

Memory and Justice Abused:
The 1949 Trial of René Bousquet

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On the morning of June 8, 1993, one Christian Didier arrived at 34 rue Raphael, a posh apartment building in Paris's sixteenth arrondissement and the residence of René Bousquet, former head of Vichy police. Claiming to be a messenger from the Ministry of the Interior bearing important documents concerning Bousquet's imminent trial for crimes against humanity, Didier was admitted into the building. After climbing the stairs, Didier knocked on Bousquet's door and was greeted by Bousquet himself. On the pretext of removing the documents in question, Didier reached into his bag and extracted a revolver. According to his own account, he then shot Bousquet four times at point blank-range, three times in the abdomen and once in the head. The four shots were necessary, Didier explained, because the first few shots failed to slow Bousquet, who advanced on his assailant, called him a bastard, and tried to hit him. After the murder, Didier exited the building, crossed the Ranelagh Gardens and took the metro at La Muette. From there, he traveled to a small hotel at Lilas on the outskirts of Paris. He then called members of the press, whom he regaled with accounts of the murder. In justifying his crime, Didier stated that "[Bousquet] incarnated evil," whereas he himself "incarnated good." He likened his crime to "killing a serpent."¹

The murder of René Bousquet in the summer of 1993 brought to a dramatic conclusion one of the most troubling and significant episodes of the Vichy syndrome, that disturbing afterlife of *les années noires* in contemporary France. But as commentators were quick to point out, Bousquet's death was as premature and frustrating in historical terms as it was spectacular. René Bousquet had come to

symbolize for many the Vichy regime's complicity with the Final Solution. Many believed that his imminent trial for crimes against humanity for actions undertaken against the Jews while serving as Secretary General for Police in Vichy's Interior Ministry from April 1942 to December 1943 would have exposed the full horror of Vichy anti-Semitism and shattered once and for all the myth that Vichy resisted the implementation of the Final Solution. In its June 9, 1993 story on the murder of Bousquet, the headline in *L'Humanité* did not mention the name of the former head of Vichy's police but simply affirmed: "The trial of Vichy remains to be carried out." Other newspapers, citing the need for such a trial, called for an acceleration of proceedings against Paul Touvier and Maurice Papon, two other Frenchmen charged with crimes against humanity for their actions against Jews during the Occupation. When Touvier was finally tried in the Yvelines Court in the spring of 1994, however, many felt the trial was just a poor substitute for the Bousquet trial that never took place. In *Vichy, un passé qui ne passe pas*, Henry Rousso and Eric Conan refer repeatedly to the sentiment felt by many that Touvier was tried *faute de mieux*, and assert that "the shadow of the impossible trial of René Bousquet" hung uncomfortably over the courtroom (Conan and Rousso 141). In the spring of 1996, in an interview published in the Parisian daily *Libération*, Maurice Papon stated that he saw "only advantages" in putting Vichy on trial, but that he had no wish to serve as a "scapegoat" for those he considered to be the real guilty parties. According to Papon, the culprits were those who put French forces, and the French police in particular, at the disposal of the Nazis. Obviously, Papon was pointing the finger at Bousquet.²

There are a number of misperceptions attendant upon the notion that the trial of René Bousquet for crimes against humanity would, or could, somehow have constituted a symbolic, necessary, and indeed cathartic trial of Vichy, complete with a clear-cut and unambiguous verdict. First, to the extent that one can try a regime by prosecuting representative individuals, Vichy had already been tried, albeit imperfectly, during the postwar Purge.³ Among those tried and convicted, moreover, was Bousquet himself, who stood trial before the High Court in 1949 for his actions as head of Vichy police during the Occupation. It was this trial to which François Mitterrand conveniently and misleadingly referred in the fall of 1994 when his own Vichy past and his postwar friendship with Bousquet created a national scandal.⁴ Given that Bousquet had already been

tried and sentenced for his actions during the war, Mitterrand argued, a new trial would have constituted a clear case of double jeopardy. What Mitterrand failed to mention was that Bousquet had *not* been tried for crimes against humanity in 1949, since no statutes governing crimes of this nature existed in French law before 1964.⁵ Bousquet's role in the deportations of the Jews was, therefore, of no legal consequence. Moreover, as we shall see, the presentation before the court of Bousquet's role in the deportations was seriously distorted by testimony of the chief witness, the defendant himself.

Another misperception linked to the notion of trying Vichy in the person of Bousquet is that a second trial of Vichy's head of Police was necessary in order for the full truth of French complicity in the Final Solution to emerge. In an interview published in *Le Figaro* the day after Bousquet's murder, the lawyer and Holocaust historian Serge Klarsfeld acknowledged that Vichy's role was already fully known, and that no major new revelations would have been forthcoming had Bousquet been tried. Klarsfeld continued by noting, however, that the trial would have had great pedagogical value not only in debunking Bousquet's own claims, but in making it possible to contrast the horrors resulting from Vichy cooperation with the Nazis with official resistance to these policies in other countries.

Klarsfeld's comments about the pedagogical function of a second trial of Bousquet are certainly reasonable, but perhaps overly optimistic, given a final series of legal and historical complications that almost inevitably would have arisen during the course of the proceedings. For example, it is easy to overlook the fact that from every indication, the second trial of Bousquet would have preceded the spring 1994 trial of Paul Touvier. Therefore, many of the broader legal issues raised in the Touvier trial would certainly have been aired in the trial of Bousquet. Those uncomfortable with the retroactive application of the statutes concerning crimes against humanity in the Touvier case would, in all likelihood, have felt the same way about their application to Bousquet, although Bousquet was ultimately responsible for many more deaths than Touvier. In terms of the importance of his position, moreover, Bousquet was certainly not insignificant "political rabble," as François Mitterrand so disdainfully labeled Touvier (qtd. in Wieviorka 350). Nevertheless, like Touvier, Bousquet would also be standing trial for crimes committed fifty years earlier, and many wondered if the aging and reclusive retiree was even the same man as the zealous young bureaucrat of 1942-43. Following Bousquet's murder, in fact, one newspaper at-

tempting to cover the “human” side of the story reported on the neighbors’ perception of Bousquet as a thoughtful and kindly old man unjustly persecuted.⁶

A thornier legal issue to be dealt with undoubtedly would have been the April 1992 decision by the Paris Court of Appeals in relation to the Touvier case. To much public consternation and protest, the Court of Appeals acquitted Touvier on the grounds that he had acted on behalf of the Vichy Regime and not the Germans. Since, the court continued, Vichy was not a regime practicing a policy of “ideological hegemony,” as was the case with Nazi Germany, crimes against humanity could not be committed in its name. Therefore Touvier, as a member of Vichy’s paramilitary *milice*, had to walk. Although the decision was later partially overturned, the whitewashing of Vichy in historical and legal terms stood, which meant that when Touvier went on trial, he could only be convicted if it could be proven that he had acted on behalf of the Germans and not Vichy itself. For Rousso, Conan, and others, this undermined the value—historical, legal, and pedagogical—of the entire proceedings. As head of Vichy’s police and acting as a high-ranking officer of the regime and on Laval’s orders to boot, it is possible that Bousquet could have attempted to benefit legally from the April 1992 decision as well. If Bousquet had succeeded in this, as Touvier ultimately did not, Bousquet’s trial could hardly have satisfied those who longed to see in it the trial of Vichy itself.⁷

In historical terms, a second trial of Bousquet would also have involved more than simply a refutation of Bousquet’s version of events, or even a comprehensive elaboration of the full implications of Vichy’s complicity in the Final Solution. From the time of his 1949 trial, Bousquet had done extremely well as a banker and businessman, and had even become something of a political powerbroker, to the degree that for many years he controlled the powerful Toulousian newspaper, the *Dépêche du midi*. His control of the newspaper resulted from his relationship with the widow of a former Radical-Socialist mentor and ally, Jean Baylet. It was Jean Baylet who, not coincidentally, sat on the jury during Bousquet’s 1949 trial and, according to Bousquet’s biographer, Pascale Froment, made sure his protégé received the lightest of sentences. Moreover, Bousquet’s Radical Socialist connections through Baylet and others not only helped ensure his postwar successes, but also greased the skids for his rapid rise through the ranks of government in the interwar years.⁸ The renewed public exposure of these connections

in the context of the trial would certainly have highlighted a troubling continuity extending from the thirties through Vichy and into the postwar years. As a result, the pedagogical function of the trial as exemplary of Vichy and Vichy alone would have been all the more difficult to sustain.

That these connections would have been fully exposed during the trial might have shocked some, but it was Bousquet's other political connections, also linked to the *Dépêche du midi*, which, when aired in the context of the uproar over Mitterrand's past, contributed to a national scandal in September 1994. As Pierre Péan's explosive biography of Mitterrand and other sources revealed, Bousquet made sure that the *Dépêche du midi* supported Mitterrand's unsuccessful 1965 presidential candidacy, even to the tune of contributing 500,000 francs to the campaign. The two men became fast friends, and Bousquet became a regular dinner guest at the Elysée Palace, even into the mid-1980s. Later, after Bousquet was charged with crimes against humanity in 1989, Mitterrand did his best to protect his friend from prosecution. In October 1990, the state Prosecutor Pierre Truche, who had secured the conviction of Klaus Barbie, asked the Indictments Division of the Paris Court of Appeals to declare itself incompetent to handle the Bousquet case. Truche argued that it should be handled by the High Court of the Liberation, which had originally heard Bousquet's case in 1949. The proposal was patently absurd because the High Court had been dissolved for several decades and most of its members were now dead. Efforts to reconstitute the Court in any guise would take years, and Bousquet, in all likelihood, would die of old age before being tried. Clearly a delaying tactic, Truche's maneuver was, many sources suggest, originally proposed by the new special delegate to the Ministry of Justice, George Kiejman, who also happened to be François Mitterrand's personal lawyer. The hand of God, or *Dieu*, was clearly in evidence.⁹

If a second trial of René Bousquet would have focused a harsh and distracting light on the ways of power in prewar and postwar France, the real issue, of course, would nevertheless have remained Bousquet's role in the Final Solution and the manner in which this issue was addressed in the 1949 trial. Any number of distortions on both scores have circulated in recent years, both at the moment of Bousquet's murder and, as noted earlier, during the scandal surrounding Mitterrand's Vichy past in the fall of 1994. Even as late as spring 1995, in fact, and in conversations with Elie Wiesel no less,

Mitterrand continued to affirm that Bousquet had been tried for all his actions during the Occupation, despite all the evidence to the contrary (Mitterrand and Wiesel 101-11). He went on to claim that French justice was “particularly severe” at the time, although any number of reliable historical sources confirm that the opposite was, in fact, the case. For instance, in her biography of Bousquet, Pascale Froment affirms that at the moment Bousquet’s case was placed on the docket of the High Court, “the great wind” of the Purge had subsided, and if amnesty’s moment had not fully arrived, it was nevertheless in the air (Froment 493). In fact, during the course of the trial itself, the Queuille government announced a first large-scale amnesty plan for those guilty of collaboration, a plan with which the jurors, all legislators themselves, were certainly familiar. The government spokesperson announcing the plan was, moreover, the young Secretary of State for Information—one François Mitterrand (Golsan 17).

The amnesty issue and its evident impact on the 1949 trial underscore the need for further historical contextualization, especially where the extent and nature of the deliberations over Bousquet’s—and Vichy’s—participation in the Final Solution are concerned. It is important to note, for example, that for the court, the crucial issue was not, in fact, Bousquet’s role in organizing the deportations but his conduct vis-à-vis the Resistance. The reasons for this are, first of all, legal, since as already noted, no statutes for crimes against humanity existed in French law at the time, and also because the Purge as a whole concerned itself primarily with treason, intelligence with the enemy, and other such crimes. In sociological terms, the subject of the deportation of the Jews was, as Serge Klarsfeld and Henry Rousso, among others, have noted recently, generally taboo at the time (“Débat” 24-25). For non-Jewish French, amnesia was the most comfortable mental state to adopt, and for the Jews themselves, reintegration into French society was the order of the day. These factors, of course, help explain the High Court’s hurried and shockingly uncritical response to Bousquet’s account of his role in negotiating and carrying out the war time roundup of Jews.

If the Court showed leniency to Bousquet in questioning him about his role in the Final Solution, this was part of a broader, benevolent, and indeed generally indulgent attitude on the part of the court, which shocked many of those, especially journalists, who witnessed the trial. Vichy’s “pin-up boy,” as *France-Soir* labeled him, dominated the proceedings through a combination of eloquence

and arrogance. In the pages of *Combat*, the setting was likened to a schoolmaster giving lessons to children (Froment 500-14). Regally attired and seated at a desk befitting a minister, Bousquet lectured the jurors arrayed in their *pupitres*. At the end of the trial, when the Court's attitude was made abundantly clear in the leniency of its sentence—five years of *dégradation nationale* (suspended immediately for acts of resistance)—the bitterness felt by many was expressed by journalists who had been present. Writing in *Libération*, Madeleine Jacob caustically remarked, "One minute of national degradation for Bousquet. Resistance credentials come very cheap this year." The headline in *l'Humanité* announced: "The Resistance flaunted." Another commentator present has remarked more recently: "The Republic showed herself to be 'a very good girl' this year. I say that so as not to say something else."¹⁰

In looking into possible political motives for the Court's leniency in dealing with Bousquet, it is easy to single out the presence on the Jury of the aforementioned Jean Baylet, Bousquet's friend and benefactor. But it is important to note as well the influence of other friends and acquaintances, some very much indebted to Bousquet, who also made their presence felt in one form or another. For example, members of Mitterrand's Resistance organization of former prisoners of war testified on Bousquet's behalf. Although he did not intervene in the proceedings, Henri Queuille, the head of state, paid close attention to Bousquet's fate, since Bousquet had apparently done him the great service during the Occupation of warning him of his imminent arrest, thus allowing him to flee (Froment 500). Members of the court were undoubtedly aware of Queuille's interest in the case.

Political cronyism was not the sole political factor which softened the court's attitude toward Bousquet. Among the jurors and magistrates, Communists were no longer present, the party having decided that the High Court was too lenient in its treatment of collaborators. Justice, they believed, could no longer be served (Froment 495). Since Bousquet had been ruthless in his pursuit of Communists during the Occupation, this could only be to his advantage.¹¹ Moreover, anti-Communist sentiment among many members of the court cast Bousquet in a more sympathetic light.

At the same time, hostility towards Vichy was at a rather low ebb. Madeleine Jacob noted that one of the jurors proudly wore his Francisque on his lapel, and Pascale Froment affirms that the court frequently used stationery whose original letterhead, *Etat Français*,

was marked through and *République française* written in (Froment 494). As many commentators have remarked, the general sentiment at the time was to put the recent past behind.

In turning, finally, to the actual court proceedings and specifically those portions dealing with Bousquet's role in the Final Solution, several things are immediately apparent. The first is that virtually the entire discussion is orchestrated and carried out by Bousquet himself. Other than the reading into the record of a few telegrams signed by Bousquet, the remainder of the discussion consists almost entirely of Bousquet's version of events. Apart from questions from the President of the Court at the outset concerning the meaning of Bousquet's signature on the telegrams mentioned earlier, *no* questions are asked at the conclusion of Bousquet's testimony either by the prosecutor or by members of the jury. In essence, Bousquet's version of events stands as fact. The only additional statement made before the court was adjourned for the day was the reading of a letter from Bousquet to Helmut Knochen, Head of German Security in France, in which Bousquet affirmed that, for the French Police, the fact of being Jewish did not imply culpability either in political or legal matters. Read by Bousquet's attorney, Maurice Ribet, the letter constitutes, in the latter's view, proof of Bousquet's courage, given that it was written one month before Bousquet's departure from his post at Vichy in November 1943. Ribet's assessment goes unchallenged, and the session clearly ends on an upbeat note for the defense. No one suggests, as would Laurent Greilsamer in *Le Monde* the day after Bousquet's murder, that Bousquet was in fact belatedly covering his tracks in anticipation of a potential German defeat in writing the letter. His previous actions as head of police certainly support Greilsamer's view, since Bousquet had already helped send some 60,000 Jews to their deaths by the time he left his post. By contrast, Bousquet's supposedly more fanatical successor, Joseph Darnand, managed to deport only some 15,000 Jews in 1944.

Crucial facts and grisly statistics such as these, however, were not part of the testimony and deliberations of the High Court in 1949. As noted earlier, the portion of the trial dealing with the deportations opens with the president of the court, Henri Noguères, asking Bousquet to comment on a number of telegrams dated summer and fall 1942, signed by the defendant. The subject matter and language of the telegrams are most revealing. In the first telegram cited, dated August 22, 1942, regional prefects are instructed to take charge

personally of the roundups of foreign Jews and not to hesitate to “break down all resistance that you may encounter.” The telegram goes on to instruct the prefects that they are to proceed with the severest of measures, including the use of “sizeable detachments of police,” in order to “liberate” their territories from the presence of foreign Jews. A subsequent telegram, dated August 30, calls the prefect’s attention to the disparity between the number of foreign Jews known to be in particular regions and the number arrested. To overcome this disparity, the prefects are instructed to use all police and *gendarmerie* personnel available to carry out identity checks, roundups, and searches of residences wherever necessary. Those arrested, the telegram concludes, will be sent to the Rivesaltes concentration camp and then transferred subsequently by “convois ultérieurs” ‘later convoys.’ Another telegram, dated September 11 informs the prefects that certain police commissioners are known to be distributing certificates of non-appurtenance to the Jewish race to potential detainees, clearly with the intention of helping them avoid arrest. These certificates, the telegram warns, can only be distributed by the Commissariat-General for Jewish Affairs.

What is fascinating about the discussion of these telegrams following their being read into the record is that their content, and the terrible and obvious implications of the events they refer to, are not even addressed in the exchanges that ensue. Bousquet quickly diverts the court’s attention by focusing on technicalities: he did not sign them, he states, but simply “certified” or “countersigned” them—the French verb he uses is *viser*. He is thus simply a passive cog in the massive machinery of state. In other instances, Bousquet explains that although he was obliged to transmit instructions, he was able to introduce coded formula into these instructions, which, he implies, allowed him to intervene to protect those menaced by these instructions. Thus Bousquet claims that the formulae “Could you speak to me about . . .” or “could you see if . . .” really meant “Could you do nothing until I am fully apprised of the situation. . . .” After explaining the real meanings of these codes and the innocuous signification of the presence of his “countersignature” on telegrams, Bousquet affirms that “if it gave him pleasure,” he could bring to the court hundreds and hundreds of Jews, French and foreign, who could testify to his having protected them from danger.

Equipped with 20/20 hindsight, it is, of course, easy to be appalled at the blatant speciousness of Bousquet’s explanations and the lack of even the slightest protest from the court. But what is

even more troubling is the fact that following testimony such as this, Bousquet's subsequent and detailed account of his protracted dealings with the Germans on the deportations goes unchallenged. According to this account, at every turn Bousquet's actions in effect countered the German plan for France which, he argued, was only entirely divulged at Nuremberg. The particulars of the plan were, according to Bousquet, 1) to prepare public opinion, 2) to break down, if necessary, the resistance of the French Government and the police, 3) to infiltrate the French police, and 4) to support the Commissioner-General for Jewish Affairs, Darquier de Pellepoix.

Regardless of the accuracy of Bousquet's assessment of the German plan, on all four counts his claims are preposterous. On the first point, the preparation of public opinion, Bousquet's efforts can only be seen as having assisted Nazi designs, since the use of French Police for the roundups in 1942 and 1943 allowed the occupier to avoid the onus of being seen rounding up and deporting innocent and helpless human beings. As to breaking down the resistance of the French government and police, the Germans could have had no better ally than Bousquet, who, as we shall see, secured the active support of the entirety of the French police in carrying out German aims, both in the case of the roundup of Jews and in the struggle against Vichy and Germany's "common enemies." This is the spirit and intent of the infamous Bousquet-Oberg accords of late summer 1942.¹²

As to the third German objective, the infiltration of the French police, other testimony at the trial itself suggests that Bousquet was most helpful to the Germans here as well. In the context of what was referred to as the "mission Desloges," testimony confirmed that Bousquet had aided the Nazis in their efforts to infiltrate and destroy Resistance communications networks by providing them with false French identity papers and allowing them to use official police radiocommunications in relaying information to Germany (Rajsfus 92). French police were also assigned to assist the Germans in their endeavors. Even if episodes such as this had not occurred, it is hard to imagine why such infiltration would even make much of a difference, given the practical and even ideological alliance between the two police forces established at the behest of Bousquet.

In turning to the final Nazi objective as defined by Bousquet, the support of Darquier de Pellepoix and the CGQJ, the defendant is explicit in his claim of having weakened Darquier and his agency by suppressing the anti-Jewish police and by marginalizing the CGQJ

in detaching it from the Ministry of the Interior. While the statement itself contains inaccuracies, the implied motive—the frustration of Nazi aims—is misleading in the extreme. Bousquet wanted full power over all French police forces and to achieve this he needed to weaken Darquier. But as to stymieing the CGQJ in its murderous hunting down of Jews, court testimony already confirmed Bousquet's complicity. In the telegram of September 11 cited earlier, far from undermining the authority of the CGQJ, Bousquet reconfirms it in writing to his prefects in stressing that the CGQJ alone, and not police officers, have the right to issue certificates of non-appurtenance to the Jewish race.

In his testimony before the High Court in 1949, Bousquet also discusses at great length two other issues that would have proven crucial had he been tried for crimes against humanity in the nineties. These are his personal dealings and negotiations with the Germans and the question of his own attitudes toward the Jews. Here again, distortions abound. Rather than admit to his central and indeed pivotal role in negotiating and organizing the deportations, or to his cordial and frequently warm relations with the Germans, Bousquet diminishes his function and powers and often professes ignorance as to what was occurring. When asked, for example, why he did not intervene at various stages of the process where he might have been able to improve the situation, Bousquet states helplessly: "It was the law. I could not have done otherwise." In discussing his initial contacts with the Germans over the issue of the Final Solution, Bousquet presents himself as being introduced into the game late, a game in which the hands were already dealt by the Germans and Darquier. His first official contacts with these figures, he claims, were at the behest of Laval, who sent him to Paris to "see what was going to happen."

Throughout his testimony, Bousquet asserts that his relations with the Germans were uniformly hostile and that he opposed them at every turn. In an unpleasant meeting with Danneker, in which the German representative claimed to be deporting Jews with the "human" end in view of providing them with their own state, Bousquet affirms that he exposed Nazi hypocrisy by suggesting that if humaneness was the German intent, then perhaps the Red Cross should be placed in charge of the deportations. Bousquet goes on to claim that he offered to secure the participation of the Red Cross in the process, an offer declined or ignored by his German interlocutor.

But it is in negotiating the French role in the actual roundup of the Jews that, according to Bousquet, the Germans were at their worst. Claiming that he initially opposed all the roundups of French and foreign Jews alike, Bousquet states that Nazi representatives then resorted to "frightful and abominable blackmail." Thus Bousquet asserts that Danneker informed him, "If, very quickly, you do not hand over German Jews in the Unoccupied Zone, we will arrest French Jews in the Occupied Zone." Faced with this ultimatum, Bousquet asserts, his hands were tied.

As the historical record shows, the vast majority of Bousquet's testimony is sheer fantasy. Despite his claims of having been a hostile and persistent opponent of the Nazis and their plans, Bousquet in fact curried favor with them and, almost without reservation, supported Nazi intentions from the outset. Karl Oberg, head of the SS in France, described Bousquet as a "precious collaborator" and, at the moment of the Liberation in 1944, sent two of his personal cars to transport "his friend" Bousquet, his family, and their belongings to Germany. Once there, the family resided in a villa which had formerly housed the Italian Foreign Minister, Count Graciano Ciano.

If Bousquet misrepresented in his testimony the spirit of his personal dealings with the Nazis, such distortions pale in comparison with the extent to which he deceived the court on the subject of his negotiations with the former concerning the deportations of the Jews, as well as the real consequences of those negotiations. The roundups of the *Velodrome d'Hiver* in July 1942, in which some 13,000 people were arrested and deported, are completely elided. So, too, are the roundups of the Old Port area in Marseille in January 1943. There is, moreover, no mention of the fact that when Catholic cardinals and bishops protested the inhumanity of the summer 1942 roundups, Bousquet had the ingenious idea of threatening to eliminate state subventions to parochial schools in order to silence them (Conan 32). But perhaps the biggest *lacuna*, and the one which would eventually make possible a trial for crimes against humanity, was any reference to, or testimony concerning a meeting between German representatives and Bousquet, the sole French representative present, on July 2, 1942. It was the German minutes of this meeting, not included in the 1949 criminal dossier, which provided the most damaging evidence against Bousquet in the nineties.¹³

What the account of the meeting confirms, first of all, is that Bousquet never sought to protect foreign Jews interned or hiding in

France. In fact, he readily volunteered French police to carry out the arrests in the Unoccupied Zone, a task that, as Robert Paxton and others have argued, would have been impossible for the Germans to handle alone.¹⁴ The sticking point in the negotiations was the implementation of similar operations in the Occupied Zone. For the sake of appearances, the Germans wished to avoid carrying out the arrests, and when Oberg insisted that Hitler himself would be upset if the operation was not handled by the French, Bousquet acquiesced. The French police under his authority would handle the roundups of foreign Jews throughout France. The next day, the agreement was ratified at Vichy.

In his statements before the High Court, Bousquet, as previously noted, claimed that he was blackmailed into deporting foreign Jews, and he implies that as a result, French Jews were spared. Documents from the time suggest, however, that the Germans never really disguised their intention to eventually deport French Jews, and that Bousquet was fully aware of this. Moreover, Bousquet would later claim that he was unaware of the fate of the deportees, an assertion which has been contested most recently by Robert Paxton (Golsan 56-57). Finally, and perhaps most damning, is the fact that, once the deportations were underway, Bousquet lifted restrictions imposed by the Germans themselves concerning the deportation of very young children and the elderly. The result was the deportation of children sent alone in cattle cars after their parents had already been deported and exterminated in Auschwitz. Needless to say, no testimony along these lines was heard by the court in 1949. When the final draft of the indictment for crimes against humanity was completed just before Bousquet's murder, telegrams concerning this action were cited along with the German record of the July 2, 1942 meeting.

If, with the help of historical documents, it is possible to dismantle Bousquet's testimony concerning his negotiations with the Germans and fill in the holes in his account of what actually occurred once the Final Solution was underway in France, understanding his motives and his attitudes toward the Jews is much more difficult to sort out. At the 1949 trial, Bousquet stated unequivocally, "For me, during the Occupation, there was not and could never be a 'Jewish problem.' I am not and was not an anti-Semite. . . ." As in so many other instances, the court took Bousquet at his word. Many historians have in fact echoed this view and attributed his actions to motives other than racial hatred. Robert Paxton, for one,

sees Bousquet as "a functionary, a bureaucrat, who was primarily interested in the continuity of the French state." He was, Paxton continues, "perhaps the purest example of the phenomenon so characteristic of Vichy called *collaboration d'état*—i.e., cooperation with the Germans for reasons of state as distinguished from collaboration for reasons of ideological sympathy."¹⁵ What Bousquet sought to achieve in exchange for his cooperation was increased power and autonomy for French police in both zones. He sought more training schools, more powerful arms, and more men. But any concessions he obtained from the Germans ultimately proved illusory and in fact meaningless. Codified in the Oberg-Bousquet accords, what the negotiations ultimately accomplished was, as Philippe Burrin has noted, simply the establishment of a new level of ideological complicity: henceforth Nazi police and French police would fight together against their "common enemies" (qtd. in Burrin 164).

Before we accept too quickly the notion that Bousquet was simply a zealous technocrat whose maneuverings ultimately came to naught, however, it would perhaps be wise to look more closely at perceptions of the man and his motives. It is here, in fact, that a more complex and contradictory picture emerges, and one that might well have been clarified by a second trial. In his *Prison Journal*, Edouard Daladier describes a visit from Bousquet to his cell at Bourassol on September 16, 1942. Daladier describes Bousquet as a man, both "intelligent and kind," who served the Vichy government out of a firm conviction that German might would eventually win out (Daladier 153-55). Unlike most of the French, Bousquet saw himself as a clear-sighted pragmatist motivated by a keen awareness of historical realities. The impression we are left with is, to a tangible degree, that of the Sartrean collaborator, the self-deluding "realist" who mistakes treason for a tough-minded acceptance of things as they are.

In his *Mémoires*, Fernand de Brinon paints a different portrait of Bousquet—not as someone who treats with the Germans out of simple pragmatism but out of shared affinities. Brinon states, in fact, that Bousquet, recognizing the increasing authority of the SS in the spring of 1942, had sought them out and expressed, on occasion, a genuine admiration for the SS and their "courage." Brinon concludes by remarking on the warmth of relations he observed between Bousquet and Head of Reich Central Security Reinhard Heydrich, two men Brinon considered quite similar and whose budding friendship, he notes, was brought to a premature end when Heydrich was assassinated by the Czech resistance in May 1942 (Brinon 148-50).

In other circumstances, Bousquet expressed a similar attraction for Italian fascism, this time to the Italian Consul in Reims in 1941 while Bousquet was Prefect of Champagne. According to the Italian consul, Bousquet on occasion praised the notion of a single party system, without which the kind of authoritarian regime he longed for would not be possible. The Italian consul concluded that Bousquet's political conceptions were, in principle, well suited to an accord with the Axis powers (Burrin 158).

The expression of sentiments such as these suggest that perhaps another look at the issue of Bousquet's anti-Semitism is in order. In one of the most chilling evocations of Bousquet during his tenure as head of Vichy police, Joseph Barthélemy in his memoirs describes Bousquet as an *arriviste* pretty boy and dandy who took an infantile pleasure in discussing the number of people he had had arrested, as if they were so many hunting trophies. That the majority of those arrested were Jews goes without saying (Conan 32). In other memoirs, this time those of the Protestant pastor Boegner, who went to see Bousquet to protest the deportations, Bousquet is reported to have said, "Whatever the outcome of the war, the Jewish problem will have to be resolved." He went on to assert that he himself was only interested in French Jews, but that even these would be subject to "strict obligations" and "limited rights" (qtd. in Burrin 162). Comments such as this would lend credence to the claim made by Serge Klarsfeld after Bousquet's murder, that Bousquet was an anti-Semite and a xenophobe.

Conflicting testimonies concerning Bousquet the man and contradictory theories proposed to account for why he played the role he did in implementing the Final Solution in France suggest that, on this score at least, a second trial would have been salutary and perhaps even unambiguous in the lessons that it offered. Following the trial of Paul Touvier in spring 1994, most historians concluded that little new in historical terms had been disclosed, and that the issue of Vichy's status in legal terms was not really resolved. But what had emerged was a much clearer understanding of Touvier the man. No "French Schindler," as his lawyer claimed, no Christian martyr or French patriot unjustly persecuted, Touvier revealed himself through slips of the tongue, lies exposed, and memory lapses to have been nothing more than a vicious anti-Semite with no remorse and no greater wisdom gleaned from fifty years on the run.

So who was René Bousquet? Ultimately, other than the full exposure of the farce of the 1949 trial, and perhaps a reiteration of

Vichy's crimes and the corruption of those in power subsequently—stories which, to one degree or another, have already been told—no other question remains. But this is not an idle question. As Christopher Browning and Daniel Goldhagen have recently reminded us, we must put faces, human and recognizable ones, on perpetrators, and not simply dismiss them as helpless cogs in a giant and inhuman machine.¹⁶ From Bousquet's own testimony and that of others, perhaps a coherent picture would have emerged, and in this manner, memory and history would have been served. But as it stands, the final images of Bousquet in the public imagination are as infelicitous as they are crassly spectacular. From Mitterrand's ludicrous portrait of an honorable man of real stature to Christian Didier's demonically evil murder victim in an overblown melodrama to, most recently, a cardboard character in a political potboiler,¹⁷ Bousquet becomes increasingly fictitious and enigmatic and not, sadly, the reverse (Whitney 27). In this sense at least, René Bousquet may, after all, have eluded us.

Notes

1. I have culled this representation of the murder of Bousquet from accounts published in Parisian newspapers including *Le Monde*, *Libération*, *Le Figaro*, *L'Humanité*, and *Le Parisien*. It is interesting to note that all the accounts of the murder given by Didier and Didier's exact words vary somewhat from newspaper to newspaper—hazards, perhaps, of the profession. Unless otherwise indicated, all translations are my own.

2. The interview, entitled "L'Affaire Papon révisée par Papon," was conducted by Annette Lévy-Willard and published in *Libération* on March 6, 1996. I would like to thank Annette Lévy-Villard for making available to me this interview, the transcript of René Bousquet's 1949 trial, as well as other materials relating to crimes against humanity in France during World War II.

3. For an excellent recent discussion of the Purge and the effectiveness of its judicial procedures and actions, see Rouso, "Une Justice impossible."

4. For a number of excellent commentaries on the 1994 scandal concerning Mitterrand's Vichy past, see the "Symposium on Mitterrand's Past."

5. For a discussion of developments in French law concerning crimes against humanity, see Golsan 1-49.

6. See "C'était un voisin adorable."

7. It is true, of course, that Bousquet negotiated directly with the Nazis on behalf of Vichy and so his links to the Nazis, and Vichy's links through him, were much more solid and direct. Moreover, in none of his own statements in his own defense does Bousquet attempt to use decisions in the Touvier case to his own advantage.
8. For details of Bousquet's life, see Froment.
9. For a lengthier discussion of these issues, see the "Introduction" to Golsan.
10. All quotes are from Froment 514.
11. For a discussion of Bousquet's anti-Communist activities during the Occupation, see Husson 292-93.
12. For the text of the Oberg-Bousquet accords, see "Annex 5" in Auge et al. (593-98).
13. The text of the German summary of the meeting is included in the "*Dossier Bousquet*" published by *Libération* as a supplement to their July 13, 1993 issue.
14. See the interview with Paxton conducted by Annette Lévy-Willard, originally published in *Libération* and translated in Golsan 53-60.
15. Fax to the author, January 31, 1995.
16. See Browning's *Ordinary Man* and Goldhagen's *Hitler's Willing Executioners*.
17. For a discussion of the fictional portrayal of Bousquet in recent political potboilers published in France, see Whitney.

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