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The Barbie Trial (1987): Narrator of the Holocaust in France

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Abstract

While hiding in Latin America, Klaus Barbie was condemned to death for war crimes by the military tribunal of Lyon in 1952 and in 1954. The former Nazi officer, head of the Gestapo in Lyon and its environs during the Second World War, was judged again in France, this time in person, thirty-three years later. Following the trial, Barbie was condemned to a life sentence in prison for crimes against humanity. That said, Barbie's trial cannot be reduced to merely the length of time it took (between May and July 1987), to place (the Tribunal of Lyon), or to the action (of judging a man for crimes against humanity). This article analyzes the Barbie trial as a narrator of the Holocaust to the French population, from the preparation of the trial in Germany in the 1970s, then in France after the extradition of Klaus Barbie in 1983. The construction, at once juridical, political, and media-related, of such an object of transmission often came into contact with the memory of the *Resistance* and of its hero, Jean Moulin. The mechanisms by which the Barbie trial was thus configured enable us to do a specific case study of the interactions at work, which can be applied more generally when it is a question of judging crimes of the past, issues of collective and individual memory, the involvement of historical figures, and media discourse.

Keywords: Klaus Barbie, Holocaust Memory, France, Transitional Justice, Medias, Witness.

Notre héritage n'est précédé d'aucun testament

René Char

¹The trial of Klaus Barbie took place in Lyon between May 5th and July 4, 1987. On the latter date, Barbie was sentenced to life in prison for crimes against humanity. Despite that fact however, the "Barbie Trial" cannot be reduced/limited to measures of time (May-July 1987), place (the Tribunal de Lyon), or action (sentencing a man for crimes against humanity). Behind this specific sequence

¹ Text translated from the French by Clara Léon.

leading to the determination of one man's guilt, the event has a broader significance (Bensa and Fassin, 2002: 5-20). In fact, the "Barbie Trial" was also a means by which the memory of the Holocaust was transmitted to the French public. This educational and commemorative function developed before, during, and after the events that made up the trial. By studying the mechanisms with which the "Barbie Trial" took on this added meaning, we hope that this case study will help illuminate general interactions between judgment and justice, individual and collective memory, the activity of individuals, and the media.

I. Barbie before 1971

During WWII, Klaus Barbie (1913-1991) was an SS lieutenant, head of the Gestapo in Lyon between 1942 and 1944. He took charge of repressive measures towards Jews and resisters in and around Lyon. After the war, he avoided trial and judgment, fleeing instead to Latin America. There, he worked for American intelligence services, which used him, starting in 1947, as an agent in their struggle against the URSS. Several times, the French authorities sought his extradition, but the United States did not comply. Finally, Klaus Barbie was condemned to death in absentia by the military tribunal of Lyon, in April 1952 and again in November 1954. Specifically, he was condemned for crimes involving organizing reprisals against the civilian population of the St-Claude region (in the Jura) and in Saint-Genis-Laval, near Lyon. Barbie's role in the arrest and deportation of Jews from Lyon between 1942 and 1944, however, did not come up in either of these two trials. The fact that the specific singularity of genocide as a crime was not mentioned in either of these two trials generally corresponds to the "transitional justice", as served during the legal purge in the immediate postwar in France (Rouso, 1993: 745-770).

II. One Man, two Memories (1971-1987)

1. *Seeking the Man, Investigating his Crimes (1971-1983)*

Still living in Latin America, seventeen years after his sentencing in Lyon, Klaus Barbie faced another trial, this time in Germany. On February 2, 1971, the FRG and the French government signed a treaty allowing for Nazi criminals active in France during WWII to be judged in Germany. It thus became possible to prosecute Klaus Barbie in Germany for crimes he committed in France. In October 1971, the public prosecutor of Munich, Manfred Ludolf, began a new investigation against him. This is in large part thanks to Beate Klarsfeld's activism. Beate Klarsfeld was a young German woman, married to the French Jew Serge Klarsfeld, whose father died in Auschwitz in 1943. She became known to German public opinion by carrying out spectacular actions in Germany. For example, in 1968, she called out to the German Chancellor Kiesinger², during a speech he gave to his parliament, crying, "Nazi, Kiesinger, resign!" In November of that same year, Beate Klarsfeld publicly slapped the same man, crying out again for him to "Resign!" In parallel to these "scandalous" activities, she also began research on which Nazi war criminals were still at liberty, so that they might face judgment for the crimes they committed against Jews during

² Chancellor the GFR between 1966 and 1969, Kurt Georg Kiesinger was an active member of the Nazi party from 1933. He later became adjunct director of radio propaganda abroad, working closely with Ribbentrop. Imprisoned in an internment camp between 1945-1946, he was exonerated in 1948.

WWII. In this way, her struggle against impunity was similar to that carried out by the majority of associations of resisters and deportees in France, who also sought to bring Nazi war criminals to justice. But while these associations worked in the name of persecuted resisters, Beate Klarsfeld acted in the name of Jewish Holocaust victims. It is for that reason that she sought to bring Barbie to justice. For her, torturing Jean Moulin and killing resisters were not the crimes against humanity for which he should face justice, but rather his participation in the deportation and extermination of Jews during his time in Lyon, between 1942 and 1944; she wanted him to face justice for his role in the Final Solution. Barbie was thus charged for two previously-unmentioned criminal acts: responsibility for the arrest and deportation of 86 Jews on February 9, 1943 in the building of the UGIF (Union Générale des Israélites de France), rue Sainte Catherine in Lyon, and the arrest of 44 children and 7 adults on April 6, 1944, at the Jewish children's home in Izieu (Ain).

At the same time, judicial evolution on issues regarding crimes that took place in the past was coming into line with Beate Klarsfeld's activism. In fact, according to the legal principle of *non bis in idem*, Barbie could not be twice judged for the same crimes, but while Barbie had already been judged and sentenced *in absentia* for war crimes in 1954, he had never faced judgment for crimes which specifically targeted Jews as a part of the civilian population. Moreover, while war crimes reach a statute of limitations after twenty years, race-related crime has no statute of limitations, as declared by the UN in 1968³. This evolution in international law conferred new legitimacy on Beate Klarsfeld's activity. In September 1971, the Munich prosecutor specifically told the young activist that, in order to start a new investigation on Barbie, she must find testimony proving that Barbie was fully conscious of the fact that, in deporting Jews, he was sending them to their deaths⁴. At that time, Klarsfeld had just found a new witness, Raymond Geismann, director of the UGIF (Union générale des Israélites de France) during the war, who was thus in contact with the Gestapo; notably, he was in contact with Barbie's section. On October 1st, Klarsfeld gave the prosecutor this man's testimony, in which he accused Barbie to have deliberately sent Jews to their deaths, because they were Jews. This new document convinced the prosecutor to begin a new investigation against Barbie⁵.

This new investigation was marked by an uneasy coexistence, two memories of the crimes of WWII: that of the Holocaust and that of the *Resistance*. This was exemplified by Jean-Pierre Block, who was also present with Beate Klarsfeld in the Munich prosecutor's office for the October meeting. Jean-Pierre Bloch was president of the LICRA, (the International League against Racism and Anti-Semitism). A close friend of Beate Klarsfeld's, and one of few to participate alongside her in her spectacular acts denouncing unpunished Nazi war criminals in Germany, Jean-Pierre Bloch was, however, also a member of the "Comité national de liaison pour la recherche et le châtement des criminels de guerre" ("National Liaison Committee for the Discovery and Punishment of War Criminals"), an umbrella organization linking the majority of French associations of former resisters or deportees. This committee,

³ The New York Convention of November 26, 1968. The principle of non-applicability of statutes of limitations had already been adopted in France with the law n° 64-1326, as passed by Parliament on December 26, 1964. It was then adopted by the European Convention on January 25, 1974.

⁴ *Le Monde*, Septembre 30, 1971

⁵ *France-soir*, October 2, 1971.

which agitated particularly for the sentencing of Nazi war criminals for their crimes committed against resisters, actively promoted the memory of the *Resistance*. Back from Munich, Jean-Pierre Bloch gave a report on the discussion he had with the prosecutor at the Committee's meeting on October 5, 1971. The text of the meetings' minutes shows us in what ways J.P. Bloch, within the committee, also himself actively promoted the memory of the *Resistance*:

The prosecutor told JP Bloch that a report had already been released at 2 pm. The position of the Munich Public Prosecutor's department was the following: investigation should be continued into the Barbie case with regards to racial crimes, taking into account the new information compiled. With regards to the resisters he murdered or tortured to death, such as Jean Moulin, among others, we cannot accept the Public Prosecutor's department's position. To the contrary, we firmly reject it. We see the Public Prosecutor's position as essentially a statement asking to turn the page, for 'that was the war, the resisters knew what they risked, now is the time for Franco-German reconciliation, etc.'. Naturally, our friend J.P. Bloch argued against such an interpretation of history and human rights. Of course, our brothers in the Resistance knew they might be arrested, sentenced, even condemned to death. But torture and murder are in all cases absolutely unjustifiable, including and especially with regards to international law on warfare. J.P. Bloch suggests we quickly respond with our own communiqué providing the French Resistance's point of view on this matter. Ralph Feigelson will write the report. In general, we approve of the decision made in Munich, but we solemnly reaffirm that one could never 'turn the page' on murder, on torturing Jean Moulin and other resisters to death⁶.

Because of the way in which judicial categories were quickly evolving and being redefined, memory activists of the French Resistance, despite the fact that this was also the official memory promoted by the French government at the time (Rouso, 1987) were not recognized with legal standing to seek Klaus Barbie's prosecution. Instead, activists for the memory of the Holocaust, then marginal figures within French society, became the legitimate actors within this new and polarized judicial

⁶ [Le procureur annonça à JP Bloch qu'un communiqué avait déjà été diffusé à 14 heures. La position du parquet général de Munich est la suivante : réouverture de l'instruction dans l'affaire Barbie en ce qui concerne les crimes raciaux, compte tenu des éléments d'informations recueillis. Pour ce qui est des assassinats et tortures à mort de résistants tels que Jean Moulin et les autres, la thèse du parquet général ne saurait en aucun cas retenir notre accord. Au contraire, nous la rejetons avec la plus grande fermeté. En effet le Parquet général de Munich prétendrait tourner la page en disant : « c'était la guerre, les résistants savaient ce qui les attendait, maintenant, il y a réconciliation franco-allemande, etc. ». Naturellement, notre ami J.P. Bloch a protesté contre une telle interprétation de l'Histoire et des Droits. Certes, nos frères de la résistance pouvaient s'attendre à être arrêtés, jugés, voire condamnés à mort. Mais la torture et l'assassinat sont des notions absolument injustifiables y compris et surtout devant les conventions internationales régissant les lois de la guerre. J.P. Bloch propose qu'un communiqué soit publié rapidement pour préciser le point de vue de la Résistance française en cette matière. Ralph Feigelson est chargé de rédiger ce communiqué. Nous constatons le caractère positif de la décision de Munich, mais nous réaffirmons solennellement qu'il ne nous est pas possible d'accepter la thèse de la « page tournée » sur les assassinats, les tortures à mort de Jean Moulin et d'autres résistants] Procès-verbal de la réunion de la Commission exécutive nationale, 5 Octobre 1971, AADJF (Amicale des Anciens Déportés Juifs de France) archives, Mémorial de la Shoah (Paris).

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framework. Media discourse at the time did not, however, take note of this shift. A whole page from *France soir magazine* devoted to the story of Beate Klarsfeld,

the one who found the Butcher of Lyon. After thirty years of silence, the Barbie Affair – that’s to say, the search for the SS man who was, during the *Occupation*, the Butcher of Lyon and Jean Moulin’s murderer – is on once again for two reasons: a photo and a young woman’s willpower.⁷

For *France soir*, Barbie remained Jean Moulin’s torturer, not an agent of the Final Solution, reflecting a discourse around WWII of french media that had not yet integrated the tragedy of the Holocaust. For example, out of 84 episodes of *Dossiers de l’écran* on the topic of WWII televised between 1967 and 1980, only two were primarily focused on the deportation and the extermination of Jews (November 18, 1975 and March 6, 1979).

Following Beate Klarsfeld discovery of Barbie, in Peru and living under the false name of Altmann, in late 1971, French activists worked to seek his extradition to France for judgment and sentencing. When in 1972 Barbie fled to Bolivia, these associations convinced the French government to ask the Bolivian government to extradite him. In 1973, however, the Bolivian government refused. The “Comité de liaison pour la recherche et le châtement des criminels de guerre” responded: “The victims of Barbie and their families cannot accept that this murderer of patriots and of the great Jean Moulin remains unpunished. This is an affront to all of humanity”⁸.

For Holocaust memory activists, something important changed in the late 1970s. Serge Klarsfeld, who had, in the meantime, become a lawyer, followed his wife’s lead and, in 1979, founded the Association Sons and Daughters of Jewish Deportees from France (FFDJF). As its founder stated, the new association was meant to fulfill a “mission of justice” (the pursuit of Nazi war criminals and their accomplices) as well as a “mission of memory” (developing archives to precisely establish lists of victims and perpetrators of this genocide in France⁹). In 1978, Serge Klarsfeld published the *Mémorial de la déportation des Juifs de France*, which lists the names of all Jewish deportees from France and their deportation convoys. In March 1979, he had Jean Leguay, Paris delegate of the General Secretary of the Vichy Police from 1942 to 1944, charged with crimes against humanity. This was the first time such a criminal charge was filed in France. Advocating direct action media, legal prosecution, and historical research, the president of the FFDJF developed strategies very different from the usual practices of associations of former resisters and deportees. A point he makes clear, in his own way, in one of the association’s bulletins: “We are not a veterans’ organization and we were not created to hold banquets where we evoke the good old days of 1942, when they arrested our mothers, our fathers, our brothers, and

⁷ [celle qui a retrouvé le bourreau de Lyon : Après trente ans d’oubli, l’affaire Barbie, — c’est-à-dire — la poursuite du SS qui fut, pendant l’Occupation, le bourreau de Lyon et l’assassin de Jean Moulin — a repris la vedette pour deux raisons : une photo et la volonté d’une jeune femme]

⁸ [Les victimes et les familles des victimes de Barbie, ne peuvent admettre que l’assassin de patriotes et du grand Français Jean Moulin reste impuni, ce qui constituerait un défi à l’humanité toute entière] July 18, 1973 communiqué, AADJF archives.

⁹ *Bulletin de liaison des Fils et Filles des Déportés juifs de France*, n° 11, January 1983, in *La Chronique des Fils et Filles*, Paris, FFDJF, 2004, p. 170.

our sisters”¹⁰. One of Serge Klarsfeld’s main goals was “to tell the French the truth about the genocide perpetrated on the Jewish people”¹¹. His persistent advocating for textbooks to include material on the Holocaust and the Vichy Regime’s complicity in it was part of this work to transmit knowledge of this history to young people¹². Another objective of his association was to have Barbie brought to judgment in France: “They [the Sons and Daughters of Jewish Deportees from France] ask the French government to demand and insist that Bolivia extradite Klaus Barbie, head of the Gestapo in Lyon, responsible for the liquidation of the Jewish Children’s Home in Izieu”¹³.

For Serge Klarsfeld, Barbie was above all else the perpetrator of the roundup of the children of Izieu. On April 6, 1944, the Lyon Gestapo came to arrest 45 children and 7 adults from a home in Izieu (in the Ain), where Sabine and Miron Zlatin had been hiding Jewish children since May 1943. First taken to the camp of Drancy, 42 children and 7 educators were then sent to Auschwitz. All were killed on arrival, except for the educator Léa Feldblum. Two teenagers and the home’s director, Miron Zlatin, were killed in Reval in Estonia (Biscarat, 2008). This roundup was a particular moment in the history of anti-Semitic persecution in France that was also important to Serge Klarsfeld personally. In 1982, he wrote to the members of his association that Aloïs Brunner, head of the Gestapo and responsible for the arrest of the Jews of Nice, including Klarsfeld’s own father, in September-October 1943, had been found in Syria. In the text, he discusses his own survival:

Hidden all night by my father in a closet with a false back, I escaped from Brenner. But what I blame him for above all was how he liquidated Jewish Children’s Homes, just like our action against Barbie seeks justice for the liquidation, in April 1944, of a Jewish Children’s Home in Izieu. These are two tragic memories which require us to punish these two Nazi criminals who fled Germany after 1945¹⁴.

This association of his personal memory from childhood and its links to the Jewish children rounded up in Izieu clearly constitutes one of the main reasons he sought to bring Barbie to justice. His goal – of paying his debt to these children of Izieu in giving them justice in the literal sense of the term – is strengthened by the fact that the story of these murdered children is not unlike his own experience of surviving

¹⁰ [Nous ne sommes pas une organisation d’anciens combattants et nous ne nous sommes pas créés pour banqueter en évoquant le bon vieux temps de 1942, quand on arrêtait nos mères, nos pères, nos frères et nos sœurs] *Bulletin de liaison des FFDJF*, n° 3, September 1980, *La Chronique des Fils et Filles*, Paris, FFDJF, 2004, p. 135.

¹¹ [faire connaître aux Français la vérité sur le génocide dont le peuple juif a été la victime] *Ibid.*

¹² See his piece in *Le Monde* of April 25-26th, 1982; his speech at a colloquium in 1982, *L’enseignement de la Choa. Comment les manuels d’histoire présentent-ils l’extermination des Juifs au cours de la Deuxième Guerre mondiale ?*, Paris, CDJC, 1982 ; his activity urging editors of secondary school textbooks in 1982-1983, *La Chronique*, *op.cit.*, pp.189-194.

¹³ [Ils [les Filles et Fils des déportés juifs de France] demandent au gouvernement français de faire une nouvelle et pressante démarche en Bolivie pour obtenir l’extradition de Klaus Barbie, chef de la Gestapo de Lyon, et responsable de la liquidation du foyer d’enfants juifs d’Izieu] *Motion de l’association FFDJF*, General Assembly meeting, July 16, 1980, *Ibid.* p. 134.

¹⁴ [Caché par mon père dans le double fond d’un placard toute une nuit, j’ai échappé à Brunner. Mais ce que je lui reproche avant tout, c’est cette liquidation des foyers d’enfants juifs, de même que notre action contre Barbie trouve ses sources dans la liquidation en avril 1944 du home d’enfants juifs d’Izieu. Ce sont ces deux souvenirs tragiques qui nous obligent à ne pas laisser impunis ces deux criminels nazis qui ont fui l’Allemagne après 1945.] *La Chronique*, *op.cit.* p. 164.

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genocide. Klarsfeld, a direct witness, also saw himself as an “heir”, charged with a mission, a debt to repay¹⁵. In his argument against the negationist Faurisson in 1981, he stated in the name of the FFDJF: “We must oppose the questioning, the negation of the deaths of our parents, of our brothers and sisters, of our grandparents, of whom we are now not solely the representatives or the spokespeople, but the material and moral heirs”¹⁶. The weight of the past entirely determined his actions in the present.

As of the late 1970s/early 1980s, Serge Klarsfeld was no longer alone in his work as a Holocaust “memory entrepreneur” (Pollak, 1993: 30). The Darquier de Pellepoix Affair (October 1978) and the Faurisson Affair (December 1978) inspired political figures, media personalities, and people active in associational work or in academia to work towards the public recognition and generational transmission of the memory of the Holocaust. This memory thus began to be carried by more than the Jewish community, though it was not yet an issue for the public authorities¹⁷. Despite that fact, events like the roundup of the children of Izieu was little-known, neither among members of the government, nor the media, or the public, at the time when Barbie arrived in France – in 1983.

2. The Government Gets Involved in the Judicial-Memorial Battle (1983-1987)

On the request of the new Minister of Justice, Robert Badinter, the prosecutorial department of the Lyon Tribunal de Grande Instance ordered, in February 1982, a new investigation to be carried out for information on Klaus Barbie. The young examining magistrate, Christian Riss, was assigned to investigate the case. In this way, the French Civil Justice system reopened the “Barbie file,” 28 years after the former SS officer had been condemned to death *in absentia* by the Military Tribunal of Lyon. Like in Munich in 1971, the examining magistrate sought new details that were not mentioned in previous trials or subject to expired statutes of limitations. To do this, Riss relied heavily on Serge Klarsfeld’s work. Just as he had done for the trial of the Nazi Kurt Lischka in Cologne in 1980, Klarsfeld had, over the preceding years, put together a strong case against Barbie. Klarsfeld met Riss several times over the course of 1982 and 1983. He introduced him to witnesses, such as two mothers whose children had been victims of the roundup in Izieu, Ita Halaubrenner and Fortunée Benguigui. He also had him meet Simone Kadoch-Lagrange, who was beaten by Barbie and deported to Auschwitz at 13 years of age, along with her entire family, of which she was the only one to survive.

¹⁵ See P. Ricœur, for whom “the idea of debt is inseparable from that of inheritance” [l’idée de dette est inséparable de celle d’héritage], 2003: p. 108.

¹⁶ [Il s’agit de nous opposer à la mise en question, à la négation de la mort de nos parents, de nos frères, de nos sœurs, de nos grands-parents dont nous sommes non seulement les représentants ou les porte-parole, mais aussi les héritiers sur tous les plans, matériels et moraux] *La Chronique des Fils et Filles*, Paris, FFDJF, 2004, p. 157.

¹⁷ See, for example, the exhibition on the Deportation, organized at the Trocadéro in April 1982 by the Minister of Veterans and Victims of Wars (SEAC). This exhibition remained focused on the deportation of political activists, marginalizing racial deportation, to the dismay of Simone Veil and Serge Klarsfeld. For more information, see the archives of the SEAC, as well as the author’s interview with Serge Barcellini, then director of the SEAC’s “Commission nationale de l’information historique pour la paix”.

Meanwhile, both the national and international situations were changing, making Barbie's extradition from Bolivia to France a political possibility. In October 1982, Siles Zuazo and his left-wing coalition came to power in Bolivia. His government was open to negotiations with France. On November 3, 1982, Robert Badinter asked Christian Riss to issue an arrest warrant against Klaus Barbie. It was still not clear, however, if the French government was eager to see Barbie, and the past he represented, arrive in France for judgment. After the "Giscard years" marked by an embrace of modernity and the encouragement of a certain detachment vis a vis the past (Garcia, 2006 : 119-132). François Mitterrand wanted to focus once more on memory and its importance, particularly when it concerned the *Resistance*. One of his first acts as president was to pay respects at the Panthéon, at the tomb of Jean Moulin, now a symbol of the *Resistance* and its martyrs, personally arrested and tortured to death by Barbie¹⁸. A trial of this former Nazi in France for crimes against humanity risked undermining the new memorial policy, for it would evoke specifically and solely the crimes committed against Jews. This prospect caused a dilemma, even for certain ministers in the government. The question of extraditing Barbie to France thus came up in an inter-ministerial meeting in late 1982¹⁹. The two competing memories had their representatives and their advocates. Former resisters themselves, several of the ministers (Claude Cheysson, Charles Hernu, Gaston Deferre) were closely concerned by the "Barbie case," – in homage to Jean Moulin and to fallen resisters. If the government did extradite Barbie for trial, he could not be judged for crimes he had already been sentenced for, or for war crimes that had already passed their statute of limitations, as these ministers knew well. Some of them were thus very reticent to organize a trial of Barbie in France where the Resistance would not be mentioned. But during this inter-ministerial meeting, Robert Badinter, Justice Minister and representative of Jewish memory within the government, pleaded, to the contrary, for Barbie to be extradited, invoking the importance of bringing the man to justice for crimes against humanity (Badinter, 2011: 140). In fact, Badinter had already spoken publicly about the need to bring the perpetrators of the Holocaust. He published an editorial on *Le Monde* on June 15, 1979, signed, as per his request, simply "Jew". He was responding to the position taken by the journalist Gilbert Comte, who had stated in two different articles that there should be a statute of limitations on the prosecution of Nazi war crimes. Jean Leguay, former Secretary General's delegate of the Vichy police, had just been charged with crimes against humanity, on March 12, 1979. Mitterrand, apparently convinced by the Justice Minister's arguments, supported the extradition request.

It was thus possible for Barbie to be arrested in Bolivia, then extradited to France on February 4, 1983. This news made the front page in all the papers. The press continued to almost exclusively associate Barbie with the memory of the *Resistance*, presenting him mainly as Jean Moulin's torturer. For example, the front page of *Le Monde*, along with the headline about the extradition, bore a cartoon by the illustrator Plantu depicting Barbie disembarking from his airplane, met by a group of deportees wearing striped concentration camp uniforms, with Jean Moulin, drawn larger than

¹⁸ Ceremony of May 21, 1981. In his speech of homage, the president also associated Moulin with Jean Jaurès and Victor Schœlcher.

¹⁹ Interview with Robert Badinter by the author, August 3, 2011.

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the others, standing behind them. Next to the cartoon, the newspaper's commentary begins, "The war criminal Klaus Barbie: expelled from Bolivia"²⁰.



Le Monde, February 6-7, 1983

Several days later, *Le Monde* reprinted the news about Barbie and the reasons for which he had been expelled from Bolivia, presenting him as “the torturer of Jean Moulin and of so many others”²¹. The weekly paper *L'Express* had Jean Moulin's face as its cover image, with the title, “Barbie: The Tribunal of History”²².

TV news coverage was in the same vein. Out of the 201 times the name “Barbie” was mentioned on French television throughout 1983, it was most frequently mentioned in conjunction with “Jean Moulin,” (mentioned together 33 times). In contrast, joint mentions with the terms “Izieu” (4) “Jew” (3) or “genocide” (1) remained few²³. What's more, the arrival of Barbie in France inspired multiple publications, by former resisters or by historians, focused on Jean Moulin's arrest, which Barbie ordered, and other issues specific to the *Resistance*. For example, the historian Henry Rousso warned that a Barbie trial risked transmitting a “divided memory” evoking a France “still sick with the Vichy syndrome” still unable to get past the troubled years (Rousso, 1984 : 241-245). Despite everything, the fact that this Gestapo head had been in part responsible for the Holocaust was barely mentioned, neither here nor

²⁰ *Le Monde*, February 6-7, 1983.

²¹ *Le Monde*, February 13-14, 1983.

²² *L'Express* n° 1649, February 11-17, 1983.

²³ INA archives

anywhere else. The academic discourse around Barbie, revived by the man's arrival in France, was still, in 1983, focused on issues specific to the memory of the Resistance and the Occupation.

In the face of this unanimity in the press and on TV, always associating Barbie with the death of Jean Moulin, Raymond Aron was one of the few people to speak of the Barbie trial in the context of crimes of humanity. Aron described these as “the systematic extermination of men, women, and children, because of their race, religion, or nationality” – that's to say “the genocide perpetrated on the Jews and on the Roma”²⁴.

Meanwhile, preparation for the trial was moving apace. On February 5th, Riss, the magistrate, presented Barbie, just arrived in Lyon, with a list of eight charges filed against him. Some of these had to do with his treatment of Jews, others with his treatment of resisters. The magistrate, however, then dismissed the charges regarding crimes against resisters, pointing out that the statute of limitations had passed on these. He thus declared that individual resisters and deportees, or their beneficiaries, did not have standing to sue individually; nor did associations of former resisters. Thus dismissing that which the law defined as war crimes, Christian Riss drew up the list of crimes against humanity of which Barbie was accused, choosing to focus on three in particular: the deportation of Jews from the Home in Izieu on April 6, 1944; the roundup on the rue Sainte Catherine, in Lyon, on February 9, 1943; and, lastly, the deportation of approximately 300 Jews, on August 11, 1944, in the final deportation convoy that left from Lyon. This choice was made following the wishes of the Minister of Justice, who felt that only the crimes committed against the Jews could be considered crimes against humanity (Badinter, 2011: 146). As the crimes committed against resisters were not included, the memory of the Holocaust was, for the first time, recognized for its singularity in a judicial context²⁵.

Only strengthened by these judicial choices that legitimated his struggle, Serge Klarsfeld continued his research on the children of Izieu, in order to complete Christian Riss' investigation file. In April 1983, he wrote in his organization's bulletin that, “Izieu will be at the heart of the Barbie trial”²⁶, Klarsfeld thus systematically sought information on the background and the story of each child deported from this home in Izieu, publishing information requests in several different countries. In 1984, he published the results of this research in a book that told the story of every one of these children (Klarsfeld, 1984). He was thus able to show that these children were murdered solely because they were Jewish. Klarsfeld decided to sue, to add a civil dimension to the trial. What's more, Klarsfeld felt that he had in his possession the key piece of evidence against Barbie: an original telegram signed by Barbie and sent to Paris on April 6, 1944. This telegram, which Klarsfeld found at the Centre de la Documentation Juive Contemporaine (CDJC), stated, “This morning, the activities of a Jewish Children's Home in Izieu-Ain have been ended. Forty-one children ranging

²⁴ R. Aron, « Affaire Barbie : crimes contre l'humanité, » *L'Express*, *op.cit.*, p. 71. Raymond Aron and François Furet had organized the first conference on the Holocaust in France on year prior, in July 1982: *L'Allemagne nazie et le génocide juif*, Colloque des hautes études en sciences sociales, Paris, Gallimard/Le Seuil, 1985.

²⁵ At this time, there was no generally accepted French definition of crimes against humanity. The 1964 law referred to the definition used in Nuremberg. See M. Massé, 2002: pp. 122-135.

²⁶ *Bulletin de liaison des FFDJF*, n° 12, April 1983, *La Chronique des Fils et Filles*, Paris, FFDJF, 2004, p. 174.

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in age from three to thirteen years old and five adults have been arrested. No cash or other objects of value were found. Their transport to Drancy will take place on April 7, 1944”²⁷

In the meantime, a judicial-memorial struggle began on the part of associations for former resisters and deportees, who contested the magistrate’s decision and wanted to file a civil suit. The national committee of the FNDIRP, the main association leading this charge, in June 1983 thus published the following declaration:

The FNDIRP is not seeking to use this trial as an occasion for vengeance. For us, it is justice, morality, human dignity, and also historical truth that are at stake. This trial must show the full extent of the monstrous crimes of Nazism, so that mankind remains vigilant. We thus reject the closed specificity of a judicial debate on whether or not torture inflicted on resisters, volunteer fighters who wore no uniform, are crimes against humanity. For us, all torture is a crime. We suffered under torture; Jean Moulin was tortured to death. This trial must bring to light the full extent of all crimes committed, whether against children, old people, adults, Jewish or non-Jewish, political or non-political, combatants or noncombatants, in the time of Nazi rule in and around Lyon²⁸.

This association’s discourse is consistent with its perception of the deportation since the immediate postwar: it avoids any mention of the singularity of the Holocaust, treating all kinds of deportations the same (Wieviorka, 2008). The FNDIRP thus saw Barbie’s trial as a way to continue combating fascism and Nazi ideology.

Nonetheless, Riss made a ruling on July 19, 1985, confirming his choice to only hear charges where the victims were Jewish. The Chambre d’Accusation, on October 4, 1985, ruled likewise. This court ordered Klaus Barbie to appear before the Lyon Cour d’Assises, charged with crimes against humanity for “taking part in carrying out concrete plans to deport, enslave, and exterminate civilians and persecution for political, racial, or religious reasons”²⁹. Those who wrote this decision only sought to hear charges of crimes committed against people “because they were Jewish”. Thus,

²⁷ [Il a été mis fin ce matin aux activités du foyer d’enfants juifs d’Izieu-Ain. Au total, quarante et un enfants de trois à treize ans et cinq adultes ont été arrêtés. Il n’a été trouvé ni argent liquide ni autres objets de valeur. Le transport vers Drancy aura lieu le 7 avril 1944.] Cited in the *Bulletin de liaison des FFDJF*, n° 15, March 1984, *La Chronique*, op.cit., p. 197.

²⁸ [La FNDIRP ne souhaite pas à l’occasion de ce procès assouvir une quelconque vengeance. Pour nous, ce qui est en jeu, c’est la justice, la morale, la dignité humaine, et c’est aussi la vérité historique. Ce procès doit éclairer sur la monstruosité des crimes commis par le nazisme afin que les hommes restent vigilants. Nous ne nous laisserons pas enfermer dans un débat juridique pour savoir si les tortures infligées aux résistants sans uniformes sont des crimes contre l’humanité. Pour nous, la torture est un crime. C’est elle qui nous a meurtris, c’est elle qui a tué Jean Moulin. Le procès rappellera l’ampleur des crimes commis contre les enfants, les vieillards, les adultes juifs ou non juifs, politiques ou non politiques, combattants ou non combattants, pour faire régner l’ordre nazi dans cette région lyonnaise.] Excerpt from the activity report of the FNDIRP, presented at its National Committee meeting in Toulouse, June 3, 1983, SEAC, *Fonds Barcellini*.

²⁹ [prenant part à l’exécution d’un plan concerté pour réaliser la déportation, l’asservissement et l’extermination de populations civiles ou des persécutions pour des motifs politiques, raciaux ou religieux] Excerpted from the Chambre d’Accusation of the Court of Lyon’s decision, published in full in Chalandon & Nivelles, 1998 : 13-28.

the only evidence heard would have to be about the roundup at the rue Sainte Catherine, the children's home in Izieu, and the deportation of about 300 Jews on August 11, 1944, for these were the only actions of Barbie that the criminal chamber could define as "crimes against humanity".

The court thus confirmed what Riss had been arguing for since the beginning. Different associations of resistance veterans and deportees (FNDIRP, ANACR), the Ligue des droits de l'homme, as well as Marcel Gompel's wife³⁰, who had constituted a civil part of the suit at the beginning of the investigation, petitioned the Cour de cassation to protest this decision which, *de facto*, excluded them from the trial. The criminal chamber of the Cour de cassation, surprising everyone, accepted their request on December 20, 1985. Their ruling widened the judicial understanding of crimes against humanity, now defined as "inhumane acts and persecutions which, in the name of a State practicing a policy of ideological hegemony, were committed systematically, not only against individuals on account of their race or their religion, *but also against the adversaries of this policy, whatever form their opposition may take*" [actes inhumains et [des] persécutions qui, au nom d'un État pratiquant une politique d'hégémonie idéologique, ont été commis de façon systématique, non seulement contre des personnes en raison de leur appartenance à une collectivité raciale ou religieuse, *mais aussi contre les adversaires de cette politique, quelle que soit la forme de leur opposition*]³¹. Just like in 1954 at the Lyon military tribunal, and just like in 1971 with the Munich prosecutor, Manfred Ludolf, behind the judicial question, questions of history are posed. What history should Barbie's sentencing evoke? This debate also took place among the judicial authorities. The fact that the magistrates of the Cour de Cassation's criminal chamber decided to extend the definition of crimes against humanity to include war crimes is the result of a judicial-memorial strategy. While it was grounded in specific judicial arguments³², it made clear the way in which these legal actors envisioned national history, subject, of course, to their own life trajectory. For example, Pierre Arpaillange, who had been general prosecutor of the Cour de cassation since 1984, was himself a Resistance veteran, a recipient of the Croix du combattant volontaire de la Résistance. Pierre Arpaillange agreed to meet with the associations that filed the petition before the ruling was written. What's more, all 19 counselors in the criminal chamber were born between 1917 and 1930³³. Many of them were already working as magistrates during WWII. They were thus contemporaries of the activists submitting the petitions, remembering the period, members of a generation who were very attached to the idea that the "France of the Resistance" should be represented at Klaus Barbie's trial (Jean, 2002 : 100-110). This decision was, however, contrary to the judicial-memorial strategy employed by the Minister of Justice, Robert Badinter, and by the general prosecutor of Lyon's court of appeals, Pierre Truche. Truche was directly nominated

³⁰ Professor at the Collège de France and Jewish resister, Marcel Gompel was arrested and tortured to death by the Gestapo in February 1944.

³¹ December 20, 1985 ruling by the criminal chamber of the Cour de cassation, *Bull.crim.* n° 407. This decision later became jurisprudence: see Garibian, 2009.

³² These relate to article 6 c) of the Nuremberg Charter (August 8, 1945) which defined crimes against humanity as: « murder, extermination, reduction, enslavement, deportation, or any other inhumane act committed against any civilian population before or during the war, or persecution for political, racial, or religious reasons whenever these crimes, whether or not in violation of the country in which they were perpetrated, were committed following any other crime applicable to be judged by this tribunal in liaison with that crime ».

³³ *Annuaire biographique des magistrats de la Cour de cassation (1963-2004)*, 4th supplement.

by Riss to prosecute Barbie's case; he was also the spokesman for the ministry before of the Lyon Cour d'Assises during the trial. In 1985, Pierre Truche reacted to the Cour de Cassation's decision with these words: "It is impossible to conflate the deportation of a Jewish child with that of a resister, who died a hero, weapons in hand, who had the fortune and the chance to choose his destiny" [Il n'est pas possible d'assimiler la déportation d'un enfant juif à celle d'un résistant, mort en héros les armes à la main et qui eut, en pleine conscience, la joie et la chance de choisir son destin] » (Lévy, 1987: p. 197). His protest was not in any way binding, however, because the Cour de cassation is the highest judicial authority in France. In any event, the Minister of Justice was also greatly disappointed, finding his own arguments for recognizing the singular nature of the Holocaust thus demolished³⁴. What's more, only hearing evidence about genocide would enable the trial to focus on the victims of that genocide, keeping the trial from turning into a settling of accounts between resisters. This is particularly relevant given the fact that Barbie's lawyer, Jacques Vergès, had early on announced to the media that the trial would be the occasion for shocking revelations on the secret dark side of the *Resistance*, particularly as related to Jean Moulin's arrest in Caluire³⁵. For that reason, Holocaust memory activists feared that old French controversies resurfacing would block out any possibility for Jewish suffering to be recognized and understood by a wider audience. Simone Veil, who survived Auschwitz, made the following statement on TV news shortly after Barbie's arrival in France, implicitly evoking these concerns:

I read that it would give rise to settling of accounts, that we'd all have to see these old *franco-français* polemics coming back to light. And I should say that this worries me... I think that if crimes against humanity don't have a statute of limitations, it really has to do more with history than with getting vengeance against one man. I think the trial has to be understood in this context. And there have been very few trials since Nuremberg. This isn't a trial that only concerns France, I mean French justice. This is a trial that will be watched in the Federal Republic of Germany, in countries that the Nazis occupied, in Israel... I think that it would be terrible to make this trial into a French issue ... adding in things which normally have passed their statute of limitations, mixing things in which aren't the issue, or only totally indirectly ... this issue, there's something singular about it; it is exceptional because it has to do with an ideological phenomenon, and the trial must emphasize that... What we're judging is an ideology, and what that ideology led to. This is what is important for young people, and to make sure that this can never happen again in the future³⁶.

³⁴ Interview with the author, *op.cit.*

³⁵ On June 21, 1943, Barbie along with several agents of the Gestapo arrested Jean Moulin and six other Resistance leaders in Caluire. See Fratissier, 2011.

³⁶ [J'ai lu que ça donnerait lieu à des règlements de compte, que l'on allait exhumer des vieilles histoires Et alors je dois dire que ça m'inquiète [...] je pense que si l'on n'a pas prescrit les crimes contre l'humanité, c'est beaucoup plus dans un souci d'histoire, que dans un souci de vengeance par rapport à un homme. Je crois que c'est à ce niveau qu'il faut situer ce procès. Sans oublier qu'il y a eu très peu de procès depuis Nuremberg. Ce ne sera pas un procès qui concerne la France, enfin la justice française, mais un procès que l'on regardera depuis la République fédérale d'Allemagne, depuis les pays qui ont été occupés, depuis Israël [...] Je crois que ce qui serait terrible, c'est d'en faire une affaire française, avec l'occasion de rechercher des histoires qui normalement elles sont prescrites et de remuer des événements qui ne s'intègrent pas dans cette affaire là, ou qui s'y intègrent

For these Holocaust memory activists, redefining crimes against humanity put the recognition and memorial transmission of Jewish suffering to the French public at stake.

Following the Cour de Cassation's December 20, 1985 decision, the court in Lyon added two other charges to be heard in trial, both concerning resisters: Marcel Gompel and Lise Lesèvre, arrested in Lyon, tortured, and deported on May 19, 1944. This choice of the past made by the Cour de cassation's magistrates, thus finally brought the memory of the *Resistance* into the trial.

III. Broadcasting the Trial

As soon as Barbie arrived in France, in February 1983, people began asking whether and how the trial should be broadcast. As we have already seen, Robert Badinter, Justice minister since 1981, played a small but deciding role in organizing Barbie's trial. This did not end there. To the Justice Minister, it seemed essential that via this trial, the memory of the Holocaust should be transmitted to the French population at large. In fact, Robert Badinter was personally implicated in Barbie's case, for the former head of the Gestapo in Lyon also was none other than the murderer of Badinter's father. Badinter discovered this fact during the investigation; Pierre Truche sent him a document confirming it (Badinter, 2011: 144). On February 9, 1943, Badinter's family, Jews from Russia, was one of several who lived on rue Sainte Catherine who were targeted by the deportation order Klaus Barbie had signed a few hours earlier. During the roundup, Robert, then fourteen years old, barely escaped from the Germans. His father, Simon Badinter, was arrested and deported to Drancy. He died in Sobibor, not in Auschwitz, as his family had for a long time believed (Cassia, 2009: 9). When he became Minister of Justice in 1981, Robert Badinter was fueled by a desire to get justice and reparations not only for his father, but for all Jews who were victims of the Holocaust. To that end, as Minister of Justice (1981-1986) he took two principal acts. The first, reminiscent of the tragic and little-known fate of his father, was a law enacted in 1985, for which he wrote the bill³⁷. It attributed the title "Mort en déportation" to those who never returned from the camps, but for whom proof of date and place of death was never found (art. 1.) The law also provided for writing or rectifying death certificates for a certain number of deportees, (art.3,) mainly Jews. The article was intended to indicate as precisely as possible the place, date, and conditions of the deportee, in order to "bring to evidence the reality of circumstances in the death camps"³⁸. In fact, the postwar government gave families, in many cases, documents which gave the place from where the convoy left, Drancy or Pithiviers for example, as the presumed place of death. Article 3 of the new law

mais de façon tout à fait annexe. [...] Cette affaire, elle a quelque chose d'exemplaire, elle est exceptionnelle car elle s'intègre dans un phénomène idéologique, et je crois que c'est cela qu'il faut faire ressortir au cours du procès [...] ce qu'on juge, c'est une idéologie, et ce à quoi cette idéologie a conduit. C'est ça qui est important pour les jeunes et pour que dans l'avenir, ça ne puisse pas se reproduire.] Interview with Simone Veil, Journal télévisé, Antenne 2, February 6, 1983, archives INA, retranscribed by the author.

³⁷ Law n° 85-528 of May 15, 1985. This law modified texts that were in effect since the end of WWII (the order of October 30, 1945 and law of April 30, 1946.)

³⁸ [mettre en évidence la réalité des circonstances du décès] Excerpted from the explanation of reasons given by Robert Badinter in the *Projet de loi sur les actes et jugements déclaratifs de décès des personnes mortes en déportation*, n° 209, as recorded by the Sénat on March 15, 1985.

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provided for attributing the death-place to the convoy's destination – in most cases, these were death camps. This territorial inscription provided for in the law was another way for Robert Badinter to reveal “the truth of the matter” of the Holocaust, responding to denials which, since 1978, were being expressed publicly in France. Robert Badinter referred to this in his bill: “We have seen, for some years now, contestation of these now well-known acts. Some people deny the reality of the methodic extermination of certain peoples. The truth of these facts must be established.”

The second way that Badinter sought to bring justice to Jewish victims was through Klaus Barbie's trial. The Minister of Justice wanted this trial to inscribe the Holocaust in French collective memory. Robert Badinter knew from his own past that a trial and its publicity alone could modify collective memory. As a young lawyer, he was present at Eichmann's trial in 1961 in Israel, and also followed it in the weekly *L'Express*. During this “Jewish Nuremberg,” the people of Israel, some of whom did not have European origins, discovered the fate meted out to Jews during WWII by listening to the testimony of concentration camp survivors.” The prosecutor at the trial, Gideon Hausner, noted for his part that “only by the deposition of witnesses could these events be brought up before the court and made present in the minds of the people of Israel”³⁹ (Hausner, 1966: 383. Robert Badinter thus wanted Barbie's trial to be entirely televised so that every family could discover, through the words of the witnesses, the full extent of the genocide perpetrated against the Jews. A study, conducted in 1984, showed him to be right in a way, concluding that TV had become an important vector by which memory was transmitted, “a common reference between all generations” for exploring the past.

Multiple corporations were approached about filming and rebroadcasting the trial. On February 28, 1983, only three weeks after Barbie arrived in France, Robert Badinter asked his former chief of staff, André Braunschweig, honorary president of the criminal chamber of the Cour de Cassation, to conduct general inquiries into the question. The report he gave a year later suggested broadcasting the pre-recorded trial a bit later, after the verdict was given. The question of the trial being broadcast also greatly interested many associations of resistance veterans and deportees. On March 8th, the Secretary of Veterans sent a letter to such associations on the possibility of live-broadcasting the trial. But the associations were not eager to see that take place. They feared that simultaneous broadcasting would encourage the media to “treat Barbie as a star” [traiter Barbie en vedette]⁴⁰. They preferred to see the trial recorded and preserved in the archives. In the end, this is what took place: Robert Badinter did not follow Braunschweig's suggestions, preferring instead to record the trial, but to keep the footage in the archives. He thus proposed a bill, which was voted on and became law in 1985, allowing, for the first time in France, the audio and visuals of a trial to be fully recorded⁴¹. The law required that the films must be kept in the national archives and could only be made public after thirty years (so, in the case of Barbie's

³⁹ [ce n'est que par la déposition des témoins que les événements pourraient être évoqués au tribunal, rendus présents à l'esprit parmi le peuple d'Israël]

⁴⁰ “Lettre au ministère des Anciens Combattants” written by Henri Bulawko, president of the Amicale des Anciens Déportés Juifs de France, published in the association's newsletter, *Le déporté Juif*, April 1983, AADJF archives.

⁴¹ Law n° 85-669 of July 11, 1985.

trial, in 2017). In that way, the Barbie trial became a cultural object in France even before it occurred.

IV. The “Barbie Trial,” narrates the Holocaust

1. What was the “Barbie narrative” in 1987?

Just before the trial began, a survey was taken on what French people knew about Barbie and what they associated with his name⁴².

To the open question “Who is Klaus Barbie?” spontaneously, 40% qualified him as a “SS, a Nazi, a Nazi officer.” 37% called him a murderer, butcher, torturer, WWII war criminal.” 14% called him a “Jew-killer,” organizing Jews’ deportation, but only 2% mentioned that Barbie was “the one who tortured, executed” or “killed” Jean Moulin. When they were asked why he was going on trial, 40% of the people asked responded that it would be for “crimes committed during WWII.” 22% said it was for “the Holocaust,” “Jewish genocide,” or “for deporting Jews”; 6% for “crimes against humanity”, and another 6% for “arresting, torturing, and executing Jean Moulin.”

Of course, it is always difficult to know how precisely a survey can express the way individuals represent the past in their minds (Lavabre, 2001 : 8-13) still, such a survey can help us understand general inclinations. This survey allows us to get an idea of the “state of the Barbie narrative” before the trial. By narrative, we mean the individual and societal understandings people had about Klaus Barbie. The first thing these results make clear is Jean Moulin hardly figures in, mentioned by only a few. This, along with the fact that none of the respondents spontaneously mentioned “resisters” or “Resistance” shows that, by 1987, all of France no longer shared a unified, collective memory centered on the Resistance. Despite that fact, however, the term “butcher” – and Barbie’s familiar sobriquet, “the butcher of Lyon” continued to be used. We can also observe that the image of the “Jewish deportee” as Barbie’s victim began to be present in people’s minds. While this is not mentioned by a majority of people, it comes up often enough (14% and 22%) that we can consider it a new element in the “Barbie narrative.” The different numbers in the survey also indicate that the upcoming trial had already begun to change mentalities. While only 14% mentioned Jews in response to the question “Who is Klaus Barbie?” 22% of respondents brought them up in conjunction with the term “genocide” when asked why he was going to be put on trial. This gap shows that the trial’s educational dimension, increasing general knowledge about the Holocaust, as Serge Klarsfeld and Robert Badinter had wanted, already began to affect people’s perceptions before the trial even took place. Does this mean that these perceptions were advancing faster than those represented in public, media discourse that, as we have seen in 1983, still centered on Jean Moulin and barely mentioned Jewish victims at all? But in fact, even the media discourse had begun to change in the years leading up to the trial. As thus, on television, the co-mentions with Barbie’s name changed between 1983 and 1986 (see table below:)

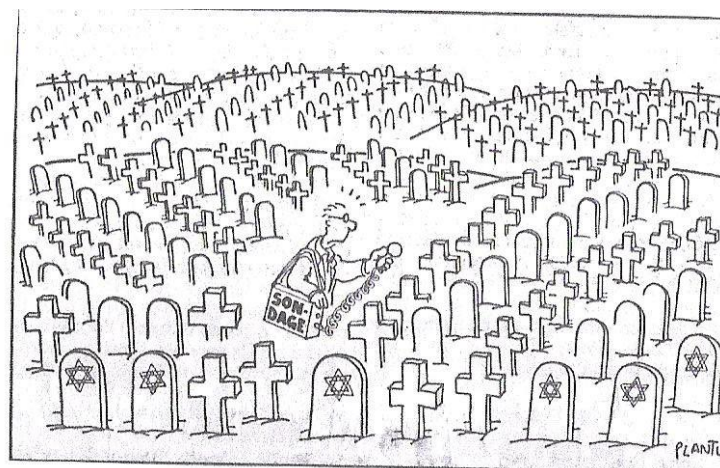
⁴² *Le Monde*, May 2, 1987.

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Table of co-mentions with “Barbie” on TV between 1983 and 1986 (INA)

1983	Barbie		Jean Moulin	Witness, Testimony	Resisters	Izieu	Jew	Deportee	Memory	Genocide	Anti-Semitism
mentions	201	co-mentions	33	8	5	4	3	2	2	1	1
1984	Barbie		Witness, testimony	Anti-Semitism	Memory	Le Pen	Jew	Genocide	Deportee	Auschwitz	Jean Moulin
mentions	18	co-mentions	2	2	1	1	1	1	1	1	0
1985	Barbie		Deportees	Witness, Testimony	Jew	Jean Moulin	Izieu	Resisters	Anti-Semitism	Memory	Auschwitz
mentions	40	co-mentions	4	3	3	2	2	1	1	1	1
1986	Barbie		Jew	Witness, testimony	Izieu	Anti-Semitism	Memory	Auschwitz	Deportees	Resisters	Jean Moulin
mentions	36	Co-mentions	7	4	4	3	3	3	2	2	1

As we saw earlier, in 1983, the term “Jew” (3) was in fifth place in terms of co-mentions with “Barbie,” far behind “Jean Moulin” (33). In 1984, even though Barbie was mentioned much less on television than in 1983, for there had been a particularly large amount of coverage around the time of his extradition, co-mentions with the word “Jew” reached third place (1). In 1985, it reached second place (3), then, in 1986 reached first (7 out of 36 total mentions of “Barbie,” or 19%). At the same time, Jean Moulin’s name slipped out of TV discourse, not mentioned at all in 1984, then at fourth place in terms of co-mentions (2) in 1985, and only at ninth place (1) in 1986. The cartoon that Plantu drew about the results of this survey for *Le Monde*, shortly before the trial began, also reflects this evolution.



Cartoon by Plantu, *Le Monde*, May 2, 1987

Here, the artist shows a survey taker perplexed, holding out his microphone, alone in a large cemetery, where there are only graves to “respond” to him. In this space, filled with the absent, Christian and Jewish graves alternate. In the drawing’s foreground there are Jewish graves marked with the Star of David. The striking difference between the cartoon from 1983 and this one, from 1987, both drawn by the same artist, seems to well summarize how much the “Barbie narrative” in France evolved in only four years. While the image from 1983 showed deportees returned from the

camps and the ghost of Jean Moulin, the one from 1987, showing only the dead, many of them Jewish, now conveyed the specific nature of the deportation of Jews, evoking genocide, the attempt to annihilate a particular targeted human group⁴³. This rapid evolution preceding the trial can partly be explained by the new social and political issues that came into play at the time about the public use of the past. Barbie was no longer talked about in conjunction with of honor, betrayal, homage to resisters and combatants who defended the French nation, but rather in terms of justice for his victims (Fassin and Rechtman, 2007) and struggles against Anti-Semitism, Holocaust denial (Igounet, 2000), and the Far Right.

2. *In the Courtroom: The Witnesses Speak*

Like in Eichmann's trial, Barbie's trial was divided into two parts: one for analyzing written documents and the other for witnesses' testimony. 105 witnesses gave testimony during the trial. The first few days of the trial were thus spent examining documentary evidence, determining Barbie's particular role in deporting Jews. There were several documents used to prove his direct responsibility, notably the telegrams he sent to Paris about the roundups at the UGIF and in Izieu (May 15, 1987 hearing). It was also debated whether or not Barbie was fully aware that he was sending the Jews he arrested to their deaths (May 18, 1987 hearing). This was a key point in the crimes against humanity accusation, for a person guilty of such a crime had to not only participate, but knowingly participate, in that sort of predetermined plan. Based on the analysis of several documents, the president of the court, André Cerdini concluded that "even the rank and file knew that people deported in this way were sent to be exterminated" [aux échelons les plus bas, on savait que les personnes ainsi déportées étaient destinées à l'extermination]⁴⁴. Finally, Cerdini also sought to find out if Barbie, who had been the head of section 4 of the Lyon SiPo-SD also had direct authority over subsection B, charged with anti-Jewish activity (May 19, 1987 hearing). The different hearings on the first few days of the trial were thus focused on analyzing written documents that proved Barbie's guilt as a perpetrator of the Holocaust.

Then, beginning on May 20th, witnesses began to give their testimony. Many things: the content of their depositions, their identity, the solemn, consecrated nature of their presentation, made their testimony more an issue of history and psychological healing than purely legal proof (Ledoux, 2016b: 67-75). Of course, the people called to testify were asked to give eyewitness evidence of Klaus Barbie's guilt⁴⁵. Some of the witnesses, whether or not they were directly arrested by Barbie, were there in a traditional judicial witness's role, complementing the written evidence, providing proof in their responses to the questions of the tribunal. Their deposition, however, went far beyond the circumstances of their arrest and what role, if any, Barbie had in it. The witnesses were asked to describe their whole trajectory, particularly stressing the suffering they endured, the atrocity of what they lived through. They spoke of

⁴³ Of 76,000 Jews deported from France, only about 2,000 survived (S. Klarsfeld, 2001 and Marrus & Paxton, 1981).

⁴⁴ Cited in *Le Monde*, May 20, 1987.

⁴⁵ See the depositions of Michel Thomas (May 21st) Lise Lelèvre, Simone Lagrange and Marcel Stourdze (on May 22nd) Angelina Coral, Louis Simonet, Régine Skorka, Jérôme Scorin and Aimé Petit, (May 25th) Lucien Margaine, Mario Blardone, Robert Clor, Vincent Planque, Raymonde Guyon and Jean Gay (May 26th) and Lucien Favet (May 27th.)

their conditions in prison, their torture, the deportation itself, as well as life in concentration camps. These narratives, deeply charged with emotion, were responded to with not only solemn protocol, but also compassion. This was unlike the trial in Frankfurt, Germany (1963-1965), when the witness was strictly instructed on both the form and the content of what he or she could say⁴⁶. Throughout the hearings, court president Cerdini often repeated “The court understands your pain.” (Chalandon and Nivelle, 1998: 77) For the witnesses in Barbie’s trial were part of a new social category, victims, granted greater and greater political and judicial recognition since the 1970s (Erner, 2006). Such personal testimony fit into this new understanding, part of a new mentality that considered recognizing and repairing damages to victims an integral part of justice.

In addition to these judicial witnesses, other witnesses were called to talk specifically about the Holocaust⁴⁷. These survivors’ stories informed the court about the extent of the atrocities seen and lived through during their arrest, as well as life in camps in France, their deportation to death camps, their survival of Auschwitz or Bergen-Belsen, and finally, the camps’ liberation in 1945. At the end of one day of such shocking testimony, a reporter from *Le Monde* covering the event wrote: “The words ‘crimes against humanity’ were no longer only words” [mots ‘crimes contre l’humanité’ avaient cessé d’être seulement des mots]⁴⁸. Several times, witnesses underscored the specific nature of the Holocaust, the fact that these people were targeted simply for being Jewish. Simone Lagrange, an Auschwitz survivor, after testifying said the following: “Today, I fulfilled a promise, which was t to bear witness as long as I lived... Six million dead were with me today” [Aujourd’hui, je me suis acquitté d’une promesse qui était de témoigner tant que je vivrais... Six millions de morts étaient avec moi aujourd’hui]⁴⁹. The specific nature of this persecution was felt in many individual stories presented to the court. Alice Vansteenberghé, a Resistance veteran describing her time in prison, explained:

We in the Resistance, we knew what risks we were taking and I accepted all that I suffered. But in that cell they threw me into, there were so many other people. I saw a Jewish woman and her child, neatly dressed, blonde, with a barrette in her hair. And one day, Barbie came in and he tore that mother away from her child. That’s not war. That’s something monstrous.⁵⁰ (Finkilekraut, 1989 : 44-45).

Speaking of his imprisonment in the “Jewish barracks” in Lyon, the resister André Frossard said, “It was there that I realized this was a crime against humanity. I saw a

⁴⁶ Between 1963 and 1965, the trial of Frankfurt, where 24 former SS officers who had worked at Auschwitz were judged, was the first time that 350 witnesses from 19 countries, 211 of them Auschwitz survivors gave testimony in Germany (Pollak, 1986 : 3-29).

⁴⁷ As well as Henry Bulawko, president of the AADJF, on May 20th; Gilberte Jacob and Élie Nahmias on May 21st; Jérôme Scorin on May 25th; Edith Klebinder on June 1st; Alice Vansteenberghé on June 3rd.

⁴⁸ Jean-Marc Théolleyre, *Le Monde*, May 23, 1987.

⁴⁹ Cited in *Lyon matin*, May 23, 1987.

⁵⁰ [Nous dans la Résistance, nous savions les risques que nous prenions et j’assume tout ce que j’ai subi. Mais dans cette cellule où l’on m’avait jetée, il y a avait tant d’autres gens. J’ai vu une femme juive et son enfant, bien soigné, tout blond, avec une barrette dans les cheveux. Et bien ! Barbie est entré un jour, et il est venu arracher cette mère à son enfant. Ça, ce n’est pas la guerre, c’est quelque chose d’immonde.]

family walk through the courtyard to go into the basement. There was a grandfather, a father, a mother, young children, a girl carrying a baby. And an SS man yelled, ‘Ah, all that’s Israel.’”⁵¹. The singular nature of the Holocaust was also apparent in analyzing the number of how many people in the convoy “of 600” of August 11, 1944 died or survived. Out of approximately 300 resisters, the women sent to Ravensbruck and the men to Struthof, 124 survived. Out of 300 Jews, all sent to Auschwitz-Birkenau, only 32 returned (May 18, 1987 hearing). Finally, the story of the roundup of children in Izieu became the event that most symbolized the Holocaust in the trial. René Wucher, who was arrested with the other children from the home in Izieu on April 6, 1944, told the jury how he was freed the very same day, thanks to villagers who managed to convince the Germans that he was not Jewish⁵². The woman who directed the children’s home in Izieu, Sabine Zlatin, exclaimed for her part: “Barbie always said that he only went after resisters, after *maquisards*. So I’d like to ask him: the forty-four children from Izieu, then, what were they? Were they resisters? Would you call them terrorists? No! They were just innocents!”⁵³.

In his argument, Serge Klarsfeld listed one by one the names, birthplaces, and trajectory of each of the 44 children arrested in Izieu, finishing each life story with “he [or she] did not return.” [« Il n’est pas revenu »] (June 17, 1987 hearing). Through these children’s story, the total and brutal extent of the Holocaust was made clear, and these children’s story was used to symbolize what so many other people went through. When the court clerk read out the charges against Klaus Barbie at the start of the trial, he listed the names of all the children before finishing: “The first forty-two children on this list, as well as five adults who took care of them were deported to Auschwitz in cattle cars, in terrible conditions, and immediately upon arrival killed in the gas chambers.” [« Les quarante-deux premiers enfants de cette liste et cinq adultes de l’encadrement déportés à Auschwitz en wagons de marchandises dans des conditions très dures furent immédiatement exterminés dans les chambres à gaz »]⁵⁴. Some time later, the assistant public prosecutor, concerned about the trial going off-topic when some Resistance veterans were testifying⁵⁵, declared to the jury on June 15th: “This trial has gotten off track. Don’t take what they said into account. It was far from the story of the children of Izieu. You’ve just heard testimony with no direct link to those facts. I’m impatient to hear Mr. Klarsfeld speak again of Izieu on Wednesday.”⁵⁶. The tragic fate of these children became a concrete symbol of the fundamental difference between the crime committed against resisters and that committed against the Jews. Elie Wiesel, in his written deposition, read aloud by the lawyer Alain Jacobowicz, made this clear: “All wars have their crimes ... but a war

⁵¹ [Là, j’ai eu conscience de ce qu’était un crime contre l’humanité. En voyant toute une famille marcher dans la cour pour aller à la cave. Il y avait un grand-père, un père, une mère, des enfants en bas âge, une jeune fille qui portait un bébé. « Ah ! » s’est écrié un SS, « C’est tout Israël ! »] Cited in *Libération*, May 26, 1987. André Frossard published a book about the trial: *Le Crime contre l’humanité*, Paris, Robert Laffont, 1987.

⁵² May 27th hearing, cited in *Le Monde* on May 29, 1987.

⁵³ [« Barbie a toujours dit qu’il s’occupait uniquement des résistants, des maquisards. Alors je voudrais demander : les quarante-quatre enfants d’Izieu, c’était quoi ? Qu’est-ce qu’ils étaient donc ? Des terroristes ? Des résistants ? Non, c’étaient tous des innocents ! »] *Ibid.*

⁵⁴ May 11th hearing, cited in *Le Monde* on May 13, 1987.

⁵⁵ Such as Geneviève de Gaulle on June 9th, Marie-Claude Vaillant Couturier on June 10th, and Jacques Chaban-Delmas on June 11th.

⁵⁶ [« Ils ont dévié ce procès, vous ne devez pas en tenir compte. Les enfants d’Izieu étaient loin. Vous avez entendu ici des témoins sans rapport direct avec les faits... J’attends avec impatience qu’avec Maître Klarsfeld, mercredi, nous reparlions d’Izieu »] Cited in the *Libération* of June 16, 1987.

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against children can never be justified. Not all of Hitler's victims were Jewish, but all Jews were victims."⁵⁷ (June 2, 1987 hearing). Alain Jacobowicz, lawyer for the Consistoire Central Israélite de France for this trial, implored the jury not to forget the crime in Izieu after testifying said the following: "Today, I fulfilled a promise, which was to bear witness as long as I lived... Six million dead were with me today.": "When you're alone with your conscience, listen to your heart speaking. Don't forget the children of Izieu"⁵⁸. Roland Dumas, lawyer for the resister Lise Lelèvre ended his argument with these words to the jury, largely reprinted in the next day's press:

I ask you to leave the page for July 3rd, when your decision is to be made, blank in your calendar. Leave it blank and white as a symbol of the purity of your judgment. And if someone asks you what the meaning of that white, blank page is, you can simply tell them: 'it's the shroud of the children of Izieu.' »⁵⁹

The journalist Jean-Marc Théolleyre, reporting on the trial for *Le Monde* wrote: "Of all the crimes against humanity Klaus Barbie is accused of committing, that relating to the death of those forty-three children from Izieu carries the heaviest emotional blow."⁶⁰. Through this trial, the story of these children from Izieu became a vector for transmitting collective memory of the Holocaust in France. Sabine Zlatin helped organize an association, founded a year later, on March 8, 1988. Their goal was to create a memorial for the Children of Izieu, finally inaugurated on April 24, 1994 by the President of the Republic, François Mitterrand, who had written in 1992: "Without the Barbie trial, how many French people would know of the tragic story told in these pages? ... The Children of Izieu are the very symbol of all the Jews of France who were exterminated during the Vichy Regime."⁶¹ (Zlatin, 1992 : 2).

But the trial did not only speak of crimes perpetrated against Jews. Other facts were mentioned, allowing for what Mark Osiel calls a "dissensus," an important part of democratic trials (Osiel, 1997). Due to the December 20, 1985 decision by the criminal chamber of the Paris court, crimes perpetrated against resisters were also mentioned. Such mentions, and particularly discussion of Jean Moulin's fate, betrayed by one of his own people in Caluire, became a special issue, particularly for Barbie's defense team. Several times, Jacques Vergès, Barbie's main lawyer, tried to set the trial off the course of discussing crimes perpetrated against Jews by bringing the jury's attention back to Jean Moulin (May 12 and June 12, 1987 hearings). He also wanted to use the trial as an occasion to condemn France's actions in its colonies,

⁵⁷ [« Toute guerre a ses crimes... mais aucune raison au monde ne peut justifier une guerre contre des enfants... Toutes les victimes de Hitler n'étaient pas juives. Mais tous les Juifs étaient victimes »]

⁵⁸ [« Quand vous serez face à votre conscience, faites parler votre cœur. N'oubliez pas les enfants d'Izieu »] June 26th hearing, cited in *Le Progrès* on June 27, 1987.

⁵⁹ [Je vous demande que sur votre agenda, à cette date du 3 juillet qui sera celle de votre décision, vous laissiez la page blanche, symbole de la pureté qu'aura votre jugement ; et lorsque quelqu'un vous demandera plus tard la signification de cette page blanche, vous pourrez répondre tout simplement : « C'est le linceul des enfants d'Izieu »]

⁶⁰ [« De tous les crimes contre l'humanité dont est accusé Klaus Barbie, l'enlèvement suivi de mort des quarante-trois enfants juifs d'Izieu porte en lui la plus forte charge émotionnelle »] *Le Monde*, June 3, 1987.

⁶¹ [« Sans le procès Barbie, combien de Français connaîtraient le drame relaté dans ces pages ? ... Les enfants d'Izieu sont le symbole même de tous les juifs de France qui furent exterminés sous le régime de Vichy »]

which he called “crimes against humanity” (July 1, 1987, hearing). Rivalries between *Resistance* memory and Holocaust memory activists also came up, implicitly and intermittently (Chaumont, 1997). Henri Noguères, president of the Ligue des droits de l’Homme and lawyer for the *Resistance* groups which had filed their civil part of the suit, mentioned, in his hearing, how his organization struggled to extend the definition of “crimes against humanity” back in 1985. Proof in a way of the weakened position *Resistance* memory activists had in society at this point, Henri Noguères had to justify himself by specifying nonetheless the difference between the two crimes and recognizing the crucial role of Holocaust memory activists in the Barbie Trial:

Some people thought we wanted to put this trial off for later. Even adjourn it *sine die*. Others claimed we didn’t want only Jewish victims to be represented in the trial. Even worse, some people thought we wanted to treat the Holocaust as something banal. So, I must insist on the fact that there is no way to even compare genocide, the Holocaust, extermination, and all the other crimes of National-Socialism, the SS, the Gestapo, or Barbie. I want to pay particular homage to Serge and Beate Klarsfeld, without whom this trial could never have taken place.⁶²

The debate over the role of resisters in the trial also took place outside the courtroom. Simone Veil was critical of the fact that resisters, direct victims of Barbie, came to the stand sometimes the same day as Jewish witnesses⁶³. In an interview she gave to the journal to the weekly *L’événement du jeudi*, the former minister first returned to the theme of treating genocide as something banal, a fundamental aspect, she felt, of the Cour de Cassation’s 1985 decision:

“Jews came to the bar to tell their story, the fate of their people...

Yes, often in shocking terms. But I still think that the Cour de Cassation’s December 1985 decision which broadened the definition of crimes against humanity gives rise to confusion and leads to the risk of making genocide something banal... It’s become an absurd debate, pitting deportees against each other, resisters vs. Jews, as if distinguishing between them was a value judgment.

But back to the trial. In what way did it make the Holocaust banal?

Because the narratives and testimony were all mixed up, without regard for what facts a particular testimony pertained to. I know that these feelings I’m expressing are very painful for some and difficult to understand for others. But I’ll keep on it, even if it relates to issues that are very personal for me, because these distinctions are important. It’s not because of how much one group or the other group suffered – they can’t be compared – there isn’t a hierarchy of suffering – but because politically, ideologically, the Nazis’ persecution of resisters and their persecution of Jews was totally different. The Jews were all persecuted, every one of

⁶² [Certains ont pu croire que nous comptions sur le report du procès. Même l’ajournement sine die. D’autres ont affirmé que nous ne voulions pas des seules victimes juives au procès. Plus grave encore, certains ont cru que nous voulions banaliser le génocide juif. Je tiens à dire ici qu’il n’y a aucune mesure entre le génocide, l’holocauste, l’extermination, et tous les autres crimes commis par le national-socialisme, les SS, la Gestapo ou Barbie et je veux rendre ici un hommage particulier à Serge et Beate Klarsfeld. Sans eux, ce procès n’aurait pu avoir lieu.] June 23rd hearing, cited in *Libération* on June 24, 1987.

⁶³ Irène Clair and Lise Lelèvre’s hearings, June 22, 1987.

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them, babies, old people, for whom they were, because they were Jewish.

Resisters were arrested for what they did.⁶⁴

Nonetheless, despite Simone Veil's fears, the trial did allow for a "discursive moment"⁶⁵ to take place about the Holocaust in France.

V. Media Reflection and Politicization of the Barbie Trial

The Barbie Trial catalyzed the attention of the media. 600 French and foreign journalists covered the trial. 25 TV and 40 radio channels broadcast about it. The written press followed the trial's evolution daily. Politicians and memory entrepreneurs both saw this as a way to participate in the building of the new narrative that was being constructed within the courtroom in Lyon. These diverse individuals helped make the trial not only a "cathartic" (Rousso, 1987: 229) moment around the Resistance and Collaboration but a *discursive moment* about the Holocaust.

VI. Media Discourse on the Trial

First of all, for two months, the Barbie Trial was news. Out of 432 mentions of Barbie's name on television in 1987, 355 (82% of them) were in the context of TV news. Over the course of several weeks, the trial became as popular as any series, with millions of viewers tuning in every night to different 8 pm news shows on different TV channels.

TV journalists saw the Barbie Trial as an opportunity to teach the French about this period of their history. The TF1 journalist Ladislav de Hoyos even published a book about Barbie (Hoyos, 1987). They thus spent the two months presenting different parts of this history brought up in the courtroom, in particular, aspects that the French public was not very familiar with, such as the roundup of Jews. Alongside judiciary reporters who described what took place in the courtroom each day, journalists took

⁶⁴ ["Des juifs sont venus raconter à la barre quel avait été leur sort, le destin de leur peuple..."]

"Oui, souvent en termes bouleversants. Mais je continue à penser que l'arrêt de la Cour de cassation de décembre 1985 qui a élargi le concept de crime contre l'humanité est un facteur de confusion et contient en germe un risque de banalisation... Le débat est devenu absurde et même pénible parce qu'il paraît opposer les déportés entre eux, résistants ou juifs, comme si la distinction portait un jugement de valeur.

"Revenons au procès. En quoi a-t-il banalisé l'Holocauste?"

Parce que les récits et les témoignages ont été mêlés quels que soient les faits en cause. Je sais que j'évoque là des sentiments très douloureux pour certains et difficilement compréhensibles pour d'autres. Mais j'y reviens, même si ça touche à des problèmes très émotionnels, parce que les distinctions me paraissent importantes, non par rapport aux souffrances vécues par les uns ou les autres : elles sont les mêmes, il n'y a pas de hiérarchie dans cette souffrance, mais parce que politiquement, au plan idéologique, la lutte des nazis contre les résistants et celle menée contre les juifs sont totalement différentes. Les juifs étaient pourchassés, tous, les bébés, les vieillards, en raison de ce qu'ils étaient, parce qu'ils étaient juifs. Les résistants étaient arrêtés en raison de ce qu'ils faisaient.] Interview in *L'évènement du jeudi*, July 2-8, 1987, cited by Gauthier, 1988: 475.

⁶⁵ "This expression designates a sudden intense and diverse discursive production in the media about one event." [*« Cette expression désigne le surgissement dans les médias d'une production discursive intense et diversifiée à propos d'un même événement »*] Charaudeau & Maingueneau (2002), p. 389.

the occasion to broadcast reports on Drancy and on Auschwitz,⁶⁶ on anti-Semitic persecution in France⁶⁷, or on the Children of Izieu⁶⁸, drawing on both archival images and on testimony. Journalists also asked the people who spoke as witnesses at the trial, either at their exit from the courtroom the day they gave their deposition or as invited guests on their show, to speak again for their viewers. The focus, when videos of these witnesses were edited, was on their emotions⁶⁹, on their desire to convey something fundamental⁷⁰. Clearly, TV news presenters wanted to teach the French about what happened in the Holocaust. On the very first day of the trial, Jean-Claude Bourret, news presenter on TF1, began his coverage with the words, “Barbie, accused of having given orders to deport Jewish children and of torturing multiple resisters.”⁷¹ That same day, Bourret had Hervé Monjaret, former resister and Jean Moulin’s radio liaison on his show. Monjaret had been arrested on April 4, 1943, and tortured in Barbie’s presence. To the question “What are your feelings about Barbie?” the former resister responded, “I don’t hate him, but I regard him very severely. It seems to me that only for the crime of Izieu he would deserve to die, if we still had the death penalty in France.”⁷² J. C. Bourret added, “the crime of Izieu, we remind our viewers, was the deportation of Jewish children.”⁷³ If the journalist had to “remind” the viewers, this indicates that while the roundup in Izieu, while already associated with Barbie, was not yet part of an “interdiscursive memory” (Moirand, 2008). On the day the verdict was given, Antenne 2, on its 8 pm news show, gave a special report from Lyon. The presenter Bernard Rapp, on location, began by reminding his viewers of the three main accusations against Klaus Barbie: his role in the roundup on the rue Sainte Catherine, the roundup in Izieu and the last convoy of August 11th⁷⁴. He did not mention the torture or deportation of resisters added after the Cour de Cassation’s 1985 decision. The presenter then continued his report with the comment: “This is what we learned over the course of this trial”⁷⁵. His reporting focused exclusively on the roundups on rue Sainte Catherine and in Izieu, as well as on the last convoy. On the subject of the convoy, the journalist pointed out that while the “non-Jews were taken to Ravensbruck”, the Jews were taken to “Auschwitz, from which most did not return.”⁷⁶

⁶⁶ JT of Antenne 2, May 22, June 2nd, and July 3, 1987, INA.

⁶⁷ TFI JT de 20 h, May 12, 1987, INA.

⁶⁸ Antenne 2 JT de 13 h, May 11, 1987, INA.

⁶⁹ Interview with Victor Sullaper, JT Antenne 2, May 21, and with Gilberte Jacob, JT de TF1, May 21, INA.

⁷⁰ “I came here to bear witness in the service of justice and of the dead millions,” [*« Je suis venue témoigner pour servir la justice et les milliers de morts »*], Simone Lagrange, JT Antenne 2, May 22, 1987; « We need this trial so we can write history, » [*« On a besoin de ce procès pour écrire l’histoire »*], Lucien Margaine, JT Antenne 2, May 26, 1987; « Justice and memory must be joined. There is no justice without memory. » [*« La justice doit s’accompagner de la mémoire, il n’y a pas de justice s’il n’y a pas de mémoire »*], Élie Wiesel, JT A2, June 2; “I am here to do a mission, for the future, for my grandchildren.” [*« Je suis ici pour remplir une mission, pour l’avenir, pour mes petits-enfants »*], Alice Vansteenenberghe, JT A2, June 4th, INA

⁷¹ [*« Barbie, accusé d’avoir donné l’ordre de déporter des enfants juifs et de torturer de multiples résistants »*] TFI JT, May 9th, 1987, INA.

⁷² [*« Quel est votre sentiment envers Barbie ? »* / *« Pas de haine, mais une grande sévérité. Il demeure, à mes yeux, que le crime d’Izieu à lui seul pourrait lui mériter la mort, si elle existe encore dans le code français »*]

⁷³ [*« Le crime d’Izieu, il faut rappeler que c’est la déportation d’enfants juifs »*]

⁷⁴ JT de 20 h Antenne 2, July 3rd, 1987, INA.

⁷⁵ [*« Voici ce qu’on a appris au cours de ce procès »*]

⁷⁶ [*« non-juifs conduits à Ravensbrück »* / *« à Auschwitz dont la plupart ne reviendront pas »*]

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So, as we have seen, TV news treated the Barbie trial as an important story over the course of two months. This should be understood as part of a more general context: since the mid-1980s, TV news had been presenting crime stories with more focus on the victims than on the perpetrator (Sécail, 2010). The trial's media coverage led to a re-envisioning of the past along the lines of contemporary issues. Beyond the guilt of the man facing judgment, the televisual discourse was focused around this question: *What does this era of history have to teach us?* Journalists thus, as teachers, presented the deportation of France's Jews, a part of the Nazi Holocaust and WWII, as a new chapter in history that the French public must all now know and remember.

But TV news's educational initiative did not end there. Near the end of the trial, Étienne Mougeotte, director of the private TV channel TF1, decided to broadcast Claude Lanzmann's film *Shoah*, in full for the first time in France. First out in 1985, the film was also shown in a Lyon movie theatre throughout the entire duration of the trial. Divided into four episodes, between June 29th and July 2nd, from 10:30 pm to midnight, 5 million viewers watched "the most poignant and truest work on the Holocaust"⁷⁷, the broadcast of which was considered an "event" [« événement »]⁷⁸. Right up almost until the verdict, television viewers watched Lanzmann's witnesses right after watching the witnesses at Barbie's trial, continuing their discovery via television of the Holocaust, an educational opportunity "not to be missed"⁷⁹. Shortly after the trial, the historian Pierre Vidal-Naquet, already involved for several years in the struggle against Holocaust denial, wrote that the: "broadcast of the film *Shoah* before such a large viewership reaffirms this memory that people have been trying, once again, to destroy"⁸⁰.

VII. Activists and the Barbie Trial

Different Holocaust memory activists wanted to use the trial to transmit knowledge about Jewish suffering in WWII to the whole French population. The CRIF (Conseil représentatif des institutions juives de France) had already been working for several years for more public recognition of the Holocaust in France (Ghiles-Meilhac, 2011). On April 8, 1984 in Izieu, for the first time, the CRIF took part in commemorating the roundup. The organization's president, Théo Klein, declared in his speech that day, "We too, like the others, have committed the sin of forgetting these children" [« Nous avons, comme les autres, commis un péché d'oubli envers ces enfants »]⁸¹. At the CRIF's first public dinner, the organization took the Prime Minister, Laurent Fabius's, presence as an occasion to impress on the government the importance that the Barbie Trial had for the Jewish community. The day the trial opened Théo Klein also wrote an editorial in the *Le Monde* on the past and present issues he saw wrapped up in this trial:

⁷⁷ [« l'œuvre la plus poignante et la plus vraie sur le génocide »] *Télé 7 jours*, n° 1413, week of June 27th-July 3, 1987, p. 62.

⁷⁸ *Le Monde*, June 28th-29th, 1987, p. 16.

⁷⁹ [« qu'il ne faut pas manquer »] *Télé 7 jours*, *op.cit.*, p. 65.

⁸⁰ [« la projection de Shoah devant un public immense rétablit dans ses droits cette mémoire que l'on voulait une fois de plus assassiner »] Vidal-Naquet (1995), p. 180.

⁸¹ Cited on the Izieu Memorial's website, www.memorializieu.eu, consulted on September 14, 2011.

Could it be possible to ignore this monstrosity, that of expelling from humanity, from all legal protection, a community of men, women, and children, just because they were Jewish? ... People must remember, almost 100,000 Jews were deported from France. We call on each one of you, men, women, young people, all who are old enough to understand and who live in this beautiful country of France ... this trial won't resurrect our brothers, our sisters, our vanished parents. This trial cannot console us, faced with their irremediable absence and the loss of the generations they would have borne. This trial is not an act of vengeance. It is a warning. A call to the defense of democracy, of justice, and of liberty⁸².

Marc Aron, CRIF's representative from the Rhône-Alpes region, felt that a large part of the Jewish community in France hoped that the trial would help others understand the basic difference between crimes perpetrated against Jews, "killed for whom they were"⁸³ and crimes perpetrated against resisters⁸⁴.

In Lyon, on the initiative of the Jewish author Marek Halter, a memorial to the deportation was erected near to the courthouse, place des Terrasses, for the entire duration of the trial. It was a canvas square, about twenty meters on each side, held up by a metal frame. A gallery inside showed photos from the concentration camps: piles of bodies being taken out of the gas chambers and children's faces looking out from behind barbed wire. There was no accompanying text. The memorial was inaugurated on May 11th by 44 children from a Jewish school in Lyon, in memory of the 44 children arrested in Izieu. The day the memorial opened, many different political figures with national profiles, from the Right as well as from the Left were present: Raymond Barre, Michel Noir, Jean Poperen and the mayor of Lyon, Francis Collomb. The memorial, conceived of as a place of homage as well as one of education, had 230,000 visitors during the months of the trial, many of them schoolchildren, for whom the exhibit was primarily intended.

VIII. Political Discourses around the Trial

Several prominent political figures participated in the *discursive moment* by which the Barbie Trial became a vector for transmitting knowledge about the Holocaust to the national community. The Prime Minister, Jacques Chirac, on the day the trial began, asked that all history teachers devote one lesson at some point in May to covering Vichy's anti-Semitic laws. Such a direct request, made by a head of government directly to the nation's teachers is quite rare, and made the news. Several days later, a

⁸² [Serait-il permis d'ignorer cette ignominie qui a consisté à mettre hors de l'humanité, hors de toute protection légale, une communauté d'hommes, de femmes et d'enfants, pour la seule raison de leur appartenance à cette communauté ? [...] il faut le rappeler, près de cent mille juifs ont été déportés de France [...] Nous en appelons à chacun d'entre vous, hommes, femmes, jeunes en âge de comprendre, et qui vivez sur cette belle terre de France [...] Ce procès ne fera pas renaître nos frères, nos sœurs, nos parents disparus. Ce procès ne nous consolera pas de leur irrémédiable absence et de la perte des générations qu'ils auraient engendrées. Ce procès n'est pas un acte de vengeance. Ce procès est un avertissement. Un appel à la défense de la démocratie, de la justice, de la liberté] *Le Monde*, May 5th, 1987.

⁸³ [« morts pour ce qu'ils étaient »]

⁸⁴ *Le Monde*, May 7th, 1987

news program broadcast a report on a lesson given in a high school in Paris about the anti-Semitic measures that the Vichy Regime took during WWII. Jacques Chirac had, in fact, long wanted – since the mid-1980s – to make the deportation of French Jews and the Vichy Regime’s role in it part of public discourse. He had even made a speech at the commemoration of the Vel’d’hiv’ Roundup, on July 18, 1986, in which he called on the Nation to “pay homage to the victims” [« rendre hommage aux victimes »] and for all citizens to remember “their darkest hours” [« les heures les plus sombres »]⁸⁵.

But the Barbie Trial was also touched by political struggles directly related to the rise, since 1983, of the Far-Right party Le Front National⁸⁶. The party’s president, Jean-Marie Le Pen, claimed that such a trial would be useless, that it would not interest French people⁸⁷. As of 1986 and the “Roques affair,” Le Pen began incorporating Holocaust denial into his own rhetoric (Igounet, 2000). The context was his defense, in the name of freedom of historical research, of Henri Roques who had defended a dissertation at the Université de Nantes in 1985 questioning the existence of gas chambers and the number of Jews that were killed⁸⁸. Holocaust Denial and Anti-Semitism thus became part of the Front National’s platform, and transmitting knowledge about the Holocaust to the larger French public became a divisive issue among the political class, particularly for the Right, which had been making electoral alliances with the Front National since 1983⁸⁹. Certain voices within Jacques Chirac’s own RPR party, called for “de-diabolizing” Jean-Marie Le Pen’s party, hoping that cooperation would bring electoral victory. This was the context in which Michel Noir, then International Commerce Minister in Chirac’s government and member of the RPR, penned an editorial in *Le Monde* at the very beginning of the Barbie Trial entitled: “Against the FN, Better to Lose an Election than to Lose our Soul.”⁹⁰ This was a first time that a high-ranking right-wing politician took such a clear and public stand against the FN, and his editorial was met with great controversy by the other members of the RPR. But this political act on Michel Noir, taking place during the Barbie Trial, was not a coincidence. He explained himself that he meant his words as a “warning” [« cri d’alarme »] from the “son of a deportee” [« fils de déporté »]⁹¹ Michel Noir’s father, a resister during the war, had been arrested by the Gestapo in Lyon and deported to Mauthausen. After the Liberation, he regularly brought his son along to meetings of former deportees, during which the young Michel heard stories about the horrors of the concentration camps⁹². This familial memory, transmitted to him through the associative milieu, determined much of his later positions on the

⁸⁵ « Allocution de Jacques Chirac le 18 juillet 1986 » in *Discours et messages de Jacques Chirac*, Paris, FFDJF, 2005, pp. 7-8. This was the first time since 1946 that a Prime Minister had taken part in this commemoration.

⁸⁶ In 1983, the Front National got 16% of the votes in Dreux in the first round of municipal elections. In 1984, Jean-Marie Le Pen’s party got 11% in the European elections. The FN entered the National Assembly in 1986 with 35 seats (9.6% of the vote.)

⁸⁷ “Barbie’s case doesn’t interest me any more than it interests any other French people” [« *Le cas Barbie ne m’intéresse pas plus qu’il n’intéresse tous les autres Français* »], J.M Le Pen announced on the show *L’heure de vérité*, February 13, 1984, INA.

⁸⁸ Interview with Jean-Marie Le Pen, “Le Pen : ma philosophie,” *National Hebdo*, June 5th-11th, 1986.

⁸⁹ See the RPR candidate’s election in Dreux in 1983, the cantonal elections of March 1985, and the regional elections of March 1986.

⁹⁰ [« *Contre le FN, perdre une élection plutôt que perdre son âme* »] *Le Monde* May 15, 1987.

⁹¹ Interview in France Inter news, May 15, 1987, INA.

⁹² Interview with Michel Noir by the author, May 2010

Front National. And Michel Noir thought about the Jewish deportation, too. For him, the Front National's Holocaust denial was indicative of a reject of the Other, a position he could never take. This is what he explained to Jacques Chirac, when the latter called him into Matignon to chastise him for his editorial in *Le Monde*. Michel Noir also came to attend several days of Klaus Barbie's trial, on his own, not in any official capacity. For him, the trial served to "represent this living memory of what was one of the worst moments our civilization has known, and not to forget, for it is important that those who did not live it know it was real"⁹³. In his fight against the Front national and its more and more frequent recourse to Holocaust denial, Michel Noir used the occasion of the trial to take a strong position within his own party that he would stick to in the following years⁹⁴.

As thus, in their own way, both Jacques Chirac and Michel Noir integrated the Barbie Trial into a process of putting the public recognition of Holocaust "on the agenda", thus making this public understanding a "public issue" (Kingdon, 1995).

IX. The Barbie Trial as a Rite of Commemoration

Barbie himself, throughout the course of his trial, ceased to be the central figure, the object of everybody's gaze. In fact, he did not attend his own trial after the third day, but this did not cause any problem for the exercise of justice in the courtroom. Rising media and political controversy over the victims' testimony only further erased Barbie himself from the story. In a way, it was not so much a trial of Barbie as a trial as a space – from May 20th on – a mediation between personal words and a protocol of compassion. The event allowed for the "emergence of a place of speaking" [« émergence d'un lieu d'énonciation »] (Altounian, 1990 : 148-149) a place for processing the lived experience, the emotions linked with remembering tragedy. Here, the witnesses' words were not mainly intended to establish guilt or innocence, but to allow the victims to relieve their suffering in publicly expressing their feelings and delivering a message on Nazi barbarism, its genocidal project a symbol of human negation. These liberating words were delivered in a particularly solemn place, a criminal court, the function of which is to sentence the perpetrators of crimes, but to also establish a narrative on the past. Direct or indirect witnesses' depositions, the lawyers' arguments, and the general prosecutor Truche's comments all serve to build a historical narrative centered around suffering and human tragedy. In this trial, the memory of the *Resistance* does not come attached to the values of heroism, patriotism, or the anti-fascism of the immediate postwar. The discourse on the *Resistance* too has changed into something compassion-related, presenting resister-witnesses above all as Barbie's victims, not as Heros who saved the nation's honor. Still, the central focus of the narrative constructed around the trial was the Holocaust. Through the testimony of survivors, or of mothers without children, one came to recognize this tragedy of history, at both the individual and the collective level. Public

⁹³ [« représenter cette mémoire vivante, de ce qui a été un des moments les plus atroces de notre civilisation ; et ne pas oublier : il est important que ceux qui ne l'ont pas vécu y croient »] Interview on the TFI JT de 13 h, May 9, 1987, INA.

⁹⁴ See his positions taken in the presidential elections of 1988, with regards to the "Nottin affair" in 1990, and his action, as mayor of Lyon, in favor of creating the Centre d'Histoire de la Résistance et de la Déportation in 1992.

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perception and discourse came a long way from the devaluing representations of Jews' fate that Élie Wiesel sought to move beyond, twenty years earlier⁹⁵.

The Barbie Trial thus played the anthropological function of law, reaffirming an existing order to which people attribute common meaning, sharing beliefs and a sense of purpose (Supiot, 2005). As a rite commemorating the Holocaust, the trial also allowed for a collective affirmation of the rejection of barbarism, as well as attachment to human rights and of a state of law as the society so defines. Finally, sentencing Barbie to life in prison was less an act of condemnation towards a man at the end of his life, and more an attempt at reparations towards those who had suffered the trauma of genocide, the denial of human rights. In the context of a new international public space where the idea that the victims of the past must have reparations began to be commonly shared (see Argentina, Germany, and the United States) the Barbie Trial allowed France to join this new normativity, where public expression of the suffering of victims, and reparations for trauma – here, the trauma of the Holocaust – is a necessary part of social relations (Fassin and Rechtman, 2007). The title of *Le Monde*'s editorial the day after the verdict was given, “Justice et réconciliation,”⁹⁶ was far from meaningless. One must look at it in the context of the many commissions, referred to in the same terms or almost, around the same time in many different countries to establish a transitional form of justice meant to help national reconciliation following the collapse of dictatorial regimes (Lefranc, 2002). Revealing the truth about Barbie's crimes against Jews (in particular, the one perpetrated on the children of Izieu) along with a public hearing of victims' sufferings, situates the Barbie Trial directly in this new international public space, with new tools to ease the pain of the past, breaking with traditional policies of amnesty. In the immediate postwar, France had attempted to bring national reconciliation by establishing “juridical forgetting” (Rousso, 2000: 261-287). Forty years later, national reconciliation was again attempted, this time founded on an act of memory. It did not take place between the former torturer and his victims, in Lyon. Klaus Barbie never showed any contrition for what he did, situating his action, up to the last day of the trial, in the logic of war between states, not a mass crime perpetrated by a state on civilian populations. Reconciliation instead took place between the French nation, by the intermediary of justice rendered in the name of its people, and the Jewish victims of the Holocaust, previously forgotten, who now hold an ever-growing place in public memory, in France like in other Western countries. The important actions of various people personally concerned by the historic period (Serge Klarsfeld and Robert Badinter first among them) to bring Barbie to justice and to inscribe the history of the Holocaust into French collective memory by means of Barbie's trial were helped along by these new social paradigms. And the Barbie Trial became part of a new social narrative that began, in France, the “second legal purge”⁹⁷.

⁹⁵ At an annual symposium of the journal *Judaism*, organized in New York on March 26th, 1967 on the theme “Jewish values in the Post-Holocaust values », Élie Wiesel asked, “Why are we ashamed of the Holocaust? Why don't we affirm it as a glorious chapter in our eternal history?” [« Pourquoi est-il admis que nous pensions à l'Holocauste avec honte ? Pourquoi ne le revendiquons pas comme un chapitre glorieux de notre histoire éternelle ? »] (Chaumont, *op.cit* : 112).

⁹⁶ *Le Monde*, July 5th-6th, 1987.

⁹⁷ (“seconde épuration”) The trials of Klaus Barbie (1987), Paul Touvier (1994), and Maurice Papon (1997-1998), make up, for certain historians, the trials of the second legal purge (Rousso, 2001).

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