

## An anti Dreyfus Case? *Crainquebille* or Ordinary Injustice According to Anatole France

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Delbrel, S., 2014. An anti Dreyfus Case? *Crainquebille* or Ordinary Injustice According to Anatole France. *Oñati Socio-legal Series* [online], 4 (6), 1185-1193. Available from: <http://ssrn.com/abstract=2543590>



### Abstract

Anatole France, a French writer of the end of the nineteenth Century, published *Crainquebille* at the very moment when Dreyfus, an officer wrongly sentenced to deportation, was pardoned by the President of the Republic. The Dreyfus case was an outstanding case, whereas the *Crainquebille* case was most insignificant. Yet the *Crainquebille* case enhances the vices of the French judiciary system on the whole.

### Key words

Crainquebille; Anatole France; French justice

### Resumen

Anatole France, escritor francés de finales del siglo XIX, publicó *Crainquebille* en el momento en que el Presidente de la Republica indultó a Dreyfus, un oficial sentenciado injustamente a la deportación. El caso Dreyfus fue un caso destacado, mientras que el caso *Crainquebille* fue prácticamente insignificante. De cualquier forma, el caso *Crainquebille* destaca los vicios del sistema judicial francés en su totalidad.

### Palabras clave

Crainquebille; Anatole France; justicia francesa

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Article resulting from the paper presented at the workshop *Perspectives from Justice and Fundamental Rights in Literature: an Approach from Legal Culture in a European context* held in the International Institute for the Sociology of Law, Oñati, Spain, 20-21 May 2013, and coordinated by Joxerramon Bengoetxea (University of the Basque Country) and Iker Nabaskues (University of the Basque Country).

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## 1. Introduction

Anatole France, born François-Anatole Thibault, the son of a Parisian bookseller, was born in 1844 and passed away in 1924. It took him some time to become famous as he first turned to poetry, before choosing to fully ply his talent as a prose writer. François Mauriac (1928, p. 95) used ambivalent terms to speak of him: "il faut répéter sur cette tombe illustre ce que Faguet a dit de Voltaire: "L'esprit moyen de la France était en lui...". Voilà le plus sûr fondement de la gloire : laisser une œuvre où se reflètent les caractères de la race, au point que s'y reconnaissent à la fois les subtils et les simples".

When Anatole France published *Crainquebille*, he had already achieved literary fame. He had been a Member of the French Academy since 1896, and was a successful writer who wrote for various papers. Considering his life so far and the distinctions he had been awarded - particularly the "Légion d'honneur"- one might have expected him to be a conservative. However, the greater the literary fame he got, the more active the part he took in public life got, and he went as far as getting involved in great causes. The evolution was particularly noticeable in the late 1890s. In 1897, he made public the problem of the massacre of the Armenian people. To fight against their persecution he called for "the intervention of the people who gave birth to the ideas of justice and liberty". The fight for the Armenians kept him involved until his death.

At the same time, what would become a national trauma – the Dreyfus case - was unfolding. Since 1895, there had been a rumour concerning the unfair treatment Captain Dreyfus had been given. The latter had been arrested in 1894 under the pretence of secret dealings with the enemy, meaning Germany. He was very swiftly handed over to the military justice, which sentenced him to deportation along with the public loss of his rights during an official ceremony. The anti-Semitic press let its fury loose on the Jewish officer. In the early 1890s he had already gotten himself a name because of his vigorous refusal of anti-Semitism. His involvement was to be total with the Dreyfus case, for liberty and justice were endangered (Aveline 1949, pp. IX-XIX). So, at the end of 1897, Anatole France was one of the key figures contacted by the Dreyfus circles in order to raise awareness within the public opinion. The idea was to have the iniquitous lawsuit against Dreyfus reviewed. Then, in the days following the famous Zola's "J'accuse", published in *l'Aurore* on January, the 13<sup>th</sup> 1898, France signed a petition calling for the reviewing of the Dreyfus lawcase. It was a powerful action, France - whose name could be seen just under Zola's - was the only academician in the list of the petitioners, which included scientists, professors or writers (Duclert 2009a, pp. 62-63). The text written for the occasion stated citizens' sovereignty and the principle of law, whatever the circumstances. A second protest, more accurate in terms of the unlawfulness in the Dreyfus lawsuit, was written soon after. The mobilisation of scientific, literary and artistic élites was unprecedented. Furthermore, it marked the entrance in the usual language, of the word "intellectuals", that applied to those élites who chose to collectively demonstrate their civil sense (Duclert 2009a, pp. 66-67).

The "Crainquebille case", was first published in *le Figaro* as a serial on November 21<sup>st</sup> 1900 (Leuwers 1989, pp. 17-18). At this date, the Dreyfus case was still part of the French political-judicial current events. Zola had been condemned as well as Dreyfus after his second lawsuit. On September, the 9<sup>th</sup> 1899, the military justice declared him "guilty with extenuating circumstances" and sentenced him to ten years in prison, although the real culprit had been found out. The dreadful judicial mistake, which rested on false accusations, and above all, on the relentlessness of the military hierarchy against Dreyfus, was pointed out by the president's pardon, awarded on the following September 19<sup>th</sup>. Yet, the fight in favour of Dreyfus continued for the clearing of the captain's name (Duclert 2009a, pp. 134-135). This is the context in which "The Crainquebille case" was published up to the beginning

of 1901. The same year, Anatole France reshaped the story before it was edited by Pelletan. He hired Steinlen, illustrator of high fame, for the illustration. It became one of the most sought-after books published by Pelletan (Calot *et al.* 1931, p. 195).

*The Crainquebille case* was divided into seven chapters with a didactic purpose. It is introduced as one of Anatole France's tales, especially because of the notable absence of dates and time elements (Méary 1989, pp. 227-233). Nevertheless the contemporary reality of the writer quite stands out. The story begins with some sort of snapshot of justice that takes a picture of the court in a real life situation, along with the feelings the place can inspire. "About the majesty of the laws" (France 1901, pp. 7-16) is the title of a chapter whose wording can bring to mind prominent law texts such as the royal ordinances or Napoleon codes. Anatole France unfolds the story by relating the facts that sent Crainquebille to court. He stresses the lack of truth concerning the fault the defendant is charged with: in no way has he insulted a policeman. Yet he is condemned all the same, according to the law in force. Then the narrator stands aloof from the judicial scene, in order to study justice as an idea or leading principle. Afterwards, the reader discovers the interiority of Crainquebille as a character, who has rapidly swapped position as a defendant to that of a convict. The pedlar can no longer consider his trial as his own since what he is charged with is non-existent. This nonsensical aspect of the situation increases as the story goes on. Crainquebille may put up with the judicial mistake of which he is a victim, but he fails to overcome the way people look at him. And for the pedlar, whose poor income only rests on the public's good will, the consequences turn out to be appalling. Throughout the last two chapters, which deal with the "Consequences" and the "Last consequences" (France 1901, pp. 81-102), Anatole France insists on the decline of the situation, but also of Crainquebille as a person. The climax of absurdity is reached in the last pages of the novel, as Crainquebille insults a policeman in order to be sentenced to prison again. Prison confinement as only horizon, the insult as ultimate hope: the picture gets even darker when the policeman, in a final burst of humanity, reminds Crainquebille of the respect he owes to those who painfully do their duty.

Crainquebille, in fact, questions the reader about the principles of justice and liberty. The policeman's lie begets the judicial mistake, which sets a background similar to that of the Dreyfus case. This political, social aspect is coupled with a literary aspect: *Crainquebille* is at the turning point of France's career. Far from being the simple classical writer wrongly established as a literary talent (Mauriac 1928, p. 101), as he was considered by a fair number of writers at the beginning of the XXth century, he manages to rouse the reflexion thanks to the simplicity of his writing (Carez 1897, pp. 64-65). He goes beyond immediate interests in order to grasp the major problems at stake in the contemporary society, and have them shared by the greater number.

Anatole France leans on an exemplary penal case, Crainquebille's, to demonstrate the profoundly shocking nature of the French judicial system. By underlying its nonsense, the tale takes a philosophical turn, and Jean Levaillant has shown symmetrical points between tales of Voltaire and France (Levaillant 1965, pp. 598-599).

## 2. The Crainquebille case as an example

Apparently there is no common point between the Crainquebille case - a literary fiction - and the Dreyfus case, a genuine legal action: a minor lawsuit, with an unimpressive central character who attracts very little public attention. Yet the insignificance of the topic sets off the talent of Anatole France. The Crainquebille case becomes an example thanks to the stylized characterization achieved by the writer - a stylisation strengthened by the juridical and jurisdictional echo of the story.

Throughout the story, a collection of characters take shape, whose presentation gets more precise according to what the writer intends to demonstrate. The scenes described by the writer draw a vivid picture of the ordinary people's life in Montmartre, a highly symbolical quarter of the French capital. As Dushan Bresky emphasizes, it is very important in France's art of expression, to give an "authentic *couleur locale*" (Bresky 1969, pp. 45-46 and pp. 115-116).

The main character, Jérôme Crainquebille, is a costermonger, the humble owner of a handcart in which he displays his fruits and vegetables. He is already an elderly man who has been working for more than fifty years. His body bears the marks of this exhausting job. Never has he had any problem with law and order. Indeed his job leaves him no spare time for any misdemeanour, which accounts for the shocking accusation levelled at him. Nevertheless, Crainquebille, born into the lower classes of Paris, can be free-mouthed: for example, he uses the word "dessalée" [prostitute] about Mrs. Laure (France 1901, p. 78).

For the professional representatives of justice and police, it is not easy to make a distinction between their own selves and the vision of their duty. The most grotesque personality is no doubt policeman 64 who has Crainquebille sent to court. Policeman 64 has no name for the people of Montmartre, he is only an official number. His personality has been taken up by his job as a police officer, which he carries out with zeal. This job does not necessarily require such behaviour, since opposite examples are given, but policeman 64 has a high idea of his post although his understanding of it could not be more narrow-minded. Policeman 64 gets his name back – Bastien Matra - when, at court, he is asked to provide all the useful explanations in the Crainquebille case.

Eventually, the last portrait that Anatole France carefully studies in details, is the president of the court - Mr. President Bourriche - who has condemned Crainquebille. President Bourriche only has a surname, and above all quite a major position. He does not act out of critical reflexion, but out of routine. And President Bourriche is all the less willing to use his critical sense as the case is trivial. It is insignificant because of its object: punishing for an insult on the public highway. It is insignificant considering the personality of the person charged, a poor costermonger. It is insignificant considering what little attention it draws for the people who remain exterior to the affair: the bystanders and the lawyers are not interested (France 1901, p. 53). Yet the choice of a small case is apt to find an echo among a large number of people. And so the Crainquebille case becomes more popular, in all respects, than the Dreyfus case, precisely because the figure of the Captain did not call for such a debacle. More remarkably, the case imagined by the writer enhances the blatant discrepancy that may exist between the offence and the judicial show. Consequently, the Crainquebille case, in fine, compels people to think about the heavy risk of injustice that weighs upon anybody's shoulders. Consequently, France (1901) wrote (1901): "la justice est la sanction des injustices établies. La vit-on jamais opposée aux conquérants et contraire aux usurpateurs ? ». Thenceforth does the Dreyfus case become more delicate, inasmuch as the mock of justice that it shows is far from being an emergency court like the military court, just the opposite.

So France stages an ordinary penal justice. Crainquebille is sent to a jurisdiction that is competent to judge minor offences. It means ordinary penal justice as opposed to the assize court justice, which has the competence to judge capital crimes. Whereas a capital crime is judged by a "popular jury" - a conquest of the French Revolution- a minor offence is penalized by official judges, a professional magistrate and two assistants who are often police court magistrates. The judicial system has hardly evolved since the XIX<sup>th</sup> century when it was first set, and a magistrate like Marcel Rousselet (1957, vol. I, pp. 217-324) has tried to show it. Moreover the buildings that were granted to justice were meant to inspire healthy fear to the ordinary man. The public as a whole is targeted since in outstanding

cases, the courts of justice are overcrowded. When "inside the magnificent dark hall Jérôme Crainquebille sits down in the dock in deep respect, overwhelmed by awe, he (is) ready to rely on the judges about his own guilt" (France 1901, pp. 10-15). The picture of the man's smallness before the splendour of the institution is obviously of bad omen for the man aimed at by the prosecution. The comparison with Dreyfus, here again, cannot be escaped: it is the very essence of penal justice to crush those it is meant to deal with, that is to say the defendants.

Moreover it is not necessary for Anatole France to overdo it for the reader to experience the overwhelming atmosphere of the place. He only needs to describe the symbols within the court hall, the republican symbols mixed with religious signs. Indeed, in itself, it does not contradict the principle of fair, serene justice. But the court architecture seems to reflect some conception of power in which the Church takes up all its space. The writer anchors his speech in his time: at a time when the part played by the Roman Catholic religion is more and more questioned, he stresses how incongruous the judicial tradition is. There is no need to demonstrate the paradox of the symbols on display before Crainquebille's eyes. Here Anatole France takes his part in the fierce fight that went on during the third Republic. Even before the separation of the church and the state, the idea for the republicans was to give up any religious reference without further notice. It is worthy of our attention to note that despite a weeding of the staff, the French judge, has not fundamentally changed at the end of the XIX<sup>th</sup> century. If he appears to be more sensitive to the republican feeling than those before him, it is after all because he is the one who gives life to the existing political regime. A judge, in France, becomes a magistrate because of his network of influential friends first and foremost (Royer 1995, pp. 645-655). In all cases, he is born within the layer of society that remains impervious to economic and social difficulties. The political power holds his hand. And the Dreyfus case exemplifies it to perfection. So, but for the remarkable exception of Judge Magnaud (France 1901, pp. 62-63), a model judge for France (Bancquart 1962, pp. 351-352), the French judge's sentence is necessarily tinged with a misunderstanding of the proper facts, whether they are negligible or dramatic. Now if the judge is unable to understand the humanity of those before him, how could he pass a fair judgement? He risks behaving like a robot only fit to deliver the sentences set by the penal Code. The legislator as well as the executive power have put the judge in an iron collar and the judicial system which rests on such wheels cannot benefit society. Consequently Anatole France does his best to expose it by bringing the reader to think that it misses its point.

### **3. The exposure of a judicial system that misses its point**

The cores of the Crainquebille and the Dreyfus cases bear symmetrical designs. When directly or indirectly Anatole France gives out his thoughts about the way justice works, the feeling of being in a dead-end prevails. On the one hand a genuine defence of the accused proves impossible; on the other hand when the sentence falls, it takes away all the social life of the convict. And the somewhat grotesque figure of the costermonger becomes dramatic in the proper sense of the word, in the same way as Dreyfus, a victim of the same judicial system.

To explain why the defence is impossible, it is necessary to go back to the origin of the proceedings against Crainquebille: it is the report against Crainquebille, drawn by policeman 64 for a very popular abuse under the III<sup>rd</sup> republic, "mort aux vaches" which could be translated by "kill the cows" or "off with the cows". That was commonly used when Paris was occupied by the Prussians in 1870.

At the start of the affair, a single person among the attending crowd sides with Crainquebille, David Matthieu, a head doctor in a famous Paris hospital. He exemplifies the scholar in search of truth, whose high qualities have been acknowledged by his being awarded a prestigious decoration, and yet he appears

as a character apart in the business. In an allusion to the Dreyfus case, the narrator notices: "but then, in France, the scientists were suspicious" (France 1901, p. 33). His being apart comes from his social condition, utterly opposed to that of the other protagonists; it also comes from his courage to contradict a policeman. It eventually comes from his human sense. David Matthieu takes personal risks though he does not know Crainquebille. Here again Anatole France plays on contrasts, because they are apt to enlighten the motivations of the "dreyfusards", the first supporters of Dreyfus. It was not out of courage or recklessness that they rose to defend Dreyfus, it was for their aspiration to truth. Nevertheless, like in the Dreyfus case, there is a great danger, for those who only aim at being honest people, to stand apart. Exile was the price Zola paid for this concern. In the Crainquebille case it is by a narrow escape that doctor Matthieu himself is not condemned for false evidence (France 1901, pp. 44-45). Since according to the penal procedure in force, the ultimate end was the supremacy of order. First of all the paper that determines the pedlar's condemnation is the report drawn by policeman 64. Its strength as a proof equals the order that such civil servants provide: the report is truth until it is challenged, which means that it is hardly possible to counter the policeman's statement, unless a new, particularly heavy judicial procedure is launched. Then no judicial measure opens the way to genuine defence. The hearing is chaired by the president of the police court, who has no real, serious intention to shed light on the case he has to deal with. Indeed, the magistrate prefers to stop the questioning when it gets tricky for policeman 64. Even better, he has no wish to have the accused take part in the proceedings of his own case. The judge has no time to waste: the questioning of Crainquebille, properly speaking, only lasts six minutes (France 1901, p. 39). The latter's barrister plays his part in this mime show, with as much conviction as the depth of his feelings: being an active member of the "ligue de la Patrie française", a nationalist movement at the turn of the century, he can only support a judicial system in which the individual is to bow before the superior interests of society. As Dushan Bresky wrote about contrasts created by France (Bresky 1969, p. 131), "the vitality of the literary portraits intensifies the moral conflict for the reader". With the "ligue de la Patrie française", Anatole France does clearly refer to the Dreyfus case (Aveline 1949, pp. 30-32): if the innocence of the accused does not matter much, his conviction goes without saying, since he has stood in the way of the public order forces. But the condemnation is all the more unjust that it takes off the costermonger in a vicious circle.

Then, for Crainquebille, it proves difficult to survive the condemnation. In a penal system revolving around the prosecution, not only is Crainquebille's punishment inevitable but it is also pronounced in order to make an example. Consequently the pedlar is sentenced to fifteen days in prison as well as to being fined, a very heavy one for a poor man's lot. In the court's point of view, has not he smeared the police institution even more than policeman 64 as a person? Anatole France (1901, p. 57) emphasizes this aspect, which appears to be what the president was sure of. The alternative is subtle, in his case: either the magistrate considers himself as the main protector of law and order, at the price of a mistake; either he acts like a machine, so that he spares himself all the difficulties linked to a critical approach of his job. Now whatever the reader's opinion, it is a poor depiction of judges that is given. In some regards it may look surprising, considering that the magistrature of the judicial order had rather been in favour of Dreyfus by opposing the decisions made by the military court. Yet Anatole France attacks the judicial system as a whole, without trying to make any difference among the various layers of jurisdictions. He is all the more willing to do so as the military court is the ultimate expression of an essentially unfair system.

For all that, any critical sense is so smothered that even condemned Crainquebille - though innocent- undertakes to convince himself of his own guilt or, at least, sinks into some sort of half-wittedness. The pedlar fairly easily puts up with his prison

confinement, thanks to his experience of poverty, but leaves it with relief. He is all the more relieved as a charitable soul has paid his fine. He has also got his cart back. It is very important for him, because he would not be able to work without it. Since then, everything can fall back into place, and resume like before he had problems with justice. Yet it is when he leaves the prison that the real social sentence begins, his former customers turn their backs on him. How could they view a convict in the same way as before? The very people who have loose connections with law and morals standards rush at denouncing Crainquebille. As a consequence the pedlar's life deterioration is as quick as it is inevitable, and his best friend does not recognize him (France 1901, p. 57). The fewer customers Crainquebille has, the unhappier he is. The unhappier he is, the more he drinks, which prevents him from working as he used to. Crainquebille's poor intellectual and financial condition cannot enable him to overcome this hardship. He understands that since his condemnation, everything has been going downhill, but is not able to figure how to change the path of his life. He has not the necessary distance to think and to act differently (France 1901, p. 86). In this case his destitution is complete and goes on until his own vanishing. If the story of Crainquebille and that of Dreyfus seem, in fine, to be completely opposed, it may not be so. Marie-Claire Bancquart (1962, p. 359) stressed how much France thought about the Dreyfus case. At the time when France writes, indeed Captain Dreyfus has been granted presidential pardon. He can start a new life. Yet presidential pardon does not mean innocence, it does not alter the judicial truth, which Dreyfus – an intelligent, cultured man - knows perfectly well. The sullied honour of a man cannot be redeemed, which is true both for modest Crainquebille as well as for Dreyfus.

Anatole France's short story of Crainquebille has a teaching value. The reader has a better understanding of the idea of justice, or above all, the risk of injustice. Without falling into the trap of unbecoming oversimplification, Anatole France stresses the weaknesses of the French judicial system. Before judges who are there to serve order first and foremost, even before serving truth, any attempt at self-defence seems hopeless. Here lies indeed the deep pessimism of the tale, beyond the character of Crainquebille whose end changed at some point. On the contrary, even if France's style has aged, it recovers a modern hue when the writer tackles the question of the independence of justice, without mentioning it. Independence towards the Church, of course, but especially independence towards the political power: Anatole France rightly exposes the contradictions of a regime that wants to be democratic. Unfortunately Justice's lack of independence will remain constant throughout the XX<sup>th</sup> century France (Royer 1995, pp. 853-885), despite the major improvements brought about after The Second World War (Louvel 2012, pp. 415-417).

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