



Henriette Caillaux and the Crime of Passion

Madame Caillaux was by her own description a “bourgeoise.” Her parents lived comfortably not far from Paris in the town of Rueil. And she grew up with the expectation of a proper and early marriage. This Henriette Rainouard accomplished at age nineteen when she moved directly from her parents’ home to that of her new husband, Léo Claretie. Twelve years her senior, Claretie wrote for *Le Temps* and possessed a modest reputation as a man of letters. The couple had two children, without whom, Henriette claimed, the marriage would not have lasted as long as it did. In 1908, after fourteen years together, Henriette asked Léo for a divorce. She had become involved with Joseph Caillaux a year earlier, and Léo allowed their union to end at once. There could be no question, however, of a quick marriage to Caillaux; he was still wedded to Berthe Gueydan, his wife of less than two years. Berthe proved more reluctant to give up her spouse than Claretie had been, and she succeeded in delaying Henriette and Joseph’s marriage until October 1911.¹

Once Henriette had realized her dream of marrying Joseph Caillaux, all was well. Or at least everything could have been, she declared on the first day of her trial, “if our lives had not been poisoned by slander.”² She had found in her marriage to Caillaux “the most complete happiness.” She was blessed with a husband who cared for her, a daughter,* and an unusually comfortable domestic life. Together, she and Joseph possessed inherited property and investments worth more than 1.5 million francs, placing them among the nation’s wealthiest families. They enjoyed, as she put it, “a large fortune that allowed us to live in great comfort.”³ The photo

* Her second child had died in 1908 at the age of nine.



2. Henriette Caillaux in a simple pose early in her marriage to Joseph Caillaux (*L'Illustration*, 21 March 1914).

in figure 2, taken long before the Caillaux Affair, depicts that comfort with a look of happiness and serenity.

Unfortunately for the happy couple too many skeletons remained in both closets for their bliss to last. Joseph's political hubris had made him countless enemies, and the couple's adulterous premarital relationship would allow these opponents to cast their political attack in moral terms. As the trial proceeded, the right could

condemn Caillaux's political stance, not on its own terms, but as the inevitable product of corrupt values.

Adultery, divorce, wealth, scandal, and high politics—here were the ingredients of a real-life melodrama that would unfold in late July 1914 from one judicial session to the next. For Parisians, with their love of spectacle, their addiction to the *feuilleton*, it was not to be missed. And because the French legal system placed virtually no restraints on the press, editors and columnists felt free to comment extensively on every aspect of Madame Caillaux's trial. Newspapermen seldom waited for a jury's decision before declaring a defendant guilty or innocent, and in the case of Madame Caillaux they made their judgments long before the trial even began. During the pretrial *instruction*, a procedure similar to our own highly secret grand jury investigation, the press published nearly all the evidence presented even though to do so was, strictly speaking, illegal. Thus, well before the trial opened on 20 July 1914 in the Paris *Cour d'assises*, Henriette Caillaux's case had already been elaborately tried in the court of public opinion.

In this atmosphere of journalistic license, the French press possessed more power to shape the outcome of trials—especially trials involving sex and politics and defendants like Madame Caillaux—than did the press of many other countries. “The English would never allow the press to comment so extensively on a matter before the courts,” declared the conservative *Mercur de France* in an article on the *affaire Caillaux*. They would never permit journalists “to prejudice the verdict and publish the key documents of the trial. All this would constitute for them the crime of ‘contempt of court,’ which is severely punished.”⁴

Once the trial actually began, journalists were all the more eager to narrate and comment because its cast of characters represented practically the whole of the Third Republic's social and political elite. And because the press focused so much attention on the Caillaux trial, the principals in the case took what advantage they could of the almost unprecedented publicity. The Caillaux and their opponents knew that what they said and did in the courtroom would shape the press's presentation of the case and thus the public's perception of their respective claims. Perhaps they realized as well that press accounts would affect the jury too, whose members were not prevented from discussing their case with family and

friends or from reading about it themselves.⁵ In effect, France's citizen magistrates, men drawn largely from the literate but far from independent-minded ranks of the lower and middling middle class, witnessed each case twice.⁶ They heard it first inside the courtroom as members of the *Cour d'assises* and then outside it as part of a reading public influenced by the emphases and interpretations of mass journalism. By reading the papers, they could relive—and revise—the impressions they had formed in court the day before.

Thus when Judge Albanel asked Madame Caillaux to tell the jury "everything that seems useful to you," she knew she would have an unfettered opportunity to speak not just to the court but to the nation at large.⁷ As can be imagined, Henriette Caillaux had much to say, and she proceeded to testify for several hours, interrupted only by the judge's occasional queries. A skillful speaker could take handsome advantage of such oratorical freedom, and Henriette more than held her own.

Because Madame Caillaux admitted to having shot and killed Gaston Calmette, her defense had to turn on extenuating circumstances, on the insistence that she should not be held responsible for her crime. The stakes were high, for if the jury were to find Henriette Caillaux responsible she could be subject to life imprisonment at hard labor or even to the penalty of death. If, however, she could convince the twelve citizen magistrates that her own emotions or the actions of other people had rendered her less than fully accountable, then under French law the jurors would have the option of returning a verdict of "guilty with extenuating circumstances." Such a verdict would save her from capital punishment or life imprisonment but would mean a minimum sentence of five years' imprisonment at hard labor. The only way Henriette Caillaux could avoid punishment altogether was to convince the jury that the circumstances on and around 16 March 1914 had been so extenuating as to require a verdict of "not guilty."⁸ Since Henriette admitted having shot Calmette, such a verdict would not be easy to obtain. All her testimony was nonetheless directed toward this end. To achieve it, she portrayed herself as the victim of passions beyond her control, as a woman rendered irresponsible by emotions more powerful than will itself. Uncontrollable impulses, she maintained, had silenced the normal promptings of consciousness, making her lose control over her own actions. Calmette's campaign against her

husband—and against herself as well—had upset Henriette to the point of allowing her nerves a brief but free reign. She was not, therefore, responsible for what she had done; hers was a crime of passion.

In explaining herself this way, Madame Caillaux made her appeal on two different, but related, levels. On the one hand she evoked an older romantic discourse, one that indulged, even idealized, women ruled by their passions. And on the other she invoked a newer scientific language that gave a powerful, almost determining, role to the nervous system and the unconscious mind. Thus Madame Caillaux moved back and forth in her testimony between literary and scientific images of the crime of passion, appealing to the jury as a heroine of uncontrollable emotions and to the experts as a victim of deterministic laws. Together, the two discourses heightened her chances of acquittal. Literature made the woman of ungovernable passions familiar and sympathetic, while criminal psychology placed her beyond the law.⁹

French editors and journalists understood the defendant's effort to portray herself as a passionate heroine, as the tragic author of a *crime passionnel*, for even as they described her manner and her appearance they did their best to undermine or to endorse the image she had endeavored to create. Conservative papers read guilt in her appearance, while those to the left of center generally noted suffering, pathos, and passion. In its opening portrait of Madame Caillaux, the rightist and anti-Caillaux *Illustration* asked its readers to imagine not a wronged victim or a female ruled by emotion but a careful player who measured her every word. For *L'Illustration's chroniqueur*, Henriette's dress itself betrayed an emotionless banality of character, a character that could command no sympathy:

Her silhouette, soberly draped in black lightened only a bit by the blonde hairs beneath her simple plumed hat, is that of a young woman, discreetly elegant. It is the silhouette of a "bourgeoise," to use Madame Caillaux's expression, but of a bourgeoisie without character or distinction. She is almost neuter with her expressionless eyes, her thin nose, her thin lips, her heavy profile . . . the slightly cracked timbre of her voice. Though a bit harsh at times, jerky, staccato, measured, her voice reveals none of those sudden irruptions that betray emotion, passion, pain. No spontaneity, but much deliberation behind her exposition.¹⁰

Thus for *L'Illustration* Madame Caillaux's aura, youthful and elegant at first glance, was stolidly bourgeois upon closer inspection. The sober black suit topped by a simple feathered hat aimed for elegance but highlighted instead the ordinariness of her looks, the dullness of her character (see *L'Illustration's* sketch, figure 3). The thin nose and lips, the cracked but measured voice gave away her lack of passion. She was so plain as to be unfeminine, even "neuter." This was no romantic heroine capable of great crimes of passion. Unspontaneous, methodical, she planned her every move. The passage's meaning could hardly be more clear: Madame Caillaux's crime had to be premeditated; she bore full responsibility for her act.

The daily *Le Matin*, somewhat more sympathetic to the Caillaux, drew its portrait with different strokes: Madame Caillaux's entrance was "studied perhaps, but full of mastery and self-possession." Her "modest black suit, barely brightened by the mauve of her blouse, is perfect for the occasion!" And appearing in this "discreet outfit," continued the *chroniqueur*, "with her eyes lowered, her pale coloring, her blonde hair, Madame Caillaux was a woman who seemed genuinely mired in unhappiness."¹¹ *Le Matin's* description was far more nuanced than *L'Illustration's* had been, for on the one hand Caillaux seemed to exude a kind of confident self-control, but on the other she betrayed a modesty and lack of pretention in the ensemble she wore. Absent from *Le Matin's* account were all intimations of ordinariness and banality of character, and its writer took pains to affirm her vulnerability—and therefore her femininity—as well.

No one expected sympathy for Henriette from *Le Figaro*, and throughout the trial the deceased editor's colleagues prosecuted her on nearly every page. Their description resembled *L'Illustration's*: a superficial elegance that failed to mask her essential ordinariness. She had a "physiognomy that hinted vaguely at a kind of Parisian elegance, but without distinctiveness and without charm." Overall, her look gave her "the banality of a shopgirl," the banality, that is, of the female commonly seen during this period as representing the vanity and superficiality of women at their worst.¹² But despite this blandness of appearance, "in her testimony she was harsh, dry, and without any emotion whatever."¹³ *Le Petit journal* went even further, suggesting that her features themselves revealed pride and premeditation. "Physically . . . she produces the impression of a con-



3. Henriette Caillaux addresses the court (*L'Illustration*, 25 July 1914).

ceited and willful woman. Her eagle's beak of a nose . . . gives to her profile a daring and haughty character exaggerated by the pale thin lips."¹⁴ Finally, the right-wing *Echo de Paris* claimed that her black suit and feathered black hat conferred on Madame Caillaux "the physiognomy of a funereal Valkyrie."¹⁵ She was a death rider from the depths of Wagner's imagination.

No doubt such descriptions did much to sway newspaper readers for or against Henriette Caillaux. Even more important were the psychological and sociological theories of crime and criminal behavior they had popularized since the 1890s and exhibited extensively during the trial itself. These theories tended to assign responsibility for crime not to the conscious will but to forces over which

individuals had no control: inherited traits, environments conducive to crime, and impulses emanating from the unconscious or “suggestions” acting upon it. People committed crimes, the experts increasingly maintained, not by choice but because heredity, environment, and psychology drove them, often against their will, to violent and evil deeds.¹⁶

The crimes for which France’s leading criminologists considered all individuals, and women in particular, least responsible were crimes of passion. Such crimes occurred, so the experts argued, when violent emotions triggered motor impulses arising from the unconscious—seen not as a Freudian repository of repressed wishes and unknowable desires but as a physiological switchboard that transmitted nervous charges to the rest of the body. These impulses could quickly and easily overwhelm an individual’s rational faculties. As a result, a normal person could temporarily become an emotional automaton. Because such a transformation could theoretically happen to anyone, the experts claimed, it was difficult to hold the authors of certain “passionate” crimes responsible for their actions.¹⁷

With these deterministic theories widely disseminated in the press, where true-crime stories and popular installment novels had done much to arouse sympathy for heroines of the *crime passionnel*, Madame Caillaux benefited from both positivistic science and romantic literature. Both had made French men and women of the Belle Epoque reluctant to punish individuals caught in the grip of passion, imprisoned in an irrational state that science itself now deemed capable of engulfing almost anyone.

When Madame Caillaux took the stand on 20 July 1914, she began by describing the emotional effects of *Le Figaro*’s campaign against her husband. She knew he was honest and honorable, but the newspapers and the politicians were saying he had committed the most incredible crimes. According to them, he had given the Congo to Germany’s emperor in exchange for privileged financial information that led to a fortune on the Berlin stock exchange. And with that illicit money Joseph was said to have bought Henriette a jeweled crown worth 750,000 francs. Joseph Caillaux, in other words, had shorn the nation of a prized colony in order to shower his wife with diamonds. Had this kind of reportage been confined to Paris’s

lowbrow scandal sheets, Madame Caillaux told the court, she might have been able to dismiss it. But what was so distressing about the sordid affair is how widely these lies were spread and believed. Calmette's *Le Figaro* was enormously influential, and the editor's good name gave credence to what he said. Everywhere Henriette went people seemed to mock her, to subject her to insult and derision. "Everyone greeted me with ironic smiles. . . . [And] I felt that they all were making fun of me and that I was slightly ridiculous."¹⁸

One day while sitting in the visitors' gallery of the National Assembly, Henriette found herself in the midst of a hostile crowd. When her husband mounted the tribune, people began to shout: "Caillaux, Congo; Caillaux, Congo. Go back to Berlin! Go back to Berlin!" The whole gallery seemed to erupt against her. "I was forced to steal away in shame. I didn't want to say anything; I was like a crazy person . . . I was overwhelmed with emotion."¹⁹

Never before had she felt such hatred directed against the man she loved. And it grew worse. At teas and parties she regularly heard her husband called "that thief Caillaux." And not without a malicious glee, her servants and tradesmen kept her apprised of all that was said against the Caillaux. The whole country, or so it seemed to Henriette, believed she and Joseph owed a lavish style of life to the Congo sale, to stock fraud worth six million francs, and to one deceitful business arrangement after the other. Joseph Caillaux was said to have enriched himself and his wife at the expense of ordinary citizens and shareholders.²⁰

Above all, Henriette maintained, she loved her quiet life at home, but at the same time she valued her standing in society. By threatening both, *Le Figaro's* campaign had made her miserable. Polite society had expelled her, while the newspaper on her doorstep had brought slander and hatred into the sanctum of her cushioned interior. She became distraught, nervous, anxious. She could not sleep. One of Caillaux's aides testified that he "was struck by the transformation that had come over Madame Caillaux . . . she seemed to me depressed, older even. She had about her the aura of a hunted animal." Likewise, Isidore de Lara noticed in his friend Henriette "a certain exaltation followed by moments of depression and discouragement."²¹

This, Henriette testified, was her state of mind in the days leading up to 13 March when Calmette published the facsimile of a letter

that would forever be known by its affectionate closing, "Ton Jo." Caillaux had written the note in 1901 to Berthe Gueydan, then his mistress and later his first wife. At the time, Gueydan was married to the aide of one of Joseph's colleagues on the Council of Ministers, or French cabinet, where Caillaux held the portfolio of minister of finance. There could be no denying the authenticity of the document, for Calmette reproduced one of Caillaux's signatures beneath the one on the letter. In it Caillaux, long the champion of France's proposed new income tax, had written: "Today I crushed the income tax bill while seeming to defend it."²² Calmette claimed he had printed the letter purely for political reasons, intending simply to demonstrate the finance minister's hypocrisy. But he did not fully convince, for the telltale "Ton Jo" was not excised. By leaving it in, the editor gave the document not just a personal flavor but an illicit one. It stood as evidence of Caillaux's adulterous liaison and thus of his questionable morality.

The Caillaux believed that the "Ton Jo" letter had found its way from Gueydan to Calmette and that the editor most likely possessed copies of other personal letters as well. This other correspondence affected Henriette directly, as it included love letters Caillaux had written to her while married to Berthe. Henriette and Joseph believed, or so they testified, that by publishing "Ton Jo" Calmette had signaled his intention to print the letters to Henriette as well.

What made them feel certain of this intention was the means by which Calmette had prepared his readers for "Ton Jo." Shortly before the letter appeared, *Le Figaro* had announced a forthcoming "intermède comique" in the anti-Caillaux campaign followed by a somewhat guilty disclaimer written by Calmette: "We are at the decisive moment when we must not back away from any procedure no matter how much it violates our customs or how inimical it is to our standards and tastes."²³ For the Caillaux the word "intermède" necessarily meant that something would follow, and the disclaimer indicated that, like the "Ton Jo" letter, what followed would violate journalism's unwritten rule against bringing private correspondence into the public realm.

The Caillaux' claims about these letters were crucial to their case. Not surprisingly there was considerable debate at the trial over these issues. Charles Chenu, who pleaded for the Calmette family, argued that the "intermède comique" was just that, an interlude.

The "Ton Jo" letter was to provide some tragicomic relief before *Le Figaro* moved on to other more properly political matters. Calmette possessed no other letters, claimed several of Chenu's witnesses; even if he did, he was too much the gentleman to print them. No, Chenu told the court, the shooting of Calmette had nothing to do with letters, for no evidence existed that the editor planned to publish anything beyond "Ton Jo." The shooting, he maintained, was purely political, designed to silence a campaign of *political* revelations that showed Caillaux for what he really was.²⁴

Henriette and Joseph's response to Chenu's position was clear and plausible. Whether or not Calmette actually intended to publish other personal letters, they believed he did; in their enervated state nothing else mattered. Raymond Poincaré, president of the Republic and a political enemy of Joseph Caillaux, lent support to the Caillaux' argument. In a sworn deposition Poincaré confirmed that just after "Ton Jo" had appeared, a distraught Caillaux told him of his fear that Calmette would publish letters harmful to Henriette. Caillaux had added, according to the president's deposition, that the prospect of seeing the letters in print had horrified his wife.²⁵

So upset, in fact, was Henriette that she claimed to have contemplated suicide. "I thought about killing myself that day [when "Ton Jo" appeared]. . . . If you only knew what I would have given that day—if someone had asked me, I would have gladly given my life in exchange for the promise that these letters would not see print."²⁶ Why so extreme a response? Even before "Ton Jo" appeared she had felt depressed and humiliated; the letter made her lose control. "I had lost my good sense, my reason itself."²⁷ In her already anxious state, the fear that her past immorality would be exposed for all to see pushed her to the brink. "To publish these letters or any part of them would have been to lay out all that was most intimate to me, my most intimate secrets, the secrets I hold most dear and keep most hidden. It would have been to strip me of my honor as a woman. I had always been told that for a woman to have honor meant to live a life completely aboveboard, without liaisons, without adventures." Her father, a rich bourgeois with old-fashioned values, had always said to her: "A woman who has had a lover is a woman without honor." Were her father alive, Henriette concluded, he would disown her.²⁸

By the middle of March Henriette had become so distraught that

her husband, oblivious until then, finally became aware of her anguish.²⁹ And probably without realizing it he made matters worse by telling her he was going to “bash Calmette’s face in” (*casser la gueule à Calmette*).³⁰ He did not know exactly when he would do it, but when the time was right he would. This reckless statement, Henriette testified, convinced her that Joseph intended to commit an act of violence against Calmette, perhaps even to kill him. “At that moment a cinematographic film . . . flashed before my eyes . . . I saw my husband, skillful shooter that he was, killing M. Calmette. I saw him arrested, dragged before the criminal court.” It was at this point that “little by little the idea of substituting myself for him . . . took over my mind.”³¹ Henriette had composed in her brain the film script of a duel that could only end tragically for her husband. The only way to prevent the scenario from being played out was for Henriette, as she put it, “to go myself to demand satisfaction from the editor in chief of *Le Figaro*.”³² As a woman she could not challenge Calmette to a duel, but no code of honor could prevent her from employing more feminine means. She had expressed a desire to “demand satisfaction” only at the *instruction*. At the trial she explained herself somewhat differently: “My husband would have protected me if I had been attacked; if he hadn’t done it he would have been a coward. But I, I wanted to defend him, just as he would have defended me.”³³

Henriette’s claim in this part of her testimony was to have acted in her husband’s defense, to have endeavored to protect him from a duel that would have ruined his political career. But as we will see, nothing could have benefited Joseph’s career more than a duel with Calmette, given the Belle Epoque’s virtual obsession with dueling and the belief, widespread among the male elite, that by fighting a duel a man righted an affront to his honor and demonstrated virtuous masculinity. It may be, therefore, that by her attack Henriette unconsciously sought not to defend her husband but to harm him, not to strengthen his career but to undermine it. For the effect of her action was to impugn his masculinity and associate him with serious crime. In shooting Calmette, she may have sought not just to silence her attacker but to end a political career that had caused her so much pain and had made her, as she would explain to the *juge d’instruction*, “tired and angry to have been the object for two long months of insults and defamation.”³⁴ Such, at least, was the

speculation of one prominent journalist, Guy de Cassagnac: "The pistol shot that has just killed Gaston Calmette has also killed, by ricochet, Joseph Caillaux: is this perhaps what the murderess had in mind?"³⁵

Perhaps it was. There is evidence that Caillaux's political career had caused his wife considerable unhappiness not just in the wake of Calmette's press campaign but almost from the beginning of their relationship. In 1909, involved with Joseph in an extramarital affair, the then Henriette Rainouard condemned her lover for refusing to end his first marriage before being safely reelected to parliament: "With your miserable politics," she wrote in a letter seized by Berthe Gueydan and later submitted to the court, "you trample on both our hearts. You seem to find in that dirty beast [i.e., in politics] so much pleasure that it means more to you than anything else."³⁶

Even after their marriage in October 1911 Henriette continued to be upset over—even jealous of—Joseph's political career. When he was asked to return to the cabinet as minister of finance in December 1913, she begged him not to accept, fearing "that something terrible will happen to us."³⁷ It is impossible to know precisely what she meant by this statement, but she may well have thought that something terrible would happen to their marriage. Perhaps the union was already troubled; according to the journalist Georges Suarez, rumors in circulation at the time held that "the marriage was in serious difficulty."³⁸ Some suggested that Joseph was involved with another woman. Even if untrue, the gossip alone would have been extremely upsetting, especially after the appearance of "Ton Jo," a letter Joseph had written to an earlier love. Its publication may have reminded Henriette that her husband had a history of ephemeral commitments and that he had not hesitated to leave one wife for another.³⁹ Joseph himself suggested as much in his testimony on the second day. "What could have disturbed [Henriette] more," he asked the court, "than a letter written by her husband to another woman? and what could have been more hurtful than the passage in [Calmette's editorial] commentary in which he said that the end of my first wife's marriage had marked the death of her illusions, her dreams, and her faith?"⁴⁰ Given Joseph's apparent inattention to Henriette's needs, and with all the rumors in circulation, the second Madame Caillaux may well have feared for the impending collapse of her own illusions, dreams, and faith.

Thus by March 1914, having endured week after endless week of political and personal attacks and of rumors concerning an extra-marital affair, Henriette may have found her jealousy over Joseph's political life transformed into hatred of it, into a desire, however unconscious, to commit an act that would accomplish two purposes: silence Calmette and drive her husband from political life. It may be that Henriette's crime of passion, if such it was, took not just Gaston Calmette for its object but Joseph Caillaux as well. In committing her act, she perhaps imagined that she could restore Joseph exclusively to her. In a sense she did, for the assassination of Calmette not only required Joseph to resign from the government he dominated; it ensured his commitment to her defense. Joseph was deeply implicated in Henriette's crime by virtue of the newspaper campaign that had led up to it, and her trial provided the opportunity to vindicate himself as he endeavored to defend his wife. As part of that defense he had to commit himself anew to their marriage, for he needed now to appear proper and upstanding in the face of a conservative attack that condemned his political positions on moral grounds.⁴¹ Commenting on the assassination's effect on the Caillaux marriage, Louise Weiss, the couple's longtime friend and confidante, would write years later: "These pistol shots welded together two beings who would soon come to hate each other. Their marriage was their true punishment . . . [for] the trial had rendered it indissoluble. The decision of the jury achieved the status of a sacrament."⁴²

Henriette's assassination of Calmette may indeed have brought Joseph back to her but too late, it seems, to revive their love. Toward the end of Henriette's life Weiss asked what her initial feeling had been as she watched Calmette collapse to the ground in front of her. After a moment's hesitation Henriette responded, "that I did not love the president* [Joseph Caillaux]."⁴³

It is likely that Henriette's statement—assuming Weiss's report is accurate—represented a retrospective transformation to conscious expression of what, decades earlier, had been largely an unconscious feeling. There is no evidence, in 1914, that Madame Caillaux

* After World War I, Caillaux insisted on being addressed as "le Président" or "Monsieur le Président" in recognition of his tenure as *Président du Conseil* or prime minister in 1911.

overtly questioned her love for her husband or that she manifestly wished harm to come to his career. To do so would have been to violate the very premise of their marriage: Joseph was, after all, prime minister at the time they took their vows. What seems to have reached Henriette's consciousness instead was the reversal of her unconscious wish—the feeling of love, not its absence; the desire to defend her husband, not to reduce his career to ruin.

Whatever her true motivations on the afternoon of 16 March 1914, and these we can never entirely know, she left the following note for her husband, just hours before her fatal visit to *Le Figaro*: "I realized that your decision [to fight Calmette] was irrevocable. And so I decided to take my own steps; I am the one who will do justice. France and the Republic need you; I am the one who will commit the act."⁴⁴ Henriette hastened to add in the courtroom that she had intended not actually to kill Calmette but to scare him: "I wanted to give him a shock."

These declarations may sound like evidence of premeditation on Henriette's part. But by drawing on contemporary beliefs concerning psychology and the unconscious she claimed otherwise. Over and over again Madame Caillaux explained her deed by saying she had momentarily lost control over her thoughts and her actions. "I was driven by a will that had taken the place of my own." And this substitute will had robbed her of all rationality. "I lost my good sense, my reason. . . . It was crazy [to go see Calmette], I know it. It was crazy!"⁴⁵ Earlier, during the *instruction*, she had gone into somewhat more detail, describing her body as the theater of a struggle between two opposing wills in which the violent irrational one simply proved too strong: "It was like having two separate beings inside myself, like two separate wills. On the one hand I wanted to go to an afternoon tea a friend had invited me to, and I put on a dressy dress; if I had been [she meant, if I had planned to go] to *Le Figaro* to accomplish the deed that I accomplished, I wouldn't have dressed up. On the other hand I felt a greater force take hold of me and it was the one that drove me."⁴⁶ It is noteworthy that she said "if I *had been* to *Le Figaro*" as if somehow her true self had not gone there at all. Perhaps she genuinely believed what she hoped to convince the jury: that the real Henriette Caillaux had committed no crime. An alien will had momentarily transformed her into someone else.

Virtually everyone who argued on her behalf, from her husband, to the sympathetic press, to Maître Labori, laid great emphasis on the psychology of her captive will. Hers was not, they claimed, an ordinary shooting; it was a crime of passion. Such crimes had to be judged differently, for people who committed them were not fully responsible for their acts. As one pro-Caillaux journalist put it, Madame Caillaux had begun by mid-March 1914 "to behave as if in a dream." She "acted without realizing what she was doing, as if driven by an unseen force that, nonetheless, was inside her."⁴⁷ The Radical *Lanterne* called the assassination "an act of unreasoned passion" to which "no will could oppose itself."⁴⁸ And her lawyer concluded that his client "was unconscious of her actions and must have been suffering from a mental disturbance."⁴⁹ Labori's conclusion was prompted, he told the court, by an unnamed but highly reputed specialist in mental illness who wrote that Madame Caillaux had obeyed "a subconscious impulse that resulted in a split personality." She had become "an automaton without will" for whom "the automatism of her weapon [the Browning] corresponded to the automatism [i.e., the unconscious operation] of her mental state."⁵⁰

In making these arguments, Henriette's supporters echoed France's prevailing psychological wisdom on the crime of passion. And such wisdom abounded. France of the Belle Epoque was fascinated, even obsessed, by the *crime passionnel*, by murder involving jealousy, anger, and frustrated love. Psychologists, criminologists, and lawyers produced a steady stream of doctoral theses on the subject, while journalists and novelists turned the *fait divers*, or true-crime story, into a popular art. Nearly everyone, it seems, sought titillation or perhaps illumination from tales of passion-driven murder—of jealous husbands who stabbed their wives' lovers, of young women seduced and abandoned who poisoned the men who had betrayed them.

For the most part the French treated these crimes with indulgence, especially when women committed them.⁵¹ Novels and newspapers romanticized individuals whose rage and jealousy exploded into violence, while juries regularly acquitted those, male and female, accused of "passionate" crimes. Significantly, the era's professional literature tended to encourage leniency on this issue.

Experts from all the relevant fields constructed a weighty intellectual justification for the people's tolerance of the crime of passion. It stands to reason, then, that Madame Caillaux and her supporters would hope to tap this reservoir of indulgence for murder. After all, whether friend or foe of the accused, virtually everyone connected with the case accepted the principle of a crime of passion defense. Save for the extremist *Action française*, the parties involved would leave unquestioned the notion that crimes of passion deserved special consideration. The argument in court would turn solely on whether or not Henriette's act ought to be considered such a crime. As the Caillaux' friend at *La Guerre sociale* put it, "I have no worries about the outcome of the trial as long as the jurors judge it as a crime of passion."⁵²

Although no one cited precise statistics, those concerned with crime and the psychology of criminality believed that *crimes passionnels* were on the rise.⁵³ According to Louis Proal, one of the era's leading jurists, "such crimes [of passion] . . . are no novelty; what is new is their frequency."⁵⁴ Sensationalist reportage certainly made it seem that way, and Ruth Harris's recent research confirms, at least for Paris, the accuracy of these perceptions. Harris finds that murderous *crimes passionnels*—along with murders in general—increased steadily during the Belle Epoque. In 1880, five of the thirty murders committed in Paris were listed as crimes of passion, whereas by 1910 *crimes passionnels* accounted for thirty-five of one hundred murders. Men committed more crimes of passion than did women, but only because men committed far more murders overall. Virtually all the murders for which Parisian women stood trial—six in 1881, eleven in 1905, fourteen in 1910—were considered *crimes passionnels*, and only a third of all murders by men enjoyed the same appellation. As for the results of these murder trials, women were almost always acquitted, whereas men were acquitted less than a third of the time, suggesting that most of those who could plausibly defend themselves on grounds of passion were likely to be set free—although men were slightly less likely to be absolved than women. The criminologist Louis Holtz claimed at the time that most of those accused of crimes of passion remained unpunished; Harris's findings substantiate his view.⁵⁵

These statistics were responsible, at least in part, for the Belle Epoque's professional interest in the crime of passion. Almost with-

out fail the authors of learned books on the subject deplored the juries' laxity toward the authors of such crimes. But this jeremiad was usually reserved for the opening chapter. The substantive parts of these works tended to explain the psychological processes that produced crimes of passion in ways that in fact absolved killers of responsibility for their actions. For example, a well received medical thesis* by Hélié Courtis (1910) began by announcing that "nowadays, the crime of passion has become a crime without personal responsibility" and that "it is time to react against a disastrous tendency that portrays the murderer as a kind of persecuted martyr." But by the end of his book, after examining the psychology behind the crime, he concluded that "even if we cannot justify impunity for criminals of passion, they do merit indulgence from the judges."⁵⁶ Likewise, one of Poitiers's legal notables announced in a major speech before the local bar that the "sentimentalism à la Rousseau" currently in vogue had created an "unhealthy pity toward criminals." The result was a "state of anarchy" in which murder increasingly went unpunished. This harsh rhetoric did not, however, prevent him from concluding that "love is an essentially dominating power" and that "confronted with that power . . . it would be absurd to speak of full personal responsibility and unjust to withhold our pity and our indulgence."⁵⁷

The period's commentaries on the crime of passion owed contradictions such as these to a pair of theoretical positions in the new field of criminal psychology that made personal responsibility difficult to establish. The first turned on a new belief in the power of the unconscious mind, in the ability of this most primitive realm of the psyche—its other realms being the subconscious and the conscious—to release nervous charges so powerful they could threaten consciousness itself, momentarily seizing absolute control over an individual's behavior. The second position concerned the lack of any absolute distinction between sanity and insanity: no one, psychologists had come to believe, was perfectly sane, and "normal" people often exhibited pathological behavior.

Related to these psychological theories was a social psychology

* Doctoral theses (especially ones published) are excellent indicators of the range of a given period's accepted professional opinion; dissertations that fell outside that range tended to be rejected. Rejection meant no degree, no professional credential, and usually no publication.

developed late in the nineteenth century that blamed the era's nervous disorders, believed to be widespread, on the tensions of modern urban society. "Neurasthenia" became the commanding diagnosis of fin-de-siècle French men and women overwrought and enervated by the claustrophobic intensity of their citified world. Noise, congestion, advertising, theater, social conflict, all overloaded the nervous system, creating a population of emotional time bombs. And for the working class, poverty and the perilous boredom of industrial labor magnified their effects. In the words of Louis Proal, city life, the "preoccupations of the struggle for existence, and the anxiety of poverty" have all "shatter[ed] the nervous system" as have "excessive indulgence in pleasure, worldly preoccupations, long evenings in theaters and drawing rooms."⁵⁸ How else, argued Proal and his colleagues in the social sciences, could one explain the era's high rates of suicide, divorce, crime, and alcoholism as well as its incessant revolutionary propaganda? Fin-de-siècle France had developed a culture of neurasthenia, one of whose by-products was the crime of passion.⁵⁹

So urban society overloaded a nervous system that, for psychologists, was fragile enough by itself. According to Joseph Maxwell, a doctor who doubled as an assistant attorney general in Paris, a husband who found his wife in bed with another man could easily lose all rational control as the impulses of his nervous system took over.⁶⁰ Or as Courtis put it, the passionate criminal was characterized by "psychic troubles that suppress all control by the intellectual faculties over the muscular reflex that constitutes the murderous deed." He acted not out of premeditated cruelty but under the influence of "a succession of muscular jolts originating in a pure motor impulse." When a violent emotion like jealousy, or rage, or frustrated love took hold of an individual it "distort[ed] the functioning of the nervous system," producing "an explosion of simple reflexes, a succession of violent mechanical acts." The subject descended into "un état passionnel," a transitory state that could overtake a sane individual just as easily as a pathological one. This state resulted from "a momentary modification of the cerebral circulation . . . caused most often by a burst of emotion." In other words, a normal individual overpowered by emotion could become subject to the automatic mechanisms of his nervous system. Even those with "the most peaceful dispositions" could be overcome by

nervous impulses that produced "the muscular reflex that constitut[ed] the murderous act."⁶¹

The message of this discussion is clear: normal people could commit crimes of passion without ceasing to be normal. They simply were jolted into "a transitory pathological state . . . [that made] normal individuals sick for one tragic moment." That is why, the psychologists argued, the criminal of passion had to be distinguished from the real malefactor, who in the emerging French view was the recidivist. The latter had been programmed by society and heredity for a life of crime and operated out of a "cold cruelty . . . and delight[ed] in the . . . satisfaction of vengeance." Unlike the passionate individual who displayed profound remorse for an act of violence, the recidivist* showed "physical and moral insensitivity to the suffering of others."⁶² The former acted out of love; the latter—whether as burglar, assassin, or thief—acted from egotism. He sought "to gain personal profit and material pleasure from his crime." The passionate criminal, by contrast, was "essentially 'disinterested,' impelled by the violence of his love or his hate." He derived no material benefit from his crime and afterward reverted to his normal self.⁶³

These arguments found their way into the press, and journals sympathetic to the Caillaux would use them to plead for Henriette's acquittal. On the trial's opening day *La Lanterne* asked its readers to consider the state of Madame Caillaux's nerves: "After days and weeks during which the nerves of this woman were constantly shattered by polemics, by affronts, and by inexpressible terrors, the moment arrived when *no conscious will* could work against the lure of a meeting [with Calmette], and then against the insanity of murder. The psychology here is simple."⁶⁴ The left-wing *Guerre sociale* borrowed the psychologists' language even more directly: "For months, her poor nervous machine sustained everything, endured all, but one day her system became overloaded, the machine was thrown off course, and finally the boiler blew up." By the day of the crime Madame Caillaux had reached a degree "of exaltation, of neurosis, that blots out all ability to reason." Hers was "the act of a lunatic, of an insane person whose reason and good sense could return only after the nervous détente produced by Calmette's de-

* Italy's influential criminologists called the recidivist a "born criminal."

mise." The editor concluded by declaring that none of the women he loved and respected the most—including the most emotionally stable—would be "incapable in certain situations of a similar stroke of madness."⁶⁵

It seems likely that jurors were affected by such arguments; Louis Proal certainly believed they were. In his seven-hundred-page work on passion and criminality, he claimed that since Rousseau, France's popular literature and drama had idealized criminals and created a popular sympathy for those who acted out of emotion. As he put it, "Novels and plays have so extolled the nobility of crimes of passion and so eloquently justified revenge that juries, quite forgetting the duty they have been summoned to fulfill, fail entirely to defend society and pity, not the victims, but the authors of crimes of this nature."⁶⁶ No doubt there is hyperbole here, but the statement contains more than a grain of truth. After all, one of the most popular plays of the late nineteenth century, the younger Dumas's *La Femme de Claude*, extolled the virtue of murderous revenge. And even Paul Bourget, the conservative writer and close friend of Calmette, published a sympathetic novel about a woman's crime of passion shortly after the editor's death.⁶⁷ Proal might have added that the romantic notions about passionate criminals pervading novels and the theater now appeared to find confirmation in the new science of criminal psychology.

The writer André Gide showed how this psychological theory affected jurors, including himself, in a memoir he wrote after serving in a provincial *Cour d'assises*.⁶⁸ In one case, Gide and his fellow jurors were asked to judge a man who had killed his mistress after she had twice refused to sleep with him. The jury, Gide reported, had been hostile to the defendant until a doctor testified that "a psychiatric and biological examination as well as the special impulsive nature of his [the defendant's] crime indicates a mental anomaly that attenuates his responsibility." What the doctor's statement meant to Gide's fellow jurors, the novelist wrote, was that the defendant's sexual frustration had transformed itself into an impulsive energy that extinguished his judgment and his will, causing him to kill the woman he loved against his own conscious intentions. As evidence that the defendant had not really wanted to kill his mistress, the doctor pointed to a series of severe wounds on the killer's own hands, explaining—apparently without irony—that

the man had held the knife by its blade, not its handle, to prevent it from penetrating too deeply. That the killer had suffered while inflicting dozens of shallow wounds on his lover seemed to have impressed the jury deeply, for Gide wrote that the doctor's testimony turned several jurors in the defendant's favor. The panel struggled and struggled with its decision but ultimately found him guilty.* Gide dissented, however, finding that this was indeed a *crime passionnel*, which by definition deserved leniency. The novelist may ultimately have convinced wavering jurors of his view, for two days after the trial had ended the twelve members came together and, unanimously, asked the judge to pardon the defendant.⁶⁹ Despite this turnabout, it is notable that the jurors had initially responded with a verdict of guilty, suggesting perhaps that they found male authors of crimes of passion somewhat less deserving of leniency than their female counterparts.

Other leading intellectuals were less sympathetic than Gide to the *crime passionnel*, but nearly all those who commented on the jury explained in similar terms its penchant for indulging the perpetrators of such crimes. Summarizing a general perception of the jury, a writer calling himself Dap declared that "everything considered passionate, impulsive, is deemed worthy of indulgence."⁷⁰ The prominent individuals surveyed in the period's endless *enquêtes* on the jury system blamed this leniency almost unanimously on the pernicious influence of journalistic and professional opinion as well as on the theater and popular literature.⁷¹ For his part, the eminent philosopher Henri Bergson agreed in an *enquête* sponsored by *L'Opinion* that "there is no doubt juries reveal themselves, in many cases, scandalously indulgent. They are almost always disposed to absolve crimes labeled 'passionate,' " and by passionate they mean "any crime that does not have robbery as its motive." But Bergson blamed not the press or psychologists or even popular literature but the *Cour d'assises* itself. He maintained that juries, especially Parisian juries, tended to excuse crimes of passion because the *Cour d'assises* seemed to them more like a theater than a place where decisions of life and death must be made. With its dramatic oratory, its robed magistrates, its noisy audience, the Paris *Cour d'assises* produced a dramatic spectacle not unlike the drama of the real theater or the

* Only a simple majority was needed in a *cour d'assises* to either convict or acquit.

accounts of murder and mayhem reported in the penny press. The *crime passionnel's* dramatized quality, he continued, led jurors to regard it as a kind of *deus ex machina* injected into real life by some "exterior fatality, as if it were an unreal event, an incident from a dream," that had nothing to do with "the regular work-a-day world of daily life that alone counts as reality." One final reason, according to Bergson, for the jury's indulgence for passionate crimes stemmed from the nature of the French law itself. The criminal code required jurors to rule not according to their reasoned understanding of the law, but solely according to the "impressions" they received from witnessing the case. The law, in other words, required jurors to judge the consequences of the unbridled passions of others on the basis of unreasoned passions of their own. Jurors, Bergson declared, "abandoned themselves to their feelings, to impulses untempered by any rational thought."⁷²

Newspapers and other publications seldom solicited the opinions of ordinary jurors, but one such individual did manage to have his views published in *L'Opinion*. Léon Prévost, a milkman who had sat on the assize court jury in 1913, was asked why he had voted to acquit a young woman accused of murdering her lover in a fit of passion. "The man," he responded, "had done miserable things to her, and she took her revenge."⁷³ Apparently Prévost considered this explanation sufficient in itself, for he made no effort to reveal why murder was the appropriate—and justifiable—form of revenge to take.

Not only jurors but lawyers too deemed criminals of passion worthy of sympathy and indulgence because they could not be considered responsible for their actions, however murderous. Attorney Joseph Sur declared that "love extinguishes reason . . . and the most mild mannered become criminals. . . . The passionate person is no longer his own master."⁷⁴ Even Louis Proal himself argued that violent passions could temporarily turn normal people into murderers. "If we observe during their confinement criminals . . . who have found satisfaction in revenge, we note sudden reversals of behavior, changes of ideas and sentiments, which show them to be constituted like other people." It is important to note that Proal, like Henriette Caillaux, intertwined the two discourses—literary and scientific—to explain the crime of passion. For him, literature and the sensationalist press encouraged passionate crimes,

but they did so because of their unconscious effect on the human nervous system. Passion, Proal wrote, "strains the nerves and . . . causes positive pain so long as it remains unsatisfied. This pain ceases on the accomplishment of the act of vengeance, for it brings about a discharge of the electricity that had been contained within the nerves."⁷⁵

Given such discussion, much of it aired in the press, jurors and lawyers alike might ask themselves why individuals should face severe punishment for violent acts produced by a nervous system operating on its own. Moreover, jurors might unconsciously suspect that they themselves could fall under the spell of emotions gone awry. Had not the psychologists and their popularizers in the press suggested that no one, not even the calmest and most normal individual, was immune from such passionate responses? Or perhaps some harbored secret hopes that they too could be capable of heroic flights of passion. Popular novels and drama might rouse such hidden hopes even if they did not actually move people to commit tempestuous crimes.

What may have reinforced many of these feelings was the new way in which psychologists mapped the mind. Like Freud, French psychologists in the late nineteenth century had discovered a realm of the psyche inaccessible to the conscious mind.⁷⁶ They considered human beings to possess interior forces and inclinations that individuals themselves did not—and probably could not—know to exist. A whole realm of the mind seemed to have a life of its own, a life that could operate independently of the conscious will. For a people unaccustomed to conceiving the mind in this way, the unconscious must have been a profoundly important and disturbing notion. No longer, it now seemed, could individuals claim to exercise full control over their own behavior. Part of the psyche was strange even to itself.

These notions raised more than a few troubling questions for French men and women of the *fin de siècle*. To what extent were individuals responsible for their actions? Could the concept of free will be reconciled with the existence of an unconscious? And in the light of unconscious motivation how were certain criminal actions to be judged? Such questions seemed particularly relevant to the crime of passion, for many of those who killed out of jealousy or frustrated love had never before committed a single criminal of-

fense, much less an act of murderous violence.⁷⁷ Their crime could easily be seen as originating in unknown impulses lodged in the unconscious, impulses that even normal individuals were powerless to stop. As the criminologist Raymond Saleilles put it, "there are acts that occur all by themselves . . . [as] elements of our inner being manifest themselves on the surface . . . without the conscious realization on our part that we could act otherwise."⁷⁸

Meanwhile, criminal psychologists began to chart the psychic trajectory that led from unconscious motivation to uncontrollable act, from passionate impulse to violent crime. It all began, wrote the Italian criminologist Enrico Ferri, "in the obscure atmosphere of the unconscious." Next it traveled into the subconscious where an individual's moral and ethical values came into play. If these were unusually strong, the violent drives might never see the light of day. But, more commonly, the criminal impulse continued on to the conscious part of the mind where it "in most cases encountered no obstacle in the brain, or at least none powerful enough, and, thanks to a propitious environment, it manifested itself in the form of an exterior and muscular impulse."⁷⁹

The amount of time separating the original impulse from the physical act of violence depended on the strength of the unconscious force and the weight of its opposing conscious resources. When the original sensation was enormously powerful and the conscious defenses weak or off guard, the physical reaction occurred immediately. Somewhat stronger defenses resulted in a "delayed reflex" (*réflexe retardé*); an individual with highly developed moral sensibilities might delay the reaction for days or even weeks. According to Maxwell, "the pull of the violent act encounters a resistance in the unconscious of the individual who struggles not to succumb to it." Unfortunately, however, those who succeeded temporarily in inhibiting the violent impulse might only make it worse. For in Krafft-Ebing's words, "within those having passionate natures, passion continues to grow on its own even while it is being combated by the person's own moral and intellectual entreaties." Come an accident or a minor disturbance and "the last germs of reflection and self-possession will be destroyed." This is why crimes of passion sometimes took place long after the original emotional shock. The struggle between impulse and consciousness continued "until the day when, resources of resistance having been ex-

hausted, the impulse wins out." For this reason, said Courtis, "we must be very careful in attempting to assess the extent to which the criminal of passion is responsible. Even the most noble natures can slip up, and in their case more than any other a detailed analysis of the crime must accompany that of the delinquent's mental state."⁸⁰

As this psychological discussion made abundantly clear, the concepts of free will and individual responsibility had become so clouded with ambiguity that even when premeditation could be observed, psychologists hesitated to assess responsibility. What seemed like premeditation on the part of a criminal of passion might instead have been "the struggle going on in the theater of the soul between the moral sense attempting to resist the criminal auto-suggestion and the passionate tempest that ultimately succeeds in demolishing all its obstacles."⁸¹ Days and weeks might have elapsed between the original impulse and the act of violence, but delay did not mean the accused had spent the time planning his crime. He might instead have been trying to prevent it, endeavoring in vain to subdue the emotions surging within himself. Ferri even found such apparent premeditation "altruistic," for it showed a genuine "concern for the victim," an effort, however unsuccessful, to spare his life.⁸²

With all of these troubling uncertainties it is no wonder juries found it increasingly difficult to convict defendants accused of murder. Indeed, the more serious the charge, the more reluctant jurors were to convict; individuals hesitated to sentence defendants to death or to a life of hard labor given the apparent possibility that deep psychological forces beyond their control had impelled them to kill or maim. Such reluctance was reinforced by the nature of French criminal law, whose all-embracing code instructed jurors to rule not according to any legal standards of proof or to any legal definition of admissible evidence but purely according "to the facts that constitute" the case at hand.⁸³ Law and fact were strictly separated, with the magistrates concentrating exclusively on the former, the jurors exclusively on the latter. Thus judges were forbidden from instructing the jury as to how it should evaluate a case's evidence in terms of any relevant law; magistrates were unable to give the jury guidance as to kinds of evidence it was authorized to consider. Jurors, wrote Eugène Sice, were to rely on "no other judge but their conscience alone." And to render their decisions they were

permitted, even required, to consider any evidence they as individuals deemed relevant.⁸⁴ But in doing so, they were forbidden from taking into account the legal or penal implications of the ruling they were to make. Jurors were forbidden, in other words, from taking possible sentences into consideration in rendering their verdicts.*

France's courtroom code was a product of the French Revolution's effort to create a legal system accessible to the average citizen, of a revolutionary ideology that exalted common sense over professional judgment. This ideology reached its apex during the period of radical Jacobin rule. Robespierre and his fellow Rousseauians considered the ordinary individual, uncorrupted by the prejudice and sophistry of civilized existence, much more likely to render humane justice than the educated man.⁸⁵ It followed, therefore, that jurors ought to be guided solely by their own impressions, unencumbered by a priesthood of professional magistrates. To facilitate such personal and impressionistic rulings, the revolutionaries decided to have jurors, most of whom would be unschooled in the law, make their rulings purely on the basis of fact. "The facts," Robespierre declared, "are always the facts; even the most common of men can be the judge of them."⁸⁶

On this question Robespierre revealed great naïveté; however well intentioned his legalistic populism, it made judicial decisions highly arbitrary, for the facts were rarely self-evident. Such was especially the case during the Belle Epoque when the bewildering array of new psychological and sociological theories—all widely disseminated in the press—made it difficult for jurors to know what the facts were, much less how to interpret them. Given the psychological considerations that had been introduced into the problem of guilt and innocence, from the omnipotence of impulse to the frailty of conscious will, the facts hardly spoke for themselves. And jurors, having been influenced by these popularized theories and then buffeted by courtroom emotions, found the facts of a given case relative at best. "As things stand today," wrote Jean Cruppi, the eminent lawyer and future minister of justice, "with the tangle of systems, with vulgarized theories disseminated everywhere—the-

* In practice, of course, jurors commonly tailored their rulings to the sentences required by the code. If they considered the prescribed sentence too harsh, they often decided to acquit.

ories of atavistic inevitability, of determinism, of the corrupting influence of certain social milieux—who can confidently declare a man guilty without emotion or any doubt whatever? . . . The school, the barracks, the book, the newspaper—all have acted on people's minds [even the most limited ones], disturbing their straightforward and absolute notions with latent psychological doubts, doubts that the words of the lawyer and the expert will bring to consciousness."⁸⁷

During the trial of Madame Caillaux, it was precisely to these doubts and uncertainties, to the elasticity and ambiguity of the facts in cases of passionate crimes, that Henriette and her supporters appealed. They sought to establish as fact for the jury's eventual deliberation the notion that Henriette's emotional state had rendered her irresponsible, had led to an act for which she should not be held accountable. Having done much to accomplish this goal, the Caillaux and their allies went on to enlist psychological theories designed to undermine certain troubling "facts" established by the other side, especially the one on which they were most vulnerable: her apparent premeditation.

On the day of the shooting Henriette not only purchased and tested an automatic weapon, she wrote her husband a note announcing her intentions: "It is I who will perform justice . . . it is I who will do the deed."⁸⁸ This information, Henriette claimed, appeared more damaging than it actually was, for even while she made preparations for her encounter with Calmette she dressed for a late afternoon tea to which she had been invited. In other words, Henriette "didn't know what [she] was doing" and planned all at once for two different eventualities. It was as if a pair of opposing forces were struggling inside her, pulling her in opposite directions. Thus, she changed into a gown appropriate for an "elegant" afternoon tea (figure 4) and then composed a note saying she was off to "perform justice" at *Le Figaro*. "I was a long way from deciding to go to *Le Figaro* and make a scene; but finally, I said to myself, if I make a scene, that will make me late for dinner, and so I wrote [to my husband]." The point of her testimony here was to portray a debilitating indecisiveness, to appear to have been so torn by the two opposing plans—one harmless, the other fraught with danger—that she lost control over her own actions. "I was pushed," she told the court, "by a will that had taken the place of my own."⁸⁹



4. Henriette Caillaux in the dress she would have worn to the reception at the Italian embassy on 16 March 1914 (Agence Nouvelle, Paris).

Here was testimony that, intentionally or not, conformed to the psychologists' portrait of a criminal of passion. The experts had cautioned that what might seem to a lay person as premeditation could instead be evidence of an intrapsychic struggle between impulse and will. And Henriette denied premeditation on the grounds of precisely such an inner confrontation. She testified that on the day of her crime she sought not to plan her act but to prevent it. She

had run errands and prepared for the next day's party. She had dressed for tea and planned to be home for dinner. She had tried in short to be normal. But despite all her efforts, she lost control. Unconsciousness triumphed over consciousness, impulse over will. "The idea of premeditation is absurd," declared *Les Hommes du jour*. "Psychologically, what we have is a poor insane person incapable of controlling herself."⁹⁰

Even with her pistol pointed at Calmette, Henriette Caillaux claimed to have made one final effort to prevent herself from actually harming him, a last desperate attempt to deflect her unconscious impulses from their most potentially grievous result. "At the moment when I fired the first shot I experienced an almost imperceptible flash of consciousness, and that was to shoot down toward the ground."⁹¹ By forcing herself to aim low, she imagined she would do no more than "create a scene"; Calmette would remain unharmed. Unfortunately, the editor instinctively dropped to the floor, placing himself directly in the line of fire. Calmette's reflexive reaction thus foiled the last of Henriette Caillaux's unrelenting efforts to prevent herself from fulfilling the inexorable demands of emotions gone awry.

Throughout her lengthy testimony, then, Madame Caillaux's story of unintended crime and unbridled passion seemed designed to appeal to a popularized psychology that stood a good chance of influencing the jurors' verdict. Perhaps they would not hold her responsible, and perhaps they would even identify with her. Passion, they might find, had transformed Henriette's mundane domesticized existence into a life of romance and heroism. To jurors of modest petty-bourgeois means it could be the stuff of forbidden dreams.