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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.

Response Essay by Julian Jackson, Queen Mary University of London

I am grateful to the four reviewers for their generous comments. For me there could be no greater compliment than Scott Gunther's remark that my book reads like "engaging historical fiction" or Guillaume Piketty's that it was a successful exercise "in the art of storytelling." Trials are by their nature dramatic and while I did not necessarily, as one reviewer suggests, have my eye on a film or theatrical adaption, I was excited by the challenge of narrative experimentation. One inspiration was Alice Kaplan's masterly and gripping book on the trial of Robert Brasillach, which fully exploited all the dramatic possibilities both of telling the story of a trial and using that trial to illuminate wider historical and moral issues.[1] I was also intrigued by the narrative experiment adopted by Colin Jones in his wonderful book on the fall of Robespierre which covers events occurring over twenty four hours with each chapter covering one hour.[2]

Finding the way to tell the story was harder than I had expected. My original idea had been to recount the trial on a day-by-day basis and introduce every single witness. I wanted readers to feel they were in the courtroom. But I abandoned this idea, partly because it would have been too confusing for the reader—there were 70 witnesses—and also because there would have been a lot of repetition. A theme introduced by one witness on one day might be taken up on another a few days later. Ultimately it seemed more effective to group some themes together while also broadly respecting chronology.

Turning to the substantive issues raised by the commentators, Kevin Passmore makes two important points. The first relates to the question of whether or not there was a conspiracy to overthrow the Republic in 1940 as defined by article 87 of the Penal Code: "an attempt to destroy or change the form of the government." The prosecution wasted a week trying to prove that there was such a conspiracy but then abandoned that part of the accusation on the grounds that there was insufficient evidence to prove it. Passmore suggests that I underplay the plot and "devote insufficient attention to Pétain's real role in the conclusion of the armistice." It does need to be noted that the armistice (22 June) and the overthrow of the Republic (9-10 July) were distinct events—and there were many witnesses for the prosecution at the trial who did not believe that the armistice in itself was a treasonous act (as de Gaulle believed it was). It is true, however, that one of the *arrière pensées* of most proponents of an armistice was to effect regime change. So, it is reasonable to treat these two issues together.

I do present the considerable evidence produced at the trial to show that the government actively sabotaged the attempts of those ministers and parliamentarians who wanted to go to North Africa and keep open the possibility of rejecting the terms of the armistice if these proved unacceptable. This was certainly a plot since Pétain's adviser Raphaël Alibert explicitly manipulated the truth in order to keep the ministers in France. It is odd that the prosecution did not make more of this.

But the problem was that Alibert was not available to give evidence—he was in hiding—and the defense had successfully discredited an early attempt by the prosecution to use Alibert’s evidence on another issue.

Passmore writes: “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” even if “none of this proves a plot according to the law, let alone a long-maturing plot.” I completely agree with this. I hope readers of my book do not come away from it believing that Pétain’s hands were entirely clean. But the key point is Passmore’s observation that the standards of evidence required by historians who “legitimately rely on circumstantial evidence and the balance of probabilities” are different from those required in a court of law by juries and judges. Given that this is the case, it is curious that the prosecution spent so much time on Pétain’s implication in possible conspiracies in the 1930s. Just before the trial, the Minister of Justice told both the British and American Ambassadors that the prosecution would concentrate mostly on the period after 1942 when the culpability of Pétain was easier to prove than during the two previous years. Yet in the end this was not the strategy pursued by the prosecution in the first week. Perhaps there had been some kind of intervention by de Gaulle, who believed that the issue of the armistice was primordial.

Passmore’s point about Pétain’s mental state is important. I should have perhaps discussed the matter in more detail, apart from quoting a doctor’s reports on his mental state in the lead-up to the trial. I was indeed contacted after the book’s French publication by the geriatrician cited by Passmore who wrote an article in 2019 suggesting that even before 1945 Pétain was manifesting early symptoms of Alzheimer’s Disease. But even if one accepts that there were signs of mental incapacity already in 1940, or even before, there is no evidence to suggest mental impairment so serious in 1940 as to justify 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.” That would have been even harder to prove than a conspiracy.

Passmore notes in passing that my intention to “revisit the Pétain trial without re-opening it” has been overtaken by the recent attempts of Eric Zemmour to re-open the issue. And it is this issue of the contemporary resonances of the Pétain case that is raised by the other commentators. Gunther notes rightly that some English reviews wondered if my last sentence—“The Pétain case is now closed”—was not a bit optimistic.[3] But it is Nicole Dombrowski Risser who insists most on this issue. She writes: “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. ...I’m puzzled that he separates the contemporary right’s lively embrace of Pétain’s values of anti-semitism, executive power plays, and calls for the deportation of immigrants, from its rejection of Pétain the man.” In fact, it is wrong to talk of the contemporary right’s embrace of Pétain’s antisemitism. At least on the surface, the RN has so successfully disassociated itself from antisemitism that in the 2024 parliamentary elections Serge Klarsfeld said that he would vote for the RN over the left-wing alliance of the New Popular Front. More generally, Dombrowski Risser’s point—and that of other commentators—that I underestimate the salience of extreme right ideas in France today is a misreading of what I had thought I had written. This is the last paragraph of the book with some key phrases in bold:

In the presidential election of 2022, Marine Le Pen held her nerve and her electors mostly resisted the temptation of Zemmour. **Her policies on Europe, immigration and Islam—she proposed banning Muslim women from wearing the headscarf (*foulard*) in the street—were only slightly less radical than Zemmour’s** but she gave them less prominence than she did a raft of populist social policies to deal with the cost of living. The moral would seem to be that Marine Le Pen’s policy of detoxifying her “brand” was a more successful way to win support **for ideas that would once had been considered beyond the pale of normal politics** than Zemmour’s unapologetic embrace of the historical themes of the extreme right. Marine Le Pen had partially succeeded in detoxifying herself; Zemmour had entirely failed to detoxify Vichy. The moral would seem that **while the extreme-right is flourishing in France**—in the second round of the 2022 presidential election Marine Le Pen secured the historically high vote of 41.5 per cent to Macron’s 58.4 per cent—its future does not lie in invoking the memory of Pétain. The Pétain case is closed.

So what I had thought I was saying here was that the extreme right *is* a real threat in France but since almost no one is ready to defend Pétain today (i.e., the case is closed), the way to win support is by distancing oneself from the him (as Marine Le Pen does) not embracing him (as Zemmour does)—with the unstated implication that one way to undercut the arguments of the extreme right might be to underline these continuities which it wishes to obscure. I realize now that my presentation of this point was too oblique and too compressed. I hope Dombrowski Risser would feel happier with the change I made for the French translation:

Si l’extrême droite prospère bel et bien en France – au second tour, Marine Le Pen a atteint le score historiquement élevé de 41,5 % des voix, contre 58,5 % pour Macron –, son avenir ne réside pas dans l’invocation de la mémoire de Pétain. Le dossier Pétain est clos. C’est la conclusion, semble-t-il, du président Macron qui, au mois de mai 2023, rabroua sa Première ministre Élisabeth Borne pour avoir affirmé que le Rassemblement National de Marine Le Pen était « l’héritier » des idées de Philippe Pétain. Selon Emmanuel Macron, il fallait « décrédibiliser » le RN « par le fond et les incohérences » et non par des « arguments moraux ou historiques » [*This spat between Macron and Borne occurred after the English version went to press*]. Cependant, tant que le souvenir de Vichy reste un repoussoir pour les Français, les propos de Borne, elle-même fille de résistant juif déporté à Auschwitz, sont salutaires pour démasquer la nouvelle stratégie de l’extrême – et pas uniquement extrême – droite française. Cette stratégie consiste à prôner des idées et proposer des politiques dans la droite ligne de la tradition pétainiste – le racisme, le repli national, la stigmatisation d’ennemis de l’intérieur, la discrimination envers des citoyens français (en l’occurrence d’origine non pas juive mais maghrébine) – tout en se réclamant sans vergogne de l’héritage et de l’action du général de Gaulle. Si le dossier Pétain est clos, le pétainisme n’est pas mort.

The fact that the Pétain case is “closed” was further supported by the publication, after my book appeared in English, of a book attempting to revive the long discredited idea that the Vichy regime had saved French Jews at the price of sacrificing foreign ones.[4] This book was published by an obscure editor, received no attention of any kind and was effectively demolished in a ferocious dissection by Laurent Joly.[5]

It might be interesting in this context if I finished these remarks with a brief discussion of the reception of my book in France. Overall, French reviewers have been very positive with one or two exceptions. The least favorable review was by André Loez in *Le Monde*. To the extent that one could discern any coherent argument, his point seemed that I had become too seduced by the arguments of Pétain's defenders and had not given enough space to enumerating his many crimes. But it was not my purpose to go over that well-trodden territory again. My purpose was to reconstruct the vision of contemporaries. From the other side of the political spectrum, the reviewer in *Le Figaro* was favorable except that he did not like what he saw as journalist genuflection to political fashion in the last sentence.[6] A similar objection was predictably made to me by Alain Finkielkraut rather when I appeared on the radio program *Répliques*. [7] So Dombrowki Risser is right. These issues remain very much alive in France today –more even than they were when the book was originally published.

NOTES

[1] Alice Kaplan, *The Collaborator: The Trial and Execution of Robert Brasillach* (Chicago: University of Chicago Press, 2002). See also the conversation between myself, Alice Kaplan and Shannon Fogg: <https://www.contreligne.eu/2024/02/julian-jackson-en-debat-reponses-2/>

[2] Colin Jones, *The Fall of Robespierre. 24 hours in Revolutionary Paris* (Oxford: OUP, 2021).

[3] Piketty wonders if sensitivity regarding the contemporary resonances of the trial explain 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*.” In fact, at the time I saw no real significance in the change of title and the publishers now think that we should probably have stuck with the original one.

[4] Jean-Marc Berlière, Emmanuel de Chambost, René Fiévet, *Histoire d'une falsification. Vichy et la Shoah dans l'histoire officielle et le discours commémoratif*, (Paris, Éditions de l'Artilleur, 2023).

[5] “Vichy, les Français et la Shoah : un état de la connaissance scientifique,” *Revue d'histoire de la Shoah*, n° 212, 2020/2: 11-29.

[6] André Loez, “Les Oeillères de Julian Jackson,” *Le Monde* 21/01/24; Jacques St Victor, “*Le Procès Pétain*,” *Le Figaro*, 18/01/ 24.

[7] <https://www.radiofrance.fr/franceculture/podcasts/repliques/le-proces-de-petain-2527082>

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