Gift-Giving and the Management of Justice: Borderland Basques under German Occupation (1942-1944) and during the Liberation

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At the end of the German Occupation, many French Basques confronted local divisiveness arising from legal and civic judgments made during the process of liberation. In this article, I focus on the mountain commune of Urdax, located on the Franco-Spanish border in southwestern France. The Germans occupied Urdax continuously from early December 1942 until late August 1944. During 1943, several local shepherds were denounced to the German police for having helped Jews and compulsory labor service (Service de travail obligatoire or STO) evaders across the Pyrenees into Spain. Guided by their priest, the community resisted the divisiveness of locally generated denunciations through certain longstanding Basque traditions and the ritual exchange of blessed bread (le pain bénit). The community's response to local betrayals also reflected a longstanding desire among borderland Basques to manage their own conflict and justice.

More than sixty years after the Liberation, survivors of the period still disagree about the legitimacy of legal and civic

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1 In order to preserve anonymity and to protect the privacy of individuals, I have changed the names of the people whose experiences are discussed and the name of the community. This article is based upon field work conducted during the 1970s and 2003-05 as well as research in the departmental archives of the Pyrénées-Atlantiques [hereafter AD P-A].
judgments made during the Occupation and its immediate aftermath. The judgments upon which their divided memories focus operated in two separate but interlinked spheres of justice: legal justice (légalité; legetarzun in Basque), based upon the written laws of the state and administered by its judicial system, and popular justice (légitimité; züzenbide), embedded in a bundle of customary rights and obligations and dispensed by "the tribunal of public opinion." In historical interpretations of the village community, popular justice constitutes a "second law" that gave the community a durable structure and a principle of autonomy. In Basque Pyrenean borderlands, popular justice was more than a set of customary rights and shared perceptions about what was right, legitimate, and justifiable; it was inextricably linked to a person's emotional and jural attachment to particular socio-physical spaces (house, neighborhood, community, and local pays). Through forms of popular justice, such as the charivari and the nocturnal "strewing of greenery" between the houses of adulterers (la jonchée), individuals and entire communities exercised their right to address wrongdoing that threatened the integrity and safety of two primordial Pyrenean (and Basque) institutions: the private sphere of the house (etxea) and the public sphere of the community (herria). The charivari and the jonchée forced the members of those two powerful institutions to confront each other.

The people of Urdax had a longstanding right to judge one another as "here people" (hebenkuak in Basque) who were born and raised in the commune and to address wrongdoing that threatened local order and stability. That dual, community-based right had its roots in sixteenth-century Basque customary law (la

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Coutume). The Coutume established legal frameworks for the local administration of justice in both civil and criminal law. It granted ordinary citizens the right to vote on matters considered by a provincial general assembly through which Basque communities administered their own affairs. Until the French Revolution, every parish had a guardian, a hereditary position attached to a particular house. The guardian monitored the actions of his fellow citizens and acted as the local bailiff. According to the Coutume, he did not, however, have the power to administer justice as a judge. Customary law obliged citizens to protect the house and the community from both internal and external harm. When public opinion found an individual guilty of immoral behavior, a citizen could legitimately denounce the wrongdoer to the community, for in the Basque Country and neighboring Béarn, the charters of some valleys condoned and even institutionalized denunciation as a means of social control. By reporting infractions against written and unwritten laws to the authorities, a citizen fulfilled his civic duty to the moral community. In this context, denunciation was an act of citizenship that aimed to discipline and educate members of society.

Although the French state in theory suppressed customary law in 1790, Urdax Basques continued to regard the Coutume as their legal charter well into the twentieth century. With the connivance of local notaries, citizens still protected the integrity of the house by practicing impartible inheritance. In the high mountains of Urdax, households also continued to exercise four-

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5 Jean-Claude Grosclaude, ed., La coutume de la Soule (St Etienne de Baigorry: Éditions Izpegi, 1993); Dr. Larrieu, "Mauléon et le pays de Soule pendant la Révolution," in La tradition au pays basque (Paris: Bureau de la Tradition Nationale, 1899), 466; and Marcel Nussy Saint-Saëns, Le Pays de Soule (Bordeaux: Clèdes et Fils, 1955), 99.
6 Grosclaude, 14-5.
8 Lucas, 31.
hundred-year-old pastoral rights granted by the *Coutume*. Such rights were particularly important to Urdax Basques not only because their economy revolved around shepherding and cheese-making, but also because of their acute sense of attachment to the mountains. Such factors played a major role in shaping citizens' attitudes towards the occupiers during 1942-1944, for the Urdax people deeply resented the Germans' presence on territory that was not simply a physical space but an inextricable part of the Basques' personhood and moral community.

The notion of moral community used in this article contains components of Bourdieu's concept of *habitus* as "a system of lasting, transposable dispositions which, integrating past experiences, functions at every moment as a *matrix of perceptions, appreciations and actions.*" One key component of *habitus* is central to the Basque moral community: *habitus* as social space, as a shared sense of one's own (and others') place and role in the lived environment. Urdax Basques had a strong sense of attachment to their place of origin, a specific sociophysical space (*xokhoa*, "the space where one is") that included not simply their dwellings and other property, but all communal land, flora, and fauna that came within the geographical-administrative boundaries of their community. As happened elsewhere in the Basque Country, membership in the Urdax moral community required compliance with certain moral codes, values, and behavioral norms. It also required validation by public opinion, which served as a primary arbitrator and protector of the Urdax house and wider community.

The private sphere of the house and the public sphere of the community overlapped when citizens exercised their right to judge one another through informal courts of public opinion and

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9 Nussy Saint-Saëns, 89.
to address certain types of wrongdoing through ritualized forms of popular justice, such as the charivari. Urdaix people sought to protect their privacy as household members and were particularly keen to conceal domestic strife from other kin and their neighbors; a house that became "disordered" by discord attracted the unwanted attention of the wider community. When news of suspected domestic problems entered the public domain through gossip, Urdaix moral codes encouraged citizens to refrain from malicious gossip, which was regarded as the work of "bad tongues" (les mauvaises langues or les langues de vipère; mihigaixtoak in Basque). Such gossip included slander and injurious information about an individual or household that had not been widely accepted as truth by the community. "Bad tongues" focused on alleged moral treachery such as sexual promiscuity, adultery, domestic violence, inheritance disputes, and during the Occupation, the denunciation of a fellow citizen to the German police. As happened elsewhere in France, denunciations in Urdaix pitted relatives, neighbors, and former friends against each other. In Urdaix, people prided themselves on their social and spiritual solidarity and on the harmonious relations among neighbors. When denunciations led to the deaths of two local shepherds, the community struggled to come to terms with the treachery in their midst and combat the discord it caused.

Two opposing discourses of denunciation exist in many different European societies: one exalts denunciation as a civic duty to the state, while the other deprecates it "as a betrayal of fellow human beings." In French, dénonciation denotes "good (public spirited) denunciation, while délacion is applied to bad (treacherous, self-interested) denunciation."13 As Fitzpatrick and Gellately point out, "this discursive duality is not universal. In closed institutions like prisons, a single délacion discourse seems to be the rule."14 One sociological study of a maximum security

14 Ibid., 19.
prison in New Jersey revealed that inmates who "ratted" on fellow prisoners were seen to have betrayed their entire community "by denying the cohesion of prisoners as a dominant value when confronting the world of officialdom." A similar situation occurred in Urdax during the Occupation and Liberation. Urdax was a relatively isolated, closed community. Its people regarded the denunciation of one insider by another as self-interested treachery that entailed the betrayal not only of a "here person" but also of the entire moral community to which both denouncer and denounced belonged. Individual citizens had an obligation of loyalty to the Urdax community that transcended their obligation of loyalty to other Basques and the French state. The denunciation of a "here person" by another Urdax citizen to the German police was regarded as a particularly grave moral offence; it violated key Basque expectations that members of a household, neighborhood, and community should maintain their solidarity against enemy-outsiders (the Germans) and should protect themselves from both internal and external harm.

**Urdax social organization and values**

On the eve of the Occupation, the Urdax people enjoyed a high degree of social and spiritual solidarity. The commune had a population of eight hundred people whose livelihood revolved around shepherding, cheese-making, small-scale agriculture, and trans-Pyrenean smuggling. Its citizens were devout Catholics, suspicious of strangers, and highly protective of their own interests and property. Individuals derived their social and spiritual identity from the house, which had a name, a tomb in

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16 In order of descending importance, individuals felt obligations of loyalty to their house, then to their neighborhood, their half of the commune, all other mountain communes in the province, and their province. During the two world wars, they tended to mistrust Basques from other provinces, except during military service in mainly Basque regiments and when faced by opposition from the French state.
the cemetery, and certain rights and obligations. Every house had three "first neighbors" (*premiers voisins*; *lehen aizoaik* in Basque), an institutionalized relationship that obliged houses to cooperate, trust, and mutually assist each other in a range of secular and spiritual activities. The "first neighbor" relationship permanently linked spatially proximate farmhouses and could not be changed if two households did not get along well together. "First neighbors" helped each other with agricultural tasks, but their most important responsibilities occurred during the process of death.

In Urdax, "first neighbors" also participated in a community-wide ritual exchange of blessed bread (*le pain bénit*). The obligation to give blessed bread passed from house to house around the commune. The ritual took place every Sunday and was a cherished local institution. The female head of the bread-giving household distributed the bread among parishioners after mass and then gave a special gift of bread to the female head of her "first neighbor" household, whose own turn to give bread fell on the following Sunday. The bread given and received by "first neighbors" was regarded as a gift of life and was systematically exchanged in a cycle of giving and receiving that took one year to complete. During the Occupation, the ritual served as an especially crucial function, for it promoted social and spiritual solidarity in otherwise uncertain, uneasy times.

**The Occupation**

Urdax was one of the most popular points of passage in the western Pyrenees because its rugged terrain was not easily

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18 A full account of the blessed bread ritual is provided in Ott, *The Circle of Mountains.*
patrolled by the Vichy police or, from December 1942, by the Germans. Urdax fell within "a forbidden frontier zone" accessible, in principle, only to those with an appropriate pass. Relations between the local people and occupiers were fraught with tensions. German patrols regularly searched and ransacked local property in their attempts to find Jews, Allied pilots, STO evaders, and members of the Resistance. The patrols responded brutally to local acts of resistance. By the spring of 1943, German security services had killed one young man suspected of possessing firearms as well as several fugitives who were trying to cross the Pyrenees into Spain. Most Urdax people deeply resented and feared the Germans. Although one nearby community applied the tradition of la jonchée to sexual liaisons between local women and their German lovers, the Urdax Basques decided not to use that form of popular justice when two of their own female citizens became involved in affairs with the occupiers. The risk of reprisal was, in their view, too great in a "forbidden" borderland zone where opposition to the enemy so easily triggered German violence.

As happened elsewhere in France during the Occupation, denunciations challenged the primary values upon which rural Basque society was based and tested the resilience of relationships between kin and "first neighbors," among others. In July 1943, a series of denunciations led to the arrests and deportations of six Urdax shepherds: a father and son (Pierre and Tomas Garat), Pierre Garat's brother, the fiancé of Garat's niece, and two of Garat's "first neighbors" (Mathieu and Gregoire

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21. AD P-A (37W, 115) on persons arrested, wounded, and killed by the Germans, 1942-44.

22. The application of la jonchée to sexual liaisons between Basque women and German soldiers is discussed in Sandra Ott, "Good Tongues, Bad Tongues: Denunciation, Rumour and Revenge in the Basque Country (1940-1945)," History and Anthropology 17:1 (2006): 57-72.
Doyart). Tomas Garat and Mathieu Doyart were both twenty years old and close friends. Their respective households were linked as "first neighbors." Tomas Garat regularly passed Jews, Allied pilots, and STO evaders across the mountains into Spain. Mathieu Doyart occasionally helped him. Tomas's father, Pierre, often collected money from the fugitives before handing them over to his son. The fiancé of Garat's niece recruited candidates for clandestine passage in the lowlands and was occasionally assisted by Garat's brother.23

In July 1943, the Germans arrested Mathieu Doyart and his brother, Gregoire. Someone had denounced Mathieu as a clandestine guide (passeur) and Gregoire as an STO evader. Soon thereafter, the Germans arrested the Doyarts' "first neighbor," Pierre Garat, for helping his son, Tomas, who had been denounced as a passeur and arrested as he led four Jews across the mountains towards Spain. According to a Vichy police inspector's report, the Jews had paid 8,500 francs to Pierre Garat before Tomas collected the group. The Germans also arrested Garat's brother, who had been denounced for possessing firearms, and Garat's niece's fiancé, denounced as an accomplice to the Garats. The Gestapo interrogated the six men at length and tortured Tomas before sending the six Basques to Buchenwald.24

For the duration of the Occupation and during the Liberation, the Doyart and Garat households struggled to deal with rumors about the identity of the traitor(s) responsible for the arrests and deportations. "Bad tongues" maintained that Pierre Garat himself had denounced the Doyart brothers as well as his own son, Tomas. Three possible motives circulated about the betrayals.25 It was said that the Gestapo had promised Garat a

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23 This account of the Garat-Doyart tragedy is based upon field work and documents in the departmental archives. I have not yet located the Garat dossier in papers filed under proceedings by the Chambre Civique.

24 AD P-A (37W, 115).

25 During field work in the 1970s, I discussed the Garat case with numerous elderly informants who lived in Urdax during the Occupation. I knew the son of Pierre Garat who inherited the Garat house, but he did not wish to discuss the case with me.
lifetime's pension in return for information about local passeurs, that Garat had made the denunciations "to save his own skin," for the Germans knew of his involvement in clandestine passages, and that Garat sought revenge against his son for having challenged his authority as head of household during a series of violent arguments. How did public opinion regard the denunciation and deportation of Pierre Garat himself? Some people suspected that a Spanish Basque muleteer had betrayed Garat as well as Garat's niece's fiancé. The muleteer was a seasoned smuggler who became a clandestine guide during the Occupation. He knew many Urdax shepherds, including Pierre Garat and his niece's fiancé, who competed with the muleteer for clients seeking passage across the Pyrenees. Most Urdax people, however, felt certain that Garat's denouncer was a "here person," an insider motivated by jealousy over the substantial sums of money the Garats made from helping fugitives reach Spain.

The accusatory rumors about Garat's role in the arrests and deportations of the Doyart brothers and Tomas Garat severely tested the "first neighbor" relationship between the Garat and Doyart households. In an effort to help the two families deal with their painful, difficult situation, other neighbors represented the Garats and Doyarts whenever the seasonal cycle required "first neighbor" aid. Such "first neighbor" assistance by proxy enabled the two houses to uphold local traditions about secular, vicinal cooperation. The strategy was not, however, used in the blessed bread ritual. Longstanding tradition obliged the Doyart household to give blessed bread to the Garat household once a year when its turn came in the community-wide cycle of ritual giving. When it was her turn to give blessed bread in 1943, Mme. Doyart (mother of the deported brothers, Mathieu and Gregoire) walked to the Garat farm and gave her "gift of life" to Mme. Garat (wife of Pierre Garat and mother of the passeur, Tomas). When the obligation to give blessed bread once again reached the Doyart household in 1944, Mme. Doyart gave her bread to her "first neighbor," Mme. Garat, in keeping with the longstanding Urdax tradition that promoted community-wide solidarity and good will among neighbors. The two women
performed the ritual giving and receiving of blessed bread again in 1945 and in subsequent years thereafter on an annual basis.

**Liberation**

During the process of liberation, the French government and local communities engaged in continual dialogue over the meaning and construction of justice. At its first meeting (28 August 1944), the Departmental Liberation Committee of the Basses-Pyrénées gave priority to the identification of those who belonged to the Milice and the collaborationist organization, *Groupe Collaboration.* The Committee created a Purge Commission to identify people who had voluntarily assisted the German authorities or who had opposed or hindered the Resistance. The Purge Commission relied heavily upon local liberation committees for information about suspected collaborators. Between 22 August 1944 and 30 June 1946, the commission compiled 2,700 dossiers (0.65% of the total population of 415,000). Between November 1944 and June 1948, the Chambre Civique of the Basses-Pyrénées heard 567 cases and found 272 people guilty of “reprehensible actions.” The court acquitted a further 126 people.

Mathieu Doyart and Tomas Garat both died in Buchenwald in 1943. When their families learned their terrible fate, the priest gave a special mass for the two young shepherds. Parishioners filled the eleventh-century church and much of the adjacent cemetery where people gathered to pay their respects.

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26 Founded in Sept. 1940 by the essayist Alphonse de Châteaubriant, the *Groupe Collaboration* was the largest collaborationist movement in occupied France with a membership of more than 100,000 and possibly as many as 200,000 by 1943. See Bertram M. Gordon, *Collaborationism in France during the Second World War* (Ithaca: Cornell University Press, 1980), 230-43. Formed in May 1942, a branch of the *Groupe* in the Basses-Pyrénées attracted 350 members. The *Groupe* sponsored a militant youth movement, the *Jeunesse de l'Europe Nouvelle* (JEN), which was very active in Pau (AD P-A, 30W3).

27 Poulliot, 273.

28 Ibid., 277.

29 The Urdax priest recorded their deaths in the parish death records, Urdax town hall.

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When a classmate of Mathieu and Tomas stood before the congregation and sang one of their favorite Basque songs, people wept openly.\textsuperscript{30} Gregoire Doyart, Pierre Garat, and the other two Urdax men survived Buchenwald and returned to their farms in May 1945. Well aware of the accusatory rumors about Pierre Garat, the priest exhorted his parishioners to resist the divisiveness caused by "bad tongues" and deplored the damage caused by their malicious gossip. Pierre Garat angrily rejected the accusations of collaboration and betrayal that nevertheless continued to circulate in Urdax.\textsuperscript{31}

In the aftermath of the Liberation, the Urdax people were largely uneasy about and unwilling to participate in the process of denouncing the denouncers to the newly established French authorities. No one reported the local man widely suspected of having denounced Garat and his niece's fiancé to the Germans in 1943. However, in June 1945, the post-Liberation authorities arrested Garat for "unworthy conduct" in relation to the denunciations of his "first neighbors" and his son, Tomas. I do not know the identity of Garat's denouncer in 1945, who was reportedly from Urdax.\textsuperscript{32} According to a resister who served on the \textit{Chambre Civique}, the court did not have conclusive evidence that Garat had denounced anyone.\textsuperscript{33} Prominent members of the local armed resistance movement (FFI) testified that Garat had helped them on numerous occasions in 1943.\textsuperscript{34} The court thus acquitted Garat, who returned to his farm and eventually received the \textit{Croix de Guerre} for his services as a clandestine guide during the Occupation.\textsuperscript{35}

Some people still claim that Garat was a double-cropper who posed as a resister and \textit{passeur} to conceal his courtship of

\textsuperscript{30} M. Elgoyhen, Urdax, 1979, personal communication.
\textsuperscript{31} G. Harriguileheguy, 1977, Urdax, personal communication.
\textsuperscript{32} M. Elgoyhen, Urdax, 2003, personal communication.
\textsuperscript{33} A. Barbe, Licharre, 2005, personal communication.
\textsuperscript{34} A resister who served on the \textit{Chambre Civique} that heard the Garat case provided an oral account of their testimonies, as he remembered them, during field work in 2003-05.
\textsuperscript{35} Poulenot, 131.
German favors and whose greed matched his cowardice. His critics argued that Garat rarely put himself at risk during the Occupation and "always sent Tomas" when a passeur was required.\textsuperscript{36} Those who believed in Pierre Garat's innocence regarded him as a victim of Nazi oppression and barbarity who well deserved the Croix de Guerre bestowed upon him by the French government.\textsuperscript{37} Garat's critics and supporters were united on one front. Both sides deplored the fact that Garat had himself been denounced twice by fellow citizens from Urdax: once to the German police and, on his return from Buchenwald, to the local liberation committee. As insiders, the denouncers betrayed not just Garat but the entire moral community by denying the solidarity of Urdax Basques as a dominant value in the face of German aggression against local lives and property in 1943 and, in 1945, in the face of legal judgment by outsiders to the moral community who represented the French state. Local acts of denunciation breached the community's longstanding tradition of managing internal conflicts on its own. Legitimate judgment belonged to those who had been born in Urdax and who embraced its traditions and values. The boundaries of legitimate judgment about wrongdoing coincided with those of the moral community.

No one in Urdax ever resorted to post-liberation vigilantism or violence against Garat after his acquittal. The Garat household never became the focus of popular justice for three main reasons: first, the informal court of neighborhood opinion never reached consensus about Garat's innocence or guilt. Second, the Garat house was a socio-physical space to which victims of Nazi barbarity belonged. Violating the house with a Nazi symbol or wooden coffin would have violated the memory of Tomas Garat and degraded Pierre Garat's survival of deportation to a Nazi concentration camp.\textsuperscript{38} Third, with the encouragement and

\textsuperscript{36} G. Harriguileheguy and J.-B. Hondagneu, Urdax, 1978, personal communications.
\textsuperscript{37} J. Harbelts, Urdax, 1978, personal communication.
\textsuperscript{38} In a nearby community, people placed such small coffins on the doorstep of local collaborators to express their grave disapproval of the
guidance of their local priest, the Urdax people concentrated upon the restoration of community solidarity in the post-liberation period. The weekly ritual giving of blessed bread provided them with a vehicle for doing so.

In her study of local purges in three market towns, Megan Koreman argues that while the French government sought to establish law and order by means of due process (the sphere of legalité), local communities understood the purge according to a paradigm that "focused on right relationships among members of the community and on redemption in preference to punishment. In this conceptualization, the Purge acted as a means of atonement that would redeem not only the transgressor but the entire community." 39 In Urdax, the local purge consisted solely in the 1945 arrest of Pierre Garat. Although many Urdax families had prospered from the black market and two local women had had affairs with German soldiers, the community chose not to engage in whistle-blowing when liberation authorities sought information about local acts of collaboration. It was widely known that one shepherd-passeur had more than once betrayed Jewish fugitives to the Germans. On one occasion in 1942 the shepherd took his Jewish clients' money, jewelry, and other valuables before guiding them across the Pyrenees. When the group reached the summit of one mountain, the shepherd told the Jews that they were in Spain and watched them descend a trail that led them directly back into Urdax where a German patrol awaited them. The Jews were transported to Gurs, the nearby internment camp from which nearly four thousand Jews were sent to Drancy and on to Auschwitz. 40 During the process of liberation, no one denounced the shepherd to the Purge Commission. People acknowledged among themselves that

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wrongdoing had indeed taken place in their moral community, but they preferred to handle matters themselves rather than allow the external authorities to manage justice. They preserved silence about matters they had failed to prevent or control and of which they remained deeply ashamed. Their silence about the shepherd's betrayal of Jews reveals the dark side of solidarity in a small, closely-knit community whose murky moral universe stood in sharp contrast to the imagined community of France and its heroic profile at the Liberation.\textsuperscript{41}

In her study of local collaboration in nearby Gascony, Vera Mark locates the pardon "in a cycle of forgiving in order to forget so as to allow society to reconstitute itself."\textsuperscript{42} Social models of the pardon situate it within cycles of magic and exchange.\textsuperscript{43} The act of pardon replaces an evil act — such as denunciation that leads to deportation, suffering, and death — with a good one and, like the gift, requires something in return: forgiveness. In Urdax, the one man upon whom the local purge belatedly focused, Pierre Garat, could not be pardoned by his community, because he steadfastly denied any treachery against his fellow citizens during the Occupation. The cycle of forgiveness was located instead in the ritual giving of blessed bread.

In Urdax, the blessed bread ritual was a vehicle by means of which the community countered the divisiveness of denunciations and local betrayal; it also facilitated the process of forgiveness. After the deportations of the Garat and Doyart men, the weekly giving of blessed bread focused people's attention on putting relationships right. The female heads of the Garat and Doyart households both suffered the tragic loss of men to Nazi barbarism as a result of local betrayals. Their participation in the ritual exchange of bread served the same function as the pardon;

\textsuperscript{41} Gildea, 358.
\textsuperscript{43} Abel, 220, 232.
the act repaired damage caused by denunciations and, with the passage of time, enabled reconciliation between the Garat and Doyart households. By 1976, their "first neighbor" relationship operated fully in all spheres of activity. A good act (giving blessed bread) had replaced an evil act (denunciation/local betrayal). The Urdax people did not allow the sin of denunciation to destroy primordial vicinal relationships in their community. The ritual exchange of blessed bread by the Doyart and Garat households served as an affirmation of goodness, life, and all that was just and morally right; it helped an entire community recover from its experience of occupation and war.