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Julian Jackson, *France on Trial: The Case of Marshal Pétain*. Cambridge, MA, and London: The Belknap Press of Harvard University Press, 2023. 445 pp. Notes, references, illustrations, and index. \$35.00 U.S. (hb). ISBN 978-0-674-24889-2.

Review Essay by Guillaume Piketty, Institut d'études politiques de Paris

Julian Jackson's *France on Trial. The Case of Marshal Pétain* is in fact three books in one. In addition to the detailed account of a political trial set against the backdrop of a national purge, the book offers an overview—though sometimes perhaps a little too rapid and elliptical for the non-specialist reader—of the fate of France during the so-called “dark years” and of its situation following the liberation of metropolitan territory. It develops a precise and detailed reflection on the memory, or should we say the memories, in France, of the trial, of the man who was brought to justice and, more broadly, of those years during which the French did not like each other. A true specialist of France's contemporary history, especially of its ill-fated 1930s, of its cataclysmic fall in 1940, and of its ordeal during the “dark years,” was needed to accomplish such a tour de force. Jackson, the recent and acclaimed biographer of Charles de Gaulle, is that historian, who has undoubtedly risen to the challenge in superb fashion. Drawing on the relevant American, British and French archives, the press of the time, the published stenographic records, along with some other accounts of the trial, a number of newspapers and memoirs, and a select bibliography, he guides the reader along delicate and complex paths. Leaving no stone unturned on the issues at stake at the time of the trial and those that were not mentioned then, he subtly illuminates the debates that have continued to arise ever since. Written with a lively pen and a clear style, his book also demonstrates a solid mastery of the art of storytelling.

Announced by a decree of the French Committee for National Liberation, in other words the French proto-provisional government, dated 3 September 1943, the trial of Marshal Pétain opened at the Palais de Justice in Paris on 23 July 1945, less than a year after the liberation of the capital, when the war had officially ended in Europe but was still going on in the Far East. Unlike the Nuremberg Trials, opened in November 1945, and the Tokyo Trials that began in April 1946, in which the defendants would be tried by an International Court, a French court, the High Court of Justice, was to judge a French leader. There was little doubt about the outcome of the trial. As Albert Camus wrote in the newspaper *Combat* on 25 April 1945: “If Pétain is absolved, it would mean that all those who fought against the occupier were in the wrong. Those who were shot, tortured, deported would have suffered in vain” (quoted by Julian Jackson, p. xxv). The real debate would therefore concern the penalty that would be imposed on the defendant.

Once the hypothesis of trying an extreme-right conspiracy in which Marshal Pétain was, in one way or another, allegedly involved had finally been ruled out, the trial had to consider many issues. At its core was the need to decide whether the old Marshal had been guilty of treason—of collusion with the enemy, a treason whose contours were not easy to define. The debates that followed focused in turn on the armistice of June 1940, on the ways and means by which full

constituent powers had been granted to Pétain the following July and the way in which he had used them. They also dealt with the policy of collaboration with the Germans and the Italians, and the Marshal's decision not to resign or even leave France in November 1942 after the Allied landings in North Africa. More broadly, as Julian Jackson rightly points out, some moral and philosophical questions were to be addressed: "Where did patriotic duty lie after the defeat? Does a legal government necessarily have legitimacy? Are there times when conscience overrides the duty to obey laws? Are there times when the immediate well-being of the people of a nation can conflict with that nation's higher interests?" (p. xxix). So many questions to which the answers were nothing less than obvious at the time, and some of which have obviously lost none of their topicality. But there were other issues overlooked during the trial that would naturally be at the heart of today's debates, first and foremost Vichy's contribution to the deportation of the Jews.

Marc Bloch wrote in 1940 in the *Annales d'histoire sociale*: "A name of a man or a place, if it is not backed up by human realities, is, quite simply, a vain sound. [...] To be 'precise' is to keep close to what is concrete; it is not to label empty drawers at the ready." [1] Jackson carefully follows Bloch's advice by showing us and, better still, making us feel the more or less well-regulated ballet, within the High Court of Justice, of Judge Pierre Mongibeaux, Pierre Bouchardon, Examining Magistrate, and André Mornet, Prosecutor; the twelve Parliamentary Jurors (with four substitutes), and twelve Resistance Jurors (with four substitutes), and the three Defense Lawyers, among whom Jacques Isorni undoubtedly stood out. Marshal Pétain himself was finally present but did not answer, or answered very little, heard only what he wanted and remained inscrutable. Sixty-three witnesses were called to testify by the Judge, by the Prosecution or by the Defense, of whom a certain number mainly devoted themselves to *pro domo* pleas in an atmosphere of mutual and unspeakable hatred. Among these witnesses, however, Léon Blum, who had just returned from deportation in Germany, stood out for his lucidity, honesty and dignity, notably saying about the vote at Vichy on 9-10 July 1940:

It was a spectacle that still chills me if I think back to it. In those two days I saw men transformed and corrupted in front of my eyes, as if they had been dipped into some kind of toxic bath. What made them change was fear. [...] This really was like some kind of human swamp in which, I repeat, the nobility and courage of men that one had known corroded and dissolved in front of one's eyes... (quoted by Jackson, p. 147).

For his part, the cunning Pierre Laval once again demonstrated the extent of his oratorical talent, while Joseph Darnand, the founder and leader of the *Milice* of sinister memory, kept a low profile. Selected journalists were, of course, present in the courtroom, and with them, a number of observers who added to the overheated atmosphere of the place while maintaining contact with the outside world of the Palais de Justice. Even more than a historical analysis of a complex trial, Julian Jackson offers a remarkable case study of the history of the senses, sensitivities and emotions—individual and collective. He describes what happened throughout those days in the very male-dominated space that was the courtroom, and more broadly, in France. Personal reactions and swell movements, one way or the other, are reflected in his writings. Testimonies, pleadings, press articles—on the trial but not only—and public statements all exert an influence on the judicial process underway, and further undermine the spell under which the so-called "victor of Verdun" had held so many French people for so long.

On 15 August, after three weeks of hearings and debates followed by final arguments, the verdict was delivered: Pétain was sentenced to the death penalty, national indignity and the confiscation of his property. Nevertheless, taking the great age (89 years old) of the accused into account, the High Court expressed “the wish that the judgment not be carried out.” Two days later, as head of the French Provisional Government, General de Gaulle followed the court—and his personal inclination—and commuted the sentence to life imprisonment. In any case, a single verdict could not resolve the conflictual last years of the 1930s, the disasters of 1940, the fateful choices that ensued, and the misfortunes, spoliations, violence, and suffering that had marked the five terrible years from which France was barely emerging, even more so as a large part of the great amount of evidence collected for the trial had not been exploited. For many observers, the trial had been, in the words of Peter Novick, echoed by Julian Jackson, “an elaborate ceremony aimed at symbolically condemning a policy” (p. xxv), much more than a way of bringing the book of accounts to a close. As former Resistance fighter François Mauriac had predicted in his diary on 26 July 1945, it left many French people uneasy:

We would be hypocrites if, before joining the chorus of voices of all those who accuse him, each of us did not ask: what did I think at the moment of Munich? What were my real feelings on hearing of the armistice? [...] Let us not hide from ourselves the thought that each of us was perhaps complicit, at certain moments, with this old man now struck down (p. 177).

France was exhausted and wounded. Rationing was still in place, the economy and numerous elements of public infrastructures lay in shambles, and countless families were still expecting news of loved ones or already mourning them. In these dire circumstances, each and every French individual had a reasonably clear knowledge of what had been done by whom and why during the “dark years,” but many still had their “examination of conscience” to make, to use the words of Marc Bloch in his book *Strange Defeat*. The unease was palpable at the time, and would be long-lasting. This is notably what former French Resistance fighter Jean Cassou meant, when he wrote in 1953:

The trial of Pétain has not been held. No trial has been held. The country has not become aware that this is what is at stake, and not retribution or revenge. It is about judgement and the feeling of renewed vigor, of complete healing that the conscience experiences after pronouncing its own judgement. It is the judgement of the collective conscience that matters, not that of the courts, which serve only to help it with their clarifications and to give it external and public form.[2]

Julian Jackson is thus very right to precisely consider the shadow of the trial and more broadly of the “dark years” and of *Pétainisme* on French history throughout the decades that followed the end of World War II and right up to the last presidential election. He looks in turn at the situation of the old man who became a prisoner on the Ile d’Yeu, where he died in 1951, at the gradual emergence of Vichy from the catacombs of history, at the successive attempts to rehabilitate Pétain, and at the memory wars that followed. He tackles the rise to prominence, in historical and memory disputes, of the Shoah and the role that the Pétainist regime may have played in it. Finally, he assesses the judgments made today about the “victor of Verdun,” who became head of the so-called “French State” in 1940. In so doing, the British historian justly highlights the persistence of Pétainist ideas in France, particularly in certain circles. It would obviously be

absurd to reduce the “dark years” in France to the old Marshal’s “National Revolution,” to the policy of collaboration and to a cautious wait-and-see attitude on the part of the population. The actions of the Resistance, both inside and outside France, with the support of the Allies and of an ever-growing number of French men and women, must be remembered and highlighted. And with it the fact that over the decades, France and the Republic have regularly distinguished themselves in the fight against the extreme right. What remain, however, are the observations that a certain programmatic line has never disappeared in the country and, more broadly, that some specific elements of the past had difficulty in passing.[3] These observations perhaps are further echoed by the change of title imposed on Jackson by his French publisher: from *France on Trial: The Case of Marshal Pétain* to *Le procès Pétain. Vichy face à ses juges*.

As Julian Jackson justly notes, “in all trials of this kind, many factors are at play: retribution and revenge for the victors, consolation and closure for the victims. They are also exercises in national pedagogy, enabling the new political authorities to deliver their version of history” (p. xxv). Such exercises never are easy matters, especially when they take place at the end of a conflict that carried with it many features of a civil war. Jackson’s book is all the more remarkable for its masterly account of the Pétain trial. In so doing, it provides solid food for thought about the relationships between Justice, History and memory, and perhaps—why not? —an incentive to return for a tiny little while to Blum’s, Camus’s, Mauriac’s and Cassou’s words.

NOTES

[1] Laurent Douzou, *La Résistance française: une histoire périlleuse* (Paris: Point Seuil, 2005), p. 187, quoting Carole Fink, *Marc Bloch, a Life in History* (Cambridge: Cambridge University Press, 1989), p. 13, note 3.

[2] Jean Cassou, *La Mémoire courte* (1953), (Paris: Mille et une nuits, 2001), p. 26.

[3] As noted by Eric Conan et Henry Rousso, *Vichy, un passé qui ne passe pas*, rev. ed. (Paris: Pluriel, 2013).

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