# THE NEVER-ENDING TRIAL

**by Theodore Dalrymple**

**France on Trial: the Case of Marshal Pétain**
Julian Jackson
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François Mauriac, the left-leaning, Nobel Prize–winning, Catholic novelist, said of the trial of Marshal Pétain that it would never be over: a sentiment more or less echoed by General de Gaulle. And certainly, the figure of Pétain continues to divide opinion in France, at least among those with opinions on such matters. Was he a traitor to France, or its savior, or perhaps something in between the two?

Professor Julian Jackson has written a superb book about Pétain's trial, its circumstances, and its aftermath. I would like to say that I read it in one sitting, but it was too long for that; but I looked forward impatiently to picking it up again, all else being but a regrettable interruption.

The continued salience of what might be called the “Pétain question” is illustrated by the fact that one of the candidates in the last French presidential election, Éric Zemmour, claimed that Pétain was the savior of the French Jews. This was all the more startling because Zemmour himself is Jewish (his parents emigrated from Algeria to France not long before independence), and because, if Pétain is exonerated in the matter of the deportation of seventy-five thousand Jews during the war to Germany, there to be murdered, his reputation is all but saved: for it is in this matter that his record is most excoriated.

As Jackson reminds us, this was not always so. In the immediate post-war period, and during his trial for treason, the fate of the Jews of France was not much emphasized. According to Éric Conan and Henry Rousso, in their book *Vichy, un passé qui ne passe pas* (Vichy, a past that does not pass), the Jews of France themselves were not anxious that their treatment by Vichy should be emphasized, for they had had more than enough of being treated as a population apart. They wanted their suffering to be subsumed under that of the nation as a whole, and it was only later, by the subsequent generation, that the deportation assumed its great historiographical importance. It is not that nothing about the deportation was known before, it was merely that less emphasis was placed on it. There is an analogy with the historiography of the Soviet Union. Solzhenitsyn revealed nothing that was not, or could not have been, known before, with all its human and moral significance; the difference was that the world was now ready or willing to believe it.

But what of Zemmour’s claim, which is precisely that which Pétain’s defenders, when they are not outright anti-Semites, make on the Marshal’s behalf? It is certainly true that a far higher percentage of French Jews survived than, say, of Belgian or Dutch Jews (the figures are seventy-five, fifty, and twenty-five percent, respectively). But how much of the

difference was attributable to the alleged relative decency, and cunning, of Vichy and its marshal?

Allow me a personal anecdote. Above my mother-in-law's flat in Paris lived an old Jewish lady whose brother had been deported on the last convoy of Jews from Paris before the end of the occupation. She, however, had been saved by having been sent out of Paris to the care of nuns, who disguised her identity. Hence, she survived.

One day my mother-in-law was traveling on a bus and started to talk to an old lady next to her, who asked her where she lived. She gave the street, then the number, then the number of the flat, whereupon the lady next to her, who was Jewish, burst into tears. This was the very flat in which she had been hidden by family friends during the four years of the occupation, being careful never to appear at the window because opposite was the German *Kommandantur*, formerly and afterwards a police station. Four years of claustrophobic terror during adolescence: it was like something from a novel by Patrick Modiano.

The survival of these two old ladies owed nothing to Vichy or Marshal Pétain, but this does not settle the historical question. What percentage of the survivors owed their survival to the bravery of individuals, and what to policy decisions? We shall probably never know with any certainty. If one compares the survival rates of France and the Netherlands, what part did the relative geographies of the two countries play? France is much larger and less densely populated, and has many landscapes more conducive to concealment than the Netherlands.

Again, what of the *pétainiste* claim, repeated by Zemmour, that Vichy sacrificed Jews of non-French origin in order to save those of French origin? The former, however, were more conspicuous, with much smaller networks of potential defenders, than the latter. This might explain the large

difference in the survival rates between the French-born and foreign-born Jews, an explanation which would hardly redound to the regime's credit.

While the author is certainly no apologist for Pétain, he deals with these questions with admirable, and unusual, intellectual probity and candor, acknowledging ambiguity and the possibility of more than one interpretation where it exists. Pétain's precise degree of responsibility for events remains unclear; he was always an anti-Semite (of the kind with Jewish friends), but he never dreamed of extermination. In considering Vichy's record, one has to steer, usually unsteadily, between ascribing all the blame to Vichy and all the blame to the Germans. It is like trying to see simultaneously one of those pictures, beloved of Gestalt psychologists, that can be a vase or two old crones, but not both at the same time.

What is certain, however, was that Vichy allowed to flourish a whole fauna of horribly vicious opportunists, more odious personally than Pétain, none worse than George Montandon, a physical anthropologist who would provide certificates of Aryan origin—for a fee, often a ruinously large one—whose absence could mean deportation and death. My wife, incidentally, has the certificate of Aryan origin of a great-uncle of hers, in this case provided by the Italian consul, presumably also for a fee. (Montandon was shot in his house a few weeks before the Liberation and died in agony a month later in a German hospital to which he had been removed.)

Again, the question arises as to how much Pétain knew about the conduct of this vile fauna that flourished under his dispensation. He disliked many of them personally, although they were in effect appointed by himself or on his authority, but what did he do to control or stop their activities? His apologists always claim that he was playing a *double jeu*, a double game, deceiving the Germans with his public pronouncements but secretly preparing the ground for or

assisting the Allies. The problem for the *pétainistes* is that his public pronouncements were unequivocal, while his supposed efforts on behalf of the Allies require sophisticated, not to say sophistical, arguments to perceive.

Was Pétain guilty of treason, that is to say of knowingly having betrayed his country? This is not a straightforward question. De Gaulle believed that the armistice was the treasonous act at the origin of all the evil of Vichy, but it did not seem so to the French population of the time, who greeted it with relief; indeed, about sixty percent of the population still believe it was justified. As far as legal legitimacy is concerned, Pétain had a better claim to it than de Gaulle, who could only claim moral, not even popular, legitimacy: and he had, of course, not a fraction of the prestige of the Victor of Verdun.

Raymond Aron, an intellectual of extraordinary clear sight, thought that Pétain's treason commenced only in 1942, when the Germans broke the conditions of the armistice by occupying the unoccupied zone. Pétain should then have refused all further dealings with the Germans, instead of which he clung to the shreds of office, claiming to want to share the unhappy fate of the people to the end, though probably more from vanity and self-importance, two of his most notable characteristics.

As this book makes clear, Pétain's trial, though not a kangaroo court such as Pierre Laval was soon to be tried by, was very badly conducted, and its own legitimacy doubtful. The preliminary investigation of the case, which I have read, was astonishingly shoddy. The prosecution tried to make out that Pétain's assumption of power was the fulfillment of a long plot by him with some of the far-right figures who abounded in interwar France, and devoted far more attention to this theory, unprovable because false, than to matters infinitely more serious.

One of Pétain's defense lawyers, Jacques Isorni, made his name

during the trial. He devoted the rest of his life to rehabilitating Pétain's reputation (in addition, that is, to self-promotion). He was a man of considerable ability, and when the senior judge in the trial, Paul Mongibeaux, said that no one knew what the conditions of the armistice were because it had never been published, Isorni immediately said, "Marshal Pétain is reproached with signing the armistice, and no one knows what it contained!" This is an indication of how ill-prepared the prosecution was.

Pétain justified the armistice because he said that, without it, France would have been in a far worse situation. Jackson imagines a counterfactual history. Shortly before the armistice, the French army was beginning to put up a good fight, German supply lines were becoming extended, and if Pétain had not announced in advance that he was seeking an armistice, which destroyed the French army's morale once and for all, the Wehrmacht would have been held up for a few weeks, long enough to have evacuated eight hundred thousand soldiers to North Africa, along with the French fleet, which would have been an immense asset in the fight against Nazi Germany. The whole of France would have been occupied, but with the Germans lacking manpower for a full-scale occupation, they would still have needed a French administration along *pétainiste* lines.

I am a little skeptical: how would the eight hundred thousand soldiers have been fed, housed, and armed? Would the still-neutral Americans have supplied them? And would not the whole of the French population have been hostage to the Nazis, who were capable of any degree of brutality against a civilian population?

The fundamental point here is that a speculative counterfactual cannot be used to prove a course of action criminal, even if in retrospect it appears to have been mistaken. Error is not crime, and the charge against Pétain is not to be proven by this means.

One question that naturally arises about the case is that of Pétain's age. He was eighty-four when he assumed power or had it thrust on him, and eighty-nine at his trial. Was he sufficiently *compos mentis* to have committed the crimes of which he was accused and to be tried for them? I think the answer to both questions is yes. By the time he died, just over five years later, he was undoubtedly demented. But as someone who has read a large number of pre-trial questioning of alleged criminals, I recognized in Pétain's case a pattern familiar to me, that of a memory that suddenly becomes much poorer once a difficult question is asked. Pétain showed himself cunning in his answers except for those questions whose answers could not but show him in a bad light, if not incriminate him outright. Selective silence looks like an awareness, if not an admission, of guilt. It is a pattern with which I am familiar.

I cannot praise this book highly enough. It reads like a drama, and the writer is a model of impartiality. He does not simplify the labyrinthine complexities of history, only a few of which I have touched upon, to assume an easy moral superiority. I am not certain, though, that I agree with his conclusion that Éric Zemmour's poor showing in the presidential election signifies the closing of the Pétain case once and for all. The memory of Vichy, if not of Pétain, will still weigh on French politics for years to come, for example in questions of immigration and national culture. It is rare, however, that a book of recent history is as subtle, penetrating, fair, and pleasurable to read as this.

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