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# Legitimacy/Legitimation/ Delegitimation: France in the Dark Years, a Textbook Case

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The history of France's defeat, occupation and subsequent liberation may be read, and written, as a constant struggle for legitimacy. But are we talking about legitimacy or legitimacies? Here, we shall only evoke the legitimacy at play in the state–nation–homeland triptych, the one which implies power and the *res publica*. Legitimacy or legality? While the two terms are clearly related, with 'legality' we are on the side of the norm more than of representation, and with 'legitimacy' on the side of representation more than that of the norm. Legitimacy or legitimation? This tandem is more problematic. There is a great risk of limiting ourselves to a strictly legal vision by referring to a universal system of norms and taking into account neither the particular features of the societies in question nor the force of time. We shall thus see how much the specificity of political cultures imposes a synchronic approach and how much legitimacy can only be conceived in relation to the notion of process, and thus of legitimation.

But this process is neither linear nor inevitable. Indeed, the particular case studied here involves parallel processes of legitimation and delegitimation in a struggle where the ultimate arbiter, and one of the main actors, was French society. The successive configurations which may be identified in this struggle for legitimacy – as long as we do not take them to be frozen structures – thus brought together, at every instant, the various candidates for legitimacy which included Marshal Philippe Pétain, as head of the Vichy government, and Charles de Gaulle, as leader of the Free French Army, but also, in part, the internal Resistance (in its specific features and its diversity), the agents and go-betweens in the process of legitimation such as the jurists or the Catholic Church, and the arbiters, notably French society, to be sure, but concomitantly, the German occupier, Britain or the United States. In this series of configurations, the struggle for legitimation was constrained to a significant degree by history, and we shall avoid limiting ourselves to a top–down relationship between leaders and society.<sup>1</sup> Legitimacy, legitimation and delegitimation thus can only be considered within an

Translated from the French by Miriam Rosen.

<sup>1</sup> Jacques Lagroye, 'La Légitimation', in M. Grawitz et J. Leca, eds., *Traité de Science politique* (Paris: PUF, 1985), I, 409. On the primacy of this process, see also David Beetham, *The Legitimation of Power* (Atlantic Highlands, NJ: Humanities Press International, 1991).

evolving dialectic. The point should be clear by now: this period of France's history can be read and deciphered within such a conceptual grid. But there is no pretension to exhaustiveness here and we shall thus choose to privilege four key moments, each with its own distinctive configuration of forces.

### The war is over?

#### *Vichy's assets*

In accepting the armistice, Pétain committed not just the armies, as would have been the case with a capitulation, but rather the entire nation. In this way, he showed the sense of his choice: it was necessary to accept the occupation, remain outside the war and contribute to the only path envisioned, the internal regeneration of French society. At that point, all the component elements of legitimacy were in his hands.

The regime's first assets lay in the conditions of its access to power – the institutional continuity, the security of a glorious, protective past. In a certain way, the symbolic converged with the institutional. The 10 July vote for full powers orchestrated by the vice-president of the Council, Pierre Laval, an old hand at parliamentary manoeuvres, followed the same line. Laval had understood that it was better to base the systemic rupture on a form, even if incomplete, of institutional legitimation. He thus obtained the vote from the people's representatives (present in Vichy) that gave Pétain full constitutional powers.

Notwithstanding the apparent respect for inherited institutions, the legislature's consenting to relinquish its powers signalled a major break with the constitution of the Republic. The first constitutional acts confirmed the rupture with parliamentary democracy. The 'work–family–homeland' triptych replaced the Republican one and this major break also heralded the delegitimation of the Republican institutions of the 1930s. The dismantling of the 'state–Republic–nation' triptych was integral to the crisis of national and social identity which was so evident on the eve of the war.<sup>2</sup>

The accompanying discourse was also aimed at rallying the greatest numbers behind the new leader and excluding those held responsible for the defeat. This meant regenerating French society from within, in what came to be called the 'National Revolution'. In this ideological and institutional scheme, the leader occupied a particular place: he was the keystone of the edifice, the guarantee of continuity and national cohesiveness. He was thus at the heart of the legitimation devices. The legitimacy of the new French state was constructed around the physical presence of the leader: his institutional presence, as he combined in his person both apparent continuity and a public rupture with a political system that had been largely rejected; his presence on the metropolitan territory in the light of his refusal to flee to North Africa (or Britain) so that he could continue the military struggle; and finally his

<sup>2</sup> On the crisis of national identity in France during the second half of the 1930s, see the studies of Pierre Laborie, notably *L'Opinion française sous Vichy* (Paris: Seuil, 1990).

presence as manifested in his regular visits to areas of non-occupied France between 1940 and 1942 which confirmed and reinforced the direct link between him and the population.

Within the logic of a continuing war, it is easy to imagine the importance of Vichy's possession of a vast empire and fleet, not only in the eyes of the Germans, but also in those of the British and the Americans. Inside the country, the senior administration, the legal system and the police followed the new regime without hesitation. Purges existed, but apart from the Jews and then the Masonic dignitaries, excluded by law, they were more of a latent threat.<sup>3</sup> In fact, the essential element was elsewhere. In its massive rallying behind the regime, the state apparatus was driven by three main mechanisms: the duty to obey, the technocratic Utopia and the trap of sovereignty.

Beyond this 'administering' element of the administration, the new regime had major intermediaries at its disposal, including, to cite only two, the jurists, who affixed their legal seal of legitimacy, and the Catholic Church, which took its revenge for the 1905 separation of church and state. 'Pétain is France and France today is Pétain,' declared Cardinal Gerlier, primate of the Gauls, in November 1940. Thus the Catholic Church constituted a kind of 'cog in the spiritual wheel'.<sup>4</sup>

Nonetheless, public opinion remained ambivalent, because as much as society needed to be reassured and protected, it wanted from the outset to be done with the occupation and the occupier. By opting for state collaboration, the new regime provided the privileged vehicle of its delegitimation. It was less as a consequence of having broken with Republican legitimacy than because of this choice that, albeit slowly, even the head of state himself was implicated in the process of delegitimation.<sup>5</sup>

#### *The German strategy*

The occupier was one of the main arbiters of this legitimacy, but one which had also chosen this terrain in order to reinforce its own domination. Thus, it preferred a 'legitimate' power, recognised by society, to direct administration (for which it hardly had the means) or else the use of puppets devoid of any legitimacy other than that recognised by the Germans themselves. This factor explains why the occupier took care not to disturb the functioning of the local elite for ideological reasons, and chose both to use the French administration as a front as often as possible and to maintain a French state, however limited it might be in its capacity for effective action.

<sup>3</sup> See Marc-Olivier Baruch, *Servir l'État français. L'administration en France de 1940 à 1944* (Paris: Fayard, 1997).

<sup>4</sup> This expression is borrowed from Étienne Fouilloux, *Les Chrétiens français entre crise et libération 1937-1947* (Paris: Seuil, 1997).

<sup>5</sup> On the evolution of public opinion, see the fundamental work of Laborie, *L'opinion française sous Vichy*.

In addition, Hitler knew what the empire and the fleet could represent when he entered the Battle of Britain. For the moment, it was thus imperative to neutralise such a threat. The German desire to be seen as little as possible, particularly where repression was concerned, concurred with that of Pétain and his administration to assert their sovereignty, including in the occupied zone.<sup>6</sup>

*The limits of refusal*

There were certainly hard-core opponents to Vichy among the resistance fighters of 1940. But in the maelstrom of the debacle, notwithstanding what historians have written until recently, the resisters were more likely to be dissenters and Vichyites at one and the same time, forming what I have called the first generation of ‘Vichyite resisters’.<sup>7</sup> The majority of these first Resistance groups were thus *maréchalistes* – those who remained loyal to the Pétain of the First World War. But this Maréchalism was also often coupled with Pétainism, namely support for the slogans of the National Revolution.<sup>8</sup>

In this context, General, de Gaulle’s initial gesture assumes even greater force. It was above all totally unconscious: he had none of the requisite attributes but asserted at once his legitimacy, a legitimacy which was necessarily supra-institutional. At that point, the only attribute he had was speech. He was only speech. This explains why, on 18 June 1940, he launched an improbable appeal. Rather than accuse the nation, he spoke of military errors; instead of saying that the war was over, he asserted that it was worldwide. And he called for ‘resistance’.

The question of legitimacy was only raised the next day, 19 June 1940, in an appeal which the British cabinet refused to broadcast. De Gaulle denied the Pétain government the possibility of representing France; he was the one who would speak in its name. The man was alone but he had the power of rhetoric. And to speak was to act; de Gaulle was the man of speech as action, the man of the performative utterance. And this rhetoric had a crucial role in the process of legitimating Free France and its leader, just as it was decisive in delegitimizing Vichy and Pétain. In the Gaullian saga, speech always came before the reality. He understood that reconstructing the identity of the people, the nation and the state was the major issue.

In this history of words and legitimation, the Brazzaville declaration marked a second major moment. On 14 November 1940, two weeks after the edict creating an Imperial Defence Council (a surrogate French National Committee), de Gaulle

<sup>6</sup> The position of the German authorities has been defined in the classic work of Eberhart Jäckel and Robert O. Paxton.

<sup>7</sup> On the three generations of ‘Vichyite resisters’, see Laurent Douzou and Denis Peschanski, ‘La Résistance française face à l’hypothèque vichyste,’ in D. Peschanski and D. Bidussa, eds., *Annali Feltrinelli, La France de Vichy. Archives inédits d’Angelo Tasca* (Milan: Fondazione Feltrinelli, 1985), 3–42.

<sup>8</sup> We owe the distinction between Maréchalism and Pétainism to Jean-Pierre Azéma. Cf. the texts of Gen. Cochet and Capt. Frenay, analysed in Douzou and Peschanski, ‘La Résistance française face à l’hypothèque vichyste’.

argued the foundations of his legitimacy at length. The 'Vichy pseudo-government' was illegal because it was unconstitutional: the members of parliament had no authority to delegate the constitutional powers and the Law of 1884 specified that 'the republican form of the government cannot be the subject of proposed revision'. Significantly, the issue of the Vichy regime's dependence on the German authorities came only in second place in de Gaulle's rhetoric. If the delegitimation of Vichy was argued with legal precision, the legitimation of de Gaulle remained more vague. The self-proclamation and the reaffirmed respect for France's institutions sufficed, constituting legitimacy for 'reason of absolute necessity' until the French people were once again able to express themselves. Fundamentally revolutionary in its origin, the general's legitimation could not be limited by a legal argument.

Although British assistance was decisive during this uncertain adventure, it was from the outset controlled and limited. Given that de Gaulle relied above all on the power of rhetoric, what would he have been without the BBC? If Churchill gave him this platform, it was first and foremost because the British Prime Minister was himself isolated and needed support from as many legitimate European authorities as possible. On the French side, the situation was shakier. While friction between the leaders did exist, the summer of 1940 marked the rare period of grace in the highly tumultuous relations between Churchill and de Gaulle, as is shown by the 7 August agreement.

That said, Churchill very quickly won acceptance for the only logic which, in his eyes, was worth anything: the logic of war. After Germany's defeat in the Battle of Britain (at enormous cost to the Royal Air Force and the population) it was imperative for the British to bring the war to all theatres, however peripheral they might be. The defeat off Dakar in the autumn of 1940 was decisive, and Churchill concluded from it the necessity of maintaining contacts with Vichy, or at least with men like Maxime Weygand who were thought to be the key to the empire. France was a whole – it was Free France, it was the internal Resistance, to the extent that it could be useful, and it was Vichy, which seemed to hold the key to its vast empire and still controlled a powerful fleet.<sup>9</sup>

Churchill was looking towards the open sea and Roosevelt was betting on Vichy's 'resistance'. In the light of the major advantages at Pétain's disposal in early 1941 and the geopolitical calculations of Churchill and Roosevelt, de Gaulle's legitimacy clearly seemed threatened.

### **The turnaround (summer–autumn 1941): Vichy's legitimacy in danger**

#### *A radicalised Vichy turns to its civil servants*

French society was becoming increasingly critical; the aggravation of the economic and social situation, the growing scarcity of foodstuffs in the pre-harvest period and a

<sup>9</sup> On this subject see Robert Frank, 'Identités résistantes et logiques alliées', in 'La Résistance et les Français. Nouvelles approches', *Les Cahiers de l'IHTP* 37 (December 1997), 73–91.

collaboration which was all the more difficult to accept in the light of the occupier's exactions on the country's economy all served to create a gulf between public opinion and the French state. Pétain alluded to this disenchantment for the first time in a speech broadcast on 12 August 1941. His extremely virulent remarks in response to what he saw as a lack of authority signalled an intensification of repression and persecution.

In fact, Admiral François Darlan's appointment as vice-president of the Council of Ministers in February 1941 had been accompanied by a radicalisation of the regime and the implementation of this policy. On 12 August Pétain blamed the National Revolution's difficulties on the presence of men from the *ancien régime* at every level of public service. The issue was crucial because the state apparatus constituted a major asset for the regime's legitimacy. Purges, state control, centralisation and total loyalty were the keywords of a policy aimed at relying on a reformed public service. Since the spring this had entailed a form of modernisation which included the creation of regional prefectures and state control of the police.

At heart, the 'administering' administration was satisfied with the results, especially since it shared the government's strategy of asserting its authority in the Occupied Zone. In addition, public servants gained General Civil Service Regulations, but only in exchange for absolute loyalty, as symbolised by the oath of allegiance to the head of the French state. At the same time, however, the French state neglected the local notables who occupied such an important place in the French political system and who were also bearers of a measure of legitimacy, especially in periods of acute crisis.

*The beginnings of armed struggle: the PCF on the offensive*

21 August 1941: at the Barbès metro station in Paris, Pierre Georges, later known as Colonel Fabien, executed the German midshipman Moser. As confirmed by recently published secret telegrams exchanged between the head of the Comintern and the French Communist Party (PCF), Moscow wanted a form of second front, but an internal one.<sup>10</sup> Jacques Duclos, de facto head of the PCF, was quick to understand the essentially political stakes of the nascent armed struggle. The idea was to change public opinion by forcing the occupier to reveal its true face, that of terror, thereby showing the implications of the state collaboration desired by Vichy. The great emotion precipitated by the execution of French hostages in Nantes and Châteaubriant in October 1941 is well known: if the French population had reservations about individual attacks targeting German officers, it was scandalised by the Nazi retaliation against men who had nothing to do with these actions.

<sup>10</sup> Bernhard H. Bayerlein, *et al.*, *Moscou–Paris–Berlin. Télégrammes secrets du Komintern 1939–1941* (Paris: Tallandier, 2003).

This turn of events reveals a highly significant change in the political configuration, for Vichy now found itself doubly called into question: for one thing, this period marked the high point of French-initiated collaboration; for another, its most reprehensible form, namely police collaboration, reached a new level, especially in the Paris area. In short, the policies adopted by the Germans and Vichy in response to the French communists' entry into armed struggle combined with the appreciable degradation of the economic and social situation to undermine the legitimacy of the French state in the eyes of the French public.

*De Gaulle turns to the internal Resistance*

There was an urgent need for a representative body, or at least one proclaimed as such. The role of the Imperial Defence Council was limited to an advisory one and was only valid outside the metropolis. The French National Committee (CNF), created on 24 September 1941, exercised 'in practice and temporarily, the normal attributions of the public authorities' without being limited to the empire. Its legitimacy was based on the presumed consent of the nation as a whole, a legitimacy established by 'multiple proofs'. At that point de Gaulle abandoned the caution which he had previously maintained for fear of alienating the officers who had rallied to him and a French public whom he felt had assimilated democracy through the thoroughly reviled Third Republic. He resolutely placed himself in the democratic lineage of the great principles of the French Revolution and, in so doing, also showed that the originality and strength of his position were found in the articulation between the logic of war and political logic.

Another major upheaval of the period occurred on 25 October 1941, when a prefect dismissed by Vichy, Jean Moulin, met de Gaulle for the first time. Moulin had inventoried the state of the Resistance in the Southern Zone and came to plead for a plan of assistance and co-operation. De Gaulle immediately realized that Moulin was the person who could unite the internal Resistance and connect it to him, while Moulin grasped that de Gaulle was the symbol and charismatic leader that the resistance fighters, and the French as a whole, needed.

But the accelerating pace of the war once again intervened, and the cataclysm of Pearl Harbor was to alter the plan. Churchill immediately flew to the United States to conclude a political and personal alliance with Roosevelt and imposed a strategic option which could only weaken and marginalise de Gaulle: the decision to accord military priority to North Africa. Churchill clearly intended to rely on Weygand and the men of Vichy, and de Gaulle therefore became an obstacle.

Turning decisively towards the internal Resistance, de Gaulle entered a new phase. In a democratic profession of faith, he affirmed the sovereignty residing in the nation, as well as loyalty to the republican tradition, and he also endorsed a political, economic and social revolution. He gained massive new support within the internal Resistance after the removal of the Vichyite obstacle. Nation, people, liberties, rights, ideals, honour, liberty-equality-fraternity, territory, election, National Assembly,

sovereignty, destinies, country: the entire semantic field of legitimacy was to be found in this text.<sup>11</sup>

### **The Tarpeian Rock is not far from the Capitoline Hill (late 1942–mid-1943)**

It was only at the end of 1942 that the real crisis of legitimacy erupted. The configuration of political forces had never been so ambivalent.

#### *A grave crisis of legitimacy for Vichy*

Vichy had gone from choosing collaboration to handling constraints. Laval bet on German victory and hoped to win a choice role for France in a Europe which would necessarily be Nazi. Laval was hated and the powers concentrated in his hands quickly generated confusion between the state and the government, which complicated any interruption of legitimation. By virtue of Constitutional Act 12, promulgated on 17 November 1942, he was able to issue laws and decrees under his own signature.

Driven by a geopolitical vision, Laval did not in any way feel himself bound by the ambitions of the National Revolution. In the absence of direct recognition by public opinion, he privileged the intermediaries: the local elites and the administration. The first Vichy had in no way relied on these local elites; it had even attempted to bring them into line by replacing elected mayors with appointees (in towns with more than 2,000 inhabitants) and by transferring the powers of the county councils to the prefects, who then depended on very small committees without any real power. That said, the elites called upon were most often the former councillors who had been pushed out by the swing to the left in 1935, and not an alternative supply.

Laval further accentuated the impression of continuity. In terms of individuals, he attempted a rapprochement with the Radicals who had formed the backbone of the prewar local leadership. In terms of structures, he replaced the 'administrative commissions' with sturdier 'departmental councils' which included a large number of prewar county councillors. The head of government had clearly assessed the damage caused by the loss of the traditional go-between state and people; but it was too late.

The process was comparable in the state apparatus. The discourse was quite new: 'France,' declared Laval, 'is an old wooden house, likely to collapse. The main beam is our old administration, which isn't very modern but which represents France's continuity'.<sup>12</sup> In addition to the rhetoric there were the actions, beginning with the appointment of seasoned professionals in key posts, such as in the police. But Laval's

<sup>11</sup> 'Déclaration aux mouvements' of 27 Apr. 1942 published in the clandestine newspapers *Combat*, *Franc-Tireur*, *Libération* and *La Voix du Nord*, and republished in Jean-Louis Crémieux Brilhac, *La France libre* (Paris, Gallimard, 1996), 337.

<sup>12</sup> Cited by Fred Kupferman, *Laval* (Paris: Balland 1987), 415.

attempts at reconquest were no more successful with his administration. Here we might speak of 'resilience', as suggested elsewhere by Boris Cyrulnic and understood in terms of a medical vocabulary, because what was involved was not resistance but the social body's refusal of supervision and control.

If Laval's return to power in April 1942 immediately gave rise to the sharpest of reservations in public opinion, the main turning-point with regard to legitimation dates from November of that year. This was the moment when Vichy lost most of its remaining assets: North Africa, the 'free' zone and the fleet. It had virtually no more symbols or vehicles of legitimacy to offer the French. Furthermore, the lack of political support, the hostility of a marginalised head of state and the minimal room to manoeuvre left by the Germans weakened the theoretically omnipotent head of government, Pierre Laval. The legitimacy crisis was manifest.

*The Allied manoeuvres, or the logic of war*

Every aspect of the operations and manoeuvres before and after the landing in north Africa (Operation Torch) showed that, for the Allies, de Gaulle had no natural legitimate claim to represent France. Initially, a surprise guest invited himself to the victors' table: present in north Africa by chance, Darlan offered his services to the Allies. Or, more precisely, he declared his takeover of political power. Roosevelt thought that turning to a Vichy dignitary would guarantee and expand his military victory, and thus the continuity with Vichy was more than accepted: 'You should consider yourselves faithful to the Marshal in carrying out my orders,' declared Darlan to the military and political authorities in north Africa. He rallied French West Africa in the person of the governor, General Boisson, the very man who had ordered the attacks on the British and the Free French in Dakar two years earlier. With the anti-Jewish legislation still in force and the communists still in prison, it was indeed a 'Free Vichy' ruling over the liberated territories of north Africa. Anthony Eden and the UK Foreign Office, the British secret services and the governments in exile, however, remained very critical, as did US and British public opinion. Darlan's assassination suited everyone, including the Allies – he had given all that he had to give and was becoming a nuisance.

That said, there was no question of calling upon de Gaulle. Roosevelt simply reverted to his previous choices. General Giraud had little time for democracy and thought that it was possible to combine an indisputable Germanophobia with the values of the National Revolution. Although his escape from Germany had in the past given him certain advantages, in France he committed two strategic errors: he was condescending to the resistance movements which approached him and refused to contact de Gaulle, and in his dealings with the Allies he demanded that the landing in Provence be given priority, with the support of the Armistice Army. With Giraud, Algiers was still governed by Vichy, or at least by the National Revolution.

In the gulf between de Gaulle and the Allies, there was a fundamental conflict between major strategic options and between political cultures. From the outset de Gaulle had insisted on the importance of the war and its worldwide dimension. But he also knew that the main objective of his struggle, in concert with the internal Resistance, was the reconstruction of the national identity. For him, the struggle for legitimacy meant negating that of Vichy. Roosevelt and Churchill, on the other hand, were guided above all by a logic of war which called for sacrificing everything for total victory over the Axis powers.<sup>13</sup>

In addition, Roosevelt could not understand the Gaullian saga because it was incompatible with US political culture.<sup>14</sup> In the US tradition, there was no place for a charismatic hero capable of articulating and imposing on other nations a legitimacy acquired through the power of the initial choices that he had made. And, in addition, there was a total incomprehension of the legitimacy of a revolutionary act. The end result defied the imagination. At the very moment when the so-called French state found itself profoundly delegitimated, the Allies went so far as to reject de Gaulle in favour of the direct or indirect heirs of Vichy.

#### *De Gaulle perseveres*

But de Gaulle held on. He even launched a counter-offensive on the very platform where he was being challenged – that of his legitimacy – by relying on the support of the Resistance and public opinion.

Jean Moulin's task as unifier of the Resistance was far from simple. He was caught between the Vichyite-resisters of the third generation, who had rallied to Giraud but claimed no legitimacy for themselves, the communists, who amused themselves by playing on the contradictions between the two generals but who ultimately rallied to the CNF, and the movements in the Southern Zone, whose leaders agreed to recognise de Gaulle as a symbol but refused him their allegiance. But Moulin fulfilled his mission. After the unification of the Southern Zone (via the creation of the MUR – United Resistance Movements – and the Secret Army), the National Council of the Resistance (CNR) was set up in 1943. In its founding text the CNR presented itself as an 'embryo of national representation' and this was reflected in its composition. It fulfilled its role by drawing up a programme of great practical and symbolic importance.

On the evening of 14 May, the Central Intelligence Bureau in London received three telegrams. All were dated 8 May and signed Rex (i.e., Moulin), and announced the creation of the Resistance Council<sup>15</sup> and declared its position in the de Gaulle – Giraud conflict. The CNR had decided in favour of de Gaulle: 'Whatever

<sup>13</sup> On this disparity, see Julian G. Hurstfield, *America and the French Nation 1939–1945* (Chapel Hill and London: North Carolina University Press, 1986), 198–9.

<sup>14</sup> Mario Rossi, *Roosevelt and the French* (London: Praeger, 1994).

<sup>15</sup> Rex no. 453, published in Daniel Cordier, *Jean Moulin. La république des catacombes* (Paris: Gallimard, 1999), 392.

the outcome of the negotiations de Gaulle will remain for all sole head French Resistance.

Roosevelt had understood that his protégé was particularly weak in terms of his democratic convictions and sent the economist Jean Monnet on a mission to convince him to make a 'democratic turnabout'. Giraud, like it or not, agreed to a profession of faith in democracy. Two days after the publication of the Resistance Council's manifesto, Giraud accepted the dyarchy proposed by de Gaulle. Soon after, with the establishment on 3 June 1943 of a veritable government in exile, the French Committee for National Liberation (CFLN) and the subsequent formation of an Advisory Assembly in September, de Gaulle reinforced the political structure, quickly marginalised his rival and affirmed his legitimacy even more strongly in the face of the attitude of the Allies.

In the meantime, however, he was almost sidelined permanently. Notwithstanding the legitimacy of the internal Resistance, Roosevelt had decided to get rid of this troublesome partner, and Churchill, against the advice of his diplomatic advisors, followed suit. A year earlier Anthony Eden had already opposed Churchill over de Gaulle; this time the majority of the cabinet adopted the same position. Four main arguments were put forward: according to a strictly military logic, it was absurd to lose the support of the tens of thousands of Free French who were behind the general; excluding him would have a disastrous effect on the internal Resistance; it would be a grave error for the Allies, who could then, and rightly, be accused of interference in French affairs; and, finally, it would be absurd to think that the French would welcome the prospect of a 'military occupation administered by English and American generals'. Churchill and Roosevelt were forced to back down. But they had not given up.

### **The question of the state (spring–summer 1944)**

#### *Everyone against the AMGOT!*

On the French side, the AMGOT (Allied Military Government of Occupied Territories) provided an additional element of cohesion. De Gaulle, as we have said, was a man of rhetoric, and even before the formation of the Provisional Government he reinforced this reality by heightening his use of political language in a speech before the Advisory Assembly on 27 March 1944: 'As for the Provisional Government of the French Republic, the one which, since June 1940, has, like its predecessors, continued to remain firmly on the terrain of democracy while remaining at war, it can do without any lessons not coming from the French nation, which it is, moreover, the only one qualified to lead.' All the elements of de Gaulle's rhetorical construction of his legitimacy were present in this statement. Politics had in effect been subordinated to rhetorical artifice. But Roosevelt, it seemed, was not sensitive to the aesthetics of Gaullian prose.<sup>16</sup>

<sup>16</sup> De Gaulle, *Discours et messages*, I: *Pendant la guerre, juin 1940 – janvier 1946* (Paris: Plon, 1970), 394. For the best and most complete study of de Gaulle's policy, see Crémieux Brillhac, *La France libre*.

Even on the eve of the Normandy landings, Churchill and de Gaulle spent the night settling scores. The general wanted to be able to negotiate directly with the Americans, and demanded that he be allowed to broadcast a speech on the BBC. His appeal was aired the next day in the late afternoon, a few hours after that of Eisenhower. De Gaulle had sought to obtain from the US general an explicit reference to the French administration to which authority over the liberated territories was to be transferred. His request having been in vain, de Gaulle took care of the message himself, to the great displeasure of the US authorities.

But the question of the AMGOT was already settled. What worried the US forces was, rather, how the situation was going to be handled behind their lines as the armies advanced. For de Gaulle, on the other hand, it was imperative to assert France's role in the accord between the winning nations. He knew that this was an essential condition for rebuilding French national identity.

In fact, de Gaulle had major assets. He already enjoyed the longstanding support of the Foreign Office and Anthony Eden, and, more recently, that of the British cabinet. This trend was reinforced by the British public's liking for the man who had had the courage to come to London after the debacle of June 1940 and share the ordeal of the Battle of Britain. Although US public opinion was physically distant and thus less fervent, it was nonetheless favourable. And there was a new element of major importance: de Gaulle now had the support of the US military establishment, beginning with Eisenhower, Commander-in-Chief of the Allied Forces in Europe. The Gaullian logic of the state had finally converged with the US logic of war: political stabilisation and active support for the Resistance. This convergence constituted a major asset for de Gaulle's legitimacy, especially since Vichy no longer existed. The failure of the regime's last actions illustrated its total delegitimation: Laval appealing to Édouard Herriot (former president of the Chamber of Deputies, deported to Germany by Vichy), and Pétain's seeking a transfer of power as a form of mutual recognition of legitimacy.

Obsessed as he was with the re-establishment of the state with its full powers and under his control, de Gaulle spent long months preparing the introduction of new institutions and new officials. But he still had to begin by proving himself. This was done in Normandy, where he not only received tremendous popular support but immediately installed his own men. And Eisenhower the pragmatist accepted the fait accompli.

The liberation of Paris as it took place was not part of Eisenhower's original plans, and his acceptance of this detour represented a political guarantee. On the French side, the conflicting or competing claims to legitimacy were expressed at the very beginning of the insurrection. Suffice it to recall only one moment of this well-known event. At the Hôtel de Ville, when the CNR invited de Gaulle to proclaim the Republic, he replied: 'Free France, France Combattante, the French Committee for National Liberation have embodied it one after the other. Vichy is and remains forever null and void. I am myself president of the Government of the Republic. Why would I proclaim it?'<sup>17</sup>

<sup>17</sup> Cited in de Gaulle; *Memoires de guerre: L'unité 1942–1944* (Paris: Plon, 1956), 307.

De Gaulle's itinerary in Paris thus seems like so many steps in a legitimisation ritual, which culminated on 26 August in the encounter between the people and their leader, between the nation and its symbol: the procession down the Champs-Élysées before an enormous crowd and then, in the absence of the overly compromised archbishop of Paris, the Magnificat in the Cathedral of Notre-Dame.

*The Liberation as negotiation: centres and peripheries*

Initially it was necessary to rely on a body of official texts. But what could be done with the heritage of Vichy's legislation? Long discussions led to the astonishing edict of 9 August 1944, which, more than anything else, signals the exceptional nature of the French situation. The preamble is quite instructive in its pragmatic approach: the laws would continue to be valid as long as they were not explicitly declared void.

In this way de Gaulle clearly confirmed that the restoration of the state was his absolute priority. In the chaotic situation prevailing in France in summer 1944 it was not enough, however, to produce texts.<sup>18</sup> What stands out at first glance is the exceptional ability of the new bodies to win acceptance for the standardisation of the power structures. Although the state was restored over the whole territory, a kind of duality of power emerged in the first months after the liberation.

Thus the bloc of state legitimacy, composed of the commissioners of the Republic and the prefects, was often in opposition to the expression of local powers, symbolised by the Departmental Liberation Committees (CDL). But a department-by-department study has shown that there was in fact an even wider range of very different scenarios (including submission, close collaboration and protest in the name of the legitimacy of resistance but without calling into question the state's legitimacy). To add to the complexity, the further the liberation receded in time, the more central power imposed itself and the peripheral powers tapered away.

But it is necessary to have a precise view of the centre/periphery tandem. We have examined the case of the relationship between the commissioners/prefects and the CDL, but it is necessary also to look at relations at the more local level between the FFI (French Forces of the Interior) and the CLL (local committees). At that level, the 'centre' could be represented by the state (the commissioner of the Republic or prefect), but also by the CDL, with the 'periphery' consisting of the CLL – either alone or, as was often the case, in association with one or more of the CDL and various other departmental authorities – in opposition to the central power in Paris. To cite Jacqueline Sainclivier: 'Duality, yes, but without a takeover strategy, duality with displacements of centre and periphery, duality but one asserted with greater

<sup>18</sup> A survey carried out by the network of departmental correspondents of the Institut d'histoire du temps présent resulted in a publication edited by Philippe Buton and Jean-Marie Guillon, *Les Pouvoirs en France à la Libération* (Paris, Belin, 1994). I have drawn here on Jacqueline Sainclivier's analysis, 20–37.

or less intensity depending on the local balance of power, especially in the political domain'.<sup>19</sup>

The purges fulfilled several functions, not the least of which had to do with power. Those who controlled the purges had a hold over the state's habitual monopoly of legal violence. If local and extrajudicial purges were allowed to spread, or if the control of non-state bodies over the politico-judicial process were tolerated, the central power's legitimacy would be called into question. That said, the purges also served other functions which were more immediately perceptible and understandable: security, reparation, release and identity.<sup>20</sup> For de Gaulle, the purges were a matter of state which could not be delegated. Furthermore, the instruments of this policy should not themselves be delegitimated. This resulted in a vast enterprise of re-legitimation which, given the behaviour of the police and magistrates in the preceding years, was not guaranteed to succeed.

In practice, there was indeed a primacy of the central state, but this state had to negotiate. The purges thus appear as the outcome of a complex interplay of social and political forces. But if the political forces have been examined, the self-regulation of the social bodies is less often evoked. The purges were a mass phenomenon, but a social one, a complex, protean process with multiple functions. The purges were clearly judicial but also administrative and professional. Overall, we may well speak of 'compromise purges'. Whereas de Gaulle wanted them to be short and well targeted, they were long and diffuse.<sup>21</sup>

Thus, even in the victory which followed an unlikely struggle, de Gaulle had to negotiate. As we have seen, the years of war which saw his progressive legitimation and, in parallel, the delegitimation of the Vichy regime proved that the question of legitimacy involved multiple factors and that throughout this long process de Gaulle had to compromise. The complexity of the evolving situation highlights how each moment of this turbulent, accelerated history has a different configuration of political, ideological and social forces. In the historical approach adopted in this article which delineates four separate sub-periods, the moment we have identified as marking the crossroads in legitimacy – autumn 1942 – also marked the peak of de Gaulle's fragility.

We must, then, in Jean-Louis Crémieux Brillhac's words, ask ourselves about 'the power of the rational Utopia in history'. This applies to de Gaulle who, as of 19 June

<sup>19</sup> Ibid., 37.

<sup>20</sup> Pierre Laborie drew up a typology during a conference on the powers in France at the Liberation ('Les pouvoirs en France à la Libération', seminar, Sèvres, December 1989). The question has been taken up again by Henry Rousso, 'L'épuration en France, une histoire inachevée', in *idem*, *Vichy: l'événement, la mémoire, l'histoire* (Paris: Gallimard, 2001), 489–552.

<sup>21</sup> On the purges as social phenomenon see the innovative work edited by Marc-Olivier Baruch, *Une poignée de misérables. L'épuration de la société française après la Seconde Guerre mondiale* (Paris: Fayard, 2003). I have borrowed the expression 'compromise purge' (*épuration de compromis*) from Marc Bergère.

1940, spoke 'in the name of France' even though France and the French seemed quite far away. This also applies to the combatants behind the scenes, who risked their lives in order to prove that the inevitable was not, after all, inevitable. And finally, there is the lesson that history teaches us about the diversity of political cultures in the face of the standard model, and the resistance of the event in the face of the determinism of causality, the irreducibility of event.