

# /BOOK REVIEWS

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**Jackson, Julian. 2023. *France on Trial: The Case of Marshal Pétain*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 448.**

In memory of Vljako Begović (1905–1989)  
Combatant and officer of the Resistance (La Résistance),  
the FFI (Forces françaises de l'Intérieur),  
and the French Army (Armée de Terre) – 1943-1945.

Julian Jackson is hardly a stranger to France's darkest period in the 20<sup>th</sup> century: defeat in 1940, German occupation until August 1944, and the Vichy government. His previous books include a comprehensive and very balanced study of the occupation and collaboration period (Jackson 2001) as well as the thought-provoking inquiry into the 1940 defeat (Jackson 2003). This time he decided to provide a book on the epilogue of the 'dark years',

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focusing on the trial of a person who was the embodiment of collaborationist Vichy France – Philippe Pétain, head of the Vichy French State (*État français*) until August 1944 and still a Marshal of France at the time his trial began.

The author points out in the Introduction that he does not seek to “re-open” the trial or to argue that Pétain was treated too harshly or not harshly enough, but rather to revisit the trial. “Revisiting Pétain’s trial is not the same as re-opening it. It offers a fascinating opportunity to watch the French debating their history. Through the arguments in the courtroom we can explore choices that were made and paths that were taken; but also paths that were not taken and choices that were rejected. We can hear the historical actors of both sides explaining their decisions, see how Vichy’s defenders justified their actions, and understand what the regime’s accusers considered to be its main crimes” (p. xxviii). Well, this is undoubtedly a job for a historian, a thoroughbred one, like Jackson is, rather than a lawyer.

Furthermore, at the beginning of the book the author lays down the cards. In a few skilful strokes of the pen, he made the case explaining why Pétain had to be tried and punished. The Introduction starts with the infamous meeting of Pétain and Hitler on 24 October 1940 at Montoire-sur-le-Loir; Pétain’s shaking hands with the enemy (the armistice signed in June 1940 was just a suspension of hostilities, not the end of the war) and a few days after that handshake, declaring (three times) ‘collaboration’ with that very enemy as the policy, in his radio address to the population. Based on the insights of the author, the reader infers that, from the legal point of view, it was easy, and from the political point of view it was inevitable, to prosecute and to put Pétain on trial. It was easy, because the indictment was focused on ‘collaboration’ and was based on the French Penal code which (at the time the deed was done) stipulated the crime of ‘collusion with the enemy’, and Pétain publicly declared that collusion, labelled as collaboration, and in the documents of the Vichy government there was ample evidence about that collusion. It was inevitable because on 13 July 1940 General Charles de Gaulle had declared that France would ‘punish ... the artisans of her servitude’. There was no doubt whom General de Gaulle had in mind as in his subsequent speeches he referred to Pétain as “*le Père la Défaite*” – Father of Defeat – an ironic inversion of the soubriquet applied to Georges Clemenceau, France’s prime minister during the Great War, who had been dubbed ‘*le Père la Victoire*’ – Father of Victory” (p. xxiv). After the Liberation, it was time for de Gaulle to fulfil the promise/threat. In April 1945 it was Albert Camus, a person with impeccable literary and moral credentials, who pointed out: “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” (p. xxv). So, the author concludes, Pétain’s trial was

obviously a 'political' trial, and it was inconceivable that Pétain would not be found guilty. The author considers that the only uncertainty was the penalty. The reader is not convinced. It rather seems that the only uncertainty was whether the death penalty rendered by the court would be commuted to life imprisonment (for humanitarian reasons, due to the age of the defendant, or political ones, or both) or not.

But because the trial was politically inevitable, that did not mean it was (politically) easy. On the contrary, it was a difficult one. As the author suggests in the title of the book and further points out in the Introduction, the trial of Pétain was in some sense putting France on trial: according to the author, few people had not believed in him – at some moment. Jackson understands the view that this trial was “an elaborate ceremony aimed at symbolically condemning a policy” (Novick 1968, 173), but he believes that despite many irregularities, what took place in the courtroom was not a charade. From what follows, the book provides ample evidence that the trial was a tremendous opportunity for the painful soul-searching of the French people, after the traumas they had endured from May 1940 to August 1944. The author suggests some of the questions. Was the armistice itself treason?<sup>1</sup> Was there a realistic alternative? Was the vote granting powers to Pétain in 1940 legal? Had he abused the powers he had been granted? Could collaboration be defended? Had Pétain supported it? Why did Pétain hang on to power even after November 1942 (i.e. the Allies' landing in North Africa, and the German occupation of the whole of France)? What were the respective responsibilities of Pétain and Laval (his Prime Minister) in this tragic history? 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? Oh yes, that was France in 1945, and the “trial was about much more than the fate of one extremely old man” (Prince 2023).

The trial took place in Paris (where else?), opening on 23 July 1945 and ending on 15 August. Nonetheless, the book starts in earnest (Part One 'Before the Trial') much earlier, with a young Pétain, his somewhat

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1 Just as an illustration of different views, the author refers to the approach of three relevant people. Charles De Gaulle, Raymond Aron and Simon Weil all opposed Vichy – but each took a different view of the Pétain's crime. For de Gaulle, the crime was the armistice and nothing but the armistice; for Aron the armistice was defensible and Pétain's crime came two years later, when he remained in France even after the Germans had flouted the armistice by occupying the entire country; Weil condemned the armistice as an act of collective cowardice which could not be blamed on Pétain alone.

disrupted family, and an ordinary military career, up to – Verdun. There, the myth was born – a hero who did not give in, a master of defence and a general who cared about the welfare of ordinary soldiers. In the aftermath of Verdun, nonetheless, the high command was a bit concerned that he was too reluctant to seize the advantage with a counteroffensive. Pétain’s detractors often commented that his prudence leaned towards pessimism, even at times defeatism. One way or the other, it was Ferdinand Foch who was appointed to be in overall command of the Western Front, and it was, among other things, his determination that made that it was not ‘All quite at the Western Front’. The victory of the French army in 1918 was accompanied by the deification of Pétain into Marshal of France and the literary unavoidable hero of Verdun. “His mythic stature was also sustained by his appearance: piercing blue eyes, snow-white hair, and his famous ‘marble countenance’ (*visage marmoréen*)” (p. 4).

Until his retirement in 1931, he played a leading role in French military planning. That perhaps explains, at least up to a point, the French military obsession with defence between the world wars.<sup>2</sup> Although he was 75 when he retired, he entered French politics. “Pétain started to conceive of himself as a political sage with views about the world going beyond the military. He was no ideologue (nor was he, for that matter, a great reader)” (p. 5). In 1934, Pétain became War Minister, and after a brief stint as France’s ambassador to Franco’s Spain, exactly at the time of bloodshed in the aftermath of the Civil War, he joined the French Government as the Deputy Prime Minister on 18 May 1940, eight days after the start of the German invasion. The rest is – history.

The book picks up the history on 17 August 1944. The German forces were withdrawing from France; the Allies, including de Gaulle’s Free French, were advancing both from the West (from Normandy) and from South (from Provence), and the spa city of Vichy was about to be liberated. Quite expectedly, a German senior official at Pétain’s office, whom Pétain himself referred to as ‘his jailer’, ordered the Marshal of France to – evacuate. Although Pétain wanted to stay in France, even writing a letter of protest to Hitler (the letter was unanswered), he obeyed his ‘jailer’. The Germans first moved him to the east of France, to Belfort, but this solution was unsustainable due to the further advance of Allied forces, so on 6 September 1944, Pétain was transferred again, this time to Germany – to the Sigmaringen Castle, situated in Baden-Württemberg, on the Danube River. From that moment on, Pétain

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2 At the time defence-prone Pétain retired from the French military, it was far away in the Russian steppe that clandestine collaboration between Germany and the Soviet Union produced a new military doctrine (Johnson 2021). In Russian language it was Deep operation (*Глубокая операция*), in German it was – *Blitzkrieg*.

was effectively a German prisoner and without any clout – political or administrative. He was respected as the most senior person in the strange crowd that had been gathered in the castle, but even the local show was run by the others – predominantly fanatic pro-Nazi collaborators. This was the terminal stage of Pétain’s political disease.<sup>3</sup>

From the solitude of the *Schloss*, the author moves to the fervent post-Liberation France, i.e. ‘meanwhile in Paris’. That was the time of *épuration* – post-liberation purges. It was not only the idea of retribution and revenge but also of purification and cleansing. The author points out that the purges were intended not only to punish the guilty, but to create a morally renewed nation. Things went somewhat wild as “In the early days of the Liberation, when the government turned a blind eye, some 9,000 people lost their lives in this so-called *épuration sauvage*” (p. 34).

Nonetheless, no purification or cleansing of the nation can be achieved without a trial of the key personality of the collaboration – Pétain himself. Without that trial, all other efforts could be considered as *Hamlet* without the prince. There was a constitutional provision in France to judge politicians accused of treason. In the Third Republic, established in 1875, this role was given to the parliamentary upper house – the Senate – sitting in special session as a High Court. There were substantial problems for de Gaulle in pursuing that avenue of action. The first one, the Third Republic had been effectively abolished with the establishment of (Vichy) French State.<sup>4</sup> Furthermore, “It was not even yet decided whether France would keep the same constitution, and most members of the Senate elected under it had voted Pétain full powers in 1940” (p. 32). Instead, a new High Court (*Haute*

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3 There is a telling description of the environment of this stage in the book. “The castle, while massive, could not house the 1,500 or so French refugees – criminals, black marketers and ultra-collaborators with their assorted wives, mistresses and hangers-on – who had followed the ‘government’ of France to Germany. This hoi-polloi had to make do with the overcrowded hotels, school buildings and gymnasia scattered around the town” (p. 19) What a bunch!

4 As pointed out in the book, after the armistice on 22 June, France’s parliament was convened hastily at Vichy on 10 July, to grant Pétain full powers to draft a new constitution. The very next day he issued a series of ‘Constitutional Acts’ which effectively made him a dictator and put parliament into abeyance. The Republic was not formally abolished, but Pétain was now described as ‘Head of State’ – leaving it ambiguous what kind of state he headed. Using these new powers, Pétain’s government proceeded to implement what it described as a ‘National Revolution’, issuing a string of new ordinances. The author rightfully dismisses a quip that Vichy France was ‘a banana republic without bananas’ (Neiberg 2021, 36), as it was not only bananas that were missing. The motto of the former Republic, ‘Liberty, Equality, Fraternity’, was replaced by ‘Work, Family, Fatherland’. The Third Republic was effectively dead.

*Cour de Justice*) was established to try the Vichy leaders. Even the problem of finding untarnished judges to run the court, given how compromised the entire French legal establishment had been during the occupation, was resolved. Following several trials of somewhat minor defendants, most of them resulting in death sentences, the political pressure resulted in the indictment against Pétain being compiled, and on 23 April 1945 it was announced that the trial would start on 17 May *in absentia*.<sup>5</sup> At the time of the announcement, Pétain was still in Germany.

That was about to quickly change. Just a day after the announcement, with the German government collapsing, Pétain arrived in Switzerland. “He was resolute to come back to France, because since the establishment of the High Court his consuming obsession was to defend his reputation before it” (p. 42).<sup>6</sup> Based on the French request, Pétain was transferred to France on the evening of 26 April 1945, and right on the border, he was turned over to the French authorities. “De Gaulle had sent General Koenig to meet Pétain on behalf of the French government. [...] When Pétain got out of his car, Koenig saluted. Pétain held out his hand but Koenig kept his hands rigidly at his side. Koenig had not planned what to do, but it seemed inappropriate to shake the hand of the man he was arresting. Momentarily taken aback, Pétain was forced to withdraw his hand” (pp. 44–45).<sup>7</sup> Pétain was back home.

There is enough evidence in the book that Pétain coming home was considered a political hot potato for de Gaulle and the new government, as Pétain could talk back at the trial and the old wounds of the 1940 armistice

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5 The decision to pursue the trial *in absentia* was made somewhat earlier, on 17 March 1945. Formally it was made by the High Court, but that was obviously a political decision, i.e. de Gaulle’s.

6 It is a bit curious that Pétain had such a strong desire to go back to France and appear before the court. The author conjectures that Pétain was not a natural martyr and that he probably believed that he was still protected by the magic of his legend. ‘For four years he had lived in the bubble of his regime’s propaganda, adulated by cheering crowds on choreographed provincial tours. The hagiographical effusions of the Pétain cult are beyond parody’ (p. 52). After all, he was 89 years old at the time – not exactly the best age to change his opinion of himself, the reader concludes.

7 De Gaulle’s decision to dispatch General Koenig to meet Pétain at the border was not random, as the general was the first and only commanding officer of the FFI (*Forces françaises de l’Intérieur*), a service within the French armed forces that in 1944 consolidated all the units of the Resistance (*La Résistance*), and it was disbanded later during the war, when its personnel were fully integrated into the French Army (*Armée de Terre*). It was Resistance combatants that inflicted the heaviest losses on Pétain’s armed collaborators and suffered the heaviest casualties from them. By appointing General Koenig to this mission, de Gaulle sent, without a word, a strong and unambiguous message to Pétain. Whether it was understood is another matter.

could be deepened.<sup>8</sup> In the words of a contemporary commentator quoted in the book “Apart from a few fanatics, everyone regrets Pétain’s return – regrets the fact that he lived on until the end” (p. 46). De Gaulle’s personal view of Pétain was much more unambiguous, as he remarked that Pétain was a great man who had ‘died’ in 1925. The author believes that what he seems to have meant was that by viewing Pétain at close quarters, he realized that he had become a prisoner of his own myth. Pétain’s ideas about the world – and warfare – had ossified.<sup>9</sup> One way or the other, the public had no second thoughts. The author refers to the public opinion poll conducted in June 1945 with the question: ‘If you were a juror in the trial of Marshal Pétain and the prosecution asked for the death penalty what would be your verdict?’ The answers were striking: 44 per cent of respondents answered a straight ‘Yes’ and 32 per cent ‘Yes with mitigating circumstances’. Only 18 per cent said ‘No’.

With Pétain being available, in accordance with the rules of French law, the additional pre-trial investigation started on 30 April 1945, which resulted in the somewhat revised indictment. The investigation had started well before Pétain’s return to France but after that, it had to be supplemented by his interrogation. As he had some trouble in selecting his trial lawyers, i.e. his legal representatives, he decided to go for the interrogation alone, obviously thinking that he was not vulnerable and that his Marshal aura was still an impenetrable shield. According to the author, the interrogation was a fiasco for Pétain. “He was now confronted with questions that leapt randomly from subject to subject which anyone at the height of their mental powers would have struggled to answer. His responses were a mixture of evasion, blame-shifting, amnesia and perplexity” (p. 60). Well, the reader concludes that vanity is literally a mortal sin.

The public prosecutor was André Mornet and the prosecutor in charge was Pierre Bouchardon, who had a long experience of treason trials. He had been the prosecutor of the famous/infamous Mata Hari, who was convicted

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8 The author points out that when Pétain entered Switzerland, de Gaulle informally let the Swiss authorities know that, although the French would obviously be required to ask for Pétain’s extradition, they would not pursue the matter if the request were denied. Nonetheless, the Swiss authorities were anxious to get rid of Pétain, he was eager to go back to France for the trial, and the French government requested his extradition, hence Pétain’s stay in Switzerland was record-breaking short.

9 A few de Gaulle’s notes about Pétain from that time, specifically from 1938, are both stylish and telling: “Cloaks the misery of his solitude in pride ... Very sensitive in matters concerning himself ... Too assured of himself to give in. Too ambitious to be a mere arriviste. Too personal to have any faith in others. Too prudent not to take risks ... More grandeur than virtue” (p. 49). De Gaulle’s famous verdict of Pétain in his *Memoirs* was that ‘old age is a shipwreck’.

and executed as an ostensibly German spy in 1917 and he gained his fame for that accomplishment.<sup>10</sup> One way or the other, he specialised in treason cases, he was passionate about them, and the charges against Pétain were exactly that – treason, i.e. collusion with the enemy, as stipulated in the French Penal Code.

There was a team of Pétain’s lawyers, described in detail in the book as people of different areas of specialisation, different temperaments, different motivations for the service, different strategies of defence, and all of that even with a bit toxic chemistry among themselves, which prevent proper communication and coordination. Hardly a winning combination even for a low-profile defendant.

Fernand Payen, the most senior member of Pétain’s defence team, was a well-known civil lawyer with little experience in penal law. His main obsession was to be elected to the *Académie Française*, which usually had one seat for a celebrity lawyer. This was his main motivation. Jacques Isorni, a much younger member of the team, was a passionate admirer of Pétain because of his right-wing, reactionary political views and most of the energy coming from the defence bench was exactly the one created by Isorni – he was a believer.<sup>11</sup> As a junior partner, the author points out, he had no intention of being confined to an auxiliary role. Pétain liked Isorni’s approach and the two of them formed a bond behind Payen’s back. The third lawyer, who had been selected by Payen, was Jean Lemaire. He was, by all means, a third wheel. Perhaps that was exactly the reason Payen chose him.

The lawyers’ team worked with the client in preparing his defence, asking him questions regarding difficult issues, such as his proclamation that drafting French workers to German factories was working in the interests of France. The reply was not helpful if it was a reply at all. One of the contemporary comments on Pétain was ‘I have the impression of a magnificent façade with nothing behind it.’ The author points out that “At Vichy it was often said that Pétain was only capable of concentrating for two hours a day” (p. 80). The reader wonders whether the main reason for

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10 The author shares a rather widespread view that Mata Hari was actually not guilty as charged, and that she was essentially a scapegoat in 1917, a year of the Great War with many disappointments for France, not only widespread mutinies in the French Army. “She was a sacrificial victim, killed to satisfy a bloodthirsty public” (p. 63).

11 According to the author, Isorni was an admirer of the monarchist polemicist Charles Maurras (who polemically clashed with Émile Zola in the Dreyfus case), and the leader of the ultra-right *Action Française* movement, which he joined as a schoolboy, and by the time Isorni graduated from university he was writing regular columns for right-wing student newspapers.



Pétain's unhelpful reply to the questions by those whose job it was to help him was his diminishing intellectual strength and substantially reduced cognitive capacity. Or perhaps, he was aware that his actions in collaborating with Germany were just indefensible and he was conscious that he had already burned all the bridges. The doubt remains.

One way or the other, in the final stage of the investigation Pétain was quizzed about two documents, which the prosecution hoped might nail the claim of treason ('collusion with the enemy'). The first one was a letter from Pétain to (German foreign affairs minister) von Ribbentrop on 18 December 1943, stating that 'modifications of laws will be submitted before publication to the occupation authorities' – collaboration at work. Pétain responded that this was just a formal concession. The problem was that this ostensibly formal concession was enforced. The second document was a telegram congratulating Hitler on the success of repulsing the Anglo-Canadian landing at Dieppe on 18 August 1942, labelled as 'aggression on our soil' and offering for French troops to contribute to the 'protection of Europe'. Pétain did not dispute the text, only whether it had been sent or not. The author points out that in the same month in 1942 "over 11,000 Jewish men, women and children were arrested by French police in the Unoccupied Zone of France for deportation to Auschwitz" (p. 87). This was not the author's critical remark of the content of the indictment (focused on the French Penal Code), but a remark about Pétain's historical responsibility, which became legally punishable only sometime after the trial.

The revised indictment was ready on 11 July 1945. It opened with Pétain's responsibility for the signing of the armistice on 22 June and accused him of (1) 'Attacking the internal security of the State', (2) 'Collusion with the enemy in order to favour his own ambition which correlated with those of the enemy'. These crimes fell respectively under articles 87 and 75 of the Penal Code. The author concludes that in the ten weeks since Pétain's return the shape of the indictment that had already been prepared before his arrival had not radically changed. The *Première Chambre de la Cour d'Appel de Paris*, a rather small courtroom situated at the heart of Paris in the *Palais de Justice*, was selected to be the site of the trial. Everything was ready.

Part Two of the book ('In the Courtroom') is focused primarily on the trial itself – almost a day-by-day chronicle of the event. Although, not only of the trial itself, but also putting it in the framework of the political environment, like the debate on the new constitution in the *Assemblée Consultative*, which began on 27 July 1945, four days into the trial. "Those debating France's future always had Pétain in their minds, just as those deliberating Pétain's fate in the courtroom always had an eye on France's future" (p. 103).

The author points out that many famous names covered the trial. The two most celebrated reporters were Albert Camus, who wrote for *Combat*, and François Mauriac, who wrote for the conservative *Le Figaro*. In addition to publishing Mauriac's occasional articles, *Le Figaro* also hired Jean Schlumberger, a novelist, poet and friend of André Gide. Quite a literary coverage!

The defendant, according to the author, wanted to appear as a civilian so as not to sully the prestige of the Marshal's uniform. It was his lawyers who convinced him to appear in the uniform. Photographs from the courtroom looked more spectacular, but it seems to the reader that it hardly made any difference for the better for the defendant. The point is that the High Court was composed of three judges and twenty-four jurors – twelve resisters and twelve parliamentarians – drawn by lot from a pool of fifty in each category. The pool of resisters was selected by the *Assemblée Consultative* from its members, and the parliamentarians from among those pre-war senators and deputies who had not voted full powers to Pétain on 10 July 1940. The reader guesses that resisters were not amused by the uniform.

The chief judge, Pierre Mongibeaux, had sworn an oath of loyalty to Pétain during Vichy France (as had other sitting judges) but he had not otherwise distinguished himself in any way, negatively or positively, during the occupation – though he had raised eyebrows when he suddenly appeared out of nowhere at the *Palais de Justice* at the Liberation with a tricolour resistance (FFI) armband on his sleeve. It seems that adjustment was a keyword of the day in the French judiciary.<sup>12</sup>

After reading the indictment, according to the decision by Pétain and his legal team, he addressed the court with the prepared declaration, written basically by his lawyer Isorni. Apart from this declaration, Pétain remained almost silent throughout his trial. That is the reason why the integral version of the (not-so-long) declaration is cited in the book. The author does not appreciate the declaration. "Overall, the declaration was a compilation of dubious assertions and half-truths, approximations and provocations. The phrase that some acts 'caused me greater suffering than they did you' would surely have been better omitted given that many in the court had suffered unimaginable personal losses" (p. 121). The reader concurs.

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12 Contrary to that, jurist Léon Lyon-Caen, who had been sacked from the *Cour de Cassation* under Vichy legislation excluding Jews, would have been an eligible candidate for the chief judge. Later, he had narrowly escaped arrest by the Gestapo, one of his sons had died at Auschwitz, and two others in the Resistance. Lyon-Caen was readmitted to the *Cour de Cassation* in 1945, but he refused to be considered for the role of the chief judge because he believed that he could not be impartial. A rather seldom example of virtue among civil servants in those days in France.

Then the witness for the prosecution started their testimonies. This was perhaps, from a historiography point of view, the most interesting part of the trial because this was a rich in details group painting of the French political and military elite at the final time of the Third Republic. "Over the course of the first week the court would hear the testimonies of four former premiers, a former President of the Republic, the two men who had presided over France's Chamber and Senate in 1940, and other leading politicians. All had been victims of the Vichy regime; some had been imprisoned; three had only just returned to France from deportation" (p. 125). Military decision-makers from 1940 also testified. The author provides a brief portrait of each of them, starting with Paul Reynaud, the last prime minister before Pétain, who failed miserably in June 1940 and who invited Pétain to join the government as deputy prime minister, and who replaced the commander-in-chief, General Maurice Gamelin, with General Maxime Weygand, who was the key advocate of the armistice. There is an intriguing observation of the author: "For de Gaulle, the explanation for Reynaud's failure was that he remained a prisoner of the political system that had created him; that he lacked the spark of self-belief necessary for leadership; that, in short, he was not de Gaulle" (p. 128). The reader is convinced that only an outsider from the framework of political institutions of the (late) Third Republic was capable of achieving a turnaround from the on-going disaster.<sup>13</sup> In short, de Gaulle.

Pages and pages of the book are rightfully allocated to the extensive testimonies of the French leaders of the time which were basically almost the same – the differences were about details, almost in every case about the personal role. The testimonies themselves were insincere, opportunistic, self-serving, with no desire to go to the crux of the issue – quite telling from the people who were not in the dock but witnesses of the prosecution. The only exception, both in terms of personality and testimony, was Léon Blum, who became France's first-ever Socialist premier at the sunset of the Third Republic.<sup>14</sup> It was he as the prime minister who started the rearmament

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13 The author points out "In the end, Reynaud lacked the authority, conviction or force of personality to impose his opposition to an armistice" (p. 129). Nonetheless, the reader concludes, that it could have been anyone from the French political elite of the time. The title of Émile Zola's 1892 novel of the Franco-Prussian war – *La Débâcle* – was even more appropriate for the 1940 French not so much military but political downfall.

14 The other exception, though not in the trial, but two years later, during the work of the parliamentary commission that was set to carry out an autopsy of the defeat of 1940, was one of Reynaud's former ministers, Raoul Dautry, who demonstrated more honestly than anyone had done at Pétain's trial why no uncontested truth would ever emerge about the events of June 1940: "We were there, 20 people, not

of France due to Hitler's rise to power and the advent of the threat of Nazi Germany. It was he who voted against the unconstrained powers of the Vichy Head of State, which effectively abolished the Republic. It was he who was imprisoned near the camp of Buchenwald, knowing that he could be shot at any time. As to his appearance at the court, the author points out that "Blum's testimony had been the high point of the trial so far. The impact derived from his avoidance of declamatory rhetoric or point scoring. Every sentence was phrased with intellectual fastidiousness – but also artistry" (p. 147).

The defence lawyers skilfully played their cards, knowing the numerous political liabilities of the prosecution's witnesses and counting on the image of Pétain as a (previous) war hero, by asking every witness the same question: 'Do you think Marshal Pétain betrayed his country?'. All were evasive, there was no straight yes or no. All, save one. It was Léon Blum who pointed out "So that for me is the key issue: the massive and atrocious abuse of moral confidence. Yes, I think that can be called treason" (p. 161). Finally, the defence lawyers had got what they had asked for.

Now the time came for the defence witnesses. And the star witness was – Pierre Laval. He was an embodiment of collaboration with Nazi Germany, being twice the prime minister in Pétain's government.<sup>15</sup> But Laval (who was also twice prime minister and minister of foreign affairs in the 1930s, i.e. during the Third Republic), according to the insight from the book, was also something else – the incarnation of the worst of the politics of the Third Republic. Though author has some respect for Laval and claims that "He was a self-made man who owed nothing to anyone. Laval had risen through the ranks thanks to hard work, native intelligence, guile and determination" (p. 195), all other insights in the book reveals a person with no moral constraints whatsoever, whose obvious success in French politics was due to his unlimited wheeling and dealing. In short, Laval was the nadir of the

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sitting round a table but in complete disorder in armchairs and in every corner of a room which had been set up for a meeting of the Conseil ... You cannot imagine the confusion of that meeting with ministers who had not slept for two days, who were no longer thinking straight, fighting furiously over improvised propositions ... The confusion was such, people were so exhausted, so incapable of putting together arguments, that they threw words at each other like bullets rather than offering arguments and reasons" (pp. 290-291). Quite a vivid and convincing painting of the last days of the Third Republic, the reader concludes.

15 In the first stint (July–December 1940), because Pétain was simultaneously head of the state and head of the government, Laval was *de jure* (the only) deputy prime minister. Effectively he was the prime minister in that stint. In the next one, up to the end of the Vichy government, he was *de jure* prime minister, much trusted by the German government, until the evacuation of the administration from Vichy in August 1944.

Third Republic. As explained by the author “Apart from his versatility, Laval’s political ascension is hard to explain. He had no talent as an orator or writer; he read no books; his ignorance of history, geography and literature was legendary” (p. 197). His physical appearance, according to the description in the book (supported by a photo from the courtroom on one of the pages) was consistent with the repulsive character of his personality. Such a man was two times the prime minister of the Third Republic. This speaks about the Third Republic and its sunset more than hundreds of pages.

Nonetheless, for Pétain’s defence, Laval was an ideal scapegoat. He had openly collaborated with Nazi Germany, and he was even proud of it – he was the one who openly, in a radio address to French people in 1942, declared that he ‘wished for a German victory’, hence a reasonable strategy of defence was to load all the responsibility for collaboration on him.<sup>16</sup> The problem with that strategy was that Laval was a skilful player of the blame game. His testimony was long and self-serving, but it was, as substantial parts of it are cited in the book, rather a colourful sketch of the operations of the Vichy government. The author thinks that “Despite [...] lapses, Laval’s performance had been skilful. He had avoided direct criticism of Pétain, distanced himself from some of his measures, and shown that Pétain was no less implicated in the policy of collaboration than he was” (p. 209).<sup>17</sup>

All other defence witnesses paled in comparison with Laval’s colourful personality and thrilling appearance. It was the ‘generals and bureaucrats’ of the Vichy government who gave their testimonies. The full painting of the operation of the Vichy government was unveiled, although it is questionable how reliable it was. Most of the debate was about November 1942 and the Allied landing in North Africa. It was the Vichy government who ordered French troops to shoot at Americans, so the debate whether the order came

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16 Laval was not entirely blind to reality. The author points out that after the statement of his preferences regarding German victory, general “Weygand had said to Laval ‘you have 95 per cent of France against you’. Laval replied: ‘You are joking! It is 98 per cent but I am doing what is best for them despite them’” (p. 198). Hence, the interesting question is why he came back to France, as he was offered to take refuge in Ireland. It seems that he wrongly overestimated his skills and underestimated the hatred and contempt for him in France after the war. Shortly after Pétain’s trial, Laval was sentenced to death and executed. Although the trial was a charade (Paxton 1982, 425), and the author points out that “Even Laval’s bitterest enemies agreed that his trial was a travesty” (p. 288), no tears were shed after his hasty execution. Laval was a liability that France wanted to forget.

17 One of the most revealing of Laval’s slips during the testimony was “when he referred to D-Day as ‘the aggression in Normandy’. The court exploded with laughter” (p. 209). So much about Laval’s sincere allegiance during the war, even in its later stage.

directly from Pétain hardly mattered. What mattered was that one week after the Allies landed in North Africa, the Germans violated the armistice agreement by occupying all of France (no Free Zone anymore), and the French fleet was scuttled in Toulon. It was the last opportunity for Pétain to switch sides. He remained loyal to Hitler and Nazi Germany. To the very end.<sup>18</sup> No one can deny that.

The closing arguments for both sides were – long. Prosecutor Mornet spoke for five hours. “Towards the end tiredness showed when he referred on two occasions to ‘Marshal de Gaulle’” (p. 253). The defence’s closing argument, with three defence lawyers, was even longer – “combined seven hours of their speeches contained overlaps, repetitions, even contradictions” (p. 255). The reader concludes that no one was any wiser after the closing arguments. The author provides a vivid sketch of the atmosphere in the overcrowded courtroom, packed with officials and journalists, not only during the closing arguments. The hot, humid, and sometimes even stifling air in the courtroom, due to the high temperatures of the Parisian summer (air conditioning was not a common feature in France at the time), long and not always focused speeches, jurors and even defendant Pétain’s dozing off from time to time, and jovial exchanges between officials in the courtroom that had nothing to do with the trial.

The jury was – efficient. Just a few hours after the closing arguments, at 4 a.m. the following day, 15 August 1945 the verdict was announced. The court “... condemns Pétain to the death penalty, *indignité nationale*, the confiscation of his property’. The only surprise lay in the final words: ‘Taking account of the great age of the accused, the *Haute Cour* expresses the wish that the judgement not be carried out.’ [...] If Pétain had heard or understood, he did not show it. He remained slumped in his chair as if not comprehending what had happened” (p. 274).<sup>19</sup> On 17 August de Gaulle commuted the sentence to life imprisonment as the court had recommended – and, the author points out, as he had always privately intended. The majority of French people were happy with such an outcome. As one commentator with a Resistance background wrote: “The Marshal no longer has the right to divide France.

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18 According to the author, it was Pétain who wrote a letter on 7 April 1945 to Hitler, asking him permission to go back to France, effectively acknowledging Hitler’s authority in such a matter. Hardly surprising, there was no reply. At that time, in the remaining 23 days of his life, Hitler had other priorities. Much closer to Berlin.

19 It remains a mystery to what extent Pétain’s impaired ability to hear during the trial was genuine. In some cases, like during Laval’s testimony, he demonstrated that he heard what the witness said and even commented on it. It seems that his impaired hearing was rather selective.

We do not have the right to divide her with his blood.' The trial as a legal procedure was over, but its political legacy as well as the legacy of the Pétain and Vichy government remained, as Pétainist have lingered on the national political scene for decades.

The final segment of the book (Part Three 'Afterlives') deals with the aftermath, starting from the end of the trial and ending with the contemporary developments on the French political scene and society, with some intriguing counterfactual excursion to the time of the advent of Pétain as the head of the state. As to Pétain's personal fate, the author points out that immediately after the verdict he was transferred to the prison fortress of Portalet in the Pyrenees as a temporary arrangement. The choice of the location was symbolic as one of Pétain's telling comments was 'Now I understand why Reynaud and Blum blame me for having put them in such a sinister place.' His final destination was the island: Île d'Yeu, about 20 kilometres off the west coast of Brittany. The citadel of Pierre Levée, where Pétain was incarcerated, had been constructed in the 1850s, serving successively as a barracks and a prison. It was Pétainists, points out the author, who compared the fate of Pétain on the Île d'Yeu to that of Dreyfus on Devil's Island in French Guyana, but Pétain's incarceration conditions were incomparably better, as Pétain had two rooms, frugally furnished, and he could take walks around the courtyard of the fortress. "The only similarity with Devil's Island was the government's hope that Pétain would be forgotten until he died" (p. 285). It seems, according to the book, that Pétain was concerned with food. The author reports that after Pétain complained about his menu, a guard told him that this was what Parisians had been eating for four years, to which Pétain replied: 'I couldn't care less. I need to eat.' – not exactly an answer of a kind, noble, and repented person, the reader concludes.<sup>20</sup>

Although in April 1948 a Committee for the Liberation of Marshal Pétain was established, it was not effective, as the French political elite at that time (de Gaulle was not in power anymore) had no incentives to release the prisoner. On 23 July 1951, Pétain died – he was 95. His body was interned in the marked but modest, undistinguished grave in a local cemetery on a remote island and a funeral was a low-key affair.

The Association to Defend the Memory of Marshal Pétain (ADMP) was soon established, and it was, according to the author, more of a cult than a political movement. Nonetheless, France was entering into a period of

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<sup>20</sup> This attitude of Pétain is corroborated by a remark that his wife gave to the guard when it was uncertain where he would be sent to serve his sentence: 'If he can get oysters, he would happily be shut up anywhere'. The reader is convinced that she knew what she was talking about.

post-war prosperity later dubbed the '30 glorious years'. In 1951 and 1953 parliament voted amnesty for most of those convicted in the post-war trials; the French wanted to move on. The new challenge came with the decolonisation process and with it the biggest question of all in the late 1950s: what would happen to French Algeria? It was de Gaulle who was invited back from his voluntary political retirement. He accepted, under his constitutional terms and the Fifth Republic was created. Algeria gained independence. The French colonial empire collapsed. The political turmoil at the time, let alone military insubordination, was followed by assassination attempts on de Gaulle, all that created new energy for right-wing political movements, which built on the legacy of Pétain, his accomplishments and his (ostensibly unjust) trial. This part of the book could be somewhat tedious for a reader who is not passionate about 1960s French politics.

Much more interesting in the perception of the Pétain's legacy is the reference to the book by an American historian that was published in the early 1970s (Paxton 1972). "Using German documents, Paxton showed that the Vichy regime, far from having collaboration forced upon it, had consistently sought a collaboration that the Germans rebuffed; that the first repressive policies of the Vichy regime, including the persecution of the Jews, were entirely home-grown and not the result of German pressure" (p. 325). Furthermore, according to the new historical reading, "collaboration was not so much about 'treason', as the Pétain trial had sought to argue, as it was the underpinning of a domestic political strategy, rooted both in the immediate context of defeat – finding culprits – and in a longer tradition of extreme right-wing politics" (pp. 325–326). This was a paradigm shift. It demonstrates that the trial itself was only about legality (whether some legal rule had been breached or not) but not about the legitimacy of (all) the actions of the defendant. It is only historiography that can provide an evaluation of legitimacy – a verdict of history. Furthermore, this paradigm shift explains why Pétain and the memories of him have been so important for contemporary (mid-20<sup>th</sup> century) right-wing politics in France. It was about abolishing the Republic, it was about 'Work, Family, Fatherland' (a slogan almost certainly not coined in Berlin), it was about repealing liberal democracy and replacing it with an authoritarian executive branch of government, perhaps with a slight anti-Semitic flavour (Paxton, Marrus 1981). That has exactly been the appeal of Pétain for French right-wing political entrepreneurs, and not collusion with Germany, as those entrepreneurs – chauvinists after all – hated Germans and Germany very much.

It took decades and a new generation of the French political elite to move the debate about Pétain and the Vichy government into a higher gear. It was President Jacques Chirac in a solemn speech on 16 July 1995, the



fifty-third anniversary of the round-up of Jews at the Vel d'Hiver stadium, who was unambiguous – it was four hundred and fifty French police agents and gendarmes, acting under the authority of their leaders, i.e. the Vichy government that accomplished the task. President Emmanuel Macron took the same line on 16 July 2017. He added one remarkable sentence: 'Not a single German took part'.

The author claims in the Epilogue of the book that all these developments undermined Pétain as a political inspiration for French conservatives. It was Marine Le Pen who managed, in the author's words, to 'detoxify' the brand of the political party she inherited from her hard-core Pétainist and chauvinist father. In the second round of the last presidential election, Le Pen secured the historically high vote of 41.5 per cent to Macron's 58.4 per cent – making the author conclude that France's future does not lie in invoking the memory of Pétain and Vichy government. The Pétain case is closed, the author claims. The reader is not quite convinced. It is worth remembering de Gaulle's words about Pétain quoted in the book. When de Gaulle's aide and future prime minister Georges Pompidou conveyed the news that 'Pétain is dead', de Gaulle corrected him: 'Yes, the Marshal is dead.' And when Pompidou added: 'The affair is now over once and for all', de Gaulle corrected him again: 'No, it was a great historical drama, and a historical drama is never over.' The future will tell whether de Gaulle was right.

There are a few interesting counterfactuals in the last chapter of the book (the one before the Epilogue). Being aware that historians have some second thoughts about counterfactual analysis (Evans 2013), the author provides a methodological framework for a sensible counterfactual (Ferguson 1997; Bunzl 2004). The most interesting counterfactual is a governmental decision not to ask for an armistice in June 1940 but to continue the war and evacuate to French North Africa. The author demonstrates that it was feasible, both militarily and politically, and estimates that some 800,000 men and a substantial part of the French Air Force, with French and British Fleet controlling the Mediterranean Sea, could have been transferred to North Africa. The Third Republic would have lived on, and the government would have operated from French soil since at that time Algeria was *de jure* France. The French armed forces would have continued to fight the war on the side of the Allies (although only with Great Britain and the Commonwealth at the time), relying heavily on the American supply of material. Meanwhile, France would have been fully occupied by the Germans.<sup>21</sup> The political position

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21 Considering this counterfactual, the reader realised that Churchill's 4 June 1940 speech in Parliament was not only addressed to the British political elite and people, and the German and American political elite, but also to the French

of the French government and French armed forces would have been much better, the military position of the Allies would have been superior, with prospects for landing in France much earlier than in June 1944, and living conditions in France under German occupation would not have been significantly worse than they were under the armistice terms. Nonetheless, the last government of the Third Republic, under the decisive influence of Pétain, opted for an armistice, estimating that Germany would soon defeat Great Britain and the peace agreement, i.e. *Pax Germanica*, a segment of the emerging New Europe, would be concluded. Obviously, they were betting on the wrong horse. Britain (with the Allies) was victorious in the end and *Pax Germanica* was never to be established. It was rather *Germania dēlenda est* peace that was established.

This was the first of the crossroads at which Pétain selected what in hindsight was the wrong path. But his decision to go that way is rather easily comprehended. Notwithstanding his wrong decision, his reasoning in this case is rather clear, although many of the assumptions that he based that reason proved to be wrong. It is much more difficult to understand his reasoning at the second crossroads, in November 1942, after the Allies landed in North Africa, after the Germans occupied the Free Zone of Vichy government jurisdiction, at a time when it was evident that Great Britain had not surrendered, and America and the Soviet Union were allies against Germany, and – even to great believers of Nazi Germany – the probability of *Pax Germanica* was somewhat remote at that time. So the difficult question is: why did Pétain decide at that time not to move to French North Africa and to side with the Allies, but opted to stay in France, and to change nothing in the relations with Nazi Germany? Especially taking into account that, by violating the armistice agreement and occupying the Free Zone of the Vichy government, Germany gave him a pretext to turn his back on them. The book provides some elements for the answer, but it is up to the reader to make their own explanation, however convincing it may be.

That author points out that it was Isorni, Pétain's lawyer at the trial, who many years later, as a member of the parliament, contemplating the outcome of the Algerian crisis, considered that de Gaulle's 'betrayal' was easy to

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government, indicating the possibility of continuing the struggle even if the mainland is occupied. In short "we shall never surrender, and even if, which I do not for a moment believe, this Island or a large part of it were subjugated and starving, then our Empire beyond the seas, armed and guarded by the British Fleet, would carry on the struggle, until, in God's good time, the New World, with all its power and might, steps forth to the rescue and the liberation of the old." (<https://winstonchurchill.org/resources/speeches/1940-the-finest-hour/we-shall-fight-on-the-beaches/>, last visited 5 October 2023).

explain: unlike Pétain, who believed that defending France meant defending her 'soil', de Gaulle had a purely abstract vision of France as an 'idea'. Even for fierce Pétainists, it is difficult to see how their idol was defending French soil after November 1942, with Germans doing whatever they liked to do all over the place, with impunity.

The even greater problem the reader has is to explain the choice at the third crossroads, though one with negligible military and political consequences: the August 1944 evacuation from Vichy French State and arrival in Germany, at Sigmaringen Castle, with a stopover in Belfort. It was crystal clear that the Vichy French State game was over. It was crystal clear that Germany would lose the war – the uncertainty was only about the timing and prospective causalities. Nonetheless, Pétain remained sided with Germany. It is indisputable that he was effectively hijacked by the Wehrmacht, but the question is: why did he let that happen? The worst thing that could happen to him at that moment was to be shot by the Germans. He was 88 years old at that time. Pétainists would have loved that outcome. No trial whatsoever and Pétain's heroic death from a German bullet. Could it have been better? Nonetheless, the reader concludes that Pétain loved himself more than anything else. What remains elusive is his state of mind, his cognitive abilities, especially his touch with reality. His surreal letter to Hitler on 7 April 1945 is not exactly a testimony of a sober person. Perhaps his determination to go back to France and to respond to the charges at the trial was not the result of high moral standards and a sense of duty to the nation, but rather, as suggested earlier by the author, of poor judgment and hope that his aura – the old glow of Marshal Pétain of Verdun and saviour of the nation – still worked. To his quite likely reduced cognitive ability, the reader would add arrogance as a character trait as an explanation of such a decision. Perhaps that trait was decisive: a less arrogant person would have thought twice before going back home.

This splendid book is an excellent and riveting read. The reader is eager to turn page after page, as it has been written like a great novel. The book reminds the reader of André Gide's masterpiece *The Counterfeiters* (*Les Faux-monnayeurs*). There are, in books, many characters and complicated (dynamic) relationships between them, with some hard choices being unavoidable. Although there are many characters in both books, the plotlines start with a few. In Jackson's book, there are two main characters. One is highly visible in the book – Marshal Pétain, who was on trial – with all his choices, blunders, and short-sighted views, with all his arrogance, vain, overconfidence, and authoritarian character. The other one is not visible – General de Gaulle, who (effectively) set the trial. He was also a person with an authoritarian character, but "He was an authoritarian who believed in

the constitution, an opponent of party politics and democracy who adapted his instinctive authoritarianism to both” (Kershaw 2022, 176). Both his political instincts and wisdom enabled France to be saved (twice) and his contribution to a modern, liberal, and non-violent Europe is immeasurable.<sup>22</sup>

The book provides ample food for thought about the grim features of many European nations’ histories, not only France’s. One of these features is collaboration with the enemy, after a defeat, based on the lesser evil principle, either out of a genuine wish to diminish the suffering of the people of the defeated nation or for some hidden agenda to be pursued – usually in political institutions and domestic politics, hardly of any genuine interest to a victorious foreign power. Is collaboration – the one noble, with a genuine wish for some betterment – really the lesser evil? Perhaps it is only sharing responsibility with the enemy? What are the stains on the nation that are created by such collaboration, especially if prominent people, like (previous) war heroes, are involved? These are questions, with some specific local colours, that are frequently visited and revisited in genuine soul-searching of a nation’s past. The book demonstrates that straightforward answers should not be expected. Nonetheless, this does not mean that the search for these answers should be abandoned.

The other question is the one about retribution and purges after the liberation – either from the foreign occupation or an oppressive regime, be it domestic or foreign. What should be a proper punishment for those involved, which would not greatly harm the social fabric of the nation, i.e. which would polarise society beyond repair? Should the ugly past be forgotten, or should collective amnesia be established in the name of social cohesion and a fresh start, like it has been done in Kazuo Ishiguro’s *The Buried Giant*? Is that the lesser evil? Or perhaps the collective amnesia will backfire at some point with a vengeance? François Mauriac’s comment after Pétain’s sentence that ‘a trial like this one is never over and will never end’ proved correct in hindsight, at least for the time being. Nonetheless, the book demonstrates to the reader that Pétain’s trial, however painful the soul-searching that it induced proved to be a solid ground for a fresh start for France. Perhaps that is the lesson that can be learned – facing the devil early on cannot be bad after all.

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22 More on de Gaulle’s personality: “He was dogmatically inflexible, yet tactically subtle. For many who had to deal with him, he was insufferable – arrogant, intolerant, abrasive, often curtly dismissive even of loyal supporters. But at the same time he could exude charm and attract deep devotion” (Kershaw 2022, 176). By the way, the reader finds no traces of Pétain’s charm throughout the book covering his trial as well as his whole life.

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