

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 Nicole Dombrowski Risser, Towson University

Julian Jackson's most recent meditation on the blame for France's catastrophic World War II defeat, *France on Trial: The Case of Marshal Pétain*, recounts the judicial proceedings of the treason trial of Philippe Pétain, the decorated defender of Verdun and the disgraced chief of the Vichy government, established in July 1940.

The book is a courtroom procedural of the first order, assuming center-stage to a backdrop of sweeping concomitant events, the hunt for Nazi perpetrators, the purge of small-fry French collaborators, the dropping of two atomic bombs, and the Allies' preparation for the International Military Tribunal (IMT) at Nuremberg. The monograph's tight chronological structure takes the reader from the approach of Allied troops toward Paris in 1944 to the French presidential elections of 2022. Unfolding a year after France's liberation, the trial was designed to keep the proceedings narrowly confined to Pétain's signing of the armistice with Germany, and that agreement's facilitation of the Marshal's assumption of full powers as well as his embrace of a policy of collaboration with the Nazi regime. Jackson's gripping narration and laser focus on the trial's day-to-day proceedings is at once the book's greatest achievement and at times a cause of frustration as it postpones analysis of the trial in relation to broader scholarship on postwar justice.

Pétain's fall from grace began on 17 August 1944, with the German "kidnapping" (p. 8) of the octogenarian. Hoping to establish a government in exile, the Germans took Pétain and other key collaborators including Vichy's prime minister Pierre Laval to Germany. Confined to the eight-hundred-room Sigmaringen castle, Pétain ruminated on his catechism that he would never abandon France. Successfully protesting his detention, he returned to defend his honor. Rather than embracing the surrender of a presumed criminal, Charles de Gaulle, head of France's provisional government, complained that Pétain was "a nuisance" who just would not go away (p. 51). Always invested with keen if suspect political instincts, de Gaulle immediately recognized that a Pétain treason trial would fester in the wounds of a politically divided France, complicating de Gaulle's goal of swift national reconciliation. Hoping to expedite the case, the government rapidly cobbled together a framework for an ostensibly objective trial not to be held by a Military Tribunal but by the newly reconstituted High Court. Assembling a court created an immediate embarrassment, as the Chief Justice, Pierre Mongibeaux, among other available magistrates, had signed a loyalty oath to Pétain. Clean hands were hard to find. Selecting a venue posed another problem. De Gaulle wanted a place with the grandeur appropriate for the condemnation of a former hero and head of state but not Versailles, which might elevate the Marshal's personal status. Finding lawyers for the prosecution and the defense proved equally challenging. Few potential jurors or judges wanted the responsibility of condemning, possibly to

death, one of the nation's greatest warriors. The trial finally began on 23 July 1945 and a fatigued clerk read the verdict around 2:00 a.m. on August 17.

Jackson's account of the trial is captivating, not because we are eager to know the outcome. We already know it. Not because this part of the book sheds new light on France's defeat: Jackson has covered that material in three other books. It is Jackson's recitation of trial dialogue and descriptions of the moldering, suffocating courtroom that place the reader in the chaos of 1945. Meant for a wide readership, Jackson avoids historiographical debates, but he does complicate often overly simplified policy positions and clarifies the prosecution and defense's many mistakes. Through careful curation of witness testimonies by "the ghosts," of the Third Republic—Prime Minister Paul Reynaud, General Maxime Weygand, Prime Minister Édouard Daladier—Jackson captures the venality of French leaders whose efforts at self-exculpation riddled the prosecution's path to conviction with *stolperstines* that triggered inconvenient memories. Painted personalities jump off the page like characters in a Max Beckmann portrait: Laval, "reptilian eyes—white tie, black teeth" (p. 194), De Gaulle, "majestic prince of equivocation" (p. 310), and Pétain, "tired eyes continuously blinking, immobile, impassive, impenetrable" (p. 113).

Preparation for the trial began with the interrogation of Pétain at the Mont Rouge prison located south of Paris. The physically fit geriatric defendant exhibited indifferent arrogance and confusion. The lengthy sessions tested his attention span. Revealing no new information, the questioning nonetheless convinced the government's legal team that they could win a treason conviction on two criminal accusations: "'Attacking the internal security of the state' and 'collusion with the enemy' in order to favour his own ambition which correlated with those of the enemy" (p. 87). On the surface, the charges appeared straight forward and easily proven. Yet the prosecutorial team of André Mornet and Pierre Bouchardon, celebrated treason trial lawyers, stumbled from the beginning. Jackson casts them as overly self-assured. Bouchardon had a reputation as "'the sadist' of the pre-trial interrogations" (p. 62). Mornet, described by one observer as "bent double, hair sprouting everywhere," (p. 62) was bombastic, sometimes to good effect, but his reputation was tainted, having volunteered to serve on Vichy's special court at Riom to try the leaders of the Third Republic (pp. 64-65) deemed responsible for France's defeat. Vichy aborted the Riom trial, but those defendants were the very witnesses Mornet called to the stand. Now, at Pétain's trial, each man seemed to still be arguing his own defense, inadvertently reminding the jurors of all the mistakes they had made, potentially shoring up the Marshal's argument that France needed a decisive leader. After all, Paul Reynaud had brought Pétain into his war government on the eve of defeat.

Jackson revives the debate about the legitimacy of signing the Armistice on 22 June 1940. The agreement ended hostilities, divided France into an occupied and unoccupied zone, allowed for a nominally independent French government at Vichy, reduced her army to a defense force but importantly left France's naval fleet and overseas' empire virtually undisturbed. Pétain insisted in his opening statement: "...the armistice saved France and contributed to the victory of the Allies by keeping the Mediterranean free...I prepared the path to liberation" (pp. 118-119). Unfortunately, the facts did not support his claim. French lives were lost at the hands of the Gestapo and Vichy *Milice*, through deportation, extra-judiciary firing squads, and under retaliatory Allied bombing. In the empire, Pétain refused to allow Admiral Darlan to order the Free French army stationed in North Africa, and the navy, to end resistance to Eisenhower's

troops. Eisenhower blamed Pétain: “On November 10, Darlan had sent orders to all French commanders to cease fighting. Pétain, in Vichy, immediately disavowed the act and declared Darlan dismissed.”[1]

The second charge was conspiracy to overthrow the Third Republic in league with the Cagoulards, fascist-leaning enemies of the Republic. Capitulation, the prosecution argued, accelerated the Marshal’s plans to overthrow democracy and establish an authoritarian government. Jackson explains well how the government’s evidence failed to support this allegation since on 10 July 1940 each house of parliament, reassembled in Vichy, “unanimously” agreed to revise the constitution. The assembly subsequently voted 649 to 80 to give Pétain full powers to do so. The Marshal’s failure to submit his revision, then Senate leader Jules Jeanneney testified, meant he had indeed plotted to usurp the vote (p. 143). Jeanneney’s argument conveniently exculpated the Third Republic’s representatives from responsibility for its demise, a point hotly contested in the postwar debates about Vichy’s legitimacy, which Jackson could have more expansively discussed. He approaches the charge’s controversy saying, “The prosecution had never succeeded in offering a clear message. It had abandoned the idea of a plot while leaving hanging in the air an insinuation that there may have been one” (p. 276).

Poking holes in the plot theory was the star of the trial and the book, surprisingly not Philippe Pétain but his defense lawyer, Jacques Isorni. The youngest member of the defense team, and perhaps the youngest person in the courtroom besides a cub reporter, François Mitterrand, Isorni had recently gained fame from his defense of the collaborationist, viscerally antisemitic writer Robert Brasillach. Brasillach lost his life but Isorni’s currency increased. Isorni was so adept at twisting witnesses’ testimonies to Pétain’s advantage that he worried the prosecution and restored the defendant’s hope. Unfortunately, Fernand Payen and Jean Lemaire, the team’s senior lawyers, bridled Isorni at every opportunity. Nonetheless Isorni’s charisma could not be contained. Perhaps preparing for a film version of the book, Jackson casts Isorni in the words of Madeleine Jacob, as the trial’s “archangel” (p. 263), molded in a similar vein as Hans Rolfe, the Nazi jurists’ defense lawyer at the Judges’ Trial in Nuremberg, played by the captivating Maximilian Schell in Stanley Kramer’s *Judgement at Nuremberg* (1961). Isorni again reminded the chief justice, Pierre Mongibeaux, that he had signed a loyalty oath to Vichy. He baited Reynaud into saying the Marshal had not committed treason but only acted against the honor and interests of France. He repackaged Vichy’s crimes as successes: Vichy sent fewer forced laborers to Germany than demanded; and refused to force Jews in the Free Zone to wear the yellow star. Isorni shined most brightly in his peroration, appealing, Jackson says, to the jurors’ emotions. “Magistrates of the High Court,” Isorni pleaded, “listen to me, hear my appeal. You are only judges; you are only judging a man. But in your hands, you hold the destiny of France” (p. 265). After losing the trial, Isorni’s career devolved into a tragic comedy as he founded the Association for the Defense of the Memory of Marshal Pétain, dedicating his life in vain to overturning the court’s final verdict and rehabilitating Pétain.

Through the entire drama, Pétain, for his part, sat mostly silent. When he did speak it was to reiterate that he had sacrificed himself for France; he obtained power legitimately; the armistice was salvation. He insinuated, as the defense’s witnesses had also claimed, that he had made a secret agreement with Churchill. It was understood that he would be France’s shield, de Gaulle her sword. Neither man testified in his defense. The jurors were narrowly unconvinced. The prosecution won a guilty verdict by a vote of 14-13. Most damningly, they agreed that he had

committed treason with intent, as defined in article 75 of the penal code which required the death penalty. With the verdict pronounced, Pétain was secretly flown in de Gaulle's private plane to the Portalet prison. De Gaulle then commuted his death sentence to life imprisonment. One is left with the impression that de Gaulle never believed in the trial and had simply consented to it to exercise revenge against Pétain for de Gaulle's own condemnation in absentia, at the hands of a French military tribunal who sentenced de Gaulle to death on August 2, 1940.

"After Lives" forms Part III of *France on Trial*. In the postwar years, waves of interest ebbed and flowed. One mobilizing issue for Pétain's admirers was that in addition to the death penalty, he was stripped of his military title, and prohibited from being buried in a military cemetery. This led to a caper by fervent supporters, associated with Isorni, to surreptitiously exhume his coffin for transport to Verdun. They failed, as did Isorni's efforts to rehabilitate Pétain, which leads Jackson on a path to conclude: "The Pétain case is closed" (p. 373). But what of the case of France? On this point Jackson is equally decisive that France has exorcized Pétain from contemporary politics, and national sentiments. If that is true, why write the book? I cannot share Jackson's confidence that the case on France's embrace of the foundational ideas associated with Vichy and Marshal Pétain is decisively closed, especially since centrist Emmanuel Macron, separating the "good" Pétain from the "bad," insisted as recently as November 2018 that Pétain should be commemorated with the other WWI marshals of France justifying, "Marshal Pétain was a great soldier in World War I." [2] Macron only recanted when pressure groups forced a reversal.

As evidence for his argument, Jackson points to the recent loss by Eric Zemmour, the extreme right-wing candidate to Marine Le Pen in the first round of the 2022 presidential elections. He attributes Zemmour's defeat to a failure to detoxify his politics of apologetic references to Vichy and Pétain. Le Pen, Jackson deduces, has effectively scrubbed her party of its contamination by Vichy's past. I find that current facts fail to support this thesis specifically as they apply to Le Pen's party, the National Rally, to France, and more broadly, contemporary politics. What makes Jackson's book so timely is that it retraces the road to democracy's implosion. So, I'm puzzled that he separates the contemporary right's lively embrace of Pétain's values of antisemitism, executive power plays, and calls for the deportation of immigrants, from its rejection of Pétain the man? Although France, Jackson points out, may be holding off the resurgence of neo-fascism better than any other country in Europe, as well as in the United States and Britain, a few key events recall July 1940: Boris Johnson's unlawful attempt in 2019 to prorogue parliament; Donald Trump's alleged conspiracy to overturn the United States' presidential election on January 6, 2021; and in France, Emmanuel Macron's 2023 invocation of special powers to bypass parliament—the latter event which admittedly occurred after Jackson's book went to press, but an expression of previous French constitutional problems. On May 5, 2021, on the 200th anniversary of Napoléon Bonaparte's death, Emmanuel Macron controversially placed flowers on the deposed emperor's tomb. Napoleon's remains had rested in exile until 1840 after the rehabilitation of his reputation. Alluding to Napoleon's despicable reinstatement of slavery, Macron again defended his gesture of commemorating tainted heroes, "We are heirs of his policies and live with their consequences today... We need to commemorate them at the same time." [3] History's shadowy figures often reenter the spotlight, especially when they can serve contemporary political objectives. If Napoleon is any example, it would seem history's cases are never closed.

## NOTES

[1] Dwight D. Eisenhower, *Crusade in Europe* (New York: Doubleday & Co., 1949), p. 107.

[2] Marine Pennetier, “Macron stirs anger with WWI tribute to Nazi collaborator Pétain,” Reuters, November 7, 2018.

[3] “Macron commémore Napoléon et cherche le bon ton,” *Le Figaro*, May 5, 2020.

Nicole Domrowski Risser,  
Towson University  
[ndombrowski@towson.edu](mailto:ndombrowski@towson.edu)

Copyright © 2024 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and its location on the H-France website. No republication or distribution by print media will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France.

*H-France Forum*  
Volume 19 (2024), Issue 7, #3