

H-France Forum

Volume 19 (2024), Issue 7, #2

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 Kevin Passmore, Cardiff University

Julian Jackson's intention to revisit the Pétain trial in *France on Trial: The Case of Marshal Pétain* without re-opening it proved difficult to achieve given the attempt of presidential candidate Eric Zemmour to resuscitate Pétainiste legends. Jackson brilliantly disposes of the most important myths: the "double game," that the armistice saved North Africa for the Allies, and that Vichy saved the Jews—the latter question having hardly been broached in the trial. He does this without ceasing to be a historian, not least because he exposes also the dilemmas, blind spots, and hypocrisy of the prosecution. The passages in which Procurer Mornet refuses to meet Jean-Marie Roussel's eyes are among the best in a gripping book. The former had served on Vichy's notorious Denaturalization Committee, which the latter had chaired. In tackling these issues, Jackson does not forget that his task is to explain and understand rather than to judge. Notwithstanding, the topics he chooses to explain and understand are suggested by ongoing political controversies (however little interest they might now have for the public). I do, however, have one minor quibble: he does not give the "plot" argument the attention he accords to other matters. I also think that the question of Pétain's sanity is too easily dismissed. In the rest of this essay, I will focus mainly on these two questions.

A major problem for the prosecution was to reconcile Charles de Gaulle's conviction that Vichy's original sin was the armistice with the fact that on June 16, 1940, Pétain formed a legal government that obeyed all the usual conventions. The prosecution failed to prove conspiracy to overthrow the Republic, as defined by article 87 of the Penal Code: "an attempt to destroy or change the form of the government." Nor did it demonstrate the looser terms of article 89, a resolution by two or more people to engage in such an act. Pétain did not act, conspire to act, begin to act, or resolve to act, and so broke no laws. Jackson demonstrates the feebleness of the prosecution's tissue of conspiracy theory and circumstantial evidence. His portrait of President of the Council of Ministers Paul Reynaud's desperate attempts to save his reputation is especially good—perhaps, however, at the expense of devoting insufficient attention to Pétain's real role in the conclusion of the armistice.

That there was no plot in legal terms does not exhaust the question of the armistice. For one thing, historians are governed by different standards of proof. They do legitimately rely on circumstantial evidence and the balance of probabilities. Their conclusions are tentative and provisional because they are neither judges nor juries. In my view, Pétain did not "plot" to overthrow the republic, but he and accomplices such as General Maxime Weygand did more than simply profit from an opportunity.

What have historians had to say on the "plot"? First, Georges Vidal's exhaustive study of anticommunism in the army concludes that Pétain did lend moral support to the most

ideologically anticommunist officers, many of whom believed that the army was better equipped than the parliamentary regime to combat an existential threat. Yet Pétain was not the “conductor” of a conspiracy, and sympathy for his views was far from universal in the officer corps.[1]

Second, Bénédicte Vergez-Chaignon’s biography of Pétain suggests that during the 1930s, the Marshal was skeptical about calls for him to take supreme power, and that initially in 1940, he aspired to a greater military role, not to lead a government. However, since 1917, he had been convinced that his historical role was to save desperate situations that he alone had foreseen, and his experience as a minister in 1934 reinforced this belief. For a person supposedly not interested in politics, he (like Weygand) spent a lot of time in organizations involved in planning a new kind of politics.[2]

Third, evidence confirms how soon after the German breakthrough at Sedan on May 13, the preservation of the army as guarantor of order and regeneration took priority over continuing the fight.[3] Pétain’s pessimism, not to say defeatism, was clear almost as soon as he arrived in Paris on May 18, five days after Sedan, when the full scale of the disaster was not yet clear to the decision makers. Six days later, Pétain complained to Reynaud that publicizing the sacking of generals undermined the role of the army as the “moral and material rampart of the country.” Individual generals, he wrote, might have failed, but the army continued to “represent what is best in the Nation.” The real problem, if blame was to be apportioned, was the country’s “taste for a quiet life” and “abandonment of effort.” Weygand set a copy of Pétain’s note to General Alphonse Georges, commander in the Northeast, with instructions to send it to army group and army commanders—hardly a way to bolster morale for the next phase of the battle.[4] Meanwhile, on May 25, Pétain told the Spanish ambassador that negotiations ought to have begun a month earlier. The latter immediately informed the Germans.[5]

Neither Pétain, Weygand, nor any other senior commander ever attempted to find a way to continue the fight. Weygand’s planned stand on the Somme-Asine line was a “combat for honour” and at every opportunity told politicians it was likely to fail. He claimed in his memoirs that he had not envisaged an armistice before June 12, when this line had folded.[6] Yet from the beginning, he warned political and military leaders that in the event of this likely failure, politicians must assume their responsibilities. If General Prételat is to be believed, in a meeting on May 26, Weygand explicitly envisaged an armistice in such circumstances.[7] It is significant that the alternative to this battle for honor, planned retreat to successive lines in the south, to prepare transfer to North Africa, was never considered. This was precisely the defensive doctrine for which Pétain had become known in the Grande Guerre, and which he defended throughout the interwar years. Whatever one thinks of the proposals for a Breton redoubt and the transfer of the youngest class of conscripts to North Africa, Pétain and Weygand were never disposed to consider that these, or any other alternatives, might avoid an armistice.

Then, Weygand’s threat to resign rather than capitulate in the metropole, coupled with Pétain’s insistence that he would leave the government rather than depart for North Africa, was crucial to Paul Reynaud’s decision to resign. As circumstances changed, Pétain moved from a vague desire to play a greater military role to the point where he became Paul Reynaud’s inevitable successor. Not only was he willing to take advantage of circumstances, but along with Weygand, he helped shape the circumstances. He worked to ensure that the crisis was defined as the final crisis—as a

lost war, not a lost battle. Yet none of this proves a plot according to the law, let alone a long-maturing plot.

As Marc Ferro rightly remarks, in a biography that is far from sympathetic, Pétain “n’avait pas l’âme d’un comploteur.” Ferro wonders whether Pétain’s was “trop prudent ou trop fier.”[8] He does not mention dementia, a subject that historians have been reluctant to tackle. As Jackson explains, Pétain’s lawyers were divided on the question of incapacity. Maître Payen wanted to plead article 64 of the Code Pénal, which stated, “Il n’y a ni crime ni délit lorsque le prévenu était en état de démence au moment de l’action ou lorsqu’il a été contraint par une force à laquelle il n’a pu résister.” Isorni preferred to plead the rational pursuit of a policy of lesser evil. Isorni’s defense appealed to Pétain, who had insisted on returning to France to defend his honor. Anyway, the colloquial term *gâteux* had negative connotations: its etymology was from *se souiller*, to soil oneself.[9]

Furthermore, pleading incapacity was medically and legally difficult. At that time, prosecutors could order psychiatric expertise to determine fitness to stand trial, but it was often more concerned with establishing an accused’s degree of dangerousness.[10] And while Alzheimer’s had been identified in the 1900s, it was thought to affect only young people. Senility was considered to be an attribute of age, which affected some more than others. It was not the province of psychiatrists. Since the prosecutor did not request expertise, incapacity had to be proved in court by allowing Pétain to intervene in the debates. And even if Pétain appeared senile in August 1945, it did not follow that he had been in 1942, 1940, or still less, in 1934.

The Resistance, not surprisingly, dismissed any notion of mental feebleness, and attributed Pétain’s deafness and lapses of memory to manipulation. *L’Humanité*, for instance, saw a Pétain “qui, tantôt joue au vieux gâteux qui ne se sourdent plus, tantôt conserve une étonnante mémoire et une extraordinaire lucidité, a plus d’un tour dans son sac.”[11] Historians have been reluctant to explore the issue, either because they feel themselves unqualified to pronounce or because Pétain’s incapacity deprives them of an object of study—an important point, given that who was responsible for what, remains so central to Vichy historiography. Nevertheless, from a historical perspective, Pétain’s mental health is important.

It is not easy to disentangle Pétain’s mental state from his notorious reserve—his silence at his trial was far from unprecedented. While Pétain was no fool, he had never been at his best in meetings with multiple participants. From 1917, as Bénédicte Vergez-Chaignon shows, he began deliberately to operate the strategy of “parole rare et précieuse.” Rarity gave his utterances special weight while compensating for his awkwardness in meetings.[12] Arguably, Pétain also drew on his military doctrine of defense in depth, which involved giving ground and counterattacking when—if—the opportunity presented itself. The disadvantage of Pétain’s strategy was that in wartime, he was accused of abandoning national soil, while in peacetime, he was reluctant to decide, for doing so threatened his wide popularity.

In 2019, two geriatricians provoked a minor media storm when they suggested that Pétain suffered from Alzheimer’s Disease, possibly complicated by vascular episodes. As evidence they pointed to memory lapses, difficulty in assimilating new information, his hesitancy and indecisiveness, periods of apathy and tiredness, tendency to digression, and a growing obsession with de Gaulle. To these symptoms, we may add loss of the ability to empathize. The

geriatricians do recognize that some possible symptoms, such as delusion (unless his de Gaulle obsession was delusional) and hallucination, stiff gait, and balance issues, were absent—yet dementia is a complex category covering multiple pathologies, and it manifests itself differently in different people.[13] The evidence regarding Pétain mostly comes from 1943 onwards, when symptoms were plain. However, medical scientists now know that physiological and cognitive impairment may begin ten to fifteen years before diagnosis.[14] If in 1943-5, Pétain did not always recognize people he knew well, and there were nocturnal ambulations, it is likely that impairment had affected him in 1940.

In Pétain's case, the first reports of indecisiveness date back to 1922. He often annoyed his allies by retreating from carefully prepared positions. General Buat reflected in 1922 on Pétain's "bankruptcy": "Seeing him now prevaricating, hedging, failing to decide, trying to please everyone, even people with the most contrary opinions, I wonder if I'm dreaming." Buat reported that "while at certain moments [Pétain's] ideas remain clear, at others, everything is muddled and hard to follow." [15] This is compatible with the first signs of dementia, but also with what is known of his character. In the coming years, in military matters he frequently reversed his position, while he constantly returned to ideas that were not so easily challenged, such as his dislike of *instituteurs*. Dementia sufferers may hold onto strongly-held, long-standing moral positions to disguise impairment, even if inappropriate to new situations—which they struggle to understand.

In government in May 1940, Pétain continued to practice *la parole rare*. He hardly intervened in meetings, preferring to write notes and read statements, perhaps initially drafted by others. Observers described not noble reserve, but "apathy." Arguably, by now, political strategy shaded into compensation for cognitive impairment and deafness. In the earlier stages of dementia, people may endeavor to disguise difficulties with excuses, evasion, and jokes—all of which observers noted in Pétain. This possibility is suggested by the encounter of Dumoulin de Labarthète, director of Pétain's civil cabinet, with his boss outside a urinal just after the Montoire meeting with Hitler in 1940. Pétain admitted that he had been unable to hear the Führer, but that the interpreter spoke clearly. Pétain stuck to his plan not to say too much, and that he had not complained about German measures in Alsace out of fear of "losing something." Was this tactical retreat? Had he forgotten? Had he simply been outwitted? Dumoulin did not mention mental incapacity, but others, from Jacques Doriot to Georges Villiers, Vichy Mayor of Lyon and deportee, reported serious confusion and absences.[16]

Pétain's strategy of silence, increasingly entangled with dementia, made him both strong and weak. Strong because silence permitted him to maintain the immense cross-party popularity that made it possible for him to be seen as a recourse in June 1940. Weak because he was incapable of grasping the enormity of day-to-day compromises. And although (or because) his shortcomings were an open secret in governing circles, that did not prevent politicians and generals from using his public credit for their own ends, perhaps including Isorni and even Paul Reynaud, as Weygand implied.

The point is not that Pétain should have been judged incapable of standing trial, or still less to excuse him—that is a moral question for society. Rather, it is to understand the historical importance of his mental state. It also underlines how ill-suited the law was to deal with the moral issues raised by the Occupation.

A final remark underlines the point. In accordance with the Comité française de Libération nationale's June 26, 1944 Ordonnance declaring null and void criminal legislation enacted after Pétain took power on June 16, 1940, collaborators would be punished according republican laws. Yet condemnation to death of Pétain under article 75 of the Penal Code was only possible thanks to decrees issued in the final years of the Third Republic, a period which witnessed the erosion of principles hitherto considered republican. In 1848, the Second Republic's government decreed that the death penalty could not be applied to "political crimes," which meant in practice to espionage and treason. Since the 1900s, the army and security services had pressed for strengthening of the law, and in the late 1930s they profited from the government's increasing use of decree powers to get their way. A decree of 17 June 1938 withdrew political status from espionage and treason.[17] Hitherto the republic had treated these crimes leniently because they derived from "misguided idealism"—hardly an adequate way to deal with the crimes of the twentieth century.

NOTES

[1] Georges Vidal, *L'armée française et l'ennemi de l'intérieur* (Rennes: Presses Universitaires de Rennes, 2015), pp. 229-232.

[2] Bénédicte Vergez-Chaignon, *Pétain* (Paris: Place des éditeurs, 2014), electronic version.

[3] Max Schiavon, ed., *Les Carnets secrets du général Hutzinger, 1938-1941* (Paris: Pierre de Taillac, 2019), p. 12.

[4] Pétain, "Note pour le Président du Conseil," 26 May 1940 and Weygand's covering letter to Georges, 28 May 1940, Service historique de la Défense (SHD), 27 N 12, Dossier 4.

[5] Vergez-Chaignon, *Pétain*.

[6] General Maxime Weygand, *Recalled to Service*, trans E.W. Dickes (London: William Heinemann, 1952), pp. 155-156.

[7] Général Gaston Prételat, *Le Destin tragique de la Ligne Maginot* (Paris: Berger-Levrault, 1950), 165–8; Roger Bruge, *Faites sauter la Ligne Maginot. La fortress invaincue* (Verviers: Marabout, 1985), 297, note 1; Paul Baudouin, *Neuf mois au gouvernement* (Paris: La Table Ronde, 1948), May 26, 1940.

[8] Marc Ferro, *Pétain* (Paris: Hachette, 1993), p. 626.

[9] The 1935 *Dictionnaire de l'Académie Française* defined *gâteux* as "affaiblissement mental" and "Celui, celle qui, par l'effet de la paralysie, n'obéit plus aux nécessités naturelles que d'une manière involontaire." *Démence*, a widely-used term, was "Aliénation d'esprit. Il est en démence. Il est tombé en démence. Il fut interdit pour cause de démence."

[10] A decree of 31 March 1936 created the Services d'Examen Psychiatrique in the prisons of La Roquette and Fresnes.

[11] *L'Humanité*, 26 May 1945.

[12] Vergez-Chaignon, *Pétain*.

[13] Jadwiga Attier-Zmudka and Jean-Marie Sérot, "A Particularly Tragic Case of Possible Alzheimer's Disease, that of Marshall Pétain," *Journal of Alzheimer's Disease* 71 (2019): 399-404. Delusions differ from ordinary misconceptions in that they are arrived at by abnormal processes.

[14] Nol Swaddiwudhipong, et al., "Pre-diagnostic cognitive and functional impairment in multiple neurodegenerative diseases," *Alzheimer's & Dementia* 19 (2023): 1752-1763.

[15] Edmond Buat, 16 January 1922, in *Journal du Général Edmond Buat, 1914-1923*, ed. Frédéric Guelton (Paris: Perrin, 2015).

[16] Georges Villiers, *Témoignages* (Paris: Éditions France-Empire, 1978), p. 55.

[17] To overcome the reluctance of *assise* courts to apply the death penalty and even to convict in political cases, the decree transferred crimes under articles 75-77 and 79-80 and 81(2) of the penal code to military tribunals. Another decree of 29 July 1939 modified article 75 so that it united the most serious crimes against the external security of the state hitherto scattered through the Penal Code, thus permitting Pétain's condemnation under a single article.

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