Chapter 8

From Barbie to Papon

After the Liberation of France and the surrender of Germany, the Nuremberg trial (November 1945–October 1946) gave retribution to the senior, surviving and detained, Nazi leaders who were found guilty of crimes against peace, war crimes and crime against humanity (see Chapter 9). The German leaders were the guilty ones, and there was not much introspection or discussion in France about the crimes against humanity committed by Vichy, either on its own or in association with the Germans.

As discussed in the previous Chapter, Vichy leaders were judged for illegal regime change and ‘treason’, not for crimes against humanity or complicity with such crimes. The French people had other compelling concerns: France was a devastated and ruined country which had to be reconstructed. The French people wanted first to see an end to all the war restrictions hampering their daily life. It took time, but France’s economic recovery was impressive, thanks to effective economic leadership and hard work, to the US-financed Marshall Plan, and to the creation of the Common Market: between 1946 and 1974, called the ‘Glorious Thirties [thirty years]’, France’s gross national product increased by four times. The development of the European Economic Community, then the European Union, gave peace to Western Europe. France had lost its perennial enemy, Germany, but had to deal with colonial wars until 1962 (see Part I).
The Gaullist myth of a resistant France covered up the warts, vices and crimes of Vichy. Reconciliation between the two Frances, that of Vichy and that of De Gaulle, was attempted through amnesties of those punished by the purges. A general amnesia of that black period blanketed out possible feelings of guilt.

Then, in the 1970s, amnesia began to dissipate. Public events and trials of suspects charged, for the first time in France, with crimes against humanity, shattered the Gaullist myth and confronted the French people with the dark past of the Occupation: Vichy’s willing collaboration with Nazi Germany could no longer be hidden. The Vichy years were becoming, at last, part of France’s history.

Amnesties and Amnesia

The amnesties

On 5 January 1951, the first amnesty law was adopted. Its proponents had cited five major arguments: clemency, reparation for the injustices of the purge, national reconciliation, the political nature of certain offences committed during the Occupation, and the example of Germany and Italy, which had started their own national reconciliation. The Communists, however, opposed any kind of amnesty, as promoting the ‘re-birth of fascism’.1

The law granted amnesty to all those who had committed acts for which the punishment involved loss of civil rights and a prison sentence of less than fifteen years. The law provided for individual remedies for those who had been forcibly conscripted, minors below the age of twenty-one, and those who had already served most of their time. The law did not apply to grave crimes nor to judgments of the High Court. Courts of justice had been abolished in 1950 and replaced by military tribunals. The High Court of Justice ceased functioning also in 1950, but was reconvened in 1954 and in 1960 to try escaped suspects who had returned to France.

The second amnesty law was adopted on 24 July 1953, whose first Article affirmed in part, in a self-justification statement: ‘Amnesty is neither

---