyers, Du Rey and Christin. He shifts the judgment of the evidence entirely away from the reader entirely of the

²¹¹ See: Shapin, *Social History of Truth*.

²¹² On the history of the letter, see: Cronk, *Commentaire historique, OCV*, t.78C, 223, note *. In note 1 he further writes that “Il est clair que la date est inexacte.” It is not particularly peculiar that the letter is dated, as fifteen of the thirty-one letters are, in fact, dated. What *is* peculiar is the fact that the date is incorrect.

²¹³ Voltaire, *Commentaire historique, OCV*, t. 78C, 223–224. For more on Voltaire’s virulent critique of systems, see his poem, *Les Systèmes*, in: Voltaire, *Œuvres de 1772 (II)*, ed. P. Casini, Nicholas Cronk, et al. *OCV*, t. 74B (Oxford: Voltaire Foundation, 2006), 199–247.

Commentaire, the reader is not called to play the role of jurist or judge—that work predates the publication of the text. It is Voltaire who looked at the evidence accumulated throughout his life, weighed certain pieces against others, and ultimately compiled the most adequate proofs for this project. The *Commentaire historique* is an act of monstration, with the reader, for his or her part, called upon to marvel at Voltaire’s monument to himself. Through this work, Voltaire is constructing a monument to himself that has such a clearly solid foundation that one could not conceive of it toppling over—it is a monument built of materials only of the surest quality.

He concludes the letter by writing with this advice, “En un mot, Monsieur, s’il m’est permis de répondre à l’honneur de votre lettre par des conseils, *lisez les bons auteurs qui n’ont que l’expérience et le calcul pour guides*; et ne regardez tout le reste que comme des romans indignes d’occuper un homme qui veut s’instruire.”²¹⁴ While Voltaire is demonstrating his ability to engage with the major metaphysical problem of his time – intervening as an admirer and practitioner of empirical methods as opposed to Cartesian ones – in this citation he seems to possess a certain level of self-reflexivity as well.²¹⁵ Rather than call the readers to evaluate the proofs, it is Voltaire who has had *l’expérience*, who has evaluated the proofs and combined them to ensure that the *Commentaire historique* is a truthful account. While the reader is not the recipient of this letter to Le Cat, the formulation is such as to underscore that any, indeed any reader should read “*les bons auteurs qui n’ont que l’expérience et le calcul pour guides*,” and the principal *bon auteur* is, of course, none other than Voltaire himself.

The notion of *calcul* plays a prominent role, for example, in Voltaire’s *Essai sur les probabilités en fait de justice* (1772), an essay in which Voltaire outlines the way probability

²¹⁴ *Ibid.*, 226.

²¹⁵ Voltaire’s rejection of Cartesian methods is passionately outlined in: “CARTESIANISME,” in *Questions sur l’Encyclopédie, par des amateurs III (Aristote – Certain)*, eds. Nicholas Cronk and Christiane Mervaud, *OCV*, t. 39 (Oxford: Voltaire Foundation, 2008), 508–517.

factors into civil and criminal cases, and how in certain cases, like the Calas affair, probabilities were unjustly relied upon to condemn a man to death.²¹⁶ Voltaire writes, “Un juge passe sa vie à peser des probabilités les unes contre les autres, à les calculer, à évaluer leur force.”²¹⁷ This does not, however, elevate the judge to the same level as a philosopher like Newton, one who comes to the truth through the elevation of evidence, unbound by any system that may obstruct this process. Rather, when Voltaire sees this impersonal, arithmetic system, Lorraine Daston tells us that he, echoing Beccaria, sought to emphasize morality over mathematics in the realm of jurisprudence.²¹⁸ This vision of the limits of calculations and probabilities developed just years before the publication of the *Commentaire historique* and shaped by his engagement in various *causes-célèbres* informs how Voltaire perceives the judgement of his own text. Voltaire worries that under a system of probabilities, there still may be a level of obscurity when a judgment is rendered, and that a judge may even factor in bad proofs, such as rumors, into their judgment. Voltaire, thus, does not want the account of his life to be read as probably true, but rather, *certainly* true, a truth that is reasonably demonstrated and morally clear. While he insists upon the quality of the evidence throughout the *Commentaire historique*, he recognizes that in the impersonal judicial system, there is an opportunity for lower-quality pieces of evidence to do grave damage.

²¹⁶ Voltaire, *Essai sur les probabilités en fait de justice*, ed. Louis Moland, *Œuvres complètes de Voltaire*, t. 28 (Paris: Garnier, 1877-1885), ARTFL, accessed June 19, 2025, <https://artflsrv03.uchicago.edu/philologic4/toutvoltaire/navigate/927/1/>.

²¹⁷ *Ibid.*

²¹⁸ Daston, *Classical Probability*, 353. See writes, “Voltaire turned to the same theme [the calculation of proofs] in his *Essai sur les probabilités en fait de justice*, emphasizing the tentative, potentially misleading character of the formal system of proofs and drawing sardonic contrasts between the ‘demonstrative proofs of justice’ and those of ‘morals.’ Like Beccaria, Voltaire suspected the abstruse calculations of the jurists of obscuring the truth more often than they illuminated it. Beccaria had exclaimed that ‘simple good sense suffices to guide one more reliably than all the learning of a Judge accustomed to find the guilty parties and fit everything into a factitious system... Happy are the nations where knowledge of the law is not a science.’ Voltaire declared that ‘the enlightened public... is the sole judge which prefers substance to form.’ For more on the relationship between Voltaire and Beccaria, see: Marcello Maestri, *Voltaire and Beccaria as Reformers of Criminal Law* (New York: Columbia University Press, 1972).

In his *Essai sur les probabilités*, Voltaire distinguishes between civil and criminal cases and the role that the calculation of probabilities can figure into each. He writes, “Dans le *civil*, tout ce qui n’est pas soumis à une loi clairement énoncée est soumis au calcul de probabilités.” When the law does not clearly give the judge direction, probabilities must be calculated for a verdict to be rendered. On face value, that notion is the same in criminal cases; however, there is a substantial difference at the core of the two cases: “Dans le *criminel*, tout ce qui n’est pas prouvé évidemment y est soumis de même [au calcul], mais avec une différence essentielle. Quelle est cette différence ? Celle de la vie et de la mort, celle de l’honneur de toute une famille et de son opprobre.”²¹⁹ The stakes are far too high for a judge to rely solely upon arithmetic, a system that is impersonal, devoid of morality. There is a limit to calculation, there is a limit to probability in justice; material evidence, for example, need not always trump testimony, when testimony may allow better evaluation of the moral dilemma at the core of the case.²²⁰

Throughout the *Commentaire historique*, Voltaire relies on more than documentation; despite the fact that documentary evidence plays an important role in the work from the outset, the remarkable polyphony of the work – with testimony brought in from Voltaire the narrator, for example – further contributes to our understanding of Voltaire’s effort to prove the truth of his life. Voltaire found himself throughout his life faced with the several forged works against him (*Lettres secrètes de Voltaire, publiées par M. L. B.* and the *Lettres de M. de Voltaire à ses amis du Parnasse, avec des notes historiques et critiques*, for example) and the series of attacks leveled against him by figures, such as Desfontaines in his *Voltairemanie*. In his final act of self-defense,

²¹⁹ Voltaire, *Essai sur les probabilités*, my emphasis.

²²⁰ Voltaire writes, for example, “Toutefois il paraît qu’elle ne les diminue pas de beaucoup, car il se peut que cette homme soit avide, et que la famille soit innocente. Il est vraisemblable surtout qu’il ait cru qu’en justice réglée des billets payables à ordre l’emporteraient sur toute autre considération ; qu’on jugerait au parlement comme on juge aux consuls et à la Conservation de Lyon ; que les preuves testimoniales ne seraient point admises quand les preuves par écrire parlent si haut.” *Ibid.*, my emphasis.

however, Voltaire calls upon the reader implicitly to reject the fake “proofs” published by his detractors, and instead to accept the proofs he provides throughout the *Commentaire historique*, proofs that are not called to be judged and evaluated, but instead recognized and accepted for their quality, recognized for their power to illuminate his unprecedented proximity to power and vast intellectual exchange throughout his lifetime. These proofs that Voltaire presented, when beheld by the reader, are clear proof of the greatness of Voltaire’s career.

This finally takes us to the poem, *Sésostris*, attached to the end of the *Commentaire historique*. While it is one of the *pièces originales*, according to the *liste des véritables lettres* that preceded the work, it is unlike anything else in the text; it is, as Nicholas Cronk calls it, “le poème comme œuvre séparée.”²²¹ The text stands out for two reasons: first, *Sésostris* began circulating in Paris around March 1776 and appeared in a number of literary journals (*Mercure de France*, *Journal encyclopédique*, etc.) Thus, save the few letters in *Commentaire historique* that had already been published, the poem is one part of the text that was already known by the literary public.²²² Second, the poem is not about Voltaire, but is, instead, a “parabole pour honorer le nouveau roi Louis XVI et son ministre Turgot.”²²³ Following Louis XVI’s ascension to the throne in 1774, Voltaire was particularly optimistic about the new king’s reign. He wrote to Marin in 1774, for example, “Il me semble que Louis XVI et M. Gluck vont créer un nouveau siècle.”²²⁴ Cronk tells us that this poem was a sort of warm welcome to the new king and his

²²¹ Cronk, *Commentaire historique*, OCV, t. 78B, 74.

²²² For an overview of the poem, from its history to its content, see: Cronk, *Ibid.*, 74–82. The poem is also covered briefly in René Pomeau, *On a voulu l’enterrer*, 131. Given the poems minimal role in even the most substantial biographies on Voltaire, such as *Voltaire en son temps* by Pomeau et al., its inclusion in the *Commentaire historique* is particularly difficult to grasp.

²²³ *Ibid.*, 74.

²²⁴ Voltaire, “Voltaire to François Louis Claude Marin: Wednesday 10 August 1774,” in *Electronic Enlightenment*, accessed June 19, 2025, <https://doi.org/10.13051/ee:doc/voltfrVF1250092a1c>. Similar enthusiasm can be found in his letter to Madame du Deffand (July 28, 1774): “Il me paraît que vous autres Parisiens vous allez voir une grande et paisible révolution dans votre gouvernement et dans votre musique.” For more on the enthusiasm around the new reign of Louis XVI, see further: John Hardman, *The Life of Louis XVI* (New Haven: Yale University Press, 2016).

minister (the latter of whom Voltaire was already a fan, particularly when his policies touched the pays de Gex). However, Turgot was forced to leave office on May 12, 1776, months after the circulation of *Sésostris* and months before the publication of the *Commentaire historique*.

There is little indication by Voltaire as to why he chose this poem of all poems to close the *Commentaire historique*. I believe, however, that in treating this poem as a *pièce véritable* as it is listed at the top of the *Commentaire historique*, rather than as an *œuvre séparée*, the function of the poem in Voltaire's final autobiographical act becomes less obscure. Voltaire writes in the poem:

Vous le savez, chaque homme a son génie,
Pour l'éclairer, et pour guider ses pas
Dans les sentiers de cette courte vie.
À nos regards il ne se montre pas ;
Mais en secret il nous tient compagnie.
On sait aussi qu'ils étaient autrefois
Plus familiers que dans l'âge où nous sommes ;
Ils conversaient, vivaient avec les hommes
En bons amis, surtout avec les rois.²²⁵

While the poem will then move into its Egyptian allegory, this first stanza contains several elements that capture the essence of the *Commentaire historique*. It appears that both Louis XVI, guided by Turgot, and Voltaire are both the potential subjects of the poem. After all, as Cronk writes, “ces vers qui sont une célébration du jeune roi arrivent à la conclusion d'un ouvrage qui célèbre un homme de lettres.”²²⁶ The *Commentaire historique* is not only a celebration of Voltaire's “génie” in both Parts I and II of the work; Voltaire has been surrounded by people with whom he has engaged intellectually and who have supported his career. This much is clear from the outset, with his anecdote about the *Étrennes*. While Louis XVI is guided by Turgot, Voltaire's sense of his life, with his vision turned constantly towards the exterior, has been shaped by

²²⁵ Voltaire, *Commentaire historique*, OCV, t.78C, 375–376.

²²⁶ Cronk, *Commentaire historique*, OCV, t.78B, 80.

others. This is clear throughout the *Commentaire historique*, with the numerous works included by others functioning as proofs of Voltaire's life. And while Voltaire celebrates his *génie*, it is he, too, who is assuming this role of the guardian angel, the figure who: "conversaient, vivaient avec les hommes / En bons amis, surtout avec les rois." *Sésostris*, thus, is not only a final poetic signature, a work that everybody knows is by Voltaire, but it is too a work that captures Voltaire's sense of his life within the *Commentaire historique*: a great man amongst great people.

Conclusion

Nicholas Chamfort (1741-1794) wrote that, "La célébrité, c'est l'avantage d'être connu de ceux qui ne vous connaissent pas."²²⁷ As it concerns Voltaire's life, however, and especially the end of his life, one must wonder what this advantage could possibly be, especially given the fact that Voltaire felt the need to write an autobiographical work that proved the greatness of his career. When Voltaire returned to Paris in 1778, the atmosphere was triumphant, the final return to Paris for the man who was, undoubtedly, the most famous figure in Europe; he would die months later. Voltaire attended a performance of his play, *Irène*. His bust would even be coronated. As Louis Sébastien Mercier observed in his *Tableau de Paris*, "Une curiosité épidémique s'empressait à contempler sa figure, comme si l'âme d'un écrivain n'était pas encore plus dans ses écrits que sur sa physionomie."²²⁸ As Antoine Lilti observes, "Ressort essentiel de la célébrité, la curiosité est à la fois une ressource et une menace : ne risque-t-elle pas, à tout moment, de transformer l'homme célèbre en simple objet de spectacle ?"²²⁹ In this final moment of Voltaire's life, his position in the public sphere is evolving radically. As Lilti writes further:

Car la célébrité de Voltaire ne repose pas seulement sur ses tragédies, mais surtout sur les incessants combats qu'il a menés pendant un quart de siècle, à coups de pamphlets et de

²²⁷ Cronk, *Commentaire historique*, OCV, t. 78B, 24.

²²⁸ Louis Sébastien Mercier, "Triomphe de Voltaire. Janot," in *Tableau de Paris* (Paris: Mercure de France, [1783] 1994), 266, quoted in Lilti, *Figures publiques*, 26.

²²⁹ Lilti, *Figures publiques*, 29.

polémiques, contre le fanatisme religieux et les préjugés, et qui lui ont permis d'incarner, aux yeux de l'Europe, la philosophie nouvelle, militant et critique, des Lumières. Cette occupation de l'espace public est une stratégie philosophique, un combat pour la vérité, une volonté de transformer les esprits et les mœurs. Que devient-elle si la parole publique est un spectacle, si le philosophe n'est qu'un amuseur public que supplante aisément un histrion forain ?²³⁰

While Voltaire did not anticipate the particulars of this return to Paris when he wrote his *Commentaire historique*, his status as celebrity had already been confirmed, a trip to visit him in Ferney had become a sort of pilgrimage to be made in the 18th century. But Voltaire's *Commentaire historique* gives us a far clearer sense of how the most famous man in Europe saw himself, a vision of the self that was not subjected to the lens of spectacle, but instead the great man of his century, a man leading the charge for tolerance, a man linked with the politically and intellectually powerful, a man whom his detractors ardently sought to disfigure. It is Voltaire's conception of "proof" in the *Commentaire historique* that enhances our understanding of how, precisely, he sought to leave behind a monument to himself, and to his career.

A life lived in proximity to power and in correspondence with other intellectuals is, according to Voltaire, best proven by testimonies to his success and documents that prove his relationships to others. But this is always mediated by Voltaire himself. As we moved from the paratextual testimonies – Du Rey and Christian – to the text itself, the first witness is Voltaire himself, assuming the narrative position of the *je*, but turning himself, the subject, into the *il*. This historical, observational distance can only be assumed by Voltaire, only he can paint the literary portrait of his life, as he makes it clear that he believes himself to be the most reputable witness who can do so. And when Voltaire chooses to include documents that can further prove the account at hand, he demonstrates little fidelity to the original letter of the text, and chooses his proofs seemingly at random, solely as he sees fit, even if it defies logic. He edits freely, even

²³⁰ *Ibid*, 35–36.

forges freely, because the evidence given has little to do with the original text itself, and instead far more to do with what the text represents: the way texts, these pieces of proof, are able to prove his proximity to power and his role in a vast network of intellectual exchange. And Voltaire's gestures tell us that he believes he is the only one who can do this honestly. This desire to defend his reputation and his unique belief in his ability to provide the necessary proofs is remarkably similar to Rousseau's effort in the *Confessions*, despite the fact that the *Commentaire historique* is a radically different work. As others sought to disfigure him, to forge his letters and write dishonestly about his texts and ideas, Voltaire ripostes, responding in turn with letters and texts that may not always be fully authentic, but capture the spirit of his life. The *Commentaire historique* is a work of many voices and many documents, as if casually and off-handedly thrown together, all stemming from and centered around one man: Voltaire.

Conclusion: The Self Reconstructed

Over the course of this dissertation, I have argued that Louise d'Épinay's *Histoire de Madame de Montbrillant*, Jean-Jacques Rousseau's *Confessions*, and Voltaire's *Commentaire historique sur les œuvres de l'auteur de la Henriade*, etc. *Avec les pièces originales et les preuves* are all products of an immense need felt by their authors to defend themselves and their reputations before the court of public opinion. In this vein, each of these works provides a specific model for proving the factuality of the account and the intentions of its author. They each, in turn, embody a particularly distinct voice figuring into a larger conversation about the very nature and function of self-writing practices in the mid-to-late Old Regime. Each of these authors transformed an acute need for self-defense into a work of self-writing that, regardless of the intentions of the author, would ultimately appear before the court of public opinion.

The impetus behind these works of self-writing was a sense that the authors' individual reputations were threatened, that their public images would be disfigured. Louise d'Épinay often faced charges of coquetry and dishonesty, regardless of her actions. Rousseau believed his pure intentions were never understood. Moreover, he sensed a conspiracy was growing around him: his works were condemned by the legal authorities and his friends turned against him one by one. Voltaire, for his part, felt his image threatened by a series of falsified "autobiographies" and collections of his works. Each of these attacks on the authors' public images exacerbated a desire to prove the authenticity of the accounts in *Montbrillant*, the *Confessions*, and the *Commentaire historique*, and, in turn, the sincerity of each author's intentions. In order to prove their accounts and their sincerity, these authors – each, in turn – all had recourse to witness testimony and documentary evidence in order to make their case.

From the outset of her epistolary autobiographical novel, the *Histoire de Madame de Montbrillant*, Louise d'Épinay – represented through the pseudonym “Madame de Montbrillant” – undertakes to describe how she came to understand the weight of the immense burden of proof placed upon her, a burden that would come to appear insurmountable. In the early family tribunals where both her mother and her aunt served as cruel judges, she begins to recognize that her testimony will not be believed, despite her good intentions and actions. In her childhood, she sees herself labeled as a “criminelle” in the eyes of her judges, always seen as guilty even when she does nothing at all. Thus, in *Montbrillant*, Madame de Montbrillant sets out systematically to prove the sincerity of her intentions and the goodness of her character. When her husband reveals himself to be a cheat and a heavy gambler, she files for a *séparation de biens*, an immensely difficult task implying having her testimony be believed over that of her husband. After her falling out with Jean-Jacques Rousseau – represented in the character “René” – she begins to include authentic documents in her work, documents prepared as a response to a potential public scandal that might emerge with the publication of his *Confessions*. The *Histoire de Madame de Montbrillant*, thus, describes the overwhelming burden of proof placed upon women in society, and the lengths to which they have to go in order to be believed.

This burden of proving honesty is also at the core of Jean-Jacques Rousseau's *Confessions*. Rousseau took up his unprecedented autobiographical enterprise following a series of public clashes, including: claims of blasphemy and being labeled the Antichrist; his house being stoned; and a public quarrel with his former friend David Hume. As both his friends and the judicial institutions began to turn against him, Rousseau increasingly believed that he alone was capable of defending himself. The *Confessions* thus begin with a defense centered on Rousseau's individual testimony—only he knows his being, his intentions and his goodness, and

thus only he can stand in defense of himself. In the telling of Rousseau, it becomes increasingly clear to him that his individual testimony is not convincing the public. In order to overcome the disfigured image that the public holds of him, he turns to documentary evidence in Part II of the *Confessions* – that is, beginning with Book VII – to make his case, furnishing letters in order to prove the factuality of the account, as well as the sincerity of his intentions. In doing so, Rousseau turns away from his own individual conception of justice and towards one that he believes the public accepts, where proof must follow the principles of Old Regime law, rather than a simple insistence upon one’s honesty. Under Old Regime law, his testimony alone cannot exculpate him—he must turn to documentary evidence or include multiple witness testimonies that can substantiate his account.

While Louise d’Épinay and Rousseau struggle to have their testimonies be believed and ultimately turn to documentary evidence to support their claims, Voltaire employs documentary evidence from the outset in his *Commentaire historique sur les œuvres de l’auteur de la Henriade, etc. Avec les pièces originales et les preuves*. However, while he insists upon the authenticity of the evidence presented, it quickly becomes apparent that Voltaire has manipulated it: poems and letters included in the *Commentaire historique* have been rewritten, and certain documents are even fabricated entirely. While Voltaire includes a third-person narrator that serves on occasion as a “witness” to his actions, it is abundantly clear that Voltaire demonstrates an aristocratic insouciance – *sprezzatura* – about the alleged truthfulness of the account at hand. Furthermore, when Voltaire includes pieces of supplementary evidence at the end – the *pièces originales et les preuves* – it seems as if he chose the letters at random, rather than carefully constructing a final act of self-defense that will be believed by all. Instead, Voltaire appears more preoccupied with showing the reader the extent of his connections with Europe’s political and

intellectual elite. Unlike Louise d'Épinay and Rousseau, who endeavor to prove the authenticity of their accounts, Voltaire's insouciance suggests that he believes that the reader will simply take him at his word – or not – and that the final, lasting monument to himself will be the one that he has constructed through his works.

Faced with disfiguration, these authors sought to reconstruct their own individual image for the reading public. Louise d'Épinay took on this act of reconstruction through the medium of fiction. While her direct testimony would not be believed, she was nevertheless able to reconstruct a representation of her life that spoke to the immense burden of proof placed upon women. Rousseau turned away from a vision of himself that was solely represented through his unique testimony and instead began to reconstruct an account of his life supported by correspondence—Rousseau is not only seen through his own eyes but figures rather into a larger sphere of social exchange, where both his own words and the words of others can help make sense of his intentions and actions. Voltaire, for his part, rewrote the evidence in his account in order to remake the story of his life in his image. All the authors in this study, thus, take it upon themselves to leave to the public a reconstructed image of themselves that they believe will adequately defend their reputations.

To return to Sarah Maza's work, *Private Lives and Public Affairs*, the critical reading public took an immense interest in the scandalous lives of private individuals.¹ Our writers – both “celebrities” like Rousseau and Voltaire and those whose personal affairs risked public scandal like Louise d'Épinay – recognized the force of the public's capacity in establishing, maintaining, and defending their individual reputations.² Reputations, after all, are public

¹ See: Sarah Maza, *Private Lives and Public Affairs*.

² Again, on the “celebrity” status of Rousseau and Voltaire in the public sphere, see: Antoine Lilti, *Figures publiques*.

judgments of one's character—one's reputation, thus, could only improve or diminish according to the verdicts of the court of public opinion. Nevertheless, each of our authors had hurdles to overcome. Even the most celebrated – like Voltaire upon his final triumphant return to Paris – would ultimately be subjected to the judgments of this court. In order to defend themselves, they thus have to construct an image of their lives and beings that the court of public opinion would not only find credible but also convincing.

The *Histoire de Madame de Montbrillant*, the *Confessions*, and the *Commentaire historique sur les œuvres de l'auteur de la Henriade*, etc. Avec les pièces originales et les preuves each represent a particular effort in self-writing aimed at preparing a self-defense before the court of public opinion, a self-defense in which evidence would be used to prove the factuality of the account and the goodness of its author. These works are emblematic of a larger phenomenon taking place in 18th-century writing. In the context of the changing nature of the first-person novel and memorialist writing, each of these works have recourse to literary devices in the elaboration of a self-defense that can best be described as being a kind of judicial case being brought before the court of public opinion. These works embody a shift away from a desire simply to please readers and move instead towards a new effort to convince them of the authors' innocence: the accounts represent the true experiences of the authors, and the authors' intentions are sincere—that is to say, they are not the people that the public thinks they are. At the core of these efforts, however, resides a tension between what each author thinks is necessary and what the court of public opinion appears to desire. After all, Rousseau's *Confessions* would go unpublished during his lifetime, as the public was remarkably unmoved by his public readings. Louise d'Épinay, too, would not publish *Montbrillant* during her lifetime, as she seemed to believe that her testimony was best not shared with the public out of fear of further

condemnation. And Voltaire's *Commentaire historique* would spend centuries forgotten, separated, and misunderstood, before finally being reassembled in the 21st century. Nonetheless, each of these works constitutes a remarkable effort and a new desire to defend oneself before the court of public opinion; each explored the literary role and power of testimony and documentary evidence. In so doing, Louise d'Épinay, Jean-Jacques Rousseau, and Voltaire illustrated not only a new art of self-defense through self-writing, but also, in the process, to try to figure out what exactly was the nature and function of this art.

In this study, we have explored the development, in the French Enlightenment, of the art of literary self-defense. There remains, however, a fundamental question: is the *literary* self-defense actually effective? The *mémoires judiciaires* – the legal documents written by lawyers, where the facts and argument of a case were outlined – were, after all, marked by a certain rhetorical flair; nevertheless, they were not conceived of in terms of “literary” poetics. The *mémoires judiciaires* were composed with the intent of telling a story about the case that was both compelling and rational—they were documents that were meant both to stir up interest in a case and lay out the legal nature of the case to the tribunal. Literary language in these *mémoires* had to be tempered so that the facts of the case could be laid out clearly. By its very nature, a truly “literary” self-defense may simply run the risk of being too poetic to be convincing to the court of public opinion—the language shaping the judicial metaphors in these texts very well may inhibit their ability to “prove” their authors’ innocence. Concerned over the implications to her reputation if her testimony was given to the public, Louise d'Épinay very well may have turned to the form of the novel to avoid inciting a trial over the factuality of her account in the court of public opinion. Voltaire, the trained lawyer, composed an account that perhaps best mirrored the muted poetics of the *mémoires judiciaires*; however, the efficacy of this attempt

can also be questioned, given that the work went unread for centuries. And the efficacy of Rousseau's self-defense in the *Confessions*, too, can be doubted, given his continued attempts in the *Dialogues* and the *Rêveries* to obtain a clemency, which was never granted. The deafening silence of the crowd after his public reading at the end of Book XII – a public unmoved and unconvinced by his self-defense – may indeed speak volumes about the efficacy of the “literary” self-defense.

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