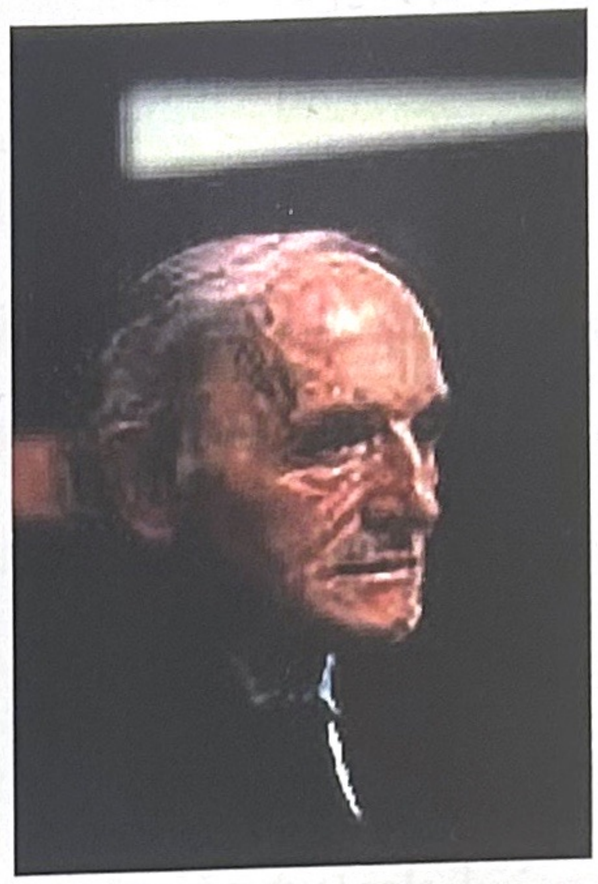




Memory and Justice in the Realm of History: the Trial of Klaus Barbie

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Abstract

The media played an important role in shaping the perceptions of the general public during the trial of former Nazi SS leader Klaus Barbie. The Barbie trial was an emotional-charged trial held in Lyon, France, in 1987. There were many expectations and fears before the trial concerning the tactics of Barbie's defense and Barbie's controversial lawyer, Jacques Vergès. The French and international press reflect the fear that unresolved issues from the Second World War would emerge as a result of the proceedings. France played a dual role during the Second World War: both resisting the German forces and collaborating with the Nazi enemy. Klaus Barbie threatened to bring to light a history of collaboration that had been largely hidden since the end of the war. Through looking at the expansive amount of media coverage that this trial received, both in France and abroad, one can analyze the validity of Barbie's threats, the deeper, underlying issues that were at the heart of the Barbie affair, and the greater significance that the trial played in the span of history.

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The Accused

On the banks of the River Saone, the finishing touches are being put to a temporary courtroom where, for the next two weeks, a frail old man and his brilliantly destructive lawyer will focus on France's final inquest into the crimes of the second world war – a show trial that threatens not to run to script.[1]

The trial, which was anticipated to last two weeks, lasted eight, ending in the middle of the night, in a hot, crowded Lyon courtroom on July 4, 1987. Klaus Barbie, the "frail old man," was found guilty. Jacques Vergès, "his brilliantly destructive lawyer," failed to be brilliantly destructive. And while the "show trial" did not "run to script," the course it followed both defied and exceeded all French fears and expectations.

* * * * *

In May and June 1987, an emotionally charged trial took place in Lyon, France. Klaus Barbie, a Nazi leader during World War II who had tortured and deported thousands of Jews and members of the French Resistance in Lyon and surrounding areas, was tried for crimes against humanity. It was anticipated to be one of the last major trials of a Nazi war criminal. The trial attracted the attention of France and of the world because it threatened to reveal the untold history of French collaboration with the Nazis during the war. Barbie claimed he would expose the extent of the Vichy collaboration by naming Frenchmen who assisted him and his Gestapo forces in their reign of terror over Lyon. After numerous legal delays and complications, in 1987 Barbie entered a Lyon courtroom built exclusively for his trial. An enlarged courtroom was needed to accommodate numerous attorneys, members of the court, and a vast ensemble of

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[1] George Graham, "France Is Ready To Go On Trial," *The Financial Times (London)*, 9 May 1987, sec. I, 7.

journalists. Through the eyes of the journalists, the world watched to see what would emerge from a trial that threatened to destroy the myth of French Resistance and subject France to harsh criticism from the international community.

Barbie reigned in Lyon from the German total Occupation of France in November 1942 until the end of the war in 1944. His chief task was to combat the rising power of the Resistance, centered in Lyon. In accomplishing this task, Barbie was known among comrades and victims alike for his sadistic use of torture, for which he earned the alias "Butcher of Lyon." Barbie escaped justice after the war with the help of the United States Army, who employed him as an informant against the Soviets. The United States supplied Barbie and his family with the paperwork necessary to relocate to Bolivia in 1951. Barbie had been tried in absentia in 1952 and in 1954 by military tribunals in France for his crimes during the war and sentenced to death. Meanwhile, Barbie lived openly in South America until 1972.

In 1972, Serge and Beate Klarsfeld, a couple renowned for their efforts in tracking down Nazi war criminals, located Klaus Barbie living in Bolivia under the name of Klaus Altmann. Initially, the Bolivian government refused to extradite Barbie, by then a Bolivian citizen, because there was no standing extradition treaty between Bolivia and France. After a change in governments in 1983, Barbie was arrested and deported back to France. However, by this time, Barbie could not be punished because the statute of limitations on the sentences had expired and France had abolished the death penalty. Barbie was taken to Montluc prison in Lyon, the same prison in which he had held his victims forty years earlier, to wait nearly five years for his trial.

Barbie was charged with crimes against humanity for torturing and deporting Jews under his authority. To the dissatisfaction of many, the charges did not address his crimes against members of the French Resistance, such as legendary leader Jean Moulin, because they

constituted war crimes.[2] Most notably, Barbie was charged with deporting 44 Jewish children to Auschwitz from their hiding place in the nearby village of Izieu, a raid on the Jewish relief center in Lyon, and responsibility for the last deportation train to leave Lyon for the death camps in 1944. After eight weeks of testimony, the court found Barbie guilty and sentenced him to life imprisonment.

The presence of Klaus Barbie in France brought the French back to the years of World War II. In 1940, Germany invaded France, and in a six-week campaign France fell to the Germans, prompting the signing of an armistice. The president of the French Third Republic resigned and a new government was voted into office under the leadership of the World War I hero, Philippe Pétain. The new government established itself in the centrally-located spa resort of Vichy: the city from which the new government took its name. Under the armistice agreement, France was divided into zones: the northern zone was occupied by the Germans and the southern zone was under the administration of the Vichy government.

As well as being divided geographically, France was ideologically divided on the question of the armistice. The Vichy government adopted a policy of collaboration with the Germans, hoping to secure a favorable position in post-war Europe in the event of a German victory. The policy of collaboration went as far as French initiatives in deporting both French and foreign Jews to Germany as part of the Nazi Final Solution. Not everyone, however, believed in the inevitability of a German victory. Most notable among them was Charles de Gaulle. De Gaulle fled to London when Pétain took office, issued a call to the French population to resist the German invaders and the armistice, and headed a campaign of resistance.

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[2] Moulin, who will be discussed later in depth, was Charles de Gaulle's representative on the continent, while de Gaulle was in London. His goal was to unite different Resistance groups fighting for the liberation of France into a force that could be employed when Allied forces landed in France.

France was liberated by the Allied powers in 1944. De Gaulle returned to France to become president of an interim government. The Vichy government lost power when France was liberated. Vichy was portrayed in the postwar years as a minority of elite Frenchmen who collaborated with the enemy while the "legitimate French government" followed de Gaulle to London. De Gaulle propagated a "myth of the Resistance": almost every Frenchman resisted the Nazi invaders and only a few collaborated. The collaboration and the war years were the *années noires* (black years) which the French preferred to forget. However, history does not stay hidden for long and in the 1970s historians began to uncover the reality of collaboration as more widespread than the "myth of the Resistance" led people to believe.

Robert Paxton, an American historian, changed the way that Vichy France was viewed in his watershed study *Vichy France: Old Guard and New Order, 1940-1944*, published in 1972.[3] By using American and German archives, Paxton, for the first time, was able to uncover a picture of Vichy France that revealed the degree to which French policies during the war were a result of French decisions and not German pressures. This marked a radical departure from the commonly held views of the Vichy regime. Paxton began to unravel many of the myths about Vichy and about the collaboration, setting off a string of studies that would further his discoveries, especially as French archival records became available to historians in 1979.

In the late 1980s, a French historian, Henry Rousso, established another trend in historical studies in regards to Vichy France: the changing way that Vichy was remembered and regarded since 1944 and the evolution of this memory. *The Vichy Syndrome: History and Memory in France since 1944* traced the changes in the way that French collective memory

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[3] Robert Paxton, *Vichy France: Old Guard and New Order, 1940-1944*, (New York: Alfred A. Knopt, 1972).

looked back upon the Vichy period.[4] The Barbie trial was a significant moment in this evolution of memory because it was the first time since the years directly following World War II that France's position during the war was going to be directly examined. While historical studies focused on the changing image of Vichy France since the early 1970s, the Barbie trial was a public spectacle that would bring the Vichy war years out of the academic realm and into the public spotlight.

Although Klaus Barbie's trial captured the attention of the media and historians, few historical studies have been written about it. The two main works are *Unhealed Wounds: France and the Klaus Barbie Affair* by Edna Paris and *An Uncertain Hour: The French, The Germans, The Jews, The Barbie Trial, and the City of Lyon, 1940-1945* by Ted Morgan. Paris's book was published in 1985, before the trial went to court.[5] While it looks at the pre-trial anxieties and implications of the Barbie trial and the history leading up to Barbie's return to France, Paris's book does not cover the trial. Ted Morgan was a journalist for the *New York Times Magazine* who covered the trial in 1987 and *An Uncertain Hour* is a popular history that uses the Barbie trial as a springboard for a holistic explanation of France during the war.[6] To date, there are no studies on the specifics of Barbie's days in court, their implications for understanding France's Vichy experience, and the role of the media in the Barbie trial.

In 1987, the trial of Klaus Barbie was expected to be the last of its kind in which a Nazi war criminal was brought to court for crimes during the Second World War. Survivors of the war years and Nazis who held power were a dying breed. However, instead of being the last, the Barbie trial proved to be the first. It was the first trial of a Nazi in France for crimes against

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[4] Henry Rousso, *The Vichy Syndrome: History and Memory in France since 1944*, trans. Arthur Goldhammer. (Cambridge, Massachusetts: Harvard University Press, 1991).
[5] Edna Paris, *Unhealed Wounds: France and the Klaus Barbie Affair*, (Toronto: Methuen, 1985).
[6] Ted Morgan, *An Uncertain Hour: The French, the Germans, the Jews, the Barbie Trial, and the City of Lyon, 1940-1945*, (New York: William Morrow and Company, Inc., 1990).

humanity. It was a precedent for the trials in the 1990s of Maurice Papon and Paul Touvier, two French Vichy leaders. Their trials have been covered in depth by historians; Barbie's trial lacks historical analysis. While one might claim that Barbie's trial was not as significant in France because Barbie was a German officer and Papon and Touvier were French, it was because of the Barbie trial that the subsequent trials took place.

The Barbie trial received extensive media coverage from all reaches of the globe. While the French judicial system brought Barbie to trial before a court of law, another trial took place in the media coverage in which the journalists presented their verdict on Klaus Barbie, on the French justice system, and on French history. The media trial was more revealing and invasive than the courtroom trial because the media could discuss issues such as the murder of Jean Moulin. The media was poised to look not only at the crimes of Klaus Barbie but to reexamine French collaboration. The media's role in the Barbie trial caused controversy as well because the trial was dismissed by many as nothing more than a media event and a spectacle. Regardless of this perception, many people worked very hard to keep a serious demeanor about the trial and to prove that it was an important case.

For the purpose of this study, "the media" refers primarily to press publications in French, American, and British newspapers, journals, and magazines. The selection of articles from the French press is largely a sampling from all ends of the journalistic spectrum. The *Centre de Documentation Juive* in Paris, the documentation center where evidence was first found by Serge Klarsfeld to prosecute Barbie, contained a collection of random newspaper clippings that were assembled from various publications during the 1980s until Barbie's death in 1991. In addition, the *Comité de Coordination des Communautés et Organisations juives de Lyon* published an anthology of articles from during the trial, which also served as a valuable

resource of French media during this period.[7] *Libération* published a similar collection of their articles during the eight week span, which was valuable because it gave a day by day coverage of the trial by one author, giving a consistent point of view not found when looking at a wider selection.[8] In regards to international press, the publications range from *The New York Times* and *The Washington Post*, to *The Times* of London and the *Guardian*. From these publications one finds a parallel trial of the Klaus Barbie affair.

In the end, the court found Barbie guilty; the media found Barbie guilty and France innocent. Accepted French history of the collaboration was not completely undermined, as was feared, because a transformation was already underway that had been reshaping the way the French understood their history. In the courtroom, the testimony of the witnesses, the defense case presented by Barbie's lawyer, and the international media's interpretation of the French legal system all shaped the overall significance of the Klaus Barbie trial. Looking at the media coverage of the trial gives a sense of what was happening in the courtroom as well as the depth of fears and anxieties that the French felt.

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[7] Paul Gauthier, ed. *Chronique du procès Barbie: pour servir la mémoire*, (Les Éditions du Cerf, 1988). [hereafter *Chronique*]

[8] Sorj Chalandon and Pascale Nivelle, *Crimes Contre L'Humanité: Barbie, Touvier, Bousquet, Papon*, (Plon/Libération, 1998).

The Defense

The Barbie trial brought out French fears and anxieties about the past. The fears highlighted in the press illustrate the significant issues at stake in the trial. The most evident cause of anxiety for the French was the tactics of defense Barbie and his lawyer, Jacques Vergès, threatened to employ. This section will examine the judicial aspects of the trial and the defense case presented by Barbie.

Klaus Barbie's trial was, to some, a symbolic event; to others, it was a futile attempt at justice too long after the fact. The form of justice that would result from the Lyon courtroom would never be adequate compensation for Barbie's atrocities. Understandably, there can never be any form of justice that would compensate for the loss of loved ones and the senseless annihilation of millions of people, but some doubted that any kind of justice or closure would amount from it.

The dual image of Barbie – as a Nazi torturer and as an old man – further complicated the sense of closure his trial might bring. In 1987, Barbie little resembled the young Nazi officer who sent people to their death. Rather, he looked like a defenseless old man who could be anyone's grandfather. The media brought up the question as to whether Barbie was the same man in 1987 that he was in the 1940s. Witnesses who came to confront Barbie for the first time in forty years overwhelmingly agreed that while Barbie may have aged, his eyes and his smile had remained the same.[9] In one sense, there are certain things about people that never change and the witnesses could attest to that in their identification of the defendant.

The Barbie affair was a complicated matter because of legal complexities such as previous convictions, statute of limitations, and legal distinctions between crimes. There was

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[9] See Sorj Chalandon, "L'ancien SS, oblige à comparaître à la fin de l'audience, a refusé de répondre aux témoins," *Crimes Contre L'Humanité*, 67-70. Also see Chalandon, "Les derniers témoins sous le regard de Barbie," *Crimes Contre L'Humanité*, 91-94.

frustration over what crimes Barbie could be tried for in 1987 and what punishment they could evoke. The British press noted that crimes against humanity "form only a tiny part of charges that could be brought against Barbie if there were not laws that imposed a time limit."[10] Because of the differentiation between crimes against humanity, whose prosecution is not subject to a time limit, and war crimes, which are under a statute of limitations, the French justice system was limited as to what charges they could press against Barbie. Former members of the French Resistance who wanted to see Barbie charged for his diligent pursuit of Resistance members watched in vain as their charges were thrown out by the court.[11] During the Occupation, the Resistance continued the war against the Nazis. Crimes against its members constituted war crimes, and war crimes could no longer be prosecuted because of the statute of limitations. This meant that Barbie was not charged with the crime for which he was infamous, namely the murder of Resistance leader Jean Moulin. However, Jewish organizations supported this distinction because they did not want to confuse the issue between the torture and murder of political enemies and the torture and murder of innocent bystanders.

The case against Barbie was further complicated by his earlier criminal convictions. Barbie had been tried in absentia in 1952 and 1954 by French military tribunals. Charges from the first trials could not be brought up again and the death sentences they had produced could no longer be executed. France had abolished the death penalty in 1981. As *The Seattle Times* noted, "the long delay in carrying out the sentences meant he could neither be tried for those crimes again nor forced to serve any kind of sentence for his convictions. To get around those legal obstacles, French prosecutors decided to try him for 'crimes against humanity' – crimes

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[10] Paul Webster, "Final act of a 20th century tragedy," *Guardian*, April 25, 1987.
[11] There was some hope, as the first trial came to a close, that a second trial would take place and its focus would be directed towards the crimes of Barbie against Resistance members. Barbie's death in 1991 brought an end to this hope for further justice.

regarded as so heinous that there is no time limit for a trial."[12] From this explanation to American audiences, one gets the sense of legal complications the French had to overcome in bringing Barbie to trial. It also gives the impression that they had to dig very deep in order to create a feasible case. The prosecutors had to be very selective in the charges they could present during this trial; however they had numerous accounts of atrocities on which to base their accusations.

Barbie's previous convictions, the statute of limitations, and French abolition of capital punishment meant that the harshest sentence the prosecution could ask for was life imprisonment. The knowledge that, at worst, Barbie would be "a now inoffensive old man living in solitary confinement in the grim St. Joseph's prison, passing his days reading or listening to the radio – including the weekly Mass – and recovering from a prostate operation" brought a question as to what sense of justice would be served by this trial.[13] Others shared the opinion "that the maximum French sentence of life imprisonment is inadequate and that it would be better if, like Adolf Eichmann, he faced death in an Israeli courtroom."[14] Thus, the press raised the issue as to what kind of closure and sense of justice was possible for the victims after the trial, knowing that their torturer still lived, albeit in permanent confinement, when there was no hope of their relatives and loved ones returning from the gas chambers to which Barbie had sent them. There was even talk of reinstating the death penalty specifically for Barbie's case. When asked in a public opinion poll taken in 1983, "Would you re-establish the death penalty for Klaus Barbie if he is found guilty of the death of thousands of Frenchmen and notably that of Resistant

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[12] Associated Press, "The Trial of Klaus Barbie: Nazi Chief had U.S. Support in Eluding French for 40 Years," *The Seattle Times*, 4 July 1987, sec. A.
[13] Paul Webster, "Final acts of a 20th century tragedy."
[14] Brian Moynahan, "History goes on trial in Barbie's three-ring circus," *The Times (London)*, May 10, 1987, issue 8492.

Jean Moulin?," fifty-six percent of the French who were questioned responded yes.[15] That Klaus Barbie would die in prison was not enough to "pay for the deaths, the tortures, the blood on the hands or faces, the cries of horror, the children delivered to their death, to the disgraceful disappearance, the cries of those who still live, the sobbing of those who went to their deaths..."[16] The punishment that would result from the trial was hardly equal to the crime. The press reflected the doubts held by the French as to whether justice could result from bringing Barbie to trial.

Because of the legal difficulties faced by the prosecution, the Barbie trial was a long time in the making. The time period from when Barbie was first located in 1972 until his trial came to court in 1987 spanned fifteen years of determination by many people to overcome numerous delays to ensure that his case would be tried. When Barbie was finally brought before a judge, he was charged with specific crimes that had not been addressed in his first two trials. The crime that attracted the most attention was the allegation that on April 6, 1944, Barbie was responsible for ordering the raid on a Jewish home for children in a local suburb of Izieu. Forty-four Jewish children and seven adults were arrested and deported first to Drancy and then to Auschwitz, where they were sent to the gas chambers upon arrival. On the day of the arrest, Barbie sent a telegram to Paris stating that:

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[15] "Selon un Sondage IFRES: 56% des Français souhaitent le rétablissement de la peine de mort pour l'ancien SS," *Le Monde*, 11 February 1983. "Est-ce que vous rétabliriez la peine de mort pour Klaus Barbie s'il était reconnu coupable de la mort de milliers de Français et notamment de celle du résistant Jean Moulin?" *Centre de Documentation Juive* [hereafter *CDJC*].

[16] Pierre Marcilhacy , "Une pustule dans le chancre humain," 7 octobre 1983, *CDJC*. "payer les morts, les tortures, le sang sur les mains ou les visages, les cris de douleur, les enfants livrés à la mort, à la disparition ignominieuse, les pleurs de ceux qui vivent encore, les sanglots de ceux qui en sont morts ..."

> This morning, all the people in the Jewish children's house "*colonie d'enfant*" at Izieu were arrested. Total 41 children ages 2 to 13 years were apprehended. We also succeeded in arresting the entire Jewish staff, composed of 10 people, five of which were women. It was not possible to seize the cash or other valuables. Sent to Drancy, the 7th of April 1944.
> Signed, Barbie[17]

According to the prosecution, the telegram signed by Barbie was proof that he was the officer responsible for ordering the raid on the children's home. Barbie denied all accusations and claimed that the telegram was a fake.

In addition, Barbie's trial dossier included two crimes concerning the deportation of Jews. He was accused of orchestrating the raid on the Jewish relief center on rue Sainte Catherine in Lyon, at the headquarters of the *Union Générale des Israélites Français* (General Union of French Jews). Eighty-six people were arrested and deported. Barbie was also charged with ordering the last convoy to leave Lyon on August 11, 1944, taking 650 Jews and Resistants to Drancy. However, the train altered its route and did not go to Drancy, but directly to Auschwitz. The journey was disrupted by the chaos of the Allied invasion, the German retreat, and the disarray of the railway lines because of Resistance sabotage. The train did not reach Auschwitz until August 22nd. Witnesses on the platform of the train remembered Barbie telling the Jews they were going to a place worse than death.[18]

Regardless of the crime, under a democratic legal system there was no question that Barbie was entitled to a legal defense team. And while no one denied that Barbie had a right to a proper defense, few lawyers volunteered to defend him. An article in *Le Quotidien de Paris*

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[17] Smolarski, Henri, "Dossier: 'D'abord, il fallait gagner la guerre' Le procès de Klaus Barbie," *Tribune Juive,* 8 May 1987, *Chronique*, 25. "Ce matin, toutes les personnes de la maison d'enfant juive 'colonie d'enfant' à Izieu (Ain) ont été arrêtées. Au total quarante et un enfants ages de 2 à 13 ans ont été appréhendés. On a réussi, en outré, à arrêter l'ensemble du personnel juif compose de dix personnes dont cinq femmes. Il n'a pas été possible de saisir de l'argent liquide ou d'autre objets de valeur. L'acheminement sur Drancy, a lieu le 7 avril 1944. Et ce texte est signé 'Barbie.'" This article notes that there was a discrepancy between the number of people reported in the telegram and the number according to the records at Auschwitz: three children were aged 15, 16, and 17; 44 children were deported; and there were seven adults at the colony.
[18] Étienne Gau, "Nazi Ordinaire, Bourreau Singulier," *La Croix*, 1 July 1987, *Chronique*, 370.

posed the question to several lawyer: "Would you agree to defend the Nazi criminal?"[19] While some lawyers accepted that they had a moral responsibility to defend Barbie if they were presented with the case, others staunchly refused and declared that it was against their conscience and that they would resign from their positions before defending him. For others, Barbie represented everything that they were committed to defending people against. One lawyer commented that, "We can defend anyone in the world, but that doesn't necessarily say that they are right."[20] If called upon, they would defend Klaus Barbie without believing that they were defending a just cause. In the end, Jacques Vergès, the famed lawyer of the *Front Libération National* in Algeria, stepped forward to assume Barbie's defense.

When Jacques Vergès announced he would act as Barbie's defense attorney another shock wave hit France. Vergès was the son of a French medical doctor and a Vietnamese woman, born on the island of Réunion in 1925 when such interracial marriages were not acceptable. His upbringing in the midst of declining colonialism and the racial criticism he experienced because of his parentage shaped the way that he viewed the world. Vergès became a defender of victims of injustices done by the French and other colonial powers, particularly in the process of de-colonization, and of victims of the massacres, such as those in Algeria, at the hands of a nation that had so bitterly fought against the Nazi oppression on the continent. He passed the bar exam and "from the start Jacques Vergès was a firebrand lawyer, a political lawyer, a lawyer of controversial causes," of which the Algerian struggle was a particular devotion.[21] Vergès took on cases of known Algerian terrorists and revolutionaries. In their defense, Vergès would "use the courtroom as a platform for a public attack on the army, the

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[19] "Accepteriez-vous de défendre le criminel nazi?" *Le Quotidien de Paris,* 8 February 1983, *CDJC.*
[20] "Accepteriez-vous de défendre le criminel nazi." "On peut défendre tout le monde, ce n'est pas nécessairement dire qu'il a raison."
[21] Paris, *Unhealed Wounds*, 152. For background information on Jacques Vergès, see Paris, 147-167.

French government and the judicial system itself."[22] His logic for this type of defense was that "it was essentially a no-lose deal. If a case won on its merits, all the well. If the accused was found guilty and even sentenced to death, the lawyer could ask, triumphantly, what else one could expect from such a perverse system."[23] It was in this spirit of revenge against the justice system and against the French that Vergès took on Barbie's case: "It was Vergès who chose Barbie and not the other way around."[24]

From the moment that he took on Barbie's case, Vergès was very vocal about his goals and expectations. From his proximity to a controversial defendant, Vergès had the power to create distractions from his client and to bring up the crimes of the rest of the world. Reporters asked whether this was the Barbie affair or the Vergès affair because "...we no longer know whether to accent the future trial of the 'Butcher of Lyon' or the scandal of the 'all-out defense' of his lawyer Mr. Jacques Vergès."[25] Thus, Vergès got involved in the Klaus Barbie affair not simply to defend Barbie, but also to further his own agenda surrounding the case.

> Vergès used the press to publicize what he was going to accomplish during the trial:
>
> Maitre Vergès has never hidden the true purpose of the exercise – nothing less than to show that the Gestapo's evil reign depended upon active and widespread collaboration by the French, and that the ranks of the Resistance were riddled with the sorts of informers who had betrayed Jean Moulin. From that point of departure, Maitre Vergès intends to introduce the highly sensitive question of French military excesses during the war for independence in Algeria. 'Important Frenchmen will be called as witnesses, and after my interrogation they will leave the courtroom naked, accused of being traitors and worse.'[26]

Other reporters echoed the same message. Across the realm of media covering the trial, there was great consistency in what was said concerning Vergès' threats. He was using the media in

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[22] Paris, *Unhealed Wounds*, 156.
[23] Paris, *Unhealed Wounds*, 156.
[24] Rousso, *The Vichy Syndrome*, 206.
[25] David Ruzie, "Affaire Barbie ou Affaire Vergès?" 1984, *CDJC*. "...on ne sait plus s'il s'agit de mettre l'accent sur le future procès du 'Boucher de Lyon' ou sur le scandale de la 'défense tous azimuts' de son avocat Me Jacques Vergès."
[26] Philip Jacobson, "Barbie Trial could open in June after years of delay," *The Times (London)*, February 6, 1987, issue 62685.

the early years of the trial to bring attention to the issues that he wanted to highlight. Vergès and Barbie claimed they were going to reveal the true nature of the French Resistance, even though the Resistance was not part of the trial dossier. Vergès made the Resistance a significant emphasis of trial coverage. The press claimed Vergès had another objective besides defending Barbie:

> Vergès has a double goal: to transform the accused into a witness for the truth (he will tell us how Jean Moulin was arrested), to transform the tribunal into the accused and make justice itself guilty. This justice which claims it is heir to the Resistance will be guilty of betraying Jean Moulin. Thus, we change the object of the debate. We will substitute another. We will accuse the accuser.[27]

This threat highlighted by the press prompted an awakening of former members of the Resistance, who in the light of the Barbie trial came forward with memoirs and testimonies that had been kept private since the end of the war.

In this defense, Vergès attacked a cornerstone of French national identity. The British press pointed out that, "Mr. Vergès's accusations may reawaken bad memories in a country whose post-war purges, often bloody and often unjust, still left many collaborators untouched. His counter-attack could also rattle the golden myth of the resistance, which was one of the keystones in rebuilding France's self-confidence after the experience of defeat and occupation."[28] France was left searching in 1944 for a concept of national cohesiveness around which to rebuild national self-confidence. In the quest to recreate a sense of national unity after four years that had essentially divided the country, Charles de Gaulle became the symbolic leader of the myth that the majority of Frenchmen were united behind him in Resistance against

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[27] Jacques Tarnero, "Jacques Vergès ou le terrisme judiciaire au service de la haine," *Tribune Juive*, 17 February 1984, *CDJC*. "Vergès atteint un double but: transformer l'inculpé en témoin de la vérité (celui qui va nous dire comment Jean Moulin a été arrête), transformer le tribunal en accusé et faire de la justice le coupable. Cette justice qui se pretend héritière de la Résistance serait coupable d'avoir trahi Jean Moulin. Ainsi on change l'objet du débat. On lui substitue un autre. On accuse l'accusateur."

[28] Graham, "France Is Ready To Go On Trial."

the Germans during the war, opposing the few who betrayed their country and collaborated with the enemy.[29] French national identity was reconstructed after the war, taking into account this image of fierce resistance against an invading force, rather than passive submission or indifference of the general population. When Vergès attacked the Resistance, he was attacking the foundation upon which this new national identity was built.

French guilt and fears over their national past were exactly what Vergès was counting on. The press argued, "The Barbie trial is made for Vergès. It will enable him to counter-attack France, and its 'bourgeois' concept of guilt, at its most vulnerable. It will suit him to bring up the death of Jean Moulin, de Gaulle's delegate in France, who was betrayed to Barbie in Lyons in 1943 and tortured so badly that he died soon after."[30] For the French, the years of the Occupation and collaboration were not years that evoked memories of heroics and national pride. However, in the myth of the Resistance, the French were able to see themselves as resistors instead of collaborators contributing to the Nazi master plan. There was a collective national effort to avoid the issue of assistance to Nazi forces in the rounding up of Jews and deportation of French citizens towards the East and Vergès was intent on bringing up painful memories of a shameful moment in the French past. Vergès sought to capitalize on fears that there was still something to hide. Using flawed logic that two wrongs cancel each other out, by "denying his involvement in the raids, 74-year-old Barbie, defended by the honey-tongued but hated Jacques Vergès," the British press predicted, "will try to turn around the charges, exposing the extent of France's complicity in the deportations and attacking the national mythology of the Resistance."[31] The press understood that Vergès was trying to argue that only the innocent

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[29] see Robert Paxton, *Vichy France: Old Guard and New Order.*
[30] Moynahan, "History goes on trial in Barbie's three-ring circus."
[31] Graham, "France Is Ready To Go On Trial."

should throw the first stone, and that France was not innocent because of its collaborationist past. Yet for many this strategy could not lessen the crimes committed by Barbie.

Vergès accomplished another goal in using the Resistance in this manner. Because of the distinction between crimes against the Resistance and the deportation of Jews, Vergès diverted attention from the real charges at hand against the Jews with the dramatization of the Resistance. The confusion served as Barbie's defense because it enabled Vergès to deflect attention away from the trial dossier. As Mrs. Simone Veil, former President of the European Parliament who was herself deported during the war, pointed out, the dramatization of the Resistance would detract from the more important questions concerning French collaboration in the Final Solution, leaving such questions unanswered.[32] This also explains the reservations that many people had in regards to expanding the definition of crimes against humanity to include the deportation of Resistance members. Doing so would contribute to the banalization of the deportation of Jews. The Jewish community held as its goal to ensure "that debate over the resistance movement will not obscure the main allegations over Barbie's organisation of the deportation of Jews."[33]

Vergès asserted further that the Barbie trial was only taking place because he was an available scapegoat while other former Nazis were living comfortably around the world. In his closing statements, Vergès argued that "Mr. Barbie is being held responsible for atrocities in Lyons largely because he is a known Nazi and is available for punishment, while other Nazi leaders who served in the Lyons area are not subject to punishment."[34] Barbie merely had the misfortune of being located and extradited. Vergès used this point, too, to sow doubts in the minds of the jurors about their right to try Barbie. He claimed that Barbie was illegally brought

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[32] Paul Webster, "Final act of a 20th century tragedy."
[33] Paul Webster, "Trial will highlight struggle in Resistance," *Guardian*, 15 April 1987.
[34] Richard Bernstein, "Case Against Barbie Is Attacked By the Defense as a Tissue of Lies," *The New York Times*, 3 July 1987, sec. A.

back to France and that this trial was retrying him for crimes for which he had already tried in 1952 and 1954. Furthermore, the justice being applied was the "justice of the victors;" victors who themselves were responsible for similar atrocities such as torture during the Algerian War.[35]

Vergès used yet another angle in trying to undermine the legitimacy of the justice system. The French penal code stated in Article 5 that the harshest punishment was the only one permissible for a convicted crime. Vergès tried to argue that since Barbie had already been tried twice and sentenced to the death penalty, there was no harsher punishment that could possibly be demanded.[36] Thus, Barbie could not be tried again in the courts. Vergès' elaborate defense of distractions, confusion, and misplaced blame all worked to undermine the credibility of the French justice system and to play on the fears and doubts already in the minds of the French over their past.

The issue at the heart of the debate about Vergès' threats was whether or not there was really anything to be revealed by the Barbie affair that was not already known about the war years. In the years following the war, "...French collaboration and anti-Semitism were little talked of, and the resistance was more venerated than understood."[37] French experience during World War II was so shrouded in legend that it was hard to distinguish what was truth. However, as the years passed after the war, "much of the shock-value of the Barbie trial has gone because public knowledge in France has grown and attitudes have changed. A less exalted view of the resistance has emerged, which allows that its heroes were human. Many people welcome a greater discussion of how ordinary Frenchmen behaved under the occupation."[38]

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[35] Chalandon, "Mise au point juridique: Le droit de juger Barbie," *Crimes Contre L'Humanité*, 114-117.
[36] Chalandon, "Vergès plaide la liberté pour Barbie," *Crimes Contre L'Humanité*, 109-111.
[37] "France faces the trial some said would never happen," *The Economist*, 9 May 1987, 53 (US edition, 45).
[38] "France faces the trial some said would never happen," *The Economist*.

Disclosures from historical studies done during the 1970s, even before French archives were open to the public proved to be more important than what Barbie threatened to reveal. A new era in the study of Vichy had been opened by Robert Paxton. This era, including the death of Charles de Gaulle in 1970, allowed for a reevaluation of Vichy taking into consideration the new primary documents that were available when French archives were opened in January 1979. When Barbie reached the courtroom in May 1987, while he did have the potential to reveal unknown points of the nature of the Resistance, such as the internal divisions that had plagued the organization, his trial was coming at a time when France was more open than it ever had been to a reexamination of its own history. The French press stated that, "The question posed has, it is true, another sense: will he tell us the truth on the mysteries of the Resistance? But here also, *essentially*, the truth is already known, by the books of historians and the archival documents."[39] Because of the revolution of historical ideas that had been taking place before Barbie ever reached French soil, what he threatened to reveal did not have the same destructive quality that it would have had fifteen or twenty years earlier.[40] Furthermore, the Barbie trial publicized wartime history. Fear of the past was replaced by "a great curiosity today, a feeling that a mythology was created about the period and a desire to see that period more clearly,"[41] as historian Pierre Nora explained. The younger generation was more open and more willing to reevaluate the past.

A rational look at the situation would reveal that historical literature already existed on the subject of French collaboration. Yet there was still an emotional fear that Barbie had the potential to reveal shameful secrets. Emotionally, it did not matter that the academic world was

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[39] Alfred Fabre-Luce, "L'affaire Klaus Barbie: Dira-t-on la vérité?" *Figaro*, 22 February 1983, *CDJC*. "La question posée a, il est vrai, cet autre sens: dira-t-on la vérité sur les mystères de la Résistance? Mais là aussi, *pour l'essentiel*, la vérité est déjà connue, par des livres d'historiens et des documents d'archives."

[40] "France faces the trial some said would never happen," *The Economist*.

[41] George, "France Is Ready To Go On Trial."

well aware of the true nature of the Resistance. To the French public, Barbie had the potential, by his position in the SS during World War II, to disclose secrets that would discredit the French Resistance. While Barbie was not one to be trusted to tell the truth, he had been the leader of the SS Gestapo in Lyon during the war, in charge of halting the Resistance. Therefore, he had been in a position to have extensive knowledge of the inner workings of the Resistance. Anything that Barbie said, whether true or not, would have to be brought to the forefront of public and academic debate, disproved as a lie, and replaced by the truth. The academic world had already proven that France had nothing to fear from Klaus Barbie, but the media and popular opinion believed Barbie's scare tactics in which he threatened to disclose unpleasant secrets.

By bringing the issues of the war years to the forefront of media attention, Barbie was forcing a discussion about the role of the Resistance during the war. Barbie's accusations had to be addressed, whether or not they were lies. The Barbie affair was the catalyst that brought forward former members of the Resistance to publish numerous volumes of studies and memoirs that told their accounts of the war years. The press at the time published many reviews of books written by former Resistance members and interviews discussing the impact that the Barbie trial would have. René Lacombe, in an interview with *Le Quotidien de Paris*, summarized the feelings of Resistants regarding the Barbie trial when he said "Yes, I'm very afraid. Barbie is capable of saying anything in order to discredit all of the Resistance. And it's very regrettable."[42] While it was true that Barbie was in a position during the war to have knowledge about the Resistance, it was widely known that Barbie could not be trusted. Yet Resistance members seemed to fear that Barbie still knew something that they did not. It almost seemed as if they had something they were trying to hide, that Barbie could reveal.

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[42] Emile Malet, "René Lacombe, alias Bottin 'Barbie est bien coupable de jeter le discredit sur toute la Résistance,'" *Le Quotidien de Paris*, 16 February 1983, *CDJC*. "Oui, je crains bien. Barbie est bien capable de raconter n'importe quoi pour jeter le discredit sur toute la Résistance. Et c'est très regrettable."

While one portion of the French population had something to fear from Klaus Barbie, another portion greeted the trial with curiosity. Public opinion polls illustrate the sentiments of the French population. The French "showed that 69 per cent of those questioned favoured judging Barbie, even at the risk of unleashing polemics."[43] While there were those who did not want to revisit the war years, the press claimed "The strength of the vote for justice rather than oblivion surprised many historians and Jewish leaders, but may indicate a willingness to face up to the questions raised by the occupation period."[44] Therefore, the press concluded the trial that threatened to upset the entire French population and the history that the French nation perceived, in reality only "rocked individuals without shaking the nation."[45]

Delays in opening the trial eased some fears. Barbie had been arrested in 1983. There was talk of his trial starting later that year, again in 1985, and finally, after further delays the trial opened in June, 1987. It was understandable in 1987 that "By now, however, the keen anticipation – excitement, even – which the prospect of bringing one of Hitler's most dedicated servants to justice had first stirred among the French has all but evaporated."[46]

Even before Barbie's extradition, France realized that "History is not what you think. Klaus Barbie is going to prove that to you."[47] It was no secret that there were talks of seeking Barbie's extradition to France. And there was no secret on Barbie's part that if he was brought back to France and put on trial, he would not submit without exposing the French as well. However, some articles in the press maintained this was a trial France was ready for: "Barbie's sudden deportation from Bolivia, where he had lived as a well-connected German businessman

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[43] George, "France Is Ready To Go On Trial."
[44] George, "France Is Ready To Go On Trial."
[45] "Guilt unhealed by time," *Guardian*, July 6, 1987. The entire quote: "The emotion the case undoubtedly aroused among elderly French people through the intense media coverage has rocked individuals without shaking the nation."
[46] Jacobson, "Barbie Trial could open in June after years of delay."
[47] Pierre Assouline, "Klaus Barbie, l'ancien chef de la Gestapo ne regrette rien," *France Soir*, 21 Octobre 1982, *CDJC*. "L'Histoire n'est pas celle que vous croyez. Klaus Barbie va vous le prouver."

for more than 30 years, was welcomed by all shades of political opinion in France and by all organizations of war veterans. It was also being hailed as a major diplomatic triumph achieved by a Socialist government that faces a crucial test of public opinion in regional elections next month."[48] This was a sweeping generalization from one perspective – that everyone wanted Barbie to be brought to trial.

There were, however, many others who worried about the validity of Vergès and Barbie's threats. It was not only the French who were concerned. In an article from *The Times* of London, dated May 10, 1987, Brian Moynahan sympathized with the French who opposed bringing Barbie to trial: "His return was not welcome at all. Barbie touches the raw nerves of wartime collaboration. He may yet reveal the names of undetected traitors."[49] Moynahan agreed that unsavory parts of the French past would be revealed. However, it was an exaggeration to state that this trial was "not welcome *at all*."[50] It is too simple to say that one way or another, people were unanimously for or against this trial. It is better to recognize that "The Barbie affair could have mixed political implications in a country whose record in World War II is still a sensitive issue. Nearly 40 years later, accusations of collaboration with the Germans are still common political currency."[51] Moynahan recognized that France never fully accepted its dual role during the war years after 1944 and therefore the Barbie trial brought to the forefront issues that were still politically charged.

Regardless of the credibility of the defense, *The Economist* pointed out at the beginning of the trial that Vergès was facing an uphill battle in trying to prove Barbie's innocence in court.

Not only did written evidence point to his participation and responsibility in the events in

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[48] Michael Dobbs, "Ex-Nazi's Return Revives Painful Issue in France," *The Washington Post*, 7 February 1983, sec. A.
[49] Moynahan, "History goes on trial in Barbie's three-ring circus."
[50] Moynahan, "History goes on trial in Barbie's three-ring circus."
[51] Dobbs, "Ex-Nazi's Return Revives Painful Issue in France."

question, but the testimony from witnesses brought first-hand accounts of the pain suffered at the hands of Barbie. They belittled the tactics of the defense by stating that "Mr. Barbie's controversial lawyer, Mr. Jacques Verges, has threatened to make this French tangle of conflict and regret, rather than Mr. Barbie and his alleged atrocities, the focus of the trial. This is a perfectly understandable tactic for a defence lawyer whose slim hope of winning an acquittal rests on confusing the issue."[52] This claim recognized the confusion around the issues of the trial, but more importantly, found there was no plausible defense against the weight of the charges brought against Barbie. The only possible defense strategy was to degrade the charges and try to confuse the issue. It was much easier for Barbie's defense to play on French feelings of doubt and confusion than to prove that Barbie was not the guilty of the charges brought against him. *The Economist* granted to Vergès that this was the only possible line of defense, as the guilt of his client was already widely believed.

Thus, Barbie's planned defense was the source of French anxieties. Barbie had been in a position where he had access to information that could damage popularly accepted myths of French history. Jacques Vergès heightened these fears by threatening to turn the case around and point an accusing finger at France itself. However, this defense was only plausible because there were deep, underlying origins of the issues at hand. Next, it is essential to look at the concerns that lay at the heart of Vergès' threats and the Barbie trial.

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[52] "France faces the trial some said would never happen," *The Economist*.

The Fears

Clearly there was more at stake in the Barbie trial than simply the trial of one man. More important to the understanding of French fears are the underlying implications of the trial. These fears were associated with the true nature of the Resistance, the Jean Moulin affair, and the manner in which France would be judged by the world that was critically watching the drama unfold.

In the myth of the Resistance prevalent after the war, every Frenchman was a resistor to the German occupiers and there were only a few who collaborated with the enemy. This myth presented France as a unified front against Nazi Germany with popular public support. The reality, however, was that the Resistance was a minority among the French population and it was riddled with internal divisions. As the myth of the Resistance started to fade, an image of a Resistance emerged in which "The heroic minority which it rallied was not always well-knit or effective. It was never in a strong position to impede German persecution of the city's [Lyon's] Jews."[53] The reality of the Resistance did not coincide with the myth accepted by so many Frenchmen after the war. Whereas former members of the Resistance did not want to face the fact that there had been divisions within their ranks, and ordinary citizens did not want to admit that they had done very little to stop German persecution of their Jewish neighbors, Klaus Barbie threatened to expose both. Barbie was in a position to recall a history that people preferred to forget. At the same time however, as has been shown, the trial of Klaus Barbie was coming at a time when France was more open to a potential reevaluation of the war years.

In the forty years since the end of the war, the relaxation of sentiments surrounding the war period had allowed historians into the archives and documentary evidence to discover that

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[53] "France faces the trial some said would never happen," *The Economist.*

the Resistance was indeed less unified then previous thought. For the former Resistance members who until this point had remained silent about the coalition and inner-workings of the wartime organization, the pressure and accusations of Jacques Vergès began to bring out stories from surviving members.[54] Their revelations, to some degree, worked to reinforce the image of the Resistance as a strong unified organization. In an interview, former Resistance member General Maurice Chevance-Bertin presented a unified picture of the Resistance right down to the Hardy affair. The Hardy affair concerned René Hardy, a member of the Resistance who for years after the arrest and death of Jean Moulin was accused of being the person who betrayed Moulin to the Gestapo. Hardy was present at the meeting in Caluire where Moulin was arrested and he was the only participant to escape, which led many to believe that he knew the Gestapo were coming. Hardy was tried twice for treason and acquitted both times. If Hardy did indeed betray Moulin, it would be proof to support Barbie's accusations of factions within the Resistance who did not support Moulin; however, according to Chevance-Bertrin, the images of a faction opposed to Moulin "gives the Resistance a misleading image."[55] Barbie threatened to expose other members of the Resistance who had also betrayed the movement to the Gestapo. While it remains a matter of personal opinion as to who betrayed and who killed Jean Moulin, or if suicide was, as Barbie claimed, the means of death, Chevance-Bertrin's interview is interesting for the fact that he tried to remain faithful to the image of the Resistance championed by Charles de Gaulle and to the memory of Jean Moulin as a unifier of the Resistance forces. Whereas contemporary scholarship has revealed evidence contrary to this unquestionable solidarity, this article shows the defensive position taken by the Resistance members in light of Vergès' threats.

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[54] Jean-François Dupaquier, "Le vrai procès de Klaus Barbie," *Le Quotidien de Paris*, 16 November 1983, *CDJC*.
[55] Dupaquier, "Le vrai procès de Klaus Barbie." "...donne de la Résistance une image trompeuse."

Furthermore, the Jean Moulin affair was the center of popular attention concerning Klaus Barbie. Barbie was infamous in the eyes of the public for the murder of Jean Moulin and attacks on the Resistance; the deportation of Jews was a lesser known crime. Therefore, to former Resistance members and much of the French population, Barbie "is scheduled to stand trial later this year in Lyons for crimes against humanity, though not for the one he is widely accused of: the torture-murder of France's greatest resistance hero, Jean Moulin."[56] From the point of view of the Resistance, "To think that Barbie could be brought to France and that we would not evoke his war crimes is absurd…public opinion is interested in the Moulin affair. The French want to know who sold out Moulin."[57] To leave Jean Moulin out of the proceedings was to ignore the whole issue and fail to bring the Nazi leader to justice. In addition, by leaving the Jean Moulin affair on the steps of the courtroom, French justice was provoking a "second" trial: "There will be an official trial of Barbie and a parallel trial. It will take place in the press, by multiple declarations, contradictions, stirring up passions. It is feared that matters will be revived that many had thought definitively forgotten."[58] If Barbie was not going to be tried for the murder of Jean Moulin in the courtroom, he was going to be tried for the crime in the media and in the eyes of the public. As this quote illustrated in 1983, this media trial of the Resistance could prove to be more destructive than the trial that would take place in the courts. What's more, this quote exemplifies the important role that the media played in the trial. The media was not restricted by legalities and could bring up a wider range of issues. Furthermore, the public was going to be

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[56] Ralph Blumenthal, "Nazis who are Alive and Well may Finally be Living in Fear," *The New York Times*, 3 March 1985, sec. 4.

[57] Dupaquier, "Le vrai procès de Klaus Barbie." "Penser que Barbie pouvait être ramené en France et qu'on n'évoquerait pas ses crimes de guerre était absurde…L'affaire Moulin intérese l'opinion. Les Français veulent savoir qui a vendu Moulin."

[58] Dupaquier, "Le vrai procès de Klaus Barbie." "Il y aura le procès official Barbie et un procès parallèle. Il se fera dans la presse, par des declarations multiples, contradictories, soulevant des passions. Il est à craindre que soit reveille ce que beaucoup pensaient définitivement oublié."

more affected by the issues that were examined in the press than they were by the issues in the courtroom. The trial was not televised, so the primary source of information concerning the Barbie trial was the press.[59] Therefore, the press played a key role in shaping people's opinions. Even if the Resistance and Jean Moulin were not brought up in the courtroom, the fact that they were important topics for media coverage made them a cornerstone to the whole affair.

Thus, as pointed out, Jean Moulin was a key aspect of the Barbie affair that made a showing in the publications concerning the trial but was not included in the dossier of charges against Barbie. By media coverage, the press was shaping public opinion about the trial and the Jean Moulin affair was not easily forgotten. As a representative of Charles de Gaulle, who was leading the struggle for Free France from London, Moulin parachuted into France on January 1, 1942, with the goal of uniting the different groups fighting for the liberation of France into a force that could be employed when the Allied forces landed on the continent.[60] He was responsible for the unification of Resistance forces with the creation of the *Conseil national de la résistance* (National Resistance Council). Moulin's history with Klaus Barbie began when, on June 21, 1943, the Gestapo raided a meeting of Resistance members in Caluire, a suburb of Lyon. Moulin was among the participants of the meeting taken into Barbie's custody. Subjected to harsh torture at Barbie's hands, the exact moment of Moulin's death is subject to debate. According to Barbie, Moulin committed suicide by banging his head against the wall of his cell. However, for the majority of Frenchmen, Barbie's name was synonymous with the murder of the legendary leader. The trial of Klaus Barbie promised to relive this history because "Mr. Vergès

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[59] The trial was videotaped, however, and the footage was to be held in archives for twenty years, at which point, it would be reviewed and possibly made available to the public. However, Barbie's death in 1991 prompted the early release of the videos and in 2000, thirty-seven emissions of the trial's sessions were aired on French television. These tapes are available at the *Centre de Documentation Juive.*

[60] For more information on Jean Moulin, see Ted Morgan, *An Uncertain Hour*, 219-250; Edna Paris, *Unhealed Wounds*, 101-109; Henry Rousso, *The Vichy Syndrome*, 83-97.

says he will prove that Mr. Moulin was betrayed to the Gestapo by others in the Resistance movement and that he committed suicide in his cell."[61] This was not the history that the French remembered, nor did they want to change their memories of Moulin. In effect, the French were being very selective about what they wanted to remember and which aspects of the past they wanted to confront.

Jean Moulin became a symbolic figure for the French: "In a country that cherishes its legends, Jean Moulin, the Resistance leader, embodies all that was heroic and selfless in what, for France was an inglorious time. He is buried in that repository of French greatness, the Pantheon in the church of St. Genevieve in Paris."[62] Moulin's body was moved to the Pantheon in 1964, causing a political debate of sorts concerning the connotations of adding Moulin to the resting place of the people who have shaped France. The relocation of Moulin's body to the Pantheon was part of a grander scheme of solidification of memory around the image of a French nation that "'forever and always resists the invader,' whatever uniform he might wear, be it the gray-green of the German army or the paraphernalia of the Roman legions."[63] French national identity was based in the idea of French resistance to enemy invaders and this shaped their collective memory of the dark years. Moving Moulin's remains to the Pantheon was a symbolic gesture, while evoking some debate, that reinforced a "diversion of memory" concerning the war years, and honoring a memory of French Resistance. The ceremony was a call to "bestow on France an 'invented honor'...[and not only] bury memories of the *guerre franco-française* once and for all but to orient all future memory, to forge an official version of the past appropriate to the country's newfound 'grandeur.'"[64] Jean Moulin was at the center of the ceremonial call for

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[61] Frank A. Prial, "Barbie's Lawyer Tilts At French Resistance," *The New York Times*, 5 February 1984, sec. 1.
[62] Prial, "Barbie's Lawyer Tilts At French Resistance."
[63] Rousso, *TheVichy Syndrome*, 82-83.
[64] Rousso, *TheVichy Syndrome*, 83.

remembrance based on a myth of the Resistance. Barbie's trial twenty years after the relocation of Jean Moulin's remains threatened this widely-supported mythic Resistance around which French national pride had been shaped.

By insisting that Moulin had been betrayed from within the Resistance, Barbie was challenging the nature of the Resistance. Under the leadership of Charles de Gaulle in the years following the war, France imagined itself as fiercely rejecting the Nazi invaders. For the French, "Jean Moulin became the symbol of the mythological France in which every Frenchman was a Resistance fighter between 1940 and 1944..."[65] While to some degree, by 1987 France had started to realize that this mythological image of the war years was not entirely accurate, Barbie threatened in his trial to further tarnish the reputation of the Resistance. While the Klarsfelds pursued Barbie for his crimes in general during the Holocaust and for specifically the deportation of the children of Izieu, the media suggested that if it were not for the death of Moulin for which Barbie was held responsible, then perhaps Barbie would never have been brought to trial.[66] This was the crime that Barbie was associated with to the public eye; it was not understandable why he would not be tried for this crime because the media consistently brought Moulin to the forefront. The media gave the impression that Moulin was the center of this trial and his death was not part of the charges. This demonstrated the liberty that the media had to discuss issues concerning the Barbie affair that could not be discussed in court. While Jean Moulin was the center of the trial taking place in the media, he was excluded from the trial that was taking place in the courtroom.

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[65] Paris, *Unhealed Wounds*, 17.

[66] Henri Amouroux, "Le débat tronqué" *Lyon Figaro,* 29 juin 1987, *Chronique*, 364. "Il est vrai que sans l'arrestation et sans la mort de Jean Moulin, Barbie ne comparaîtrait vraisemblablement pas aujourd'hui à Lyon. Mais si c'est l'ombre de Jean Moulin qui donnait tout d'abord à Barbie son importance, je crois que le cortège des petits enfants d'Izieu a pris désormais, dans les consciences, une importance au moins égale à celle du président du Conseil national de la Résistance."

Another fear of the French, although less prominent than those previous mentioned, was the anxieties over the reaction of international communities in regards to the French reevaluation of their collaborationist past. The French feared that the world would judge them for their role during the war and their participation in the Holocaust. In reality, it was not as if any other country in the world could claim innocence of the horrors of the Second World War, nor could any country proclaim innocence of crimes against humanity since the 1940s, or for that matter, lack of shameful memories in its national history. As honestly proclaimed by a *Times* of London article on May 11, 1987, the Barbie trial would tell us that "over 40 years ago, some people lined their pockets, saved their skins, or betrayed others...But that will tell us only about human nature."[67] It was not only the French who were guilty of crimes such as those that Barbie threatened to reveal. However, the French still were concerned by how the world would look upon the Barbie trial.

Germany in particular looked toward France with interest. Germany itself was quite familiar with the idea of "coming to terms with one's past." By 1987, they had lived through an even greater confrontation than the French in the shadow of Vichy. However, Germany did not have the same mythology surrounding their wartime history. All the same, "West Germans are watching with a touch of *schadenfreude*, or malignant delight, as the French cope with tales of collaboration that have emerged since the arrest and deportation to France of Klaus Barbie, known as the Nazi 'Butcher of Lyons.'"[68] Germany had dealt with the guilt of being Nazi, when all Germans were not Nazis, since the end of the war. Now the French were being confronted in a similar manner. As an article in *The Washington Post* emphasized, "France, too, must now preoccupy itself with its unconquered past...all those good, upright Frenchmen, without whom a

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[67]"Barbie Before History." *The Times (London)*, 11 May 1987, issue 62765.
[68] William Drozdiak, "As Barbie Erodes France's Complacency, He Spurs W. Germany's," *The Washington Post*, 25 February 1983, sec. A.

few hundred Nazi officials in France would not have been able to do as much as they did."[69] The degree of collaboration in France extended beyond the top officials who signed papers with the Germans. France shared in the pressure of having to confront and live with a shameful past; a pressure that almost all of the countries of the world have had to deal with in some shape or form.

As German sentiments reflect, France had a global audience as it entered the courtroom in May of 1987. For this reason, the French were apprehensive about their relations to the rest of the world in light of the trial. With Germany, for example, the trial came at a time of improved relations between West Germany and France, and "..the French press worried that a resurrection of outrage over Barbie's crimes might spoil the warm climate of relations so recently toasted in Paris and Bonn."[70] There was a fear that the past would again haunt French relations in the present. However, international opinion was more forgiving than the French anticipated. But that does not lessen the fact that the time leading up to the trial was a time of great anticipation and anxiety for the French for a variety of reasons. Barbie's presence in France alone was enough to cause controversy. Barbie's defense threatened to bring up painful issues that were closely associated with deeper concerns. What remains to be seen is how these fears and expectations actually played out over the course of the trial.

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[69] Drozdiak, "As Barbie Erodes France's Complacency, He Spurs W. Germany's."
[70] Drozdiak, "As Barbie Erodes France's Complacency, He Spurs W. Germany's."

The Trial

With all of the fears enunciated before the trial concerning the defense that Barbie would argue before the court, the next question concerns what actually happened in court. This again is a matter of perception. The international press, especially American editorials, were proponents of the opinion that there was never anything to be feared from Barbie's tactics of defense, even from the very beginning. However, the French could not dismiss Barbie's presence as easily. From their closer proximity to the issues, they debated more fiercely the potential damage that the Barbie trial could inflict. French coverage of the Barbie affair was embroiled in a national debate, shaping the public perspectives on the issues, whereas international coverage was commentary on the debates from an outside point of view. Furthermore, the French press gave extensive details on the trial proceedings while the international press refrained from minute details to report the broader issues surrounding the trial. At the start of the trial, the main distinction between French and international opinions was that the French feared what Barbie had to say and the international community discredited his threats. By the end of the trial, however, the general media perception, in both the French and foreign press, had reached a consensus: Barbie and his defense had threatened to use a strategy and then failed to follow through on their tactics.

From the outset of the trial in May 1987, American journalists in particular denied the legitimacy of Vergès' widely known threats. An editorial in *The Boston Globe* described Vergès' threats: "When the trial of Klaus Barbie began five weeks ago, there was a threat from his defense attorney that he would put France on trial, that he would expose the complicity of French officials in Nazi war crimes and detail France's own crimes during the war in Algeria."[71]

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[71] "Holocaust Memories," *The Boston Globe*, 22 June 1987, editorial section.

The author continued, "Jacques Vergès threats turned out to be empty."[72] The international press called Vergès' bluff early on in the trial. The French did not discount his threats so quickly. As the trial progressed however, they started to admit that Vergès' defense was not foolproof. Henri Amouroux, a French historian whose articles appeared in the press during the trial, wrote that "It will be very difficult for Mr. Vergès to explain that Barbie was never present, that he did not have any responsibility, and that all those who saw him with, in their own eyes, an understandable horror, were victims of a collective hallucination."[73] The defense tactics of Vergès became clearer as he began to present his closing statements. Of Vergès' closing statements, Jean-Pierre Ravery wrote in *L'Humanité* that "We were very far from the Barbie case today. And all that was just said by his lawyers fails to justify any mitigating circumstance."[74] Ravery supported the argument that Vergès did not have enough evidence to defend Barbie, or to build a case against France, unless he brought in information from outside of the trial dossier. Vergès' defense consisted of bringing up topics that were irrelevant to Barbie's trial. All of Vergès' antics in the courtroom "...had for a goal to make Barbie forgotten, to drown what he was charged with among other crimes against humanity..."[75] These French articles, however, appeared at the end of the trial.

One incident that made clear the differences between the French and the international press was the coverage of Barbie's refusal to assist in his own defense. During the first week of the trial, Barbie caused an uproar in the courtroom when he decided to employ his right under

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[72] "Holocaust Memories," *The Boston Globe*.
[73] Amouroux, "Le débat tronqué," *Chronique*, 364. "Il sera difficile à Me. Vergès d'expliquer que Barbie n'était jamais présent, qu'il n'avait aucune responsibilité et que tous ceux qui l'ont vu avec, dans les yeux, une terreur comprehensible, ont été victims d'une hallucination collective."
[74] Jean-Pierre Ravery, "Le pretoire et le tribun," *L'Humanité*, 2 July 1987, *Chronique*, 388. "On était très loin du cas Barbie aujourd'hui. Et tout ce que viennent de dire ses avocats ne peuvent lui valoir aucune circonstance atténuante."
[75] Henri Amouroux, "Un avocat remarquable remarquablement en porte-à-faux," *Lyon Figaro*, 2 July 1987, *Chronique*, 395. "...avait pour but de faire oublier Barbie, de noyer ce qu'on lui reproche parmi d'autres crimes contre l'humanité..."

French law to remove himself from the proceedings. Because he claimed that he had been illegally brought to France, Barbie refused to cooperate in the judicial proceedings. He left the courtroom and returned to his cell. Throughout the trial, Barbie made limited appearances when ordered to the courtroom by the judge so that the witnesses could identify the defendant.[76]

Barbie took advantage of every loophole in French justice that he could find. The French press saw Barbie's disappearance from the courtroom as a disadvantage to the prosecution and the victims: they were the ones hurt by Barbie's lack of appearance because they did not get the chance to confront him. This was a blow for Barbie's victims who came to Lyon to testify: "For 43 years, they have wanted to face him. Some of the oldest forbade themselves to die before having the chance to stand up in front of him. But Klaus Barbie has left, calling himself Altmann, without confronting his ghosts."[77] Many in Lyon were upset by Barbie's sudden departure because his disappearance made the confrontational closure that was sought in the trial impossible. Another attorney brought up the argument that the trial would go on without any discussion because Barbie refused to be present.[78] Vergès' role in the trial developed into something that it was not supposed to be: the job of a defense attorney was not to defend the client, not to replace him. Now Vergès was the one under attack.[79] In the French press, one gets the impression that Barbie controlled the situation and the prosecution suffered because Barbie's victims did not get the opportunity to face their torturer.

Contrary to some French sentiments, Pierre Truche, the leading prosecution attorney, did not give in to Barbie's act. Despite the historical and emotional sentiments tied to Barbie's case,

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[76] Chalandon, "Le procureur demande le retour de l'accusé," *Crimes Contre L'Humanité*, 62-63.
[77] Chalandon, "L'officier nazi a annoncé, hier, qu'il ne se présenterait plus devant la cour d'assises," *Crimes Contre L'Humanité*, 37-40. "Depuis quarante-trois ans, ils voulaient le voir en face. Certains des plus ages s'interdisaient de mourir avant d'avoir pu se tenir debout devant lui. Mais Klaus Barbie est reparti en se disant Altmann, sans avoir affronté de ses fantômes."
[78] Chalandon, "Me. La Phuong, l'avocat de l'émotion et de la colère," 129-131.
[79] Chalandon, "Me. La Phuong, l'avocat de l'émotion et de la colère," 129-131.

Truche was responsible for creating an ordinary case against an ordinary defendant. As such, he was inclined to respect Barbie's decision to remove himself from the courtroom. In doing so, Truche argued, the defense would not create a martyr out of Barbie, who would otherwise be forced to sit in Lyon against his will, refusing to talk.[80] This was not a unanimous position held by all of the prosecution lawyers. Other lawyers objected to letting Barbie leave the courtroom. Because Barbie walked out on his trial, already in the first week a debate raged over a topic which was obviously not contained in the dossier.[81]

The international press gave a different point of view. From the French press, aside from opinions such as those of Pierre Truche, one gets the impression that the trial was going according to Barbie's plan when he left the courtroom, leaving its participants in an uproar. The international press gave a different impression: that it was Barbie who suffered from his choice not to be present. Paul Webster in Britain's *Guardian* argued, "The fact that Barbie refused to appear, except at the beginning of his trial and on two other brief occasions, took most of the tension out of the trial."[82] Furthermore, Barbie's absence was not only harmful to his defense, but it was a good thing in terms of the course of the proceedings. The trial was more about the victims who came to testify than about the defendant. "Barbie's absence put the focus on the witnesses, the victims...It let the truth emerge without qualifications."[83] Clearly, an element of drama dissipated when Barbie removed himself from the courtroom. After the climactic first week, many members of the media left the proceedings, seemingly no longer interested now that the star had left the stage.[84] Barbie was forcing the court to try him a third time "in absentia."

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[80] Chalandon, "La chaise vide en procès," *Crimes Contre L'Humanité*, 42-45.
[81] Chalandon, "Le dernier convoi pour Auschwitz," *Crimes Contre L'Humanité*, 45-48.
[82] Paul Webster, "Barbie told he must stay in prison and face another trial," *Guardian*, June 27, 1987.
[83] William Echikson, "Barbie trial draws to close after moments of remembering and drama," *Christian Science Monitor*, 3 July 1987, 8.
[84] Paul Webster, "The absolution of a nation – The extraordinary impact of Barbie's trial," *Guardian*, 3 July 1987.

In the grander scheme of things, the trial of Klaus Barbie turned out differently than expected, largely because of Barbie's absence from the courtroom. Barbie denied himself the opportunity to say anything embarrassing in court.[85] From his prison cell, he was of little threat to the Resistance or the French. In reality, Barbie's absence was more harmful to his defense rather than to the prosecution. By avoiding the courtroom, Barbie failed to realize "that the plan of his lawyer, Mr. Jacques Vergès, to raise the question of France's moral right to judge a Nazi and rake over Communist-Gaullist war-time quarrels, now appears derisory."[86] Furthermore, any sympathy one might have felt toward Barbie as an old man who did not resemble a Nazi killer was lost in Barbie's absence and all attention was turned towards the testimonies of his victims.

As the trial concluded, the international press emphasized the failure of Barbie's defense to defend Barbie or to expose any shameful secrets from the past. *The Christian Science Monitor*, in an article dated on the eve of the verdict, wrote that the testimony of the defense witnesses "erased most pretrial worries about the wisdom of bringing Barbie to justice."[87] Former members of the Resistance and Jews alike breathed sighs of relief when Vergès' anticipated defense failed to materialize, and William Echikson noted that the testimony of the prosecution witnesses was so strong and so moving that it was impossible for Vergès to compete with their statements.[88] The victims remained the center of attention throughout the trial. *The New York Times* agreed: "As it has turned out, the first four weeks of the trial have been dominated not by Mr. Vergès, but by the testimony of 60 witnesses, some of them aged, and feeble, who have produced a weighty and relentless accumulation of evidence against Mr.

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[85] Associated Press, "The Trial of Klaus Barbie: Nazi Chief had U.S. Support in Eluding French for 40 Years."
[86] Paul Webster, "Barbie's defence silent as victims speak," *Guardian*, 6 June 1987.
[87] Echikson, "Barbie trial draws to close after moments of remembering and drama."
[88] Echikson, "Barbie trial draws to close after moments of remembering and drama."

Barbie."[89] The article went on to state that "To the surprise of many here, Mr. Vergès has not only stayed away from an indictment of France; he has also rarely cross-examined the witnesses. With the few witnesses he has questioned, Mr. Vergès has generally tried to undermine their credibility."[90] Vergès did not have any grounds to cross-examine the witnesses so he resorted to trying to discredit their stories. A British journalist concurred that in their testimony, "most have revealed such horrors that even Mr. Vergès has had to remain silent."[91]

The French press made the witnesses the center of attention. French daily press coverage quoted their testimony extensively. Witnesses repeated similar stories about the horrors suffered at Barbie's hand. Lise Lesèvre was 43 and a member of the Resistance in 1944 when she was arrested by the Gestapo. In her possession were papers that the Gestapo confused for papers about "Didier" – the chief of the secret army in the South. For nineteen days, Lesèvre was tortured by Barbie, who continually questioned her on the identity and the whereabouts of "Didier." Lesèvre testified in court that after numerous sessions where she was beaten until she lost consciousness, she awoke in an ""elegant room, with a rose in a vase. I thought that I had lost my mind.' Barbie kneeled beside her. 'I much admire you,' he told me, 'because you are very courageous but I already knew that. Everyone talks. You will talk. Why not now?' Lise Lesèvre refused and Barbie exploded again. 'Get her out of my sight!' Barbie ordered to the police, 'I don't want to see her anymore.'"[92] Finally, Lesèvre was sent to Ravensbrück where she survived the end of the war.

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[89] Richard Bernstein, "Despite Fear, Barbie Trial Is on Course," *The New York Times*, 9 June 1987, sec. A. Note that between different articles, there is a discrepancy between the number of witnesses who testified at the trial.
[90] Bernstein, "Despite Fear, Barbie Trial Is on Course."
[91] Webster, "Barbie's defence silent as victims speak."
[92] Chalandon, "Le témoignage de Lise Lesèvre: Dans les salles de torture," *Crimes Contre L'Humanité*, 57-60. "*C'était un salon élégant, avec une rose dans un vase. J'ai cru que j'avais perdu la raison.* Barbie est agenouillé auprès d'elle. *Je vous admire beaucoup*, m'a-t-il dit, *car vous êtes très courageuse mais j'ai très bien connu ça. Tout le monde parle. Vous parlerez. Pourquoi pas maintenant?* Lise Lesèvre refuse et Barbie explose une nouvelle fois. *Liquidez-moi ça!* ordonne-t-il à ses policiers, *je ne veux plus la voir.*"

Other witnesses told similar stories. Simone Lagrange was only thirteen years old when she was arrested with her parents on June 6, 1944 – the day that the Allies landed in Normandy. Barbie wanted to know where her mother was hiding her two other younger children. Lagrange testified:

> Barbie wanted the children's address. At 9:00, he brought me in a car to the Gestapo. I stayed there all day, he arrived with his thin smile like the blade of a knife. This lasted seven days, kicks, punches on the unhealed wounds of the day before. The first night, he took me himself to Montluc, I was like a bloody bandage. He threw me in my mother's arms and told her: 'Look what you did to your daughter.' After a week, he put me in another cell, for fifteen days. My mother thought that I had been killed.[93]

Lise Lesèvre and Simone Lagrange are only two examples of the accounts that the victims brought to the courtroom. This testimony not only gave the trial the depth and personal element that enabled it to affect the general public, but also provided the solid evidence that led to Barbie's conviction.

Even though Barbie choose not to be present at his trial, there were occasions when the president of the court ordered Barbie back so that the witnesses could identify the defendant. On May 26, 1987, five witnesses were asked the same question by the court: "Does the face of the accused evoke anything for you?"[94] Each witness identified Barbie. President Cerdini then turned to the defendant and asked if he had anything to respond, to which Barbie repeatedly answered that "I find myself here in an illegal manner, following an abduction and held by force.

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[93] Chalandon, "Les témoins de l'horreur à la barre," *Crimes Contre L'Humanité*, 60-62. "Barbie voulait l'adresse des enfants. A 9 heures, il m'a emmenée dans sa voiture à la Gestapo. J'y suis restée toute la journée, il arrivait avec son sourire mince comme une lame de couteau. Cela a duré sept jours, coups de pied, coups de poings sur les plaies mal refermées de la veille. Le premier soir, il m'a ramenée lui-même à Montluc, j'étais comme un pansement sanguinolent. Il m'a jetée dans les bras de ma mère en lui disant : 'Voilà ce que tu as fait de ta fille.' Après une semaine, il m'a mise dans une autre cellule, pendant quinze jours. Ma mère a cru que j'avais été tuée."

[94] Chalandon, "L'ancien SS, obligé à comparaître à la fin de l'audience, a refusé de répondre aux témoins," *Crimes Contre L'Humanité*, 67-70. "Le visage de l'accusé évoque-t-il quelque chose pour vous?"

Being legally absent, I will not respond."[95] In a comment that provoked an approving reaction from the audience, Lucien Margaine, who identified Barbie, said "It's too bad that he does not want to respond...He reacts like a SS. That's fine."[96] Margaine indirectly pointed to the fact that Barbie was not helping his defense by refusing to take an active participation in it. What's more, another witness, Mario Blardone specifically pointed to Barbie as being more aware of his surroundings than Barbie was letting on. Blardone testified, "He understands what I say...he interrogated me in French. Hold on, look, he closed his eyes."[97] Blardone attested that Barbie did not need to have everything translated from French to German and that he was well aware of the courtroom proceedings, even though he played ignorant.

The prosecution also brought forth "general interest witnesses." These witnesses' role was to testify as to the situation in Europe during the Holocaust and to situate Barbie in the context. Their role was important because it enabled the court to examine Barbie's motives. For Barbie's charges to be permissible as crimes against humanity, the prosecution had to prove that Barbie was motivated by racial, religious, or ideological reasons. For example, Geneviève de Gaulle, who was a prisoner at Ravensbrück during the war, testified of the conditions of the camps where prisoners were worked to death. Marie-Claude Vaillant-Couturier told of the existence of gas chambers.[98] With these witnesses, the prosecution made a case for classifying Barbie's crimes as crimes against humanity. Furthermore, these witnesses contributed to the overall effects of the trial: one in which a larger lesson of the Holocaust was examined.

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[95] Chalandon, "L'ancien SS, obligé à comparaître à la fin de l'audience, a refusé de répondre aux témoins," *Crimes Contre L'Humanité*, 67-70. "Je me trouve ici de manière illégale, suite à un enlèvement et contraint par la force. Étant juridiquement absent, je ne répondrai pas."

[96] Chalandon, "L'ancien SS, obligé à comparaître à la fin de l'audience, a refusé de répondre aux témoins," *Crimes Contre L'Humanité*, 67-70. "Dommage qu'il ne veuille rien répondre...Il réagit comme un SS. C'est bien."

[97] Chalandon, "L'ancien SS, obligé à comparaître à la fin de l'audience, a refusé de répondre aux témoins," *Crimes Contre L'Humanité*, 67-70. "Il comprend ce que je dis...Il m'a interrogé en français. Tenez, regardez, il a fermé les yeux."

[98] Chalandon, "Récits des camps d'extermination: Une horreur qui ne figure pas au dossier," *Crimes Contre L'Humanité*, 97-99.

In the light of strong witness testimony for the prosecution, Barbie's threats and Vergès' grandiose displays before the trial proved to be nothing more than bluff. In the end, "All efforts by his formidable defence lawyer, Mr. Jacques Vergès, to shift the attention of the court to treachery within the Resistance and other highly emotive issues failed to match up to his tactical maneuvers before the trial."[99] The trial failed to reach the anticipated culmination, and was rather anticlimactic. Towards the end of the trial, the *Guardian* reported that:

> Mr. Vergès...has been widely criticised in the press for not fulfilling promises he made in his daily press conferences. He will probably have only one more day – Wednesday – to argue in his summing-up what seems a lost cause after he called only six defence witnesses, none of whom substantiated his pre-trail allegations of betrayal inside the Resistance or his statements that traitors still held high office in the French administration.[100]

Vergès did not produced any new evidence for the defense. The only reason that Vergès' threats were successful in the beginning was that the media gave him the attention he wanted and needed for his campaign to work. However, as a Swiss newspaper had predicted early in 1983 that, "Maitre Vergès has no proof."[101] The press posed the question that perhaps Vergès' threats had all been bluffs from the beginning. Even early in the trial, it was already evident that "he [Vergès] is now deemed to have little chance of influencing either the court of French public opinion."[102] The prosecution did such a thorough job of revealing the truth and sympathies for witness suffering that the defense had little ground to win over public support. In reality, all of Vergès threats were empty talk without supporting evidence, even if this was not fully appreciated until the end of the trial.

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[99] Webster, "Barbie's defence silent as victims speak."
[100] Webster, "Barbie told he must stay in prison and face another trial."
[101] Olivier Pauli, "M[e] Vergès défend Klaus Barbie...et quelques Suisses," *Tribune de Genève*, 18 November 1983. "Me Vergès n'avance aucune preuve."
[102] Webster, "Barbie's defence silent as victims speak."

As a defending attorney, Vergès failed to defend his client against the charges at hand. Instead, Vergès brought up issues irrelevant to the trial in order to further his own agenda. Vergès' motives for taking the case in the first place were questioned, especially when he did not effectively defend his client. Rather than the defense of a Nazi SS leader as his primary concern, "Mr. Vergès, a supporter of radical third world causes, tried not only to discredit the trial but also to use it as a platform to accuse the Western countries of committing their own 'colonialist' crimes, which, Mr. Vergès said, equaled those of the Nazis."[103] Vergès was more interested in turning the accusations of the prosecution against the European countries whose actions "equaled" those of the Nazis. This was a defining feature of how Vergès led Barbie's defense case. Even up until the bitter end of Vergès' closing statements, he and his defense team "all but ignored the charges that have been made against Mr. Barbie, the wartime Gestapo chief of this city, in the last eight weeks."[104]

Barbie and Vergès' irrelevant courtroom demonstrations were further limited by the concentration of the president of the court, André Cerdini. President Cerdini was not interested, and rightly so, in hearing of the injustices done against everyone during the Holocaust and the years since the Holocaust. That was not the concern, the purpose, or the task of the trial.[105] They were there to try one man for his crimes. President Cerdini's role as the President of the Court is explained: "It is his task to stick to the dossier, to avoid this 'drift' that the Attorney General Pierre Truche evoked. His job is to judge Klaus Barbie, not 'all the Barbies' of whom

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[103] "Barbie Found Guilty of Crimes Against Humanity," *The New York Times*, 5 July 1987, sec. E.
[104] Richard Bernstein, "'Crimes' by Israel Are Cited by Barbie's Lawyers," *The New York Times*, 2 July 1987, sec. A.
[105] Chalandon, "Récits des camps d'extermination: Une horreur qui ne figure pas au dossier," *Crimes Contre L'Humanité*, 97-99.

one witness talked."[106] Cerdini can claim responsibility for overseeing the difficult task of keeping the trial on course and in focus. While Vergès may have had plans to derail the trial through testimonies of atrocities during the Algerian war, witnesses "were resolutely confined in their testimonies by the judge, M. André Cerdini, as to what they could say with direct relevance to the Barbie case."[107] Cerdini played a major role in preventing the trial from taking on the form of a show trial. This view was reflected in other British publications as well: "Despite many highly charged speeches from the prosecution and defence lawyers which many have had much to do with man's inhumanity across the world but nothing to do with the Barbie case, the bench managed to prevent the proceedings from getting out of hand."[108] Upon looking at the many references to the quality of the courtroom discipline that kept the trial on course, here lies a segway into an examination of the sentiments of international press, which admired the French for the justice displayed in the trial of Klaus Barbie. In addition, after it was seen that the trial was not going to bring about the damaging revelations that it was previously thought to have to the power to do, the media turned its attention to what purpose the trial would actually serve in the course of history.

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[106] Sorj Chalandon, "Récits des camps d'extermination," *Crimes Contre L'Humanité*, 97-99. "Il est de son devoir d'en revenir au dossier, de son devoir d'éviter cette 'dérive' qu'évoquait le procureur général Pierre Truche. Son travail est de juger Klaus Barbie, pas 'tous ces Barbie' dont parlait un témoin."
[107] Michael McCarthy, "Strategy of Barbie's defence lawyer fails," *The Times(London)*, 16 June 1987, issue 62796.
[108] "Guilt unhealed by time," *Guardian*.

The Verdict

When Barbie's threats failed to yield any damaging secrets, the press turned their attention and passed judgment not on Vichy France but on the conduct of the trial. The world watched the Barbie trial and gave accolades to the justice system that sought to bring justice to a war criminal so many years after the fact, when so much was at stake in his trial. Moreover, as the trial came to a close, the historical significance of the trial came into focus. The historical question that was posed in reference to the Barbie trial was what was the purpose of putting him on trial. Overwhelmingly, the answer proved to be that the trial's purpose was to serve memory and education.

As the trial came to a close, there was a great deal of support for the French and admiration for the way the French justice system handled this trial. Many feared that France itself would be on trial for collaboration during the Second World War. André Cerdini and the court accomplished a credible task in keeping the focus on Barbie and not trying to judge French behavior. Contrary to anticipations, the world complimented France for the dignity with which it conducted the trial. An editorial in the *St. Petersburg Times* claimed that "such determination in the investigation and prosecution of crimes against humanity is a tribute to the rule of law among civilized nations. The Barbie verdict will echo through history the message that such crimes will not slip silently from view and that their perpetrators can expect to be hounded until justice is done."[109] Many articles repeat this theme that the French handled the trial well. A civil party lawyer at the trial remarked that, "This remained the trial of Barbie and Nazism, not of France."[110] France gained great respect for the dignified manner in which the trial was conducted: "The trial could not bring back the dead nor undo the sufferings recounted. But it

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[109] "Relentless Justice," *St. Petersburg Times*, 8 July 1987, editorial section.
[110] Echikson, "Barbie trial draws to close after moments of remembering and drama."

added a victory for the very concept of government by law to the military victory that restored its existence in France."[111] While Barbie was found guilty on 340 of the 341 charges brought against him, "the verdict on France was that if she was not found innocent, she was at least found brave enough to face the worst days of her past."[112]

As can be expected, opinions on the Klaus Barbie trial varied in different countries all over the world. For practical reasons this study has focused mainly on the publications from France, the United States, and Britain. However, *Les Dossiers de Globe*, published on July 1, 1987, took into consideration the fact that the world's perception of the trial was a big issue, as was evident by the vast number of journalists from all over the world who came to Lyon to cover the trial. They published a collection of articles from different national points of view. Various journalists of different nationalities wrote representative articles that summarized their country's observations of the trial.

While examples from the American press have already been used extensively, the article in *Les Dossier de Globe* from the American point of view brilliantly articulated both the overall American sentiments concerning the trial and offered an insight on the American point of view of French journalism. Richard Bernstein, who covered the Barbie trial for *The New York Times*, compared the different ways that the French and the world viewed the trial. Overall, Bernstein judged the trial a success and stated that it became, "at the end of a month and after several shudders, trembling, hesitations, and false starts, exactly what it was supposed to be: the Barbie trial."[113] Despite the fears that this trial would turn into a show trial and media spectacle, it remained the trial of an ordinary man. Bernstein stated that even he was influenced before the

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[111] Flora Lewis, "A Model of French Justice," *The New York Times*, 6 July 1987, pg. 31.
[112] Richard Reeves, "Klaus Barbie and the Courage of France," *The Seattle Times*, 12 July 1987, sec. A.
[113] Richard Bernstein, "Etats-Unis," *Les Dossiers de Globe,* no. 1 (July 1987): 33-34. "C'est que le procès Barbie est devenu au bout d'un mois et après quelques frissons, tremblements, hésitations et faux departs, exactement ce qu'il devait être: le procès Barbie."

trial by the French press into thinking that, while the trial was going to be a historic event, its results were going to be negative because of media sensationalism and judicial tactics of the lawyers."[114] Bernstein pointed out the influence of the French press in shaping opinions of not only the public but of the other journalists. In effect, the French press shaped the perceptions that the world had by their anxieties.

However, Bernstein continued on to say that the French took pleasure in searching for a hidden truth, when the reality was so obvious that even Americans, being less analytical, were aware of it.[115] Once again, from an international perspective, it became clear that the French were unable to foresee what was going to happen in the trial until the very end. Bernstein almost chastised the French for not seeing what was so obvious that even foreigners were able to distinguish the differences. Bernstein even went as far to say that, while perhaps unknowingly, the French press was the reason that Vergès had any success at all; before, that is, the testimony of the witnesses brought the trial back into focus.

For the Americans, their poignant interest in the Barbie trial was somewhat perplexing. On one hand, vague curiosity explained why Americans followed the Barbie trial with such interest. On the other hand, however, Americans were interested in Barbie because his history was tied to a scandal of their own: Barbie was able to escape the French after the war because he worked for the CIA.

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[114] Bernstein, "Etats-Unis." "Avant le début des audiences à Lyon, influence par la press française aux dires et pronostics pessimists, je voyais le procrès comme un événement protentiellement historique, mais qui risquait d'être éttoufé par ce curieux mélange que l'on fait aujourd'hui et qui consiste à allier la couverture médiatique à sensation et les tactiques judicieuses des avocats."

[115] Bernstein, "Etats-Unis." "Les Français, si j'ose une observation caustique, prennent un malin plaisir à chercher la réalité tapie derrière une vérité tellement évidente qu'elle nous crève les yeux à nous, les Anglo-Saxons, qui sommes nettement moins analytiques."

In perhaps the most surprising representation from another country, Johanan Manor wrote from Israel that "the Barbie trial has only solicited a limited interest in Israel."[116] At a time when people in France were expressing the opinion that Barbie should put on trial in Israel so that he could face the death penalty, Israelis saw the Barbie trial as nothing more than a show trial.[117] While Manor was reporting on the general sentiments of the Israeli population, he wrote that "It is extremely regrettable that the Israeli perspective on this trial has been distorted, because its importance resides not only in the knowledge and in the memory of the past, but also and especially, perhaps, in the illustration that Nazism is not dead...."[118] The fact that this trial was anticipated to be and perceived as nothing more than a show trial and a media spectacle caused other countries to take little interest in the proceedings in France.

Germany's reaction was telling. Writing for the German publication *Frankfurter Allgemeine*, journalist Jürg Altwegg first brought up the point that Germany was not in a position to judge how the French were handling the trial "There isn't any reason, in hindsight, to criticize with satisfaction the evolution of the Barbie trial. The German trials against their Nazis are far from exemplary models."[119] This opinion, while personal to the Germans in dealing with their Nazi past, was also applicable to other nations as well. Another point of his article, however, was somewhat arguable. Altwegg wrote that the Barbie trial was not of interest to the intellectuals: "The indifference of the intellectuals in light of the Barbie trial is disconcerting. They are hardly interested. Marginally, if at all. This phenomenon only reflects the general

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[116] Johanan Manor, "Israel," *Les Dossiers de Globe*, no. 1 (July 1987): 35. "Le procès Barbie n'a suscité en Israël qu'un intérêt très limité."
[117] Manor, "Israel."
[118] Manor, "Israel." "Il est tout à fait regrettable que la perspective israélinne sur ce procès en ait été faussée, car son importance réside non seulement dans la connaissance et dans la mémoire du passé, mais aussi et peut-être surtout dans l'illustration de ce que le nazisme n'est pas mort..."
[119] Jürg Altwegg, "Allemagne," *Les Dossiers de Globe*, no. 1 (July 1987): 30. "Il n'y a aucune raison, en revanche, de critique avec satisfaction l'évolution du procès Barbie. Les procès des Allemands contre leurs nazis sont loin d'être modèles exemplaires."

evolution of German and French intellectuals, who are significantly distanced from one another."[120] Conversely, it can be argued that this trial was only of interest to intellectuals because they were the ones who were watching to see what would be said and how it would relate to academic research. Whatever was said in the Barbie trial, whether truth or lie, would have to be passed onto the academic realm for further examination by historians to arrive at the historical truth. Furthermore, the Barbie trial became the source of political and historical debate. The Barbie trial raged throughout political, intellectual, and popular opinion. This article exemplifies the argument that the point of view determines the perceptions. Altwegg declared that the intellectual world was not taking an interest in the trial but the overwhelming amount of intellectual and academic debate concerning the trial does not support his statement.

Throughout the Barbie affair, the key questions posed were why it was important for the trial to take place and what the purpose was in bringing Klaus Barbie to court. The question as to how the French fears and expectations played out over the course of the trial has a simple answer: While people undeniably had fears and apprehensions about the trial of Klaus Barbie, about the secrets that Vergès threatened to reveal, and about the history that would be uncovered, overall, the outcome was that there were no damaging disclosures of unknown information. It is overly simplistic to stop analysis here. It was largely acknowledged in the press before the trial began that Vergès' threats were going to be empty. This is not to diminish the importance of people's anxieties, but to say that there is more to understand in the significance of the trial than to comprehend simply that their fears went unrealized. The two main purposes of the trial that emerge in the press were to serve memory and to serve history and education.

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[120] Altwegg, "Allemagne." "L'indifference des intellectuels face au procès Barbie est déconcertante. Ils ne s'y intéressent presque pas. Sinon marginallement. Ce phénomène ne fait que refléter l'évolution générale des intellectuels allemands et français, qui se sont profondément éloignés les uns des autres."

For Holocaust survivors and Resistance members alike, the Barbie trial was both an opportunity and a turning point in the memory of the war years. The years that had passed since the end of the war had allowed for a new openness in the study of the war. Holocaust survivors now had an audience for their testimonies that they had not had in the years immediately following the war. The 1970s "marked the end of a long period of reluctance to deal with issues of the Holocaust, the killing of six million Jews by the Germans and their collaborators...It was the coming of age of a new generation, a generation that had not lived through the war and had pressing questions for those who had."[121] The Barbie trial fit into the reawakening of interest in the Holocaust and the war years in France. As Serge Klarsfeld pointed out before the start of the trial, "'They [Barbie and Alois Brunner, another former SS leader] must be judged so the world remembers.'"[122] The recovery of memory was a main objective of the trial.

To forget the victims would be for them to suffer a second death. Part of bringing about justice in the Barbie trial was to revive the memory of the victims: "A justice without memory is an incomplete justice, false and unjust. Forgetting would be an absolute injustice just as Auschwitz was an absolute crime. Forgetting would be the definitive triumph of the enemy."[123] The Barbie trial was a way to bring to the world's attention the forty-four children of Izieu whose only crime was to have been born Jewish. As Marc Aaron, president of Lyon's Jewish community, said during the trial, "It took the Barbie trial for us to remember."[124] The Barbie trial was a catalyst for the re-evaluation of history: of the way that people had remembered the

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[121] Blumenthal, "Nazis who are Alive and Well may Finally be Living in Fear."
[122] William Echikson, "Nazi Hunt Reaches Final Climax," *Christian Science Monitor*, 5 November 1985, International section, 12.
[123] Chalandon, "Témoignage d'Élie Wiesel devant la cour: L'impossible regard du survivant," *Crimes Contre L'Humanité,* 80-84. "Une justice sans mémoire est une justice incomplete, fausse et injuste. L'oubli serait une injustice absolue au même titre que Auschwitz fut le crime absolue. L'oubli serait le triomphe definitive de l'ennemi." (84)
[124] William Echikson, "Izieu Remebers its Children. But many in France had Forgotten, until the Barbie trial," *Christian Science Monitor*, 29 May 1987, International section, 9.

past and of what they had chosen to forget. For that reason, it was significant that the trial served memory and brought about a new awareness of the horrors of the Holocaust, especially those of French origin, such as the anti-Semitic policies of Vichy. The courtroom was the arena in which, "Taking place under the sign of justice, this trial had to serve the honor of memory."[125]

While memory of the Holocaust and of the victims was the function of the trial, a more pessimistic, although truthful, article points out that "No trial, of course, can finally immunize the world against forgetting, much less render a full sense of justice. As time runs out on the generation of the Holocaust, the victims as well as the perpetrators, one can only make gestures – to update the record, to educate the young, to bear witness once again to what happened."[126] While this American editorial was correct that the nature of memory is more inclined to forget than to remember, and that it was unlikely that a full sense of justice would be accomplished in the trial, it was the importance of remembering that was highlighted in the Barbie trial. For most involved in the trial, the Barbie affair was not so much about the end result. The procedure in the courtroom was more important than the verdict. The testimony of the trial "[promised] to be the moral core of a trial whose ultimate purpose, most here believe, is to preserve memory rather than to punish a victim."[127] It was the process of taking Barbie through the judicial system that brought the issues of the Holocaust to the forefront and made people remember.

The second goal that was championed by the advocates of the trial was its pedagogic function. The Barbie trial was an opportunity to call attention to the study of the Holocaust. Because of the trial, "President Aron [president of the Jewish community in Lyon] asked that during the trial a lesson on genocide and the trials of Nazis be given in the Lyon schools, and

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[125] Chalandon, "Témoignage d'Élie Wiesel devant la cour: L'impossible regard du survivant," *Crimes Contre L'Humanité*, 80-84. "Se déroulant sous le signe de la justice, ce procès doit faire honneur à la memorie."
[126] "Klaus Barbie Goes On Trial," *Sacramento Bee*, 12 May 1987, sec. B.
[127] Richard Bernstein, "Spirits Haunting a Belated Courtroom Reckoning," *The New York Times*, 18 May 1987, sec. A.

also that in the future, a chair in the problems of the struggle against nazism be created at the University of Lyon."[128] French Jewish leaders took the opportunity presented by the trial "to make sure their fellow Frenchmen never forget. 'The trial is to educate France,' says Marek Halter, a writer and spokesman for Jewish causes, 'and we have to make sure it is not used for destructive purposes.'"[129] Especially at a time when history was being revised to correct the misperceptions commonly believed after the war and when Jews were silent for so many years because of lack of an audience for their stories, the Barbie trial was an outlet for their testimonies and an awareness of the truth.

Victims came forward to bear witness at the Barbie trial because they wanted to testify so that the younger generation would be educated on the subject of the Holocaust. Elie Wiesel, a prominent figure who survived the Holocaust, pointed out in a speech at the Temple Adath Yeshurun: "'What else could victims do but bear witness and why doesn't the world listen? They do not talk for their sakes. They talk for your sakes and for the children's sakes."[130] Furthering the theme of education, the Barbie trial brought realization that the younger generation, and for the most part the jurors and the journalists under forty who were covering the trial, "really didn't know much of what Nazism was about, what went on during the Occupation and the war, how ordinary people were removed from ordinary lives to another world of nightmare and death."[131] The younger generation's curiosity about the past encouraged the history lessons of the Barbie trial and the Holocaust survivors were forthcoming in their efforts

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[128] Michel Riddle, "Procès Klaus Barbie: appel aux témoignages," 11 February 1983, *CDJC*. "Le président Aron a, pour sa part, demandé que durant le procès un enseignement du genocide et des procès des nazis soit donné dans les lycées et les écoles de l'académie de Lyon, mais aussi qu'à l'avenir une chaire spécialisée dans les problèmes de la lutte contre le nazisme soit créée à l'université de Lyon."

[129] Echikson, "Izieu Remebers its Children."

[130] Adelle M. Banks, "Peace Prize Winner Urges Better Future for Children," *Syracuse Herald-Journal*, 15 July 1987, sec. B.

[131] Lewis, "A Model of French Justice."

to satisfy that curiosity. For the world at large, the educational value of Barbie's day in court was "...to underline the importance of Mr. Barbie's trial as a lesson in moral history."[132] It was a lesson for everyone about the Holocaust.

Most striking was an article that appeared in *The New York Times* by Flora Lewis on May 15, 1987. She introduced another point of view on the significance of the Barbie trial. It was a reminder that while criminals such as Barbie can be tried for what they did, "There is no dock for those who did nothing, and no charges against them. But they are the ones who come to mind as the bailiff drones on. It is hard to realize now how much there was nothing done, of passivity, which as Michel Thomas say, was also a form of collaboration."[133] She also points out that "One purpose of Mr. Barbie's trial is to keep memory alive so the crimes may never be allowed to happen again. It should also serve as a warning against the horror of doing nothing."[134] The world ignored what was going on during the Holocaust and by doing so, they collaborated in the Final Solution; and while it was important to judge those who took an active participation in the Holocaust, it must be remembered that there was a personal moral lesson that came along with these trials. This did not excuse what was done by the Nazis but served as a gentle reminder that everyone made individual decisions in these situations. The trial served memory and showed the world, as a warning, what happened when too many people did nothing.

People used the Barbie trial as a reason to renew their efforts to bring about awareness of the Holocaust. Under this initiative, the Lyon Jewish community "had decided that the Barbie trial could not be reduced to a simple daily judicial chronology."[135] Therefore, they erected a Holocaust memorial in the Place des Terreaux, in front of Lyon's city hall. Structurally, the

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[132] Bernstein, "Spirits Haunting a Belated Courtroom Reckoning."
[133] Flora Lewis, "The Guilt of Doing Nothing," *The New York Times*, 15 May 1987, sec. A.
[134] Lewis, "The Guilt of Doing Nothing."
[135] Antoine Spire, "Le Yad Vashem lyonnais," *Tribune Juive*, no. 979 (3-9 July 1987): 5. "on avait décidé que le procès Barbie ne pouvait pas se réduire à la simple chronologie juridique habituelle."

memorial was a huge cube with white walls. The walls of the monument displayed pictures that showed the horrors that the Jews suffered at the hands of the Nazis. The last wall simply had the names of the death camps written on it. From the pictures, "the anonymous figures of death in the past take intimate form and unsettle us to our very core."[136] As visitors left the memorial, they had the opportunity to sign a guest book and write their impressions. Over and over again, a similar message appeared that the Holocaust must never be forgotten:

> I will never forget these photos. –Karim, 12 years old[137]
>
> We can not forget the look of children that we took to their deaths. Here, each of us is faced with his/her responsibility! That of choosing to remember so that humanity never again falls into this mistake, or to let it start again. –Harlem Désir[138]
>
> An old marshal said: 'People of France, you have a short memory.' Don't give him another reason to be right. Always remember. –Mouchaud[139]
>
> Everything makes my heart ache because I could have been born in their place. – Véronique, 10 years old[140]

These are examples of the comments written in the guest book by an estimated 230,000 who visited the memorial by the end of the Barbie trial. Not only was the monument visited by thousands of students and young people, who comprised sixty-five to seventy percent of the visitors,[141] but "witnesses, deportees, those who escaped, sons and daughters who came to write that they didn't simply come here to learn or to remember but they came to associate their

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[136] Spire, "Le Yad Vashem lyonnais." "Les figures anonyms de ce passé de mort prennent forme intime et viennent boulverser ce qu'il y a de plus profond en nous."
[137] "Le Livre d'or," *Les Dossiers de Globe*, no. 1 (July 1987): 78-79. "Je n'oublierai jamais ces photos."
[138] "Le Livre d'or," *Les Dossiers de Globe*. "On n'oublie pas le regard des enfants qu'on emmène à la mort. Ici, chacun est face à sa responsibilité! Celle de choisir de se souvenir pour que jamais l'humanité ne retombe dans ces errements, ou celle de recommencer."
[139] "Le Livre d'or," *Les Dossiers de Globe*. "Un vieux maréchal a dit: 'Français, vous avez la mémoire courte.' Ne lui donnons pas raison une fois de plus. Souvenons-nous toujours."
[140] "Le Livre d'or," *Les Dossiers de Globe*. "Tout cela me donne mal au Coeur parce que j'aurais pu naître à leur place."
[141] Odile Cimetière, "230 000 visiteurs au mémorial de l'Holocaust," *Le Progrès*, 3 July 1987, *Chronique*, 398.

individual suffering with the collective tragedy."[142] The attention that the memorial received demonstrates the extent to which the public took an active interest in the proceedings and at the lessons of the Holocaust. Furthermore, as the number of journalists dwindled after the first days of the trial, their seats were more and more filled by the general public. They were interested to hear the testimony of the witnesses and witness for themselves the trial that was taking place.[143] By the interest that people took in the trial and the surrounding lessons regarding the Holocaust, the general public proved that the greater lesson of the trial was as a reminder of the past and a lesson about the events of the Second World War that perhaps they did not know or had forgotten.

The Barbie trial also set an important legal precedent and served as an example and an inspiration for further trials. The verdict in Barbie's trial "had important implications for the future, because it separated the concept of crimes against humanity from the contingent criminals, Nazism and the Nazis actually brought to justice."[144] Barbie was tried for crimes against humanity, not for war crimes; his was the first trial of a Nazi official since Eichmann's trial in 1961 and the first trial in France for crimes against humanity. The Barbie trial set a precedent that crimes such as his would not go unpunished. The prosecution in trials such as those of Klaus Barbie and Adolf Eichmann "[argued] that there are some things no government has the right to require and some things every citizen has the obligation to refuse...A citizen is neither obliged nor permitted to commit 'crimes against humanity.'"[145] For this reason, Barbie's

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[142] Philippe Brunet-Lecomte, "Le mémorial continue," *Lyon Figaro*, 3 July 1987, *Chronique*, 397. "Et puis des témoignages, de déportés, de rescapés, de fils et de filles qui viennent ecrire qu'ils ne sont pas simplement là pour apprendre ou se souvenir mais pour associer leur propre souffrance au drame collectif."
[143] Webster, "The absolution of a nation."
[144] Rousso, *The Vichy Syndrome*, 211.
[145] Jeane Kirkpatrick, "Crimes against Humanity: Then and Now," *The Washington Post*, 13 July 1987, op/ed sec.

trial set an example for the trials of Paul Touvier and Maurice Papon.[146] It sent a message that no one could not hide from their participation in the horrors of the Holocaust. Moreover, these trials were a message to current leaders that "...criminals of this kind once found must be put on trial, not only to settle overdue accounts but as a warning to their successors everywhere, now and in the future."[147] The world would not accept leaders getting away with the murder of innocent citizens and the Klaus Barbie was an example to others that they risked being charged with similar charges.

Furthermore, this trial marked another first of its kind: Barbie was judged by an ordinary court. Not only was this the first trial of a World War II figure in France since the trials in the post war years, but this was the first such trial to be held before an ordinary jury, as opposed to a military tribunal.[148] The jury was a random selection of French citizens who were all young and who composed a representative sampling of the French society. It was also symbolic for Barbie, who was a representative of a totalitarian state, to be judged by a democratic state.[149]

Barbie's trial can be seen as a stepping stone to future cases. For the French, putting Barbie on trial and facing the past was easier with Klaus Barbie than it would have been with official such as Paul Touvier because Klaus Barbie was German, not French. The trials of the French collaborators in the 1990s hit closer to home because they were French citizens who had taken part in the Holocaust. Barbie's trial was an introduction to the concept of crimes against humanity and made it easier to follow through with subsequent trials by the French judicial

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[146] Maurice Papon was a French Vichy administrator in Bordeaux who was tried in 1997-1998. For information on the Papon trial, see Sorj Chalandon and Pascale Nivelle, *Crimes Contre L'Humanité*. Paul Touvier was in charge of the Milice and hid after the war with the help of the Catholic Church. He was tried in 1994. For more information on the Touvier trial, see above and also Richard J. Golsan ed., *Memory, the Holocaust, and French Justice: The Bousquet and Touvier Affairs* (Lincoln & London: University of Nebraska Press, 2000).

[147] "Guilt unhealed by time," *Guardian*.

[148] *Procès Barbie* – Introduction, narrated Anne Sinclair, Morgane Production, 2000, videocassette.

[149] *Procès Barbie* – Introduction, videocassette.

system against French collaborators. Klaus Barbie's trial laid the foundation for the trials to come, preparing the French for them, emotionally and psychologically. Against Barbie himself, before the trial in 1987 even came to a close, there was talk of bringing a second set of charges against him in a second lawsuit. These charges would deal with the torture and deportation of Resistance members brought about by two former Resistance members, an issue that was largely absent from the courtroom in 1987.[150] While this second trial did not come to pass, it was another example of the initiatives that were being taken to pursue crimes against humanity charges as a result of the first trial against Klaus Barbie.

In the end, the verdict was that Klaus Barbie was guilty, France was innocent, and there was profound reason and significance expressed as to why the trial had taken place. As much as this was a French national affair because it concerned what happened in France during the war, the world had a vested interest and played a role in creating the images of the trial. It was because of the media that the trial had the large scale impact that it did. The media covered the daily proceedings of the court, offered commentary on the issues at hand, explored the questions that were being brought up because of the trial, and ultimately directed the search for meaning and purpose in the trial.

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[150] Webster, "Barbie told he must stay in prison and face another trial."

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