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The Legal Responsibility of the Writer Between Objectivity and Subjectivity: The French Case (Nineteenth to Twenty-First Century)

Gisèle Sapiro

The regime of free press in France was adopted during the Revolution to be immediately suppressed and was not revived until the Bourbon Restoration. The *Charte constitutionnelle* of 1814 and the *lois de Serre* of 1819 opened a new liberal era for the book market: in contrast to the periodical press, censorship was not restored for books except in wartime. In theatre, censorship was maintained until 1904. But this newfound freedom of expression was restricted on both moral and political levels. At a moment when publishing was becoming an industry (and the political liberalization of print a way to encourage the book trade), the printed word appeared in the law, under the notion of ‘moral complicity’ (*complicité morale*), as one of the means of incitement to crime – for instance, incitement to murder or to rebellion – or, as a crime in itself, like in the case of offence to ‘public morality’ (*offense à la morale publique et aux bonnes mœurs*). The regime of free press, which was more or less free according to the governments, replaced censorship before publication by prosecutions after publication. Many authors were prosecuted during the nineteenth century, including under the Republican regime which liberalized printing with the laws passed in 1881 and that are still in force.

In *La Responsabilité*, the Durkheimian sociologist of law Paul Fauconnet demonstrates that, historically, the definitions of legal responsibility (or liability) oscillate between objectivity and subjectivity (Fauconnet 1920). Pure objective responsibility – in which the relation between agent and crime is exterior – may be illustrated by ritual expiation, while pure subjective responsibility – represented by religious morality – condemns culpable thoughts and intentions. Modern juridical responsibility is a compromise between these two opposing tendencies.

Infractions are registered on the basis of an external fact, which constitutes their material element and which is the product of an action imputable to a perpetrator, with respect to which one then examines the voluntary character, to wit, the intention – and this is the moral or subjective element of the infraction.

This frame of analysis proves to be heuristic when applied to the case of literary trials, as I argued in my book on the responsibility of the writer (Sapiro 2011).¹ Legal responsibility always implies an objective (material) element and a subjective one (intention). A close reading of the 1819 French law on the freedom of the press and the debates which surrounded it in Parliament reveals that the objective element is in the case of literary trials the publication, conceived of as an act, while the subjective one is the intention underlying this act, on the part of all the persons involved in it, especially the publisher, the writer and the printer (Maiseau 1819). In the present paper, I will use this frame in order to study the evolution of the conception of the writer's legal responsibility in France from the nineteenth century to the twenty-first and the writer's response, which contributed to the construction of a professional ethics based on an autonomous conception of their rights and duties.

Although Fauconnet never mentions them, the writers contributed highly to the long-term process of 'subjectivation' of responsibility that he describes in his book. Subjective responsibility emerged, according to him, as a result of a historical process by which responsibility became spiritualized and individualized, a process closely tied to an evolution in the religious conception of sin. As the French historian Jacques Le Goff (1977: 169–70) argues, in the twelfth century, Catholic religious morality displaced attention from the sin to the sinner, from the fault to the intention. This new conception of action and of culpability broke with magical interpretations of the connection between event and agent: an event can only be characterized as an act if an internal causal relation – that is to say, an intention – links it to the agent. Such a causality presupposes the notion of free will, upon which is founded the subjective conception of responsibility; by this fact, it may exempt beings who are deprived of it – like animals, children and the insane – who are deemed to be irresponsible. This conception of responsibility was reinforced by the eighteenth-century philosophers who secularized morality by putting forward the autonomy of reason. Kantian morality appears in this respect as a secular version of radical subjectivism. The imputation of an act – that is to say, liability for it – has freedom as its condition (Fauconnet 1920: 96–7).

The subjective conception of the author's responsibility culminated with romanticism but also with the eighteenth-century representation of the author as a rational actor, as illustrated by the trials of Béranger and Courier under the Bourbon Restoration. This conception still prevailed during the Second Empire: the court which tried Flaubert for *Madame Bovary* decided not to convict him, after having recognized that his intention was 'pure'. However, under the Third Republic, a more objective conception of the writer's responsibility appeared with the notion of 'obscenity' (*obscénité*). After the Second World War, the 'purge trials' (*épuration*), in which intellectuals who had collaborated with the Nazi occupying forces were prosecuted for 'intelligence with the enemy' – a crime referring to national treason – and some of them sentenced to death, indicated that the subjective conception of responsibility still prevailed for political crimes. In contrast, regarding offence to high morality, the objective conception was reinforced in the same period with the 1949 laws on the protection of youth, which allowed the government to ban any 'pornographic' book that could fall in the hands of minors. Subjective responsibility is however still determining when real persons are concerned, in cases of defamation or of infringement of privacy, as can be observed in some recent lawsuits.

The French laws on the freedom of the press never recognized any *exceptio artis*. In practice, however, a process of progressive recognition of the relative autonomy of literature can be observed, starting under the Third Republic (Sapiro 2011), in close relation to the autonomization of the literary field (Bourdieu 1992). Moreover, it can be argued that the conquest of literary autonomy was in large part a result of the struggle against the moral and political expectations from literature: in response to the accusations some of them had to confront, writers invoked specific values which grounded their claim for autonomy, such as artistic license, disinterestedness, objectivity and truthfulness in the representation of reality (Sapiro 2011).

The writer as a paradigmatic figure of subjective responsibility

As already mentioned, it is the act of publishing which is punished when infringing the limits of freedom of speech: thoughts are free, but when they are made public, one is liable for their consequences (objective responsibility). This is why the publisher is considered as the main liable person for literary crimes, the author being only party in the crime (the accomplice). This conception is not

just an expression of liberalism: it ensures a better control of publication, since publishers can be prosecuted for reprinting provocative works of dead authors, like the Marquis de Sade.

In practice, however, when the author is alive, he always gets the highest punishment in the case of prosecution for a book. In the case of an article in a periodical, the sanction is usually the same for the author and for the editor. This means that the author is considered as the first person liable for his output. It reflects the high identification between the author and his writings in common representations – an identification based on a triple relation of metonymy, resemblance and causality:

- (1) Metonymy: the author is defined by his works, as suggested by Foucault (1969), his name functions as a metonymy for his works (Flaubert is the author of *Madame Bovary*, who is also the author of *L'Éducation sentimentale*).
- (2) Resemblance: an author is believed to paint himself in his works. Thus there is a supposed relation between the morality of the work and the morality of the author. This belief is so strong that Baudelaire was assumed to have committed the 'sins' he describes in *Les Fleurs du mal*. Following Foucault's approach, we can consider that the French personalist conception of 'author's right' (*droit d'auteur*) is based on this identification, as it was famously put by Diderot (1976: 509–10) in 1763 in his *Lettre sur le commerce de la librairie*. This personalist conception also implies that the moral rights can never be sold, in contrast to the Anglo-American law on copyright.
- (3) Causality: the author embodies the paradigmatic conception of subjective responsibility in the sense that writings appear as the material proof of intentionality (or 'agency') and as the supreme product of rational action, as Sartre theorized after the Second World War (Sapiro 2006b, 2007). This conception which prevails in modern culture is not the only one possible: the antique poet acts out of inspiration, he is not the cause of his poetry. Moreover, the modern figure of the insane poet embodied by Hölderlin and Gérard de Nerval at the very moment when psychiatry established itself as a recognized speciality and when insanity became an extenuating circumstance in trials, appears to be the counterpart of the dominant conception of authorship as rational action. This figure of the insane was used for instance in defence of Céline, who was prosecuted after the Second World War for collaboration during the German Occupation in France (Sapiro, forthcoming).

What is dangerous about a literary work?

Defining objective responsibility requires to state in what respect writings are considered to be 'dangerous'. The ideas about 'dangerousness' of writings rely on shared and more or less theorized beliefs on literature and reception that can be reconstructed through a close reading of the parliamentary debates on the freedom of speech, the arguments of the prosecution in the trials, the critical reception of the prosecuted works and general essays on literature and morality published during the period under consideration. These beliefs concern not only their message (content) but also their form and style, the public they address and their alleged effects. These various aspects of writing have implications for the writer's responsibility and social role.

Regarding content, the reasons for prosecuting writers were both political and moral (the charge for offence to high morality being often a cover for ideological motives), but according to the regime there was more or less emphasis on certain values like religion, family and national interest. These differences are revelatory of the changing conceptions of public morality. Since the defence usually denied the accusation, many of the debates focused on the interpretation of the texts and on the author's and the publisher's intentions in publishing it. The debate on interpretation was all the more crucial considering that the question of direct or indirect statement was a major issue in the parliamentary debates on the laws on free press and in the literary trials: the promoters of a free press argued that only direct incitements to crimes (*provocation directe*) or crude pornography should be condemned. As a consequence, allusions, coded devices, metaphors and the introduction of material contradicting the main thesis were a means for authors to overturn censorship. These means applied to both fiction and non-fiction, that were not clearly delimited at the beginning of the nineteenth century (for instance, historical essays often displaced the settings in place and time in order to avoid prosecution). Thus fiction was mainly a means to get round the limits of freedom of speech.

For these reasons, the form of the publication, its genre and style were also relevant, since they indicated the writer's intent. They could be either taken as a sign of noxious intentions or of the seriousness of the work and of the commitment of the author to literature or to some high purpose. Whereas the *chanson* was considered a superficial genre that should not be taken too seriously, the lampoon (pamphlet) manifested a political intention. Literary devices such

as free indirect style introduced by Flaubert were a source of ambiguity as we will see below.

The genre, the length, the style of the work, the kind of publication (book or newspaper), its price, were also important as indicators of the audience targeted by the author and the publisher. During the whole nineteenth century, the thesis of the two readerships prevailed, characterized by their different reading practices: the learned readership, trained to read with a critical distance, was believed to have a disinterested approach, whereas the new readers were considered as vulnerable and more susceptible to influence, both by non-fiction and by fiction, through identification with fictional characters. The expansion of literacy thus enhanced the writers' objective responsibility: they were liable for the effects independently of their intention. The authors had either to deny the fact that their writings addressed a large audience, by invoking the length and high price of the book, or they had to deny the influence of literature at all. The realist writers claimed that literature was a reflection of reality, they could not be held responsible for the mores they were just reproducing; moreover, they argued, after Balzac, that the true description of reality, including depravation, was a means of warning the readers of the consequences of such deviations from social norms.

How could writings have effects on readers? The effects of writings on the readers, which were first theorized by Plato, were represented through two main metaphors: poison and contagion. Poison was a metaphor commonly used by the Church. In the eighteenth century, medical discourse forged the notion of 'moral contagion'; it was through this notion that physicians achieved recognition as a profession (Goldstein 1984). The printing industry appeared to be a prominent conveyor of moral contagion. Thus the prosecutors emphasized the 'performative' character of discourse, to use the concept theorized by Austin (1962): from the standpoint of law, discourse was considered as an act, as noted by Foucault (1994); immoral writings led women to adultery, subversive writings armed the rebels, writings represented thus a danger for the social order. The defenders of the prosecuted writers usually denied this performative character of their writings: they denied any causal relation to concrete acts, be they individual behaviour or collective upheaval. Causality was indeed the most difficult thing to prove, since such a causal relation is very hard to establish.

Subjective responsibility has to do with the author's motives. From the legal point of view, personal reasons are the motives of a crime. For writers,

generally assumed to have been acting rationally, reasons are of roughly four main kinds: personal conviction, desire for fame, desire for reward, desire to do harm. There are degrees of difference between the four, depending on the aim of the act of publication. These very general motives have specific meaning in the intellectual domain, because of its particular values. Personal conviction can be an extenuating circumstance in so far as it is linked both to freedom of thought and freedom of philosophical discussion, or to the particular rules of literature (its autonomy), and if it can be considered rational in terms of particular values, following the classification proposed by Max Weber (1995: 55–6). Being free to develop and publish his own system of thought, the author who acts out of personal conviction and the writer bound by the constraints of his art are deemed to have acted in good faith, not necessarily intending to do harm, and not having realized the consequences of their acts. Sincerity and good faith are extenuating circumstances. The accused is thought of as having made a mistake. Against this ‘ethics of conviction’ the prosecution usually sets the ‘ethics of responsibility’, to borrow the terms in which Max Weber (1991) formulated that opposition in his talk on ‘Politik als Beruf’.

The prosecution also tries to prove that the act of publication has not been determined by moral factors alone but also by less pure ends. Desire for fame and desire for reward are aggravating circumstances, because in this case the author has acted out of self-interest without thought for the consequences of his actions. The metaphor commonly used to designate this kind of act is ‘prostitution’, with the underlying analogy between selling one’s body and selling one’s pen, which refers to the personalization of the idea of the ‘author’, and the identification of the man and his work. The quest for fame can lead ambitious authors to break the law solely to get talked about, and by that means become famous. The desire to acquire a reputation, however dubious, figures in the social imaginary as one of the commonest ‘sins’ of the ambitious writer, as portrayed by Balzac in *Illusions perdues*. The expedient is equally despised by writers who condemn easily-won success and have no confidence in reputations built on scandal. The defence then has to bring evidence of the good morality of the author and of his intellectual convictions, and to prove he didn’t earn much money.

These different aspects of an author’s legal responsibility were discussed in literary trials and can serve as an analytical framework to observe the evolution of the beliefs about literature and of the conceptions of a writer’s rights and duties across different periods and regimes.

The Bourbon Restoration: The lampoon as a public danger

Religion and monarchy were the most sacred values during the Bourbon Restoration, which was still fighting the eighteenth century materialist doctrine. These values were protected by the laws limiting a free press. Writers used to get round the law by attacking priests or aristocrats rather than the religion and the monarchy as a regime, but it was not always sufficient to avoid prosecution, as the cases of two liberal authors, the lampooner Paul-Louis Courier and the *chansonnier* Béranger, illustrate. They were both charged for offence to high morality in 1821 and condemned to prison in addition to a fine. Béranger would be prosecuted again in 1822 and 1828. The defendants usually contested the restrictive interpretation of the laws on free press by the prosecutors, trying to extend the limits imposed upon the freedom of speech. They also contested the interpretation of the texts, often denying the political allusions or real meaning.

The genre was at stake in both trials. *Chanson* and lampoon were both popular genres, at the margins of literature, that were ennobled by Béranger and Courier. Being popular genres made them dangerous since they could reach a large public. Béranger was prosecuted for offence to high morality, offence to public and religious morality, offence to the king's person, and a fourth accusation which was abandoned because it was not defined legally as a crime: 'provocation to carry a prohibited rallying sign' (*provocation au port d'un signe de ralliement prohibé*).

Paradoxically, since Béranger decided to print his *chansons*, they acquired, according to the prosecutor, the status of poetry (he compared them to 'odes') and were therefore taken more seriously. The prosecutor also denounced them as 'manifestos', in order to underscore Béranger's political intention. Being printed also secured them a larger distribution, argued the prosecutor, thus increasing the *chansonnier's* objective responsibility. The print-run of the volume was 10,000 copies, a very large distribution at that time (Stendhal sold 750 copies of *Le Rouge et le noir*, published in 1830). The irony is that the press reproduced the list of charges which included the banned verses, giving them a much larger distribution (100,000 copies) than the printed volume. Béranger was honoured for being recognized as a poet, and was unsatisfied with his counsel who built his defence on the fact that *chansons* were a light genre with no impact since they were not taken seriously.

Finally, the court declared Béranger guilty of the second charge, offence to public and religious morality. It concerned eight *chansons* – '*Deo gratias* d'un

épicurien', 'La descente aux enfers', 'Mon curé', 'Les capucins', 'Les chantes de paroisse', 'Les missionnaires', 'Le Bon Dieu', and 'La mort du roi Christophe' – that combined a critique of the church and a more general social critic (poverty, famine), opposing the priest to the '*philosophe*' – the figure of the eighteenth century French philosopher embodied by Voltaire and Rousseau. He was sentenced to three months in prison and to a fine. His second prosecution occurred during his term in jail, because his counsel had printed his plea, infringing the law which did not allow making defence arguments public. The counsel argued that the public needed to understand why most of the charges against Béranger were abandoned, an argument supported by a petition signed by twenty lawyers. He won. This second trial thus marked a crucial step in the conquest of the freedom of expression in France.

In 1828, Béranger was prosecuted again for a new collection of *chansons*, some of which were accused once more of committing an offence to public and religious morality and to the State religion, an offence against the king's person and an attack against royal dignity, incitement to hatred and contempt against the government. Again the prosecutor tried to worsen Béranger's subjective responsibility by characterizing his *chansons* as 'rhymed lampoons' ('libelles rimés'; *Procès fait* 1828). The *chansonnier* was sentenced this time to nine months in prison and a fine of 10,000 francs, his case being aggravated because it was a repeat offence, which confirmed his political intentions. During his two terms in jail, Béranger received visits from many other writers expressing solidarity, including, during the second term, Victor Hugo who was just beginning to give up his royalist convictions. Thus, a network of authors defending the autonomy of the writer was forming. In the entry *gens de lettres* of the *Encyclopédie* (1751), Voltaire had presented sincerity, disinterestedness and courage as the most typical characteristics of isolated writers and scientists, who do not belong to institutions like the University, and who expose themselves to persecution by the government for telling the truth or expressing their ideas. In the light of these values, we can understand why being imprisoned twice for several months helped Béranger to achieve the status of a poet: under the July Monarchy, he would be celebrated as the 'national poet'.

The lampoon was characterized first by its short length, second by its political message, two features which made it suspect for the government. For Paul-Louis Courier (1964), the choice of this genre was, on the contrary, an embodiment of his conception of the writer's responsibility in a parliamentary regime. In contrast with the figure of the courtesan writer, whose social function was to

entertain idle aristocrats, the role of the responsible writer was to spread the truth among the people, an argument he borrowed from Jonathan Swift, his mentor. As he explained, he wrote lampoons because the working people had no leisure to read long books.

For both Béranger and Courier, their large audience was the sign of their legitimacy and confirmed their prophecy. While the prosecutors tried to argue that they published out of greed, their poverty, the fact they did not earn any money for their works, the fact they took risks to spread the truth were proofs of their disinterestedness. In this sense, they embodied the modern figure of the prophet, according to Max Weber's idealtype (Weber 1968, 1995: 320f.). They contributed in this way to the transfer of the subversive function from the eighteenth century French '*philosophes*' to the writers, at a time when philosophy had been depoliticized as a result of its integration into the Napoleonic University.

The Second Empire: Realism on trial

Under the Second Empire, property and family became the pillars of social order, as illustrated by Flaubert's trial for *Madame Bovary* in 1857. More works were prosecuted for offence to high morality than in the former periods. Even poetry could be brought to court: Baudelaire was prosecuted for *Les Fleurs du mal* a few months later in the same year.

According to Dominick LaCapra (1982), Flaubert was in fact prosecuted for an ideological crime, since the novel was putting into question the very social norms for which it was charged. However pertinent, this reading of the trial does not explain why Flaubert was finally not convicted: in its judgement, the court blamed Flaubert for his use of the realistic device but considered that it was just an error, and that Flaubert's intention was 'pure' (Flaubert 1951: 681–3). Although he was objectively guilty, he was judged innocent from the standpoint of subjective responsibility. How did that happen?

While the prosecutor Pinard presented *Madame Bovary* as an apology for adultery, the writer's counsel, M^e Senard, succeeded in convincing the jury that the novel was highly moral in its intent, since it described what happened to a woman coming from a modest background, who was corrupted by the reading of novels which gave her ambitions and expectations beyond her social condition. This interpretation of the novel as what would be called later a '*roman à thèse*'

(an ideological novel) is a kind of *mise en abyme* of the trial which itself was about the noxious effects of novels, especially on young women. Interpreting the novel this way was certainly excessive, in the sense that the novel is far more ambiguous, allowing for two contradictory interpretations, as the trial itself illustrated.

This ambiguity stemmed from the form, in particular from two devices that Flaubert borrowed from Goethe and introduced in France: the impersonal narrator and free indirect speech. The prosecutor, Pinard, reproached Flaubert for not judging Emma. Her suicide in the end was not a sufficient punishment in his eyes, since she chose it. Moreover, as already said, he argued that Flaubert praised adultery. But the quotations he brought in support were those where the narrator spoke from the standpoint of Emma, using free indirect speech, like the scene describing her looking at her image in the mirror after her first encounter with her lover: it is said that she had never been so beautiful; was it the narrator speaking or was he just reproducing Emma's thoughts? As argued by Hans Robert Jauss (1990: 86), it was this new literary device which induced the prosecutor's error. Senard had to explain in Flaubert's defence that this was not the author's point of view but Emma's. This debate contributed to establish the distinction between author and narrator, which since then has become a convention in modern novels. Flaubert was also blamed for his crude descriptions, for his 'realism', which challenged the classical convention of the 'Beau ideal', that is, idealizing reality. Baudelaire was also blamed for his realism and crude descriptions. He had even gone further in the '*détournement*' of the lyrical tradition, using the lyrical 'I' for corrupted characters, or providing realistic descriptions of death, including the scent, as pointed out by Elisabeth Ladenson (2007: 61–5).

In his prosecution speech against Flaubert, Pinard argued that *Madame Bovary* could fall into the hands of a vulnerable woman, who might identify with Emma and take her as a model. The expansion of literacy, especially among women, who were assumed to have less self-control and to be more threatened by the influence of emotions and imagination, was a major source of concern for moralists. Emma Bovary's fate precisely embodied this fear.

The defence replied that the writer was merely describing the real world, it was not his fault if there was evil in the world. As for the liberal authors of the beginning of the nineteenth century, 'truth' was an intellectual value founding the professional ethics of the writer. But, in the present case, the notion of 'truth' was borrowed from science: the narrator adopted the same objective posture as the scientist. This distanced narrative posture, that would redefine the space of

possibilities constituting the literary field, was partly the expression of Flaubert's habitus: as the son of a physician whom he had accompanied on his visits to his patients and from whom he learned to observe and describe in a neutral, objective manner, he was predisposed to import scientific values into the realm of literature.

Two different options derived from this posture. Either the writers denied responsibility for the content of their work, following Flaubert and Baudelaire who considered they were liable only for the form and style of their work, and not for their appropriations by readers. This position had been theorized under the concept of art for art's sake, which contended that literature should be distinct from morality and submitted only to aesthetic criteria of judgement (Cassagne 1997). Oscar Wilde will take this position further in suggesting, in his *Portrait of Dorian Gray*, a theory of reception making the audience responsible for what they perceive in art works (nobody knows what Dorian's sins are, the reader imagines them).

Or, following Balzac, would they argue, like Flaubert's lawyer, Senard, that describing reality as it was, crudely, was the best way of preventing evil: the fate of Emma would prevent many women from adultery by displaying its delusive aspects and terrible consequences. Nevertheless, contrary to Balzac who did not hesitate to judge his characters, Flaubert refused to conclude, to take a stand: the reader had to do the job himself. This scientific posture will be taken over by Zola and the naturalists.

Thus Flaubert combined art for art's sake and the scientific ethos to define a new professional ethics of the writer. These two postures will develop separately in the next period, with, on one hand, the naturalists, and on the other, the symbolists and decadents. While they both expressed the claims for literary autonomy against attempts to subordinate literature to high morality and ideological objectives, they embodied different conceptions of the literary craft and of the writer's social role and responsibility.

National moralism: The redefinition of objective responsibility under the Third Republic

In 1881, the young Third Republic passed a liberal law on the press which privatized religion. In order to foster the secularization process which would lead to the separation of the State from the Church in 1905, public morality was

‘nationalized.’ As the trials of the naturalist writers illustrate, national interest became the main reason for defending high morality and institutions like the army, which were sacralized.

Lucien Descaves, for instance, was tried in 1889 for insulting the army and offending high morality in his satirical novel *Sous-Offs* which described life in the army. Military service had become compulsory in 1872, opening the experience of life in barracks to all citizens, including writers to whom it provided a new fictional framework. And fiction could be used, as in this case, to criticize the military system, which could not be denounced openly, because the humiliation of the military defeat that put an end to the Franco-Prussian War in 1871 was still alive in collective memory. Since fiction could easily escape the accusation of insult, the prosecutor tried to redefine Descaves’ novel as a lampoon – he characterized it as a ‘heinous lampoon’ (*‘infâme libelle’*) – because it pretended to tell the ‘truth’; in a parallel way, he described the author and the publisher as ‘malefactors of the pen’ (*malfaiteurs de la plume*), who were pursuing only publicity and mercantile interests (Descaves 1980: 448–9).

In response, Descaves’ and his publisher’s counsels all stressed the differences between a novel and a lampoon, between a book and a newspaper, between serious literature and popular fiction. The form of *Sous-Offs*, written in a difficult, dense style, as well as its format – its length, its high price (3.50 francs) as compared to cheap popular novels (10–50 cents), its publication directly as a book and not first as a magazine serial – all served to indicate that this work did not address a large audience but a small elite. This claim was aimed at reducing the objective responsibility of the author and of his publisher, as well as at dismissing the accusation concerning their supposed noxious intentions. Neither the author nor the publisher, they argued, sought a *succès de scandale* or commercial profit. Their intentions were pure. The author wanted only to reveal the truth, to denounce bad conditions and identify abuses that could be redressed; his counsel, M^e Tézenas, provided evidence from the press and war councils which confirmed that the facts described in the novel were true. Tézenas compared *Sous-Offs* to a scientific treatise, the function of which was to inform the public.

Offence to high morality was in this case a pretext for political charges, which could not be brought within a liberal regime of freedom of the press. Like Flaubert, Descaves was finally not convicted. The prosecutor was not able to prove that Descaves had infringed the law. The evidence from the war councils had dismissed the accusation of insult, and the passages defined as obscene by the

prosecutor appeared to be inoffensive compared to novels by Descaves' master Zola, against whom no legal proceedings had been brought. However, other naturalists were condemned for obscenity in this period, because the struggle against pornography had become instrumental in the building of a secular republican morality and in establishing the respectability of the young French Republic in the international competition between nations. This struggle against pornography was undertaken by morality leagues and became international at the turn of the century (Stora-Lamarre 1990). At a moment when the moral opposition between good and evil was being replaced by the medical opposition between normal and pathological, a more objective conception of the writer's responsibility appeared with the notion of 'obscenity', probably imported from the British legal vocabulary, and in relation to the biological paradigm of heredity and degeneration. This conception could also be applied to political writings, as illustrated by the laws on anarchy passed in the 1890s.

During this period, the thesis of hereditary dispositions to criminality, developed by Cesare Lombroso and Italian criminologists, was imported into France and challenged the prevailing conception of subjective responsibility: if the criminal was predisposed to crime and if it was of pathological nature, what was the role of his free will? Yet these criminals were still dangerous to society, so they should be punished not according to their intentions but according to their dangerousness. This is a paradigmatic illustration of the conception of objective responsibility. In France, however, heredity was never considered as acting alone: the environment could activate it or prevent its manifestations. The role of the environment left some room for manoeuvre for free will. Although the hereditary paradigm did not succeed in imposing itself in French law, there are some traces of this inspiration in the approach to repeat offences. Note that it is in this context that Paul Fauconnet wrote his doctoral dissertation on responsibility.

Drawing from the hereditary paradigm, Max Nordau, a Hungarian Jewish thinker who will become a Zionist leader, popularized in a book titled *Degeneration*, published in 1892 in German and translated into French in 1894, the idea that modern artists and writers were degenerates who suffered from mental pathology and represented a danger to society. He analysed the cases of symbolists and decadents, and dedicated a chapter to Oscar Wilde (it was just after the latter's trial for act of 'gross indecency', referring to his relations with men). In Nordau's eyes, art for art's sake was a sign of this pathology.

This attack brought discredit on art for art's sake. In a parallel way, the trials of the naturalists delegitimized Zola and the naturalists' pretension to elevate literature to the status of science. In his trial for his novel *Autour d'un clocher*, which described in a Rabelaisian style the love story of a Catholic priest with a school teacher in a small French village, Louis Desprez, one of the young naturalist writers who chose to defend himself, argued that the jury had no authority to judge his work. He wanted to be judged by his peers, writers like Zola, Daudet and others (Desprez 1992). Some of them had signed a petition to support him: it was the first public petition of intellectuals before the Dreyfus Affair. Desprez's claim can be read as a plea for assimilating the writing profession into the other organized professions. Yet, in contrast with the latter which adopted a specialized language, literature uses common language. In a context which made language a sacred issue at stake in the construction of national identity, the introduction into the novel of low-brow style and expressions by the naturalist writers in their attempt to reproduce the way their characters from lower social status talked was held against them: they were likewise contaminated by the 'vulgarity' of this style. This is one of the reasons that could account for their failure to achieve recognition as 'professionals', and for the fact they were not granted, like physicians, any 'immunity' before the law.

This lack of professionalization partly explains the politicization of the literary field in the 1890s. Writers played a leading role in the mobilization of intellectuals in favour of and against Captain Dreyfus who was prosecuted for treason. Relying on the symbolic capital he had accumulated as a writer, Zola wrote his famous piece 'J'accuse', denouncing the plot that led to the condemnation of an innocent. This accusation brought upon him a trial for defamation, in which he hoped to demonstrate the truth, but he failed to do so and was himself convicted. However, his symbolic act, which reminded of Voltaire's in the *Affaire Calas* one century earlier, became a reference and a model of the political commitment of the writer. He embodied the figure of the 'public intellectual' who takes a political stand on public matters in the name of 'truth' and 'justice'. Like art for art's sake, this professional ethics was based on the writer's autonomy from temporal powers (political, religious, economic). His commitment was not answering a demand from these powers like experts or intellectuals linked to a political party. His commitment was sincere, disinterested and courageous, embodying a prophetic posture.

National treason: The purge trials

In 1944, after the German Occupation during the Second World War, the provisional government organized a purge (*épuration*) of French society from those who had collaborated with the German occupying forces. The crime they were prosecuted for was treason: ‘intelligence with the enemy’, according to Articles 75–83 of the Penal Code, and ‘national indignity’ for more minor cases of collaboration (Novick 1968; Bancaud 2003: 73; Simonin 2008). I will focus here on the crime of ‘intelligence with the enemy’. It was the crime for which Captain Dreyfus had been tried fifty years earlier – and it was because of Dreyfus that General Mercier requested the re-establishment of the death penalty for this crime, which happened in 1939.

Out of thirty-two cases of writers and journalists tried in the period of the *épuration* by the Cour de Justice de la Seine, a department whose jurisdiction over Paris encompassed a high concentration of intellectuals, twelve were sentenced to death, thirteen to penal servitude and six to prison. Only one was acquitted. Of the dozen authors condemned to death, seven were shot. The rate of execution for intellectuals was thus much higher than the national average of 11 per cent (767 executions out of 6,763 death sentences during the *épuration*).

The gravity of the punishment to which intellectuals were exposed – death – provoked an acute surge of emotion in the literary world. Justice seemed to be more severe for authors than for economic or political traitors who provided the material means for collaboration. To many it seemed that intellectuals served as scapegoats for a whole society. According to Fauconnet, treason is the modern equivalent of sacrilege, for which the sanction is collective. The *épuration* can be seen as such a collective punishment, aiming at expiation rather than prevention. On the other hand, the fact that daily collaboration was structurally imposed by the presence of the occupiers created objective rather than subjective responsibility.

The symbolic value of the punishment of intellectuals was that it allowed the transfer of the collective and objective responsibility of French society to individual and subjective responsibility: these individuals had a name well-known to the public, they expressed their ideas and beliefs in public, they were assumed to have acted rationally, they embodied ideological collaboration out of agency. Charges could be brought quickly, since evidence against authors was easy to gather and unequivocal when their writings had overtly served enemy propaganda. As the prosecutor said in journalist Herold-Paquis’ trial, ‘the

writings are the only witnesses here, we do not need any other'.² In a memoir he wrote for his defence, the writer and journalist Henri Béraud argued, on the contrary, that since he was prosecuted for his writings, he was tried not for deeds but for ideas, for his 'opinions'.³

The purge trials were clearly a case of political justice. Does it mean that the accused were condemned for their opinions (which would, of course, contradict the democratic principle of free speech)? The answer is no, at least not in principle. Writers were prosecuted not for their ideas but for what was defined as acts of treason. Helping to formulate and disseminate the enemy's arguments was an act of treason, and so was denouncing French citizens. The prosecutors tried to prove that words entailed deeds, that they were 'performative', that they constituted a concrete act. Collective denunciations of Jews, Gaullists, Communists were defined as such. For instance, some of them, like Brasillach, had called on the government to shoot the 'traitors', i.e. the Gaullists and Communists. Others, like Charles Maurras or Lucien Rebatet, even urged the government to execute hostages. On 25 September 1942, in the context of the roundups and deportation of Jews, he wrote: 'We must separate from the Jews en bloc, and not keep the kids.' Nevertheless, it was difficult to demonstrate a causal relation between these writings and actual acts of violence. Yet this 'performative' dimension stemmed mainly from the fact that these intellectuals were supported by the political power and enjoyed a monopoly since their adversaries were not able to contradict them in public.

In the purge trials, all of the usual signs of a writer's success were taken as evidence for the potential power of his words (Sapiro 2006a): the writer's audience (especially when he wrote for presses with large circulation), the breadth of his talent, which increased his persuasive power and the efficacy of his propaganda, particularly among the young. As the prosecutors argued, even his literary style, colourful or violent, could have served the enemy's interest.

The defence also invoked literary arguments and scholarly references in what appeared as a parody of the literary trials of the nineteenth century. In the course of questioning, old writer Abel Hermant, a member of the *Académie française*, denied his subjective responsibility by arguing that one article was literary criticism and another 'just literary knockabout'. He invoked psychology, and comic effect, explaining: 'This article proves that when a man of letters tries his hand at politics he always lapses into literature. The writer in me was struck by the comic side to the way the young Bolsheviks were received in England.'⁴

Similarly, fascist writer Lucien Rebatet argued that his virulent anti-republican and anti-Semitic pamphlet *Les Décombres* was a 'confession', not a piece of propaganda. The aim of the confession was to rid him of political issues, and 'free him from some of the things that made him angry', so that he could devote his attention to literature. Justifying his style by reference to the playwright and satirist Courteline, he noted that 'an author is much more concerned with producing a colourful effect, or painting particular types or characters, than with setting out and propagating a political thesis'. Such an author will answer polemically when attacked. But, he added, denying now objective responsibility, 'Isn't the polemicist's bark always worse than his bite?'⁵

Robert Brasillach's defence counsel, Jacques Isorni, referred to Renan to explain his client's infamous remark: 'During those years, thinking Frenchmen effectively got into bed with Germany, with a few arguments, and the experience will have left them with happy memories.' Had not Renan written in the preface to his book *La Réforme intellectuelle et morale*: 'Germany was my mistress'? Just as in the nineteenth century the arguments of 'art for art's sake' were developed to exculpate writers accused of offences against morality and society, literature was now brandished to justify the works that stood accused, though these were no longer fiction.

While the defence brought talent as an extenuating circumstance, in most of the purge trials the prosecutor argued that the defendant had misused his talent and his influence for political or propaganda purposes and to serve the enemy. Talent thus appeared from the prosecution's standpoint as an aggravating circumstance. In Brasillach's trial, the *Commissaire du gouvernement* (equivalent to Prosecutor general) Reboul specified that Brasillach's treason was a 'clerk's treason', an expression referring to Julien Benda's essay, *La Trahison des clercs* (1924), which denounced the political commitment of intellectuals as a betrayal of their universal vocation and mission. He argued that Brasillach betrayed the ethics of every aspect of his profession: he was the writer who abandoned pure literature out of his ambition to enlarge his audience and gain political influence; he was the intellectual who misused his authority and his power of persuasion among young people to incite to denunciation and crime; he was the critic who abandoned dispassionate analysis for treasonous propaganda and collective denunciations of Communists, Jews, and civil servants; and he was the academic who called for the suppression of freedom of speech within the University. These accusations prove that the writers' claims for autonomy and the right to criticize society had become admitted in society to the point that they were now blamed

for not having been more critical of the Vichy government's collaborationist policy.

The prosecution also blamed the accused for their servility to the enemy and lack of independence, which is associated with weakness of character – a typically 'feminine' feature, opposed to the strength of character and independence of 'superior' men. Servility is a primary moral characteristic of the traitor. The portrait of the servile feminine and irresponsible intellectual traitor (with an allusion to homosexuality in the case of Brasillach; see Kaplan 2000) was set in contrast to the resistant virile hero.

By denying subjective responsibility, the arguments of the defence corroborated this image of the intellectual traitor. They generally consisted in pleas for the good faith, sincerity, and disinterestedness of the accused: he was not motivated by base financial interest; he acted out of conviction. Making a contrast between doctrine and politics, young writer Lucien Combelle invoked his socialist ideals. Similarly, Robert Brasillach could plausibly argue that his fascist anti-Semitic views were rooted in a thoroughly French tradition. They all swore they had defended these ideas and principles in the interests of France, out of patriotism. Admittedly, some of them acknowledged, their pens had sometimes run beyond what they really thought, but such remarks had been written 'polemically'.

In any case, they said, they had only been following the official Collaboration policy of the French government and its representative, Marshal Pétain. Many of them denied their subjective responsibility, trying to transfer it to others further up the hierarchy: a leader, a superior, or a mentor. Béraud, who was a renowned writer, winner of the Goncourt prize in 1922, and a famous lampoonist who published in the extreme right weekly *Gringoire*, which had reached a print-run of 500,000 in the 1930s and maintained it at around 300,000 during the occupation, passed the blame on to Marshal Pétain: 'How could a simple citizen like myself, commanded by the Marshal at Verdun, helped by him in his literary career, and treated by him like a son, have doubted the Marshal's authority? I followed him.'⁶ The young critic Lucien Combelle deflected his responsibility onto the writer Pierre Drieu La Rochelle, denouncing his elder's influence. Abel Hermant pretended he had been deceived by journalistic sources. With the benefit of hindsight, they recognized that they were wrong, but could an error be punished by death?

In contrast to Béraud and Combelle before him, Brasillach was the only writer who assumed sole responsibility, without however admitting his guilt.

Brasillach was shot on 6 February 1945, at the age of 35. This execution was, paradoxically, a form of recognition of the writers' symbolic power, which helped them preserve their symbolic capital (Rubinstein 1993). A few weeks later, fascist writer Pierre Drieu La Rochelle committed suicide. In an 'exordium' he left, Drieu, like Brasillach, claimed full responsibility for his actions as an intellectual. According to Drieu (1992: 502–3), 'The intellectual, the clerk, the artist is not a citizen like anyone. He has duties and rights superior to others'.

Soon after, Sartre developed a very similar idea, which he theorized with the concept of 'committed literature'. Sartre conceives of the responsibility of the writer as unlimited, in contrast to that of the physician or other professionals, because 'to name or to designate is to give meaning to acts, to make them exist in the general consciousness' (Sartre 1998: 21). To the co-founder of the main underground literary organization, Jean Paulhan, who contended that the crime resides in deeds and not in words, reproaching the government for sentencing intellectuals more severely than the political and economic collaborators (Paulhan 1948: 98), Sartre answered that writing was an act, it was in his eyes the supreme form of action (Sartre 1975: 260). Collapsing the traditional opposition between thought and action, Sartre's position compensated for the inferiority complex of the intellectual Resistance vis-à-vis the armed Resistance. The engaged writer is the virile public intellectual, in contrast to the servile traitor.

But the writer's responsibility extends, according to Sartre, beyond the national framework that determines legal responsibility. While writers were being judged as traitors to the nation, Sartre was de-nationalizing the concept of responsibility so as to give it a more universal bearing and thus reaffirming their autonomy vis-à-vis the political powers. The context of growing awareness that the Nazi crimes, especially the massacre of Jews, exceeded war crimes supplied him with the grounds (the notion of crimes against humanity became official in the Nuremberg trial but did not apply in France yet). In her article 'Oeil pour oeil' ('Eye for an Eye'), Simone de Beauvoir (1946: 816–7, 828) accused Brasillach not of having committed treason but of having committed a 'sin against man' in endeavouring to 'degrad[e] man into a thing'.

Sartre's concept of responsibility was founded on his philosophy of freedom. It was because the writer represented the highest expression of freedom that his responsibility was unlimited and that his task was to defend freedom everywhere in the world (Sapiro 2006b). Referring to Zola as a model, Sartre's conception is the most extreme and the most paradigmatic embodiment of subjective responsibility, in its autonomous version.

Freedom of expression and democracy in contemporary France

The opposite position was developed by Roland Barthes, starting in the 1950s, with his objective conception of '*l'écriture*', which led him to decree in his famous 1969 article the 'death of the author' (Barthes 1984). Barthes' approach was strongly related to the *nouveau roman*, which renewed art for art's sake, against the existentialist committed literature. For the leader of the *nouveau roman*, Robbe-Grillet, like for Barthes, the author engages only with problems in language.

In the legal settings, the 1939 law which created a committee for examining literary texts composed of representatives of morality leagues, of the state and of the *Société des gens de lettres* (the main literary society in France) introduced in practice a distinction between texts with a literary value and those with no such value. Ironically, it was the representative of the *Société des gens de lettres* who decided in 1946 to prosecute the French translations of Henry Miller's novels *Tropic of Cancer* and *Tropic of Capricorn*.

Furthermore, despite this apparent recognition of literary autonomy, this autonomy was menaced by the development of the practice of the administrative ban. The banning of writings was a common practice in wartime. During the Algerian war, the government banned writings criticizing the French government and army, like *La Question* by Henri Alleg. But banning was not limited to wartime. The 1949 law protecting youth, which is still in force, indeed allows the banning of any book considered as pornographic from the public space. Youth protection replaced national interest as a justification for censorship. The objective conception of responsibility, independent of the author's intentions, proved more efficacious, since it avoided any public debate.

Among the most famous trials that still took place during this period was that against Jean-Jacques Pauvert in 1956, for having published the Marquis de Sade's complete works. Pauvert was supported by many writers who argued that Sade's work had a philosophical value, beyond its obscenity. Though it recognized its literary merits, the court considered it to be still offensive and dangerous. In the appeal trial which was held two years later, the prosecuting attorney denounced the court's error in condemning Sade's nihilist philosophy and made a plea in favour of a literary exemption (*franchise littéraire*) comparable to scientific freedom. However, the court did not confirm this idea. On the contrary, the judgement reaffirmed the distinction between on the one hand, medical works,

which enjoy immunity when they address a small circle of peers and students, and on the other hand, literary or art works, which do not escape the legal restrictions to freedom of expression (cf. Simonin 2008: 658–69).

The growing focus on an objective conception of responsibility in a context of extended liberalization of print (especially since the 1970s) can be interpreted as a way to reconcile the democratic principle of freedom of expression and the protection of public interest (youth protection, protection of minorities from racist attacks) and individual rights. Moreover, it allows to overturn the distinction between representation of and apology for crime put forward by the defence, as illustrated by the agreement between the government and the publisher in the recent case of Nicolas Johns-Gorlin's novel *Rose Bonbon* (2005), which stages a paedophile speaking in first person: it was distributed wrapped in cellophane packaging to prevent teenagers consulting it on the bookstore shelves.

The same year, another debut author Éric Bénier-Burckel and his publisher Flammarion were sued for incitement to racial and religious hatred, public insult with a racial dimension, offence to human dignity and distribution of a pornographic message that could be seen by minors in his novel *Pogrom*, which stages an anti-Semitic protagonist also speaking in first person. In this case, the court clearly established a distinction between apology and representation, considering that 'artistic creation requires an accrued freedom of the author which can express himself on consensual themes as well as on topics that upset, shock or worry' (cit. Tricoire 2007: 7).

However, the subjective conception of the writer's responsibility resurfaces when real people are concerned, as can be observed in the recent cases of prosecution for defamation and for violation of privacy. A famous recent case of defamation is the trial of the writer Mathieu Lindon and the publisher Paul Otchakovski-Laurens. They were sued for libel by Jean-Marie Le Pen, the National Front leader, for the novel ironically titled *Le Procès de Jean-Marie Le Pen* (1998). In this novel, which confronts the anti-racist camp and the National Front militants, Le Pen is compared, by fictional characters belonging to the first camp, to the 'chief of a gang of killers' and a 'vampire' who drinks the 'blood of his voters'. He is accused of being the real person responsible for the murder committed by a young National Front militant, because of his influence and indoctrination. The author and the publisher were convicted twice – once in 1999, by the *Tribunal de Grande Instance de Paris*, and once in 2007, by the European Court of Human Rights, to which they appealed. However, four of the

magistrates of the European Court published dissenting opinions with regards to the verdict. They considered, among other things, that the fictional dimension was not sufficiently taken into account by the court. Thus in this case, contrary to the previous one, the distinctions between apology and representation and between the author and the characters was not considered relevant.

Freedom of expression can also be in contradiction with another democratic principle: the respect for privacy, which is an individual right (Article 9 in the Civil Code). With the development of the genre of autofiction, the number of prosecutions seems to have increased. I shall briefly compare two lawsuit cases: that of Camille Laurens and that of Christine Angot.

Camille Laurens was sued by her ex-husband for not respecting his privacy after she published *L'Amour, roman* (2003), which is about their separation. The *Tribunal de Grande Instance de Paris* dismissed his case, considering that 'Camille Laurens did not infringe on her husband's privacy' and that the use of a real first name does not suffice to remove from this work (*oeuvre*) the 'fictional character that the aesthetic dimension confers upon all art works, which certainly draws from the author's life-experience, but was also processed through the prism of memory and, in literary matter, of writing' (cit. Audran 2003).

In contrast, Christine Angot and her publisher Flammarion were convicted in May 2013 for having severely infringed on the privacy of the former partner of Angot's companion, Elise Bidoit, in the novel titled *Les Petits*. This infringement was considered peculiarly prejudicial to Elise Bidoit who was painted by Angot as a 'manipulative person' in a 'Manichean manner'. This painting could not be detached from Angot's personal interest (Robert-Diard 2013).

In these cases, fiction could not be invoked as such in defence of the writers, since they claim the veracity of the narrative (albeit not in all its details). However, the arguments put forward in the two cases underscore the capacity or the incapacity of the author to transform the materials borrowed from life experience through writing and stylization and to elevate them to a level of generality and exemplarity which transcends individual experience. Such a capacity was recognized for Camille Laurens but not for Christine Angot. During Angot's trial, the judges insisted on the fact that the litigants for infringement of privacy could hinder freedom of creation only if the infringement was very serious, which proves their will to find a compromise between the two democratic principles, and to avoid that the judgement set a precedent for all future cases. The judgement against Angot explained that the author could not pretend 'having transformed this real person into a character

expressing a “truth” which belongs only to him [the author] as the product of his “work of writing”, since this certainly imaginary representation was grafted on numerous elements of the reality of Elise Bidoit’s private life that are given away to the public.’ Fictionalization is thus not, in itself, a necessary nor a sufficient condition for getting round the law protecting privacy.

Another fact played a part in these decisions: the former behaviour of the litigants. Whereas Camille Laurens’ counsel, M^e Roland Rappaport, was able to demonstrate that her ex-husband had until that moment accepted to be named in his wife’s works, and even appeared as such in the media, Elise Bidoit had already sued Christine Angot in 2009 for her previous book, *Le Marché des amants*; an agreement had finally been found between the author and the litigant. Consequently, the new case was judged as a repeat offence (AFP 2013; Ferrand 2013).

All these contemporary cases demonstrate the importance of the author’s intentions, that is, of subjective responsibility. They also show the new limits of freedom of expression and of creation in democracy, as well as the limits of literary autonomy. The justification of these limits moved, historically, from the defence of religion and monarchy under the Bourbon Restoration to the defence of property and family during the Second Empire, then to national interest under the Third Republic, and to the protection of youth and of individual rights in the contemporary period. During this last period, the press was progressively liberalized and the autonomy of literature at least partly recognized by the government. The conception of the two readerships disappeared (though it is still in force in scholarship on reading) and was replaced by the distinction between youth and adult readers, which was and still is used for similar purposes. During the Third Republic, in the context of the growth of the readership, subjective responsibility became less important than objective responsibility thanks to the paradigm of degeneration and to the introduction of the concept of ‘obscenity’. While the purge trials reaffirmed after the war the primacy of subjective responsibility for the crime of treason, conceived of as rational action, the banning practice developed as an objective approach to responsibility avoided any debate thanks to the 1949 Act on the protection of youth. The writer’s existentialism and the *nouveau roman* embodied the two opposite conceptions of the professional ethics of the writer which redefined the responsibility of the author in an autonomous way, distinct from legal responsibility: the first represents the most paradigmatic example of the subjective definition, while the second focused on the objective aspects of writing. Subjective responsibility has

resurfaced since the 1990s in the context of lawsuits brought against writers by litigants who recognized themselves in a literary work, displaying the tension between freedom of expression and individual rights in a democratic regime. Freedom of creation (and thus literary autonomy) is not considered in France as distinct from freedom of expression despite attempts to claim specific rights for creation (Tricoire 2011). However, as a result of the struggle of writers and artists for the recognition of literary autonomy, in practice, literary quality has been taken into account by the judges since 1945, less as an attenuating circumstance than as justifying a specific approach to texts, without avoiding ambiguities about what can be considered an artwork and what not.

Notes

- 1 This chapter is a synthesis of Sapiro (2011), apart from the last section which brings new materials. All translations from French are mine, unless indicated otherwise.
- 2 Stenography of Herold-Paquis' trial, 17 September 1945, Archives René Bluet, AN: 334 AP 15, p. 39.
- 3 Henri Béraud, 'Mémoire à l'intention du juge d'instruction', 4 November 1944, Dossier Henri Béraud. Archives Nationales.
- 4 'Procès-verbal de l'interrogatoire', 6 July 1945, Dossier Abel Hermant. Archives Nationales.
- 5 'Note de Lucien Rebatet sur *Les Décombres*'. Dossier Lucien Rebatet. Archives Nationales.
- 6 Henri Béraud, 'Mémoire à l'intention du juge d'instruction', 4 November 1944, Dossier Henri Béraud. Archive Nationales.

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