Emile Zola's Moral Outrage: The Ethics of Whistle-blowing Today and Then

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INTRODUCTION

Émile was a popular name for Jewish boys in the Twentieth Century because of the important role that the French writer, Emile Zola, played in the Dreyfus Affair during the 1890's. To commemorate the 108th anniversary of Zola's death (September 29, 1902) I would like to tell how Emile Zola was the quintessential whistle-blower of his day and use this case as a model for a discussion of Jewish thinking on the subject, which is the exposure of ethical wrong-doing in public or private life.

The whistle-blowing I will discuss is a series of articles in newspapers and published pamphlets in which Zola exposed the criminal wrong-doing committed by the military courts against the Jewish Army Captain, Alfred Dreyfus, falsely accused of treason. At this point I would point out that Zola also exposed himself to scorn and personal danger despite his not having known Dreyfus or his family. In short he risked reputation, fame, and safety to do something that was the right thing to do. This paper will concentrate on some of Zola's writing and then discuss their content with respect to Jewish ideas..

Emile Zola was not Jewish but his heroic support of Captain Alfred Dreyfus is a very courageous example of ethical engagement. I will show how the points made in each paper was a part of the overall act of whistle blowing. I will develop this structure in the following outline in which each ethical point of the overall argument is listed next to the title (in italics) of the respective writing in which it is expressed:

1. Defending the innocent (*M. Scheurer-Kestner*)
2. Accusing the general culprit and the root of all evil (*The Proceedings*)
3. Proving his point (*The Syndicate*)
4. Calling to the conscience and ethics of France while warning of the danger of racism, hypocrisy and intolerance (*Letter to France*)
5. Addressing the future *(Letter to the Young)*
6. An unrestrained offensive: the facts of the case in detail for each malefactor, a summary of all the other papers. (*J'Accuse*)

The progressive nature of the argument serves to indicate the evil in the case and its danger for France. He calls on the entire country to do the same. Let us now focus in on each of these writings.

It seems that most Jews know something about Emile Zola's 1898 newspaper article, "*J'accuse*".(1) That legalistic, but very literary, document exposed one by one each of the judicial crimes of the military Court Martial involved in the 1894 Dreyfus trial and conviction by court martial. However, few know of Zola's articles and pamphlets that just preceded "*J'accuse*" at the end of 1897. They were the first outbursts of his moral outrage at the injustice rendered to this French officer simply because he was Jewish.

These works are Zola's exhortation to the conscience of France. Although not written in the form of a dialogue, because there is no riposte, they are written to that large, almost abstract, body called "France ". Prophetic exhortations to the Jewish people who have strayed from God are similar to this style of writing. Without invoking God, but reason alone, Zola implores his readers to return to an ethical way of thinking and acting, all in the name of truth, benevolence, and justice. His whistle-blowing is an accusation of the powers that be – in this case, the military Court Martial. I will show how Jewish thinking about ethics would encourage this kind of moral outrage to and overt exposure of criminal

behavior, even on the part of the highest court of the land.

BACKGROUND HISTORY TO ZOLA'S 1897 WHISTLE-BLOWING

In 1897 Zola joined other notables (like Senator Scheurer-Kestner) who supported Dreyfus' defense. Their efforts had already stimulated a vicious reaction among pro-clerical, pro-military newspapers that labeled "the traitor Jew" Dreyfus a Judas Iscariot who had sold his loyalty to country and deserved to be rotting in solitary confinement on Devil's Island. An ongoing investigation of the judicial aspects of the case had disclosed errors in the form of misidentification of the handwriting on the critical piece of evidence – a memorandum sent to the German Embassy. Another French officer, Commandant Marie Charles Ferdinand Walsin- Esterhazy, was implicated and was to be tried by a military court on January 10, 1898.

At this point in time, the end of 1897, Zola was relying on Esterhazy's conviction to free Dreyfus. With this in mind, he began to blow his whistle by publishing the series of letters and brochures (*M. Sheurer-Kastner, The Syndicate, The Proceedingsl Letter to France, Letter to the Young,*). (2) For Zola each was a strategic, low intensity shot over the bow of the enemy forces, making one ethical point very strongly. The victory was considered imminent after the forseen outcome of the Esterhazy trial. Each shot was directed to a particular target and the whole produced a very effective volley of exposure and incrimination.

Notwithstanding these publications, Esterhazy's court martial trial ended in his disquieting acquittal, a crushing blow to the Dreyfus-Zola forces. Zola's immediate response was to compose and publish within two days, for a public still shaken by the aftermath of this new, unexpected shock wave, his devastating accusation, fully blasting each of the members of the collusive military court for their lies, misrepresentations, dismissal of evidence, and other calumnies. ("*J'accuse"* 13 January, 1898)

This beautiful, political work of art is an open letter to the President of the French Republic. It forced the government to try Zola himself for libel. This would bring the Dreyfus case out of military jurisdiction and place it squarely in the civil arena with Zola himself, the new target. At last the Affair became a matter of open, transparent, civil proceeding before a civilian jury. The beginning of the final victory was in sight! As Zola said, "Truth was finally on the march; nothing could stop it

now".

THE ARTICLES AND BROCHURES

In this essay I will discuss only the three articles and the two brochures that preceded "*J'accuse*". I selected and translated certain sections to show how Zola artfully focused his attacks on the various evils and injustices that he had uncovered.

What is in these five papers? They tell the story of a judicial error in the Dreyfus trial, which must be corrected. They call for public outrage to save the nation.

"M. Scheurer-Kestner"

« M. Scheurer-Kestner » tells the reader about this popular, elderly, politically untarnished Senator who was being slandered by the anti-semitic press because he had expressed concern about a judicial error in the Dreyfus trial. Zola points out the blatant stupidity of these accusations which described Scheurer-Kestner as a mercenary sell out to the Jewish-Protestant-Masonic cabal, despite his being an independently wealthy businessman, and a great supporter of the French Army which was reorganized after the humiliating defeat by Prussian forces in 1870. In fact, Zola emphasizes that his decision to express public doubt was based on his independent review of the facts and not by solicitation by the Dreyfus forces.

Zola points his finger at "brainless anti-Semitism" as the cause of public blindness to the foolishness of slandering Scheurer-Kestner's good name. "Here we are in this terrible mess where all emotions are false and where one cannot seek justice without being treated like a senile person or one who has sold out for money…(…)….The stupidest stories are written by the serious newspapers, the entire nation is stricken with madness, when only a small amount of common sense would put things back in place. ….(…)….When Scheurer-Kestner spoke of his duty…. he had only this to say, 'I could not live with myself knowing he was innocent' All of us, mixed up in this Affair, must say the same thing to ourselves. That we too would not be able to live if we did not seek justice."

"The Proceedings"

"*The Proceedings*"" ridicules the accusation of Dreyfus' selling out France for money, noting that he is independently wealthy and has no mercenary motive. Zola points the finger of accusation at anti-Semitism itself. It is the root of the evil. It is the evil culprit in this case.

"The guilty party is anti-Semitism itself. This is a barbarous campaign, which I have said throws progress back 1000 years, revulses me and insults my basic need for *fraternité*, my passion for tolerance, and for human emancipation. The return to religious wars, of one race killing off another, is such nonsense in our age of liberation that such movements seem imbecilic to me." Zola concludes that after the judicial error had been revealed and published by others, the court should have been doing his work for him – that is, convicting Esterhazy.

«The Syndicate »

In *"The Syndicate"* Zola simply makes his point again using the technique of ridicule. He ridicules the popular opinion that there is a very rich Jewish conspiracy that will pay off all concerned to protect Dreyfus. He describes to the reader what this syndicate, this conspiracy, would look like, who would be part of it, and how they might be coerced to falsify truth. This is a satirical *reductio ad absurdum*.

Speaking as if her were in favor of the alleged syndicate, Zola says, "The traitor was judged by a military court. He is responsible not just for the present treachery but for all past historical examples that have brought defeat on the French nation (this assumes that our army could only be defeated by internal treachery). So, Dreyfus is also responsible for the defeat of France in 1870. Dreyfus is an abominable shame for the Army because he is of the race that sold his God. By this token, his family, being Jewish, is also guilty. All Jews are guilty in this Affair. The proof is that his family is spending money to save his name and to expose the French army to slander. Since they have brought witnesses with good character and reputation, they must have spent large sums of money because there is limitless money in the Jewish cabal."

Here, Zola, emphasizes his own objective, ethically impeccable, position in the Affair. He states that he has no close Jewish friends, wants to let the reader know that he is treating Dreyfus with a calm,

objective reasonableness -- e.g., “I, Zola, talk about the Jews calmly because I neither hate nor love them. Indeed I have no intimate friends among them. For me they are only men, but that is enough to protect them from injustice. So, if there is a syndicate that is organized to save an innocent prisoner and expose a judicial error on the part of the military High Command, then I too, Emile Zola, want to be part of it.”

“Letter to France”

This is Zola’s call to the conscience of France to do something to oppose evil and injustice. He tells them not to believe the lies about a conspiracy. He says, “How have the good and humble people of the provinces been swayed by the righteous lies of the reactionary press? They are simply not capable of weighing the questions we put before them and they believe what they read. Why do they get sucked into the fear, intolerance and hate so they will refuse to listen to the argument that a condemned innocent man might be suffering his agony for a crime he did not commit?

I am trying to warn you of the gravity of the error, of the power of the tempest that will follow. What is happening is outright duplicity and stupidity, enough to make an honest reader very angry. Any child can see that the memorandum and Esterhazy’s handwriting sample are one and the same. If the conviction of Dreyfus was made on the basis of showing that his handwriting was on the memorandum, and if now, it has been shown that it is not, does his release not follow immediately? Why is the court sitting again if not to decide on this question alone? Is it only sitting to make another point of fact – that it, the court, is and was correct, even though this conclusion is based on more lies? Is this why we are seeing so many lies piled up over the issue of the memorandum which is, when all is said and done, the whole Affair itself?.....(…..)……But the facts are worse, there are a collection of serious symptoms for those who know, see, and can judge what is happening to you. The Dreyfus Affair is not just a deplorable incident…..(…)… it has affected your behavior and your health. You know how someone goes about looking healthy, but suddenly, little eruptions are seen on his skin: one can see death in the process. The political and social poisoning is seen on your face.”

He is aware of a deep love of dictatorship in the French soul. “I see here an unconscious return to military dictatorship. This is not republican behavior; you seem ready to fall in love with the first king who presents himself before you. No, it is not the army you care about; it is the general you want in

your bed, again."

He admonishes the return to medieval intolerance. "Where are you headed, France? Back to the Church, back to the medieval past, one of theocracy and intolerance that your children fought to vanquish with their blood. Today the tactic of anti-Semitism is very simple. The Church tried in vain to bring people together as working-man societies, pilgrimages, but could not lead them back to the altar. It was a fact. The Churches were empty; people would no longer go and no longer believed. So, circumstances permitted the kindling in the people of anti-Semitic rage, and poisoned them with this fanaticism, pushing them into the streets, crying 'Down with the Jews. Kill the Jews'."

"*Letter to the Young"*

This is an emotional exhortation to the future, to the passionate twenty year olds who bring out Zola's memory of his own youthful energies and his fantasies of righting all wrongs in an unjust world. Again he makes an explosive, violent attack against Church anti-Semitism as a "..cynical, brutal plan to bring the disenchanted Catholic French public back to the Mass." He then repeats the simple facts of the case. "Look at the Dreyfus Affair and the simple facts. A man is condemned on the basis of handwriting on a memorandum. He is now rotting on a desert island subjected to the world's worst tortures. He would be there for good if a man of integrity, reexamining the facts of the matter, did not have grave doubts that afflicted his conscience. So a judicial error was claimed and now the process of working that out is ongoing, slowly, systematically, and a new trial is in process, concerning another person whose handwriting seems so identical that a two year old child could see the similarity without having to call in experts. If he is convicted, the matter will be put to rest and Dreyfus will be freed and the other will take his place."

He closes by raising again the danger of anti-semitism, when he says, "But look at the harmful quality of anti-Semitism. Look at the Affair. Can there be young antisemites? Can such poison obscure the clear reason of the young mind? Can the poison of the press control them? " He is asking the youth if they will accept anti-Semitism in the new Century and if they will poison themselves and their nation with it.

He closes on a very prophetic tone. "Oh young people, our youth, I beg you to think of the task ahead. You are the future working class, you are those who will govern the future assemblies of people, we have deep faith in you, you will resolve the problems of truth and justice we have left for you…..(…)….. We only ask that you open your minds and be more generous than even we were toward the lives that will be lived, by your efforts entirely placed in work, fecundity and working the earth, from which shall bloom forth the overflowing harvest of joy under the shining sun." (3)

THE ETHICAL DILEMMA

What can we learn from these examples of Zola's moral outrage and whistle blowing?

On a political level media exposure can be effective in calling attention to an abuse, a wrongdoing, a criminal act, or a judicial error. There are examples in recent American history. There is the courageous journalism of Bob Woodward and Carl Bernstein in the Watergate Affair that led to the resignation of a President. There were many who wrote and spoke out about abuses in the South during early school integration. They stimulated others to sacrifice personal comfort and safety to participate in bus rides and marches into the land of Jim Crow. There are many other examples.

On an ethical level Zola's whistle-blowing relies on reason for its moral authority. Zola, like Enlightenment thinkers, does not invoke God but only the forces of reason – that is, the ideals of truth and justice. He is saying we must do what is right because it is right. The reward for doing right will be its own reward. He also says, in his way, that the reward for a sin will be a sin. In his words, the prosperity or the degradation of the French nation is at stake.

There is the problem. How can ethical responses be expected from those who have opposing beliefs and feelings? What Zola calls truth and justice is not what his opponents see as truth and justice.

Even if you, the reader, find that Zola's arguments are valid and see that Dreyfus has been convicted mistakenly, that Esterhazy is guilty, and that anti-Semitism is the evil force, why would you expect a change on the part of the those who believe differently? Equally passionately, the anti-Dreyfusard coalition believed that Dreyfus had sold France to the enemy and that the pride and security of the nation was at stake? Is Zola's expression of moral outrage not just another example of preaching to

the converted? Does man not need the authority of some force, other than reason alone, to convince others of the righteousness of his own ethical position?

Is a religious ethic necessary? Do we have to follow God's commandments to accomplish our daily ethical goals and to be sure that we are following the higher (Divine) Law? Must we seek a reward from God when we pray that evil and injustice be overcome? If the court in question were the highest religious court, the bet din, representing the Law of God on earth, would we be able to encourage a Jewish Emile Zola, an individual in the Jewish community, to rebuke an unjust, perhaps criminal, decision? Could that individual Jew blow his whistle to expose it? What does *halakhah* say about it? Does it extend the principle of rebuke (*tochacha*) of man by God to the rebuke of any, one man of the learned, respected scholars who make up the bet din? Does my using Zola and the French high military court serve as a valid model in the discussion of *tochacha* and similar Jewish ideas?

These are all difficult questions that are worthy of an answer.

My brief personal discussion of the question with a respected rosh yeshivah taught me that an individual outside the court is commanded to expose injustice, even when committed by highly learned scholars. If the court were to commit a misjudgement leading to an injustice, the individual would be obliged to expose and to rebuke it He must not accept wrong-doing in any form without a reaction. He must not do business with someone who is fraudulent, lying, and hypocritical. (4)

This lesson can be extended to individual American Jewish citizens faced with injustice in daily personal and communal life. They should feel that the reward of doing a good act, of which appropriate whistle-blowing is an example, will be the reward of doing the right thing itself.

Our children should also be taught this mitzvah at home and in the classroom. But the problem is to know how to teach them to speak up bravely to expose injustice, lying, and hypocrisy? The individual, child or adult, who does this will run the risk of mockery, humiliation and ostracism by his peers.

I would suggest that the classroom might take suitable models from secular life as well as from Tanach. I would propose that this combined approach can be an effective way to teach ethical principles. One can examine the relative importance of religious belief to the reasonableness of daily thinking and action. Zola's relying on the authority of reason alone is one such example.

More intense classroom instruction about the Dreyfus Affair itself might be useful to students in the 21 st Century. In this context one could have lessons from the life of the Jewish communal leader, Rabbi Zadoc Khan, during the Dreyfus Affair. In that way one could examine critically the leadership roles in the Parisian Jewish community during that particular crisis. (5) French anti-Semitism around the Dreyfus Affair could be integrated into the unfolding historical background of the Shoah, the most extreme example of evil and injustice in Jewish (and human) history. Using that approach one could demonstrate convincingly perhaps that the principle of early exposure of evil is preferable to accepting and suffering its ultimate consequences.

By studying and discussing the Shoah scientifically we could determine if religious Jews could and would accept a demystification of the nature of catastrophic evil, and particularly, of the Shoah. We might be able to learn something more by examining the Shoah from socio-psychological standpoints, human perspectives, without demeaning its Jewish significance or necessitating God's presence (or absence) in it. (6) I would propose this approach in order to shift the focus of fate and destiny from God to man? Would it be effective and acceptable to teach children that prayer does not consist wholly of man's beseeching God for favors but also of man's beseeching himself to make the choices that will enable his prayers to come true? Such an approach would include the principle of whistle-blowing. In this way Zola's example would teach our children that a society perverting justice, not actively helping the plight of the poor and downtrodden, and losing its focus of national purpose, cannot endure. This was Zola's message in his 1897 writings but also the message transmitted in his masterful fiction.

Whistle-blowing in our daily professional life is a real issue. Examples of purposeful misrepresentation, hypocrisy, and malfeasance can be found. These are problems for individual conscience to solve when confronting injustice and evil. Can we rely on our own conscience to choose correctly and to regulate the personal impulses that might drive ourselves or others to commit unfair, unjust, and even, criminal actions?

This question reminds of a Shabbat morning drush in our shul on the subject of regulation presented by a congregant who works in banking and finance. He explained that regulation was unjustified because "only Hashem should regulate our moral decisions", including those made in business. If Hashem were the only regulator of all mens' affairs, I would ask how it would be possible for human beings to expose and make transparent future Madoff-type scandals, prime mortgage crises, abuse in some yeshivas, and other tragic examples of wrong-doing. What kind of external human regulation is justified to help the function of individual conscience? When is whistle-blowing to be encouraged, when not?

As a physician I am concerned with the ethics of colleagues and students. I would like to teach professionalism that places the patient's interest above one's own. This would include rebuke by peers and superiors for behaviors that deviate from accepted professional standards.

The current dilemma in health care practice and reform is an example of an ethical conflict between professional interests of physicians and those of the insurance industry that has become the medical paymaster-gatekeeper. This agency function has evolved to contain costs, and guarantee profits, for the paymaster-gatekeeper.

The conflict arises from the fact that professionalism for physicians places patients' interests above all else. The complete care of sick human being is a responsibility that often goes beyond reasonable demands on time. The professional interest of the insurance industry is to control risk and to maintain profit.

For the caring physician this conflict produces an injustice to the patient and a misrepresentation of fact, all to the detriment of an effective system of medical care. The ethical physician is obliged to rebuke both, to blow the whistle, to become engaged outside the confines of his office. It is unfortunate that cost-containment and other aspects of caring for patients are not discussed in the arena of ethics, but in political and economic ones, where the ethical parameters of the issue are never brought to light. In the ongoing health reform debate, the ethical issues cannot be dissociated from the bottom line issues relating to cost, profit and control of the medical profession.

We are left with the gnawing question of how and when we, as ethical business, medical, or other professionals, and everyday members of a community, should engage ourselves in exposing these things in daily life without being vengeful, excessively morally righteous, or simply ineffectual. This kind of behavior will always be difficult, soul-searching, and ultimately, unpopular and possibly, harmful to one's self-interest. Zola himself was the butt of unseemly jokes, posters, and newspaper attacks. His ultimate death by asphyxiation in his own house was most likely a premeditated act by his political enemies.

How do we teach these moral lessons to our children and how should the schools that we support teach them to our community's children? Perhaps Zola's 100 year old exhortation to France can be understood by today's yeshiva children vis-à-vis current problems in their own lives. I might close by suggesting that Zola's engagement in the search for truth and justice might be incorporated into their school curriculum. The reading of normative literature can be an excellent model for the discussion of the kinds of questions I have raised. By using a set of secular, ethical writings as models, I have attempted to link a religious discussion of ethical and moral problems to a true historical event.

With all of this in mind, I would close by recalling the resonance of Zola's voice in our ears: "Truth is on the march, nothing can stop it now". His exhortation is similar to Jeremiah's exhortation to the Jewish people (9:22-3) to emulate the attributes of the

".....Eternal, who exercises mercy,
Justice and righteousness on earth;
For in these things I delight,
Says the Eternal".

NOTES

1. « *Lettre à M. Felix Faure, Président de la République* » was the signed newspaper article published on January 13, 1898, in *L'Aurore*, with the block letter headline « J'ACCUSE" – that

is, “I ACCUSE” each of the malefactors in the Dreyfus case. Subsequently, it has become known by its two word title.

2. The three newspaper articles were published in *Le Figaro* on November 25, December 1, December 5, 1897. The brochures were published as independent documents on December 14, 1897, and January 6, 1898.

3. These ideas recur in Emile Zola’s fiction, especially in his utopian novels that follow the Rougon-Macquart volumes after 1880

4) This halakhic principle was explained to me in a personal conversation with Rabbi Hershel Schachter at Yeshiva University in April, 2010. Rabbi Shachter explained that even though the scholarly level of the rabbis in the Bet Din is authoritative, wrongdoing by them must be rebuked, even by an outsider. This would not be a violation of the din of respect for the scholar. He cited the principle of not doing business with “crooks”. I would like to thank my son, Daniel Lauchheimer, for his introducing me to his respected teacher, Rabbi Schachter.

5) Thanks to my friends, Emeritus Professor Henri Mitterand of Columbia University and the Sorbonne, and Rabbi Stephen Berkowitz of the Liberal Jewish Synagogue of Paris, for their directing me to published studies about Rabbi Zadoc Kahn

6) I helped to organize a colloquium about a particular new Holocaust novel by a young French-American, Jewish author, Jonathan Littell. This took place at Hebrew University, Jerusalem, in June, 2009. Please see my comments at the web site of the colloquium under “Afterview” (http://bienveillantes.huji.ac.il/)