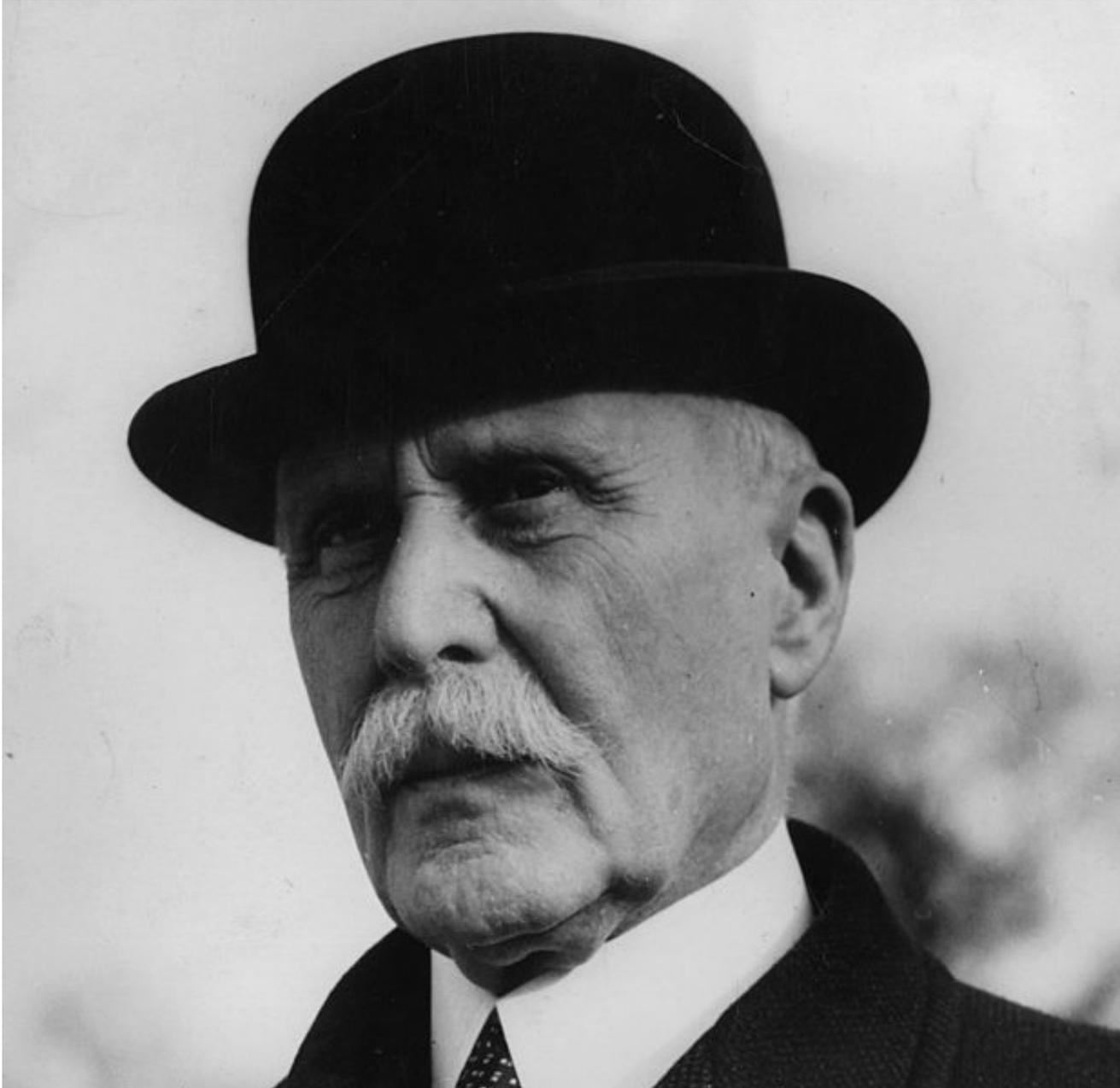


Peeing on Pétain

Eric Heinze examines the boundary between civil disobedience and desecration



‘We stood in front of it, unzipped, and peed all over it – left, right, in front, everywhere!’ The 32-year old Francis and his accomplices were hardly the first. Every year, particularly near commemorative dates such as 8 May or 11 November, beer tins, rubbish bags, and used condoms pop up to adorn the tomb of [Maréchal Philippe Pétain](#), reviled head of the [Vichy regime](#) set up in 1940 to collaborate with Nazi Germany. Although condemned to death for treason after the Second

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World War, Pétain lived out his days in prison. Charles de Gaulle had commuted the sentence, purportedly deferring to the Maréchal's old age, though surely also craving nationwide reconciliation and hoping to avoid making a martyr.

To this day Pétain lies in an unremarkable grave on the coastal island of Île d'Yeu. I confess that when I read the story's [headline](#) I burst out laughing: 'Some people even defecate on it.' If that's not expression then nothing is – which is not to say it enjoys legal protection. Laws prohibiting the defilement of burial sites are ancient, widespread, and often stiff. French penalties can run as high as 15,000 euros and up to a year in prison.

Some might say Francis follows an old tradition of breaking the law to make a political point, known as [civil disobedience](#). Civil disobedience has simmered throughout history, from Antigone to Polyuctus, from Savonarola to the Suffragettes. But Francis, too? Can a pee in a park make him the next Ghandi, the next Martin Luther King, Jr.? Those dissidents hardly resorted to Francis's tactics and would surely have denounced them. Ghandi and King opted for the dignified practices of fully-fledged citizens – protests, marches, sit-ins – because they were fighting for the dignified status of fully-fledged citizens. Yet Francis besmirches the memory of a regime that itself besmirched all notions of dignified citizenship. Pétain would scarcely have grounds to complain. He gets off lightly. Having delivered over [75,000 Jews](#) to death camps, along with Vichy's other crimes, he ends up castigated with little more than the soiling of a few letters chiselled into a rock.

Still, there are other differences between Francis and his more illustrious predecessors. Civil disobedience commands respect insofar as its practitioners break the law in public view and willingly accept such consequences as fines and prison cells. Pétain's posthumous defilers, by contrast, tip-toe into the cemetery, usually at night, often more as a prank, 'un pari entre copains' ('a bet between friends'), than as a statement of solemn conviction. Francis frankly admits to having entered the cemetery only after he and his friends had 'downed a few beers'. So, are we really willing to accept Saturday night pee-pee as political dissent? Does it not reflect the very degradation of public discourse that we are constantly decrying? Yet nothing in the canons of civil disobedience demands perfect sobriety. Anyone who attends political protests, however earnest the cause, knows that a carnivalesque mood frequently triumphs. Mountains of beer tins and rubbish often follow in their wake.

Must we distinguish between the calculated profanation of a tombstone and the incidental litter following a public event? That distinction seems arbitrary. The clutter of a street march may be incidental but is hardly unforeseeable. Public authorities always know that clean-up will be required – at the taxpayers' [expense](#). Only the prissiest among us would condemn public rallies on grounds of tidiness. Even acts of all-out sabotage can win our hearts when the harm is trivial and the cause seems just. One would have a hard heart indeed to lack some affection for [Swampy](#).

Nor does Francis's anonymity condemn him. [Banksy's](#) years of illegal graffiti, often expressing political discontent, have turned him into one of the lauded artists of our time. Meanwhile back at

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the graveyard, even the mayor of the island seems on Francis's side: 'Yes, the man has to be buried somewhere. But is l'Île d'Yeu the appropriate place for someone steeped in our nation's contempt? It's insulting – as if we were pariahs.'

Civil disobedience is slight legal wrong committed in the name of weighty moral right. Francis has committed a minor legal wrong to proclaim a momentous moral right by damning one of history's heinous moral wrongs. However, if Francis can claim moral rightness in peeing on Pétain, can others lay equal moral claims to desecrating the tombstones of their own nemeses? What if some male [Incel](#) were to tarnish the grave of Emmeline Pankhurst? Yet that slippery slope threatens all civil disobedience, even the noblest forms: if we accept peaceful marches favouring open borders or abortion rights, then we must accept demonstrations against those views. And remember, we're talking here about civil disobedience, that is, about knowingly breaking the law to take a moral stand. Unlike citizens of a colony or dictatorship, Francis, the citizen of a democracy, is always free to openly challenge laws by legal means. If he gets caught breaking them, he must face the consequences and would perhaps do so perfectly willingly.

But there's another slippery slope: if Francis claims moral right in urinating on tombstones today, might others then claim a moral right to smash them tomorrow? Yet that worry, too, would end up barring all protest. We can readily accept temporary clutter or disruption without having to accept more serious or permanent damage. In a word: Yes, Francis is a bona fide civil disobedient. When citizens commit minor breaches of law to vindicate powerful moral values, they force us to take positions on uneasy truths about the past and about uncertain challenges lying ahead.

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