

Bousquet, Touvier and Papon: Three Vichy personalities

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Q. Who was René Bousquet and what became of him?

A. Bousquet served as Secretary-General for the Police in the government of Pierre Laval between April 1942 and December 1943. Bousquet was an arrogant and dynamic man of 33 when appointed to this post. For reasons of professional pride, rather than ideological zeal, he was eager to demonstrate how efficient his police could be. During this time Bousquet showed himself to be a zealous administrator in matters relating to the communists and the Jews. It was during this period that the majority, around 60,000, of the 75,721 Jews to be deported from France were arrested. Most of these arrests were carried out by Bousquet's police and not the Germans. Bousquet was very keen to preserve French administrative sovereignty in this way but this certainly suited Nazi designs as they were thus spared the onerous and unpopular task of rounding up the Jews themselves. He has therefore become the symbol in the minds of many French people of Vichy's complicity in the Nazis' programme of mass murder of the Jews.

However, in the second half of 1943 police cooperation with the Germans slowed down, mainly as a result of the Germans' insistence on the forced labour draft. Bousquet was removed from office by the Germans at the end of 1943 and replaced by the more fanatical Joseph Darnand. This removal from office was one factor which helped him during his trial in 1949. At this trial Bousquet was shown a remarkable degree of indulgence by the court. He was sentenced to five years of *Dégradation Nationale*, a punishment involving the removal of one's civic rights. But no sooner had the court issued this punishment than it immediately suspended it on the grounds of services to the Resistance. It is certainly true that Bousquet had helped a few Resisters known personally to him. Thus, for example, Henri Queuille, the head of government at the time of Bousquet's trial, had been given a warning of imminent arrest by Bousquet and this had allowed him to escape. But there were huge number of Resisters who could justifiably claim that Bousquet had been far from a friend to the Resistance. The essential aspect of his campaign against the Resistance had concerned his anti-communist measures where he had encouraged full cooperation between his police and the Nazi occupier. But by 1949 the onset of the Cold War had changed the climate in which purge trials took place. There were no longer any communists on the juries and the courts were inclined to be far more sympathetic to anti-communism. His 1949 trial also totally failed to give sufficient weight to the question of his role in the anti-Semitic measures applied by Vichy and the Germans. Indeed, the question was almost entirely absent from this trial.

Bousquet's role in the deportation of the Jews came back onto the agenda in the 1970s as the result of a couple of factors. One was an interview given to the magazine *L'Express* in October 1978 by Darquier de Pellepoix, who had been Vichy's Commissioner for Jewish Affairs. From his Spanish exile Darquier gave vent to his own

anti-Semitic bile stating that no people, only lice, had been killed at Auschwitz. But Darquier also insisted that the role of his own agency, the *Commissariat des Questions Juives*, had been utterly marginal in anti-Semitic persecution compared with the role held by the clean-cut bureaucrats of the Interior Ministry such as René Bousquet. But it was largely as the result of a campaign run by the lawyer Serge Klarsfeld that Bousquet's true role was revealed. Klarsfeld had spent his life trying to understand the process by which his father, Arno, had been arrested and gassed to death. His father's arrest in Nice had actually been the work of the Gestapo and not the French police but Klarsfeld's investigations increasingly highlighted the complicity of the French administration in the workings of anti-Semitism in wartime France.

Bousquet was scheduled to go into the dock in 1994 and this was billed as the first trial of the Vichy state. This was a misrepresentation in the sense that many representatives of Vichy had already been prosecuted in the purges of the immediate post-war. However, it was true that the anti-Semitic programme of the regime had not received much attention at that time so the proceedings against Bousquet might, it was argued, serve to highlight Vichy's role in this respect. But the trial was always controversial. As with the procedures against Papon and Touvier, there were always those who questioned whether it was dignified to bring elderly people to court so long after the events of which they were accused. Bousquet's trial also promised to raise some controversial questions. How could a man who had played such a despicable and immoral role during the war enjoy such a successful business career in the post-war world? Also as the preparations for the trial dragged on throughout the 1980s, this lent credibility to the idea that the state was reluctant to bring this man to justice. Suspicion in this respect was deepened when it emerged that Bousquet was a personal friend of then President François Mitterrand and had been a regular guest at the Elysées until the mid-1980s. As more information emerged about Bousquet and about how he had been a rising star of the Republican administration of the 1930s the question of continuities between Vichy and the Republic was placed very firmly on the agenda, particularly by those who wanted to use criticism of Vichy as a means of highlighting the dangers of the excessive power of the state. This was notably the case among many inclined to ultra-liberalism.

But before he could stand trial, Bousquet was assassinated by Christian Didier on 8 June 1993. Didier called at Bousquet's plush apartment in the 16th arrondissement of Paris claiming to be delivering documents to Bousquet from the Ministry of the Interior. He called Bousquet a '*salaud*' ('bastard') and then shot him four times before heading off to a hotel in the outskirts of Paris where he held a press conference until the police showed up. Although he tried to present himself as a righter of wrongs, it seems that Didier was basically a publicity-seeker. His action increased pressure for the pending trials of Touvier and Papon to be accelerated.

Q. Why did Paul Touvier's trial fail to satisfy those calling for a retrial of the Vichy state?

A. In 1994 Touvier became the first Frenchman to be convicted of crimes against humanity. Born in 1915, he was an ardent Catholic and Far-Right extremist. During the Occupation Touvier had been an active member of Vichy's black-shirted fascist militia (*Milice*), first in Chambéry and then in Lyons. Although Touvier had been a rather non-

descript individual before the war, he found himself well suited to life in the *Milice*. He became an important figure with responsibility for intelligence-gathering missions. In this capacity he participated in an active crusade against Resisters and Jews. He was responsible for the murder of seven Jews at the Rillieux-la-Pape cemetery near Lyons on 29 June 1944, a crime committed in retaliation for the Resistance's assassination of the *Milice* propagandist Philippe Henriot. After the Liberation, Touvier was tried *in absentia* and sentenced to death, first, in Lyons on 10 September 1946 and then in Chambéry on 4 March 1947.

But Touvier managed to evade capture, benefiting from various sources of help, including from the singer Jacques Brel. But it was the Catholic Church which was to offer him the most active support. In November 1971, his Catholic supporters persuaded French President Georges Pompidou to issue a pardon to Touvier. In issuing this pardon Pompidou pleaded for his compatriots 'to draw a veil over the past'. But this pardon raised a storm of protest in a France which was beginning to challenge the Gaullist myth that the country had been a nation of Resisters during the Occupation. Touvier was therefore pushed back into hiding but as new allegations were made against him he was finally arrested on 24 May 1989 in Nice. At that time he was hiding in the St François Catholic monastery run by the right-wing cleric Monsignor Marcel Lefebvre.

His subsequent trial was set against the backdrop of the rise of Jean-Marie Le Pen's National Front in France. Opponents of Le Pen's Far-Right Party hoped to be able to use his prosecution to underline the dangers to which extremist ideology can lead. However, once again, the trial was to raise numerous controversies. Some critics, including French President François Mitterrand, claimed that Touvier was scarcely worth bothering with. But this allegation that he was only small fry runs counter to the relatively prominent role Touvier held within the *Milice*. Philosophers such as Alain Finkielkraut and Bernard Henri-Lévy asserted that France was so focused on its own past that it was failing to tackle the issues of the 1990s, which included the rise of a fascist-style nationalism in Yugoslavia.

But it was undoubtedly the legal processes of this trial which were the most open to criticism. The retroactive nature of the issue of crimes against humanity was once again an issue of contention. There were always those who felt uncomfortable with the application of a law to someone if the law did not actually exist at the time the crime was committed. Even more controversial was the issue of against whom the concept of crimes against humanity could actually be applied. This was given added impetus by the fact that the Parisian Criminal Chamber seemed determined to exonerate Touvier and to use the opportunity to rewrite the history of the Vichy period. In April 1992, they threw out the case against Touvier, claiming that since he was acting in the name of Vichy and not the Nazis, he could not be guilty of a crime against humanity. This definition of such a crime rested on rather dubious historical claims that Vichy did not have a coherent set of policies and was not actually a racist state. To justify this assertion the court stressed that Pétain had never made any public declaration on the Jews. This was true but to strip Vichy of its anti-Semitism was totally unhistorical since the regime had evicted Jews from many areas of professional life, had used its propaganda to denigrate them and would ultimately play an active role in the round-up of Jews for deportation to the Nazi extermination camps. This court's decision not to bring Touvier to trial was partially overturned on 27 November 1992 by the criminal chamber of the high court of appeals.

However, this overturning of the earlier decision did not put an end to the earlier controversy because the appeals court did not actually challenge the revisionist view of history contained in the earlier decision. Instead it was decided that Touvier could stand trial but would only be found guilty if it was proved that he was a German agent and not a French one. In order to secure his conviction, many of the key witnesses were forced to alter their testimony from earlier statements they had made. The retired policeman and amateur historian Jacques Delarue, who had written a report for Pompidou in 1970 pleading against Touvier's pardon, went back on his previous statements that the Milicien had been primarily serving Vichy and now insisted instead that he had been working essentially for the Germans.

Although Touvier was ultimately found guilty, the trial was very unsatisfactory. It was difficult to see it as setting a precedent for future prosecutions for crimes against humanity. Although there can be no real doubt about Touvier's guilt, the fact that the court proceedings obliged witnesses to change their testimony left the trial open to criticism. Two Jewish historians, Denis Peschanski and Henry Rousso, have emphasized that the trial also presented an over-simplified image of the *Milice* because it presented the organization as primarily an instrument of anti-Semitic persecution. While it is true that the organization was extremely active against Jews, the main thrust of its activities were actually directed against Resisters. The court could only take into account his crimes against Jews because only crimes against humanity (i.e. racist crimes) were not subject to a statute of limitations. Other crimes could only be judged up to 30 years after the event and could therefore fall outside the remit of this new trial.

Touvier died in his prison cell from prostate cancer on 17 July 1996. To the end, he remained an unrepentant anti-Semite and in his personal diary were found anti-Semitic remarks about Jewish television personalities.

Q. What about Maurice Papon?

A. Born in 1910, Papon entered the administration in 1930s' France and quickly gained a reputation for competence and hard work. During the Vichy regime he served from 1942 until 1944 as Secretary General of the Prefecture of the Gironde, based in Bordeaux. In this function he performed as a zealous administrator of anti-Semitic policy and was to play a role as the technical organizer of the deportation of 1,560 Jews to the death camps of Eastern Europe.

Taking advantage of personal links with various members of the Resistance, to whom he had offered some help on an informal basis, Papon managed to avoid the widespread purge of public administration in 1944. While this purge was severe against those who had played an active role against the Resistance, it tended to give only secondary importance to anti-Semitic actions. His administrative career thus continued to flourish and he was cited as an example by those who felt that only junior officials had been brought to justice. At the Liberation of France he was promoted to the rank of Prefect and then in 1958 awarded the '*Combattant Volontaire de la Résistance*' medal. Even more controversially, he was to serve as Prefect of Police in Paris from 1958 through to 1967. The police force under his orders was severely criticized for a massacre of Algerians in Paris on 17 October 1961 and also for the brutality with which it crushed a communist demonstration in January 1962, resulting in several deaths.

It was not until an article in the satirical newspaper *'le Canard Enchaîné'* in May 1981 that his war-time past came back to haunt him. On 19 January 1983, he was formally indicted for 'crimes against humanity' by the terms of a retrospective law passed in 1964. Papon's indictment was part of a wider series of trials. This wave of judicial cases owed much to the work of militants like the lawyer Serge Klarsfeld who sought to bring to justice surviving individuals associated with Nazism and anti-Semitic collaboration. The process had gained publicity with the trial of a 'Gestapo' torturer, Klaus Barbie, in 1987. The conviction of Paul Touvier, member of the wartime fascist group *'la Milice Française'*, followed in 1994. Klarsfeld's attempt to bring senior officials of the Vichy state itself to justice received a setback when René Bousquet, the wartime police chief, was assassinated in June 1993 by a publicity-seeker before his trial could take place.

The judging of Papon was thus supposed to symbolize the trial of the wartime French state and a recognition of its zeal and even sometimes initiative in the application of anti-Semitic policy. That it took 15 years from his initial indictment until his conviction in April 1998 was seen by many as proof of the unwillingness of the state to face up to its past. But far from offering a clear symbol, the trial that eventually took place was surrounded by controversy. The debates opposed not just Vichy apologists against the regime's critics but even within this latter camp there were those who felt it was likely to be counter-productive. To the criticisms that it was wrong to try a man in his late eighties came the response that Papon had made little concession to age in organizing the persecution of Jews. Those who felt uneasy about trying Papon when his administrative superior, Maurice Sabatier, had died before facing prosecution were reminded that Papon was the real organizer of the round-ups. Besides these questions, some interesting debates arose regarding the function of historians in the judicial process with a number accepting their summons to appear as witnesses on the grounds that their expertise could help clarify the responsibility of Papon, while others, most notably Henry Rousso, felt that acting as a witness in court was incompatible with the codes of the historical profession. Rousso also underlined that the historians who participated in the trial actually had less access to the relevant documentation than the judges and lawyers involved in the case. What is more, the historian Michel Bergès who had been one of the initial instigators of the procedure against Papon actually ended up as a witness for the defence, claiming that the documentation he had seen had caused him to change his mind about this particular case.

Papon's ability to inspire controversy resurfaced in January 2001 when manoeuvres to have him freed on grounds of his age coincided with a campaign launched by civil rights activists to have all aged inmates released. He was eventually freed on health grounds in September 2002. His final appeal for a retrial to clear his name was rejected in February 2004.

Key publication by Simon Kitson

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