Investigations into the kidnapping of young Malméjac (1935) – Police, Justice and Population

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The expression 'popular policing' enables us to identify and study the forms and moments of population mobilisation in the service of public order and security. The establishment of militias or civic security forces, the exercise of citizen vigilance in the service of the power in place and the denunciation of suspects are all examples of the population carrying out so-called "administrative" police missions, the aim of which is to guarantee public order. This is distinct from criminal investigation policing, which involves the search for offenders. Repressive rather than preventive, it aims to restore the public order which has been compromised. This article will focus on the possibility of the popular exercise of such a police mission, based on a case study: the kidnapping of young Claude Malméjac, 18 months, in Marseille outside a park, on 28 November 1935[1]. Marie Cardin, 68, and André Clément, 26, a mother and son, were on the verge of bankruptcy when they formulated the plan to kidnap the child of a wealthy family. They chose the Malméjacs as their target, Jean, the father, being a professor of medicine at the faculty in Marseille, and demanded a ransom of 50 000 francs. As soon as news of the abduction reached the public prosecutor's department, examination proceedings were opened under the supervision of Judge René Minnard. It was in this context that a search was organized with a view to finding the child. Whilst the search involved the judge's marshals, and particularly the Sûreté in Marseille, the judicial branch of the local police, it also led to significant social mobilisation, as illustrated by the mass of information conveyed to the professional investigators and included in the procedural file. And yet, the study of this investigation reveals that the abduction tested the judicial and police authorities. It was a moment of crisis, a context which drew out an inquisitive community beyond the professional investigators, whose significance remains to be shown. To this end, we will begin by exposing the conditions which encouraged popular participation in the inquiry, before studying the forms of this participation. Finally, we will show that the community of professional investigators was extended to the laypeople, and suggest what meaning ought to be ascribed to this. To do so, we will draw on studies which, since the 1990s, have renewed the social history of crime and justice by taking judicial personnel and po-

[1] This research is partly based on documents related to the kidnapping of Claude Malmejac conserved in the Archives départementales des Bouches-du-Rhône, under the number 2U2 5746. These documents are divided in three files: Cézilly inquiry file, Malméjac inquiry file, and 'false leads' file.

lice, their sociology, professional culture and relationships as the objects of study.[2] We will also draw upon the contributions of cultural history, namely with regard to the emergence of mass culture, narratives of crimes and investigations,[3] and to progress in the history of the investigative method, considering its rhythms, its economy, its internal tensions as well as its diffusion and democratisation, the investigative method having become the preferred method for understanding of the social in the 19th century.[4]

I. Police, justice and the press in search of Claude Malméjac

If the search for young Malméjac provoked such a large popular mobilisation, it was foremost because the investigators requested it, in the absence of any clear leads on the night of the abduction on 28 November. Around 3pm, the kidnapper, an old woman dressed in black and walking with a cane, approached Claude Malméjac's nurse, Georgette Perrachon, in the Parc Chanot. Some days earlier, this woman had entered the Malméjac's apartment building at 185 avenue du Prado, in the suburbs, under the pretext of visiting an apartment for rent. She had crossed paths with the concierge, the nurse and the child. Hence when, on 28 November, she ran up to announce that Jean Malméjac, the father of the child, had been involved in a serious accident and had asked her to fetch the child as well as a doctor, the nurse did not question her. The two women hailed a taxi, which the kidnapper chose so that they could fit the child's pram into it. The taxi made a first stop in front of the apartment of Doctor Crémieux, whom the nurse went to fetch alone, the old woman having offered to carry on the journey with the child. When Georgette arrived at the family apartment a quarter of an hour later with the doctor, only Mme Malméjac was there. Jean Malméjac, uninjured, was at the faculty. As early as 4pm, he informed the precinct captain, François Giorgi, of the events, who prepared a report within twenty minutes.[5] Ten minutes later, the Sûreté were informed, who themselves alerted 'every police station, gendarmerie and border control in post France', whilst the judicial inquiry was entrusted to René Minnard, investigating judge.[6] The priority was to find the kidnappers and the child, but the investigation faltered in the absence of obvious leads, with the nurse having quickly been exempted from suspicion. The investigation then took two directions. The French police and judicial authorities were alerted on the evening of the 28th by the Marseille police and on 29 and 30 November by the investigating judge, by means of rogatory commissions and very large delegations, 'for the purposes of the search'. On the morning of 29 November, the judge ordered the General Department of judicial investigations to publish the descriptions of the kidnapper and the child in the criminal po-

2 Rousseaux, 'Historiographie du crime'; Berlière, Denys, Kalifa and Milliot, Métiers de police; Farcy and Clère, Le juge d'instruction; Lopez, La guerre des polices.

3 Kalifa, L'encre et le sang, p. 289-292 ; Kalifa, La culture de masse.

4 Farcy, Kalifa and Luc, L'enquête judiciaire; Guignard, Juger la Folie; Malandain, L'introuvable complot.

5 Giorgi Statement, 28 November 1935, item n° 6.

6 Couplet Statement, 1 December 1935, item n° 301.

lice bulletin. He called upon magistrates and police in Marseille, Nice, Aix, Avignon, Béziers, Toulon, Digne, Grasse, and Algiers. In Marseille he sought the cooperation of the local criminal investigation department as well as the 9th Mobile Police Brigade, who were specialized in the search for offenders with territorial jurisdiction extending to the entire South-East of France. At the same time, two calls for witnesses were issued, by the TSF (the radio) and then by the newspapers, with a view to seeking out the testimony of the taxi driver who drove the kidnapper and the child, and more broadly, any information which might set the investigators on the right track. Le Petit Marseillais, which was the leading local daily newspaper in terms of circulation, ran the following statement: 'In this regard, it would be helpful if passersby who caught sight of them would make themselves known to the police. The description of the old woman is the following: small, with a pointed chin, dressed in a long black coat with a black toque, with a slight limp and using a cane to walk'.[7] The call for witnesses is the classic resort for investigators lakking any other leads.[8] The inquiry, embarked upon in the dark, logically opened up to an enormous range.[9]

In these conditions, a singularly 'disorganized, polyphonic, not to say cacophonous' criminal investigation took place, from 28 November to 2 December.[10] The taxi driver, Albert Tomassonne, answered the call for witnesses on the evening of the abduction. He claimed to have dropped off the kidnapper in front of n°5 Cours Pierre-Puget.[11] The building was searched without success. On 29 November, the investigation began to diffract. The judge asked the technical police in Marseille for a reconstruction of the abduction and a map of Parc Chanot. The Sûreté established a connection between the abduction and an armed robbery committed in September, on the basis of the ransom demands which the abductors addressed to the parents on 28 and 29 November. The victims were offered the restitution of their property in exchange for a sum of money, by means of a letter in identical writing. But the follow-on investigations did not lead to the identification of the offender, who remained unknown.[12] Since one of the ransom letters was left by the kidnappers in the Malméjac's apartment building, the Sûreté posted two agents as sentries. On 1 December, they arrested Marcellin Barthélémy, a waiter in a café, and on 2 December, Jean Boyatzopoulos, a mechanic, who both wanted to deliver written instructions to the Malméjacs by hand. Both were cleared of suspicion following hearings and investigations.[13] Since leads were limited, the investigation to find the child and the kidnappers was driven by information which pointed towards the investigators.

7 Le Petit Marseillais, 29 November 1935.

8 Lopez, 'Tout en police est affaire d'identification', p. 214.

9 Malandain, 'Ouverture et aporie', p. 322-323.

10 Kalifa, 'Enquête et "culture de l'enquête"', p. 9.

11 Le Petit Marseillais, 29 November 1935.

12 Anonymous letters, items n°398 and 399, Couplet Statement, 1 December 1935, item n°301.

13 Couplet Statements, police reports n°5357, 1 December 1935, and n° 5402, 2 December 1935, 'false leads' file, unnumbered items.

Information arrived in various forms: written, verbal, by telephone, by telegraph, hand-written and typed, and addressed to the police and to the Malméjacs, but also, depending on the case, to the State prosecutor, to the investigating judge, to the central commissioner, to gendarmes and to district commissioners. Although the investigators in Marseille collected most of the information, some of it was transmitted to them from outside services.[14] On 29 November, the information given to the investigating judge and to the Sûreté dictated the first searches. The witness account of a hairdresser led to the discovery of the pram left by the kidnapper at n°18 Cours Pierre-Puget, steps away from n°5 where she had been dropped off by the taxi driver.[15] Following an anonymous tip-off, received at his office, the judge went with his registrar to a nursing home to question Mme De Renzis, a potential suspect.[16] The investigation carried on without success the following day. The Marseille police, for its part, organized searches in the southern districts of Endoume and Vallon-des-Auffes, on the basis of different corroborative witness statements.[17] Significant resources were invested: plainclothes detectives, uniformed agents, and police dogs. The whereabouts of the child remained unknown. He was in fact being hidden in the western district of Saint-Julien.

From 30 November, the work of the investigators was split between the treatment of the incoming information and the following up of leads which seemed to be relevant. The follow-up investigation included a suspicious telegram sent from Nogent-sur-Marne, chloroform attacks in a Catholic educational establishment reported by sources in Lyon, the identification of a retired man who had tried on several occasions to seduce the nurse, the lead of a possible revenge plot in Algiers against the mother of the child, who came from there, and different suggestions as to the whereabouts of the child, including the islands of the Porquerolles and Sainte-Marguerite. A link was established between the abduction and an attempted child kidnapping involving another doctor, Doctor Cézilly, the previous Saturday.[18] A dozen such leads were investigated.

In Provence, the investigating judge deployed Mobile Police personnel in the field, leaving the treatment of information, a more administrative task, to the Sûreté. The personnel organized themselves accordingly. Inspector Ernest Collomb, for example, was put in charge of receiving 'the statements of people who presented themselves to our service to give information on the matter of the kidnapping of young Claude' by Commissioner Couplet.[19] It was Collomb who compiled 'the summary of the statement of demoiselle Montagu', which put the investigators on the trail of the kidnappers. It was given to him by the main inspector Jean Martini, who first listened to the statement and deemed

14 'false leads' file, 2U2 5746(2).

15 Couplet Statement, 30 November 1935, item n°291.

16 Judge Minnard's statement, 29 November 1935, item n°308.

17 Le Petit Marseillais, 30 November 1935.

18 Marseille-Matin, 29 November 1935, Delegation of Judge Minnard to the central commissioner, 30 November 1935, item n°43.

19 Statement of Ernest Collomb, Couplet Statement, 4 December 1935, item n°304.

it worthy of interest.[20] Once it had been recorded by Inspector Collomb, the information was 'immediately passed on to the Chief Inspector Desmoulins, in charge of gathering all statements and following them up".[21]

Only one statement, that of Mlle Montagu, led to anything. But the stream of information was considerable, according to the police and the newspapers. Commissioner Couplet wrote on 2 December that "Information is coming in from all directions, from people acting in good faith, from anonymous sources, by telephone or by letter".[22] Marcel de Renzis, who was covering the case for Le Petit Marseillais, welcomed the fact that 'spontaneous witness accounts to the investigators [abounded]' from 29 November, 'by the dozen', the 'description of the kidnapper published yesterday morning in the papers' having struck public opinion.[23] The procedural file bears witness to this: a disparate bundle of statements, telegrams, letters, investigative acts, with 162 documents in the folder entitled 'false leads', considered as such after the kidnappers arrest and various checks and follow-ups. There are around 30 statements and 70 telegrams and letters, received between the 29 November and the 2 December (others having been written, sent or received after that date, 25 of which could not be dated). It is unusual to find such a large corpus of this kind in procedural files. This documentation is not sufficient to attest that the investigators were confronted with a tidal wave of testimonials. It is likely that it is only a residue of the sum total of information received: the police services may have made an informal and infra-judicial pre-selection, or not taken into account the entirety of the information, possibly because they were overrun. A letter, sent by a court usher in Marseille, Louis André, suggests as much. Convinced that he held important information, he first went to the 8th district police station. Unable to find the commissioner, he then tried to telephone the Sûreté, but 'it was not possible to get through to them'. He then asked the 'police station orderly' in the 8th district to telephone the Sûreté 'as soon as possible'. But fearing that 'in the wave of information' from 'that morning, my own would go unnoticed', he wrote a letter.[24] The 'false leads' file is very disorganized. The letters are crumpled, some of them torn or partially cut up. Envelopes are often separated from their contents, and information received by post is mixed up with statements taken down in the offices of the Sûreté and with follow-up investigations ordered by the judge. This collection of items, though chaotic, sheds light on the forms of popular mobilisation, its social scale and its motivations.

II. Popular contributions to investigation, parallel inquiries

We will call 'declarants' those individuals who gave information to the investigation authorities, whether in written form (letters) or verbally (statements). The corpus reveals a

20 Statement of Jean Martini, Couplet Statement, 4 December 1935, item n°303.

21 Statement of Ernest Collomb, Couplet Statement, 4 December 1935, item n°304.

22 Couplet Statement, 2 December 1935, item n°307.

23 Le Petit Marseillais, 30 November 1935.

24 Letter from Louis André, 30 November 1935, 'false leads' file, item n°13.

'popular' participation in the exercise of justice, inasmuch as the declarants came from different social environments and age groups. It is obviously difficult to precisely situate them all in the social hierarchy. To do so, we would need to know each one's profession or status. Whilst this information is included in the statements taken down by the police, it is only mentioned spontaneously by 32 of the letter-writers. Alongside a woman who states that she has no profession, we can find the general secretary of the tennis club of the University of Marseille, two primary school teachers, an education inspector, an engineering consultant, a postman, a retired master mariner, a retired member of the PTT (Post Office and Telecommunications Service), a dental surgeon, two streetcar employees, a court usher, a judge in the court of Uzès, two mechanics and a driver-mechanic. There is also a 'builder', though he does not say whether he is a boss or a worker. At first glance, the middle classes and the elites predominate. The Malméjac family, who lived in the suburbs (boulevard du Prado), took their holidays in Chamonix, and could gather together 50 000 francs in three days, lived in obvious comfort. The drama with which they were confronted clearly affected men and women who felt that they could identify with it. Nevertheless, we cannot reduce the mobilisation to a question of class. It is likely that workers were a minority amongst the witnesses because the abduction took place in the middle of the day in a bourgeois neighbourhood of Marseille, where there may have been few of them. Moreover, the letter-writers most often did not spontaneously mention their professions. The mention of their professions must be interpreted as a choice in the presentation of themselves amongst others, for declarants who wanted to justify or legitimate their statements.[25] In this corpus, 65 letters, more than half of the total, are anonymous or signed with a name, a first name or initials, so that the identification of the author is impossible. Some, such as the builder, state their profession rather than their name, even though it does not confer on them any particular credit, because their profession is what they identify themselves by above all.[26] But most often, the profession is mentioned for its probative force, in order to impress upon the investigators, by the identification of the writer's equal or superior social status. Others base themselves on the force of their expertise: this is the case of two astrologers and one clairvoyant, to which can be added by extension an occultist and fifteen amateur diviners, about whom it may be more appropriate to refer to by occupation rather than by profession. To this group can be added Gabriel Marck, a penitent ex-convict 'who has been in more or less all of the important prisons' and might be qualified, to use the parlance of the time, as a former professional offender. Having straightened himself out, and therefore being worthy of trust, he considers himself legitimate in inciting Commissioner Couplet to look for the kidnappers 'not amongst the gangsters' but rather 'another professor or doctor who is jealous and capable of anything'.[27] It is likely that many of the declarants, from working-class backgrounds, did not state their profession because it did not make sense to in this context. On the other hand, they justified their words by their family status and the emo-

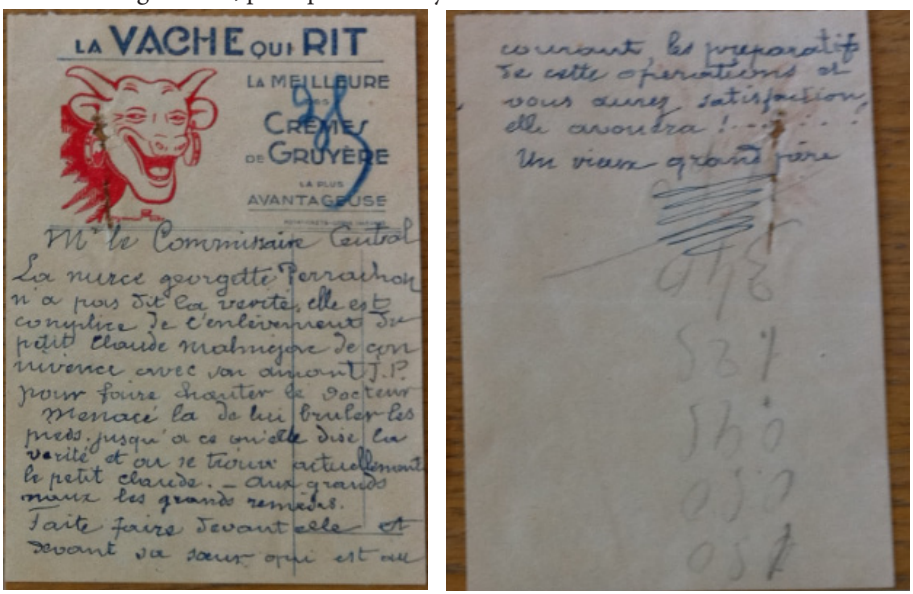
25 Dauphin, 'Les correspondances', p. 44.

26 Anonymous letter, 1 December 1935, 'false leads' file, item n°28.

27 Letter from Gabriel Marck, 2 December 1935, 'false leads' file, item n°48.

tions which they felt with regard to the abduction of a small child. Several signatures are replaced with 'a father'. We can also find 'a very distraught woman and mother', and 'an old grandfather'.

The social diversity of the declarants, which can be inferred from these different presentations, is also visible in the material examination of the corpus. The use of letter paper, headed paper, or even good-quality white paper, the use of telegrams, the mastery of codes of correspondence, such as the mentioning of the date and place of writing, the identity of the sender as well as the recipient, the conventional use of styles of address, indicate a habitual, professional or class practice of written correspondence. On the other hand, a number of tip-offs were written on schoolbook paper, postcards, sometimes reused, bits of used, torn or cut-up paper, suggesting a parsimonious use of the resource or an occasional, if not rare or recreational, use of the written form. The handwriting is often clumsy, and the mastery of language approximative. The use of maxims also reveals working-class origins. Examples include a barely legible card put in the post by a certain Azoulay on 6 December 1935,[28] and the letter from an 'old grandfather', who had suspicions about the 'nurce' and suggests that the central commissioner burn her feet to obtain a confession, since 'to great ills, great remedies'. The text is written on a ledger sheet torn from a promotional book from the ‚Vache qui Rit' brand, on the back of which is the scribbling of a bill, perhaps written by a tradesman.[29]



An old grandfather, 2 December 1935, 'false leads' file, item n°35

28 Azoulay, 6 December 1935, 'false leads' file, unnumbered item.

29 An old grandfather, 2 December 1935, 'false leads' file, item n°35.

The 'false leads' file bears witness to the fact that there is no prerequisite of education or familiarity with the written word to contribute to the investigation. It also brought together information from a broad social spectrum. The letters were mainly written by men, some old people, and even a young boy with clumsy handwriting, compelled to write to denounce a 'Romanichelle': 'I am only an 11 year old kid and I can't tell you any more than that'.[30] Women are a minority amongst the writers: only 20 letters can be attributed with certainty to women. But many factors may explain this. The kidnapping was a man's business: the kidnapped child was male, his mother remained in the background and the only mediatized woman involved was the kidnapper. The investigators were all men, and was not the gender of the investigation also masculine? Finally, in families, men and women discussed the matter but it was the men, the heads of the family, who took it upon themselves to write.

In response to the call for witnesses, the information addressed to the investigators was first composed of witnesses making links between the description of the kidnapper and child and people they saw on the day of the abduction: old women dressed in black, with limps, walking with a cane with a rubber bottom (this detail was often mentioned), sometimes accompanied by a small child, were reported several times. Others reported women who were known to them and whose lives they considered to be disorganized and crime-inducing, or with whom they had conflicts. A Parisian 'father' reported the widow of a 'certain Doctor Gay who worked in Marseille on Boulevard Garibaldi and who squandered the family fortune on gambling and vice. Supremely intelligent, she hated doctors most particularly and with age, I would not be surprised if she had resorted to the worst mischief to get money and satisfy her vendetta'.[31] These offers of leads must be distinguished from notices of women resembling the kidnapper. They show a greater freedom on behalf of the authors, in comparison to the investigators' expectations. This is also the case for a number of letter writers who gave the investigators advice based on their personal interpretation of the facts and of the investigation, as described by the media. We know, by means of the newspapers alone, that information regarding the abduction, the kidnapper and the child was broadcast by the TSF. The newspapers' coverage of the case also had the same aim, to begin with. But it also turned out that the latter proceeded to report on the progress of the inquiry, and, as early as the 1 December, on its stalling: 'none of the leads followed have so far led to the child's recovery';[32] 'Search in vain! Nothing! Nothing! Such are the words that spring to our pens after a new and exhausting day – the fourth. […] It must be said, alas, that the inquiry has stalled. It is submerged in darkness instead of shedding any light'.[33] We can therefore see that the temptation would have been great, amongst the public, to comment on the investigation, to criticize it, or even to cast themselves as the investigators. On several occasions, the letter writers called into question the sincerity of the nurse, as well as that of her sister, who li-

30 Eleven year old child, undated, 'false leads' file, item n°34.

31 A father, 1 December 1395, 'false leads' file, item n°40.

32 Le Petit Marseillais, 1 December 1935.

33 Le Petit Marseillais, 2 December 1935.

ved in Endoume, where searches were carried out on 29 November. The two young women were suspected of being accomplices in the abduction. Hence this anonymous letter from 2 December 1935: 'This is from a sure and sincere friend. Closely monitor the sister of the nurse Georgette Perrachon, who lives in the neighbourhood of Endoume. She is the key to unravelling the tragic kidnapping. Do not seek far, look around you. There should be no question now of the woman in black'. Different letters called into question the description of the kidnapper which had been established by the authorities and broadcast by the press. It was not an old woman but a young woman, who did not limp. It might even be a man, dressed as a woman to 'throw the search off track'.[34] Some questioned her origins: for some, she was a woman of the underworld, an accomplice of Apaches or seemingly 'living amongst prostitutes', 'in the cafés of the boulevard du Montparnasse', 'nearly always accompanied by young people of ambiguous appearance'.[35] But others thought that the guilty parties resided in the same neighbourhood as the Malmé-jacs, that they were rival doctors, rich families without heirs, or former patients seeking revenge.

To these spectators of the criminal investigation must finally be added the improvised investigators and other amator police, such as Louis André, who physically carried out an investigation. In the rue Barthélémy, this witness saw a woman answering to the description of the kidnapper coming out of a furnished apartment. He decided to go in to 'ask the lodgers for some explanation'. This sparked a neighbourhood investigation: 'I saw a woman on the first floor, then a man on the ground floor, who both told me that there was no old woman living in the building; I therefore went to the landlord, Mrs Estachon, 33 rue Bathélémy, who declared that she had no tenant fitting the description which I communicated to her and could not explain the old lame woman's presence in her building'.[36] Another man said that he was witness to a discussion on the evening of the kidnapping, in front of n°45, between a small group of women, two of whom were 'holding a child between 18 months and 2 years old by the arm, wearing a white hat and walking with difficulty'. Having 'read in the papers about young Claude's kidnapping', he 'thought that perhaps' he was in the presence of the abductor. He therefore decided to take up watch. The next day, he explained to the commissioner, there was very good weather. It was the kind of weather 'in which all the mothers take the opportunity to go out with their young ones to get some air and some sun'. But from '8 in the morning to 5 in the afternoon I did not see a single woman come out with a child from n°45 rue Ste Bazile. It's strange!'.[37]

Another category of field investigators included the clairvoyants, occultists and radiesthesists, in other words, dowsers who tried to locate the child from a distance, often from the confines of their own homes, equipped with pendulums, photographs of the child

34 A father, 1 December 1935, 'false leads' file, unnumbered item.

35 Vincentelli, 2 December 1935, 'false leads' file, unnumbered item ; Payot, 1 December 1935, 'false leads' file, unnumbered item.

36 Louis André, 30 November 1935, 'false leads' file, item n°13.

37 Anonymous, 1 December 1935, 'false leads' file, item n°1.

cut out of newspapers, operational maps, Michelin maps, or postcards, some of them in their sleep. The involvement of clairvoyants and astrologers in cases of mysterious disappearances was not uncommon at the time.[38] The use of radiesthesia was, on the other hand, rather new. In the context of the development of the science of rays, defenders of the ancestral science of dowsing (traces of which can be found since ancient times) tried to distance it from occultism, and to establish its scientific nature.[39] The new popularity of the term 'radiesthesia' referred to the 'sensitivity of rays' emitted by all objects, living or otherwise, and which certain people were more receptive to than others, a receptivity which could be enhanced by the use of rods and pendulums. In the mid-1930s, the debate raged between radiesthesists and rationalists, with the former defending the scientific value of their art and the latter refuting it. The radiesthesists who set out the find young Claude Malméjac were in the thick of this public debate: some expressed themselves with a number of precautions whilst others deplored the fact that the fruitfulness of the practice was not better recognized, its efficiency having been proven, according to them, when the science was practiced by specialists. A defender of divining from Chamonix advised the investigators to seek out Father Mermet, 'prince of dowsers', who 'of all the diviners, is the surest with his pendulum'.[40] Radiesthesia had scientific trappings: it was based on the progress of the physics of rays, it produced labelled sketches, it called for objective procedures and protocols. Its practitioners were more educated, to judge by their mastery of the written word and by their social status (one of them, for example, was a retired teacher). The same year, the issue was raised in a review of its potential value in matters of justice.[41] Might radiesthesia be added to the toolkit of the scientific police, who appeared at the time to be the most modern and the future of criminal investigations? It offered new means of locating material goods, and missing persons. Since it had not yet been banned from the scientific field, it could still aspire to joining it, as was the case with hypnotism in Germany in the 1920s.[42] Based on the identification of leads, the localisation of suspects or victims, their monitoring, or shadowing, the practice of divining undeniably had points in common with the methods of the investigation. A letter to Commissioner Couplet from a dowser, M. Gilbert-Lambert, honorary public teacher, is a good example.[43] Using his pendulum, he followed the trail of the kidnappers from the evening of 29 November. He discovered their hideaway, which he located with a blue cross on an old operational map included with the letter. He specified that the child was 'accompanied by two men', and had then been joined by a woman, and that they had spent the night there. The next day, one of the men left the hideaway around 8 o'clock and went to the north of the valley (also marked with a blue cross). There followed a number of considerations, and then this post-scriptum, written on the morning of Sunday the 1

38 Kalifa, L'encre et le sang.

39 Bensaude-Vincent, 'Des rayons contre raison'.

40 Anonymous, 1 December 1935, 'false leads' file, unnumbered item.

41 Revue Municipale, 1935.

42 Wolffram, 'Crime, Clairvoyance'.

43 Gilbert-Lambert, 1 December 1935, 'false leads' file, item n°3.

December: 'I have just witnessed the movement of the whole gang bringing the child towards the south by the sea', as a result, in his view, of the revelations which had been printed in the newspapers. A man, he continued, left the group to go into town. 'I was able, with the pendulum, to catch up with the man in town and I followed him into a house which I had already identified on Friday night'. From Barbentane, where he lived, this seasoned diviner had undertaken a shadowing operation in the manner of a detective or a policeman. He offered to continue if the police would send him a map of the town, and concluded: 'I beg of you, Chief of Sûreté, do not listen to the bad press which refuses to believe in the resource of radiesthesia'.

With the exception of certain malicious accusations, the declarants were contributors to investigation who observed, asked questions, gathered data, followed deductions, and built up developed narratives. They shared a common culture of investigation and testified to its democratisation.[44] As one anonymous person wrote: 'I only know what the newspapers have published about this case, but certain specifics of these publications have led me to make deductions'.[45] For her part, Mme Malméjac's sister-in-law declared having led her 'own little personal investigation'.[46] The collection of information in the procedural file shows a protean 'judicial popular policing' which brought grist to the professional investigators' mill. More than a sum of individual experiments, it is but a part of a greater inquisitive community which built up around the missing child and his parents, and which tended to subsume the community of professional investigators, in a context of a test to the criminal investigation and its actors.

III. Crisis and extension of inquisitive community

In the procedural file, the information and witness accounts which did not help to lead the investigation in the right direction were gathered under the title of 'false leads', and thereby disqualified, with the arrest and confession of the guilty parties enabling justice to take its course and establish the judicial truth. This shelving is a form of archive: it allowed the investigators to keep a trace of the data without hindering the course of the inquiry. It also undoubtedly has a performative function: to affirm the power of a well-ordered justice system. And yet, this ordering only took place after the facts. From 28 November to 2 December, the priority given to the search for 'young Claude' meant that the investigation took on an unusual character.

In theory, criminal investigations are governed by rules and deployed within a framework defined by the code of criminal investigations. They must be presented in written form. All of the items in the inquiry, and all of the acts of the investigating judge, must figure in the procedural file. An investigating judge directs the investigation, assisted by auxiliaries from the criminal police, if the inquiry is taking place in a town. Usually, the investigating judge officiates from his office in the courthouse and his auxiliaries carry

44 Kalifa, 'Enquête'.

45 Anonymous, 30 November 1935, 'false leads' file, item n°17.

46 Roche statement, 29 November 1935, item n°307.

out complementary investigations at his request, following his instructions. The balance between these different actors is unstable, because their categorical aims, professional cultures and class membership often differ.[47] This balance, along with the respect for proceedings, was tested over the course of the few days when investigators were focused on the search for Claude Malméjac, primarily because Judge Minnard kept the investigation moving at a rapid pace. On 29 November, he formed a number of 'very urgent' delegations and rogatory commissions and granted his auxiliaries maximum freedom of movement, their only instructions being 'for the purposes of the search'. In these conditions, the Sûreté carried out autonomous searches in their own way, following the first witness accounts which they had received. This was why the service searched Endoume and the Vallon-des-Auffes, requisitioning uniformed police officers and police dogs. The press reported between 220 and 250 inspectors in the town and its surroundings.[48] The next day, the same criminal police service received a delegation from the judge which sounded like a call to order.

The investigating judge, concerned with the respect of the written procedure, asked Commissioner Couplet to give formal hearings to those witnesses who had verbally guided the activities of his service the previous day. He expressed surprise that Marseille-Matin had mentioned the existence of a past attempted kidnapping which the police had known about, but which he did not. He also asked for hearings to be given to different individuals interviewed by the journalists as witnesses, who had not yet been heard in the context of the criminal investigation. Finally, on the subject of a lead 'which the press is also talking about', he wrote: 'keep me informed […] so that nothing will be overlooked in the files of this criminal matter'. Concerned that justice may be found wanting, the investigating judge found himself adjusting the framework of the legal inquiry with regard to police and journalistic investigations.[49] René Minnard also attempted to rein in the Sûreté service's action which he deemed to be too autonomous and demonstrative. He therefore demanded that 'all documents and convicting items which have been entrusted to you or may come to be found be addressed to [his] cabinet without delay, so that [he] might usefully direct the investigation which [he had] divided up for emergency reasons between the different services in the field in Marseille'. He therefore effectively chose to entrust the missions of fact-checking in the field to the Mobile Police, who were more discreet, leaving more bureaucratic operations to the Sûreté.

And yet, when the kidnappers were arrested on 2 December, the Sûreté had not finished hearing witnesses from the first few days under oath. The emergency nature of the search had to end before the conformity of the investigation could be restored. Moreover, it was the Sûreté who found the child, on the basis of a tip-off which was communicated to them and which Commissioner Couplet took the initiative of checking with his agents, before addressing it 'without delay' to the courthouse. This was the service which was congratulated by Le Petit Marseillais in its pages on 3 December: the Sûreté therefore

47 Farcy, 'L'enquête pénale'; Lopez, **'**Magistrats, policiers et gendarmes**'**; Tanguy, 'Le juge d'instruction'.

48 Paris-Soir and Le Journal, 1 December 1935.

49 Delegation of René Minnard to the central commissioner, 30 November 1935, item n°43.

played a different role in this investigation than that assigned to it by the investigating judge. The search for the child therefore put a strain on the hierarchical relationship between the judge and the criminal police in Marseille. It would appear that the search also contributed to eroding the limits which ordinarily held between the judge and his cabinet, policemen in the field, and between these professional investigators and the population. The judge and his registrar went themselves to a retirement home on 29 November to check on a lead, thereby carrying out a task which would usually have fallen to the police services. Policemen were working on 29 November alongside the father of the child and different witnesses. Albert Tomassonne, the taxi driver, took part 'in the search, sorting through the unclear points of the witness accounts pertaining to the 'old woman in black".[50] The newspapers reported that Jean Malméjac, 'the unhappy father of the unfortunate child, professor at the Faculty of Medicine in Marseille, took part, along with the head of the Sûreté, M. Couplet, in an expedition to the neighbourhood of Endoume'.[51] A photograph from 2 December shows him on a train taking notes on a notepad of the information provided by Doctor Cézilly, in the manner of a police inspector.[52] Alongside the policemen, the father and the taxi driver, there were also the journalists. A photograph from Le Petit Marseillais shows Jean Malméjac surrounded by policemen and journalists. He is addressing them, they are taking notes: all of them seem to make up a large team of investigators. These stagings may have been for the purposes of the media. The figure of the investigating journalist is common to all of the articles.[53] The staging of this group of investigators satisfied media logics. Nevertheless, it was based on a certain reality: journalists did become auxiliaries of the judge when they followed up leads or collected witness accounts which were then checked or made the objects of follow-up investigations in the framework of the inquiry. Added to the fact that Paris-Soir encouraged the stream of witness accounts and the policemen's zeal by offering 40 000 francs to whoever could give conclusive information and 20 000 francs to the policemen who found young Claude, we can consider that the time dedicated to the search for the child expanded the perimeter of the investigation well beyond its ordinary institutional limits.

The magistrate and the Sûreté seem in part to have been dispossessed of their preeminence, overrun by a larger inquisitive community with its roots in the population. This impression was reinforced by the presence of judicial and police counterparts amongst the lay-investigators, or alongside them. Amongst the 'false leads', for example, is the witness account of a secretary from the Marseille police, Paul Polidori, who like so many others saw, on 28 November, an old woman fitting the description of the kidnapper.[54] Another witness explained that he had begun an investigation with his district commissioner, before pursuing it with his wife, in spite of its unfruitfulness.[55] We can speak of a

50 Le Petit Marseillais, 30 November 1935.

51 Le Journal, 30 November 1935.

52 Le Petit Marseillais, 2 December 1935.

53 Boucharenc, L'écrivain-reporter.

54 Statement of Paul Polidori, Couplet Statement, 2 December 1935, item n°80.

55 A father, 'false leads' file, 30 November 1935, item n°27.

community because amongst both the police and the contributors, the collective nature is apparent. The case sparked conversations, debates and inquiries, with families, friends and neighbours. An anonymous source, for example, denounced a resident of the Longchamp neighbourhood, adding that he had 'friends in the neighbourhood who are absolutely of the same opinion and like [him] noticed this woman'.[56] But it is even clearer that the community was bound together by the media. The common point linking all of the contributors to the investigation was that they were following the case in the media. Many of them associated their statements with the reading of the newspapers. The court usher Louis André, for example, wrote that he was 'intrigued' by 'the similarity' between the woman he saw on rue Barthélémy and 'the description that was given in Le Petit Marseillais'. A dowser from Fère-en-Thardenois (Aisne) boasted of having found 'the approximative place where the old woman can be found'. He added: 'based on the newspaper accounts, I could see that I was on the right track'.[57] Madame Saurin, a teacher, wrote: 'Having been moved by the account in the papers, I cannot resist the urge to share what I saw'.[58]

In the 1930s, newspapers dominated the media sphere, the expansion of which accompanied the growth of mass culture. The circulation of the biggest dailies reached two million copies, as was the case for Paris-Soir in the mid-1930s. The radio also grew considerably.[59] It was the media that broadcast the call for witnesses, before following the investigation, reporting on the work of the police, and then on the stalling of the inquiry. The radio broadcast statements from the Malméjacs to the kidnappers, the transcripts of which were reprinted in the papers. All of them described, with great pathos, the anguish of the parents, and Paris-Soir offered rewards: caught up in logics of revenue and competition, the dailies competed ingeniously to occupy centre-stage in the media landscape and to hold their readers' attention. The media was the pivot for a vast community of readers and listeners, united by the disappearance of Claude Malméjac. On 1 December, Le Petit Marseillais expressed this function of the press, likening it to 'the conscience of thousands of good people who for the last two days have identified with the pain of the unfortunate parents and who would like to alleviate it'.[60]

This community has something to do with Benedict Anderson's 'imagined community', in spite of the reservations which the concept has garnered.[61] Its members, unknown to each other, shared the same culture (of investigation) and the same aim: to find the child, and restore him to his distraught family. Its real existence is even more believable since the newspapers made it exist in their columns, by expressing the collective, if not unanimous, dimension of the popular mobilisation and compassion. Le Petit Marseillais wrote on 30 November: 'The story of the horrible kidnapping of a child was enough

56 Anonymous, 30 November 1935, 'false leads' file, item n°6.

57 Villot, 5/12/1935, 'false leads' file, unnumbered item.

58 Letter from Mme Saurin, 29 November 1935, 'false leads' file, item n°20.

59 Charle, Le siècle de la presse, p. 265 ; Schor, Histoire de la société française, p. 212-213.

60 Le Petit Marseillais, 1 December 1935.

61 Anderson, Imagined Communities; Chivallon, 'Retour sur la "communauté imaginée" d'Anderson'.

to make Marseille's big heart shake. The greatest emotion rocked our city yesterday, with everyone speaking of the terrible events. […] once the initial shock had passed, the whole city asked itself how it could lend its assistance to the unhappy mother whose heart had been broken. The unanimous pain of the city quickly transformed into an immense desire to cooperate in the anxious search'. Jean Marèze, special envoy from Paris-Soir, wrote in his article published on 1 December: 'It was enough to go to Marseille to understand the extent of the sincerity and strength of emotion which has taken over the city since the mysterious kidnapping of young Claude Malméjac'. Further, 'In Marseille, they speak of nothing else. In the streets, in the cafés, in the bars, the groups are forming, everyone gives their opinion. Gossipers intercept passers-by to see if there is any news'. On 3 December, when the child was found and returned to his parents, Le Petit Marseillais printed that: 'Passers-by unknown to each other asked each other: is it true, at least? Those who asked this question did not need to specify further. Everyone knew what they were talking about'. The article was accompanied by a photograph showing passers-by looking happy, learning of the good news from the 'luminous panels of Cinéac – Le Petit Marseillais'.[62]


Quelques physionomies émues de passants lisant la nouvelle aux panneaux lumineux de Cinéac-Le Petit Marseillais.

'Some emotional faces of passers-by reading the news on the luminous panels of Cinéac – Le Petit Marseillais', Le Petit Marseillais, 3/12/1935

The contributors to the enquiry could be considered as having been active members, spurred to speak by different motives. Some hoped to claim the reward offered by Paris-Soir. Other had to overcome the violent emotions sparked by the narratives in the press by speaking out. The licensed investigators, the judge and the police, were part of

[62] Le Petit Marseillais, 3 December 1935.

this community, but they had a different relationship with the media, inasmuch as they were concerned with the media reputation of their institutions. The investigating judge, for example, read the press on the morning of 30 November and asked the Sûreté to reorient their action as a result. For its part, the Sûreté had journalists by its side the day it carried out field searches in Marseille, in order to be fairly treated in the columns the following day.

In the newspapers, the heart of Marseille beat to the rhythm of the investigation, but not that of France. The perimeter of the inquisitive community was not, however, limited to the city. To be sure, in order to follow the case from outside of Marseille, listeners and readers had to be interested in the fate of the Malméjacs. Maurice Duffosé, a diviner from Haute-Marne who offered his services to the Marseille police on 2 December, explained that he was responding late because since he 'rarely read the daily newspapers', he only learned of the case by reading 'le Petit Parisien' 'by chance'.[63] Interest in the case nevertheless extended beyond the local scale. 42 letters were posted from Marseille, but others came from the Paris and Lyon regions, the Alpine region, the departments of Var, Vaucluse, Drôme, Hérault, Aisne and even from Switzerland. This can be explained by the mediatisation of the case beyond Marseille, with declarants indicating various journals as references, including Excelsior, Paris-Soir, Paris Midi, le Petit Var and L'Eclaireur de l'Est (Reims). Incidentally, it was the publication of the photograph of the guilty parties in the press which led to their identification: the mother and son were recognized by a private detective agency in Paris, the Office International de Recherches, who had been on their trail since a theft had been committed several years before in Rouen.[64]

If the field of the inquiry momentarily extended well beyond the criminal investigators and the police, it was because the kidnapping had a particularly strong social resonance. As during declarations of ceasefire or during political transition, a kind of lawlessness momentarily took over, although the scale was obviously not the same. The collective fervour which seized the investigators, journalists and public alike, can be explained by the particular quality of the victim and the previously unseen nature of the offense, in a context of strong collective sensitivity to child kidnappings. The villainous act targeted an unquestionably innocent victim, a small child, and struck at the heart of a father, a mother, and a whole family, arousing collective compassion which transcended social or political differences. Le Petit Marseillais made itself the echo of this sentiment: 'In every household, from the most luxurious to the most humble, all thoughts went to the parents crying for their lost child'.[65] Some weeks earlier, incidentally, the lifeless body of Nicole Marescot, four and half years old, had been found. She had been kidnapped and murdered in Chaumont (department of Haute-Marne) on 19 April 1935. The searches following her disappearance had sparked great mobilisations.[66] When the disappearance of 'young Claude' was announced, everybody therefore feared the worst. Because this ab-

63 Letter from Maurice Duffosé, 2 December 1935, 'false leads' file, unnumbered item.

64 Note from 3 December 1835, Cézilly inquiry, n°46.

65 Le Petit Marseillais, 3 December 1935.

66 Clément, L'affaire Socley.

duction targeted a young boy, the motive of the kidnappers seemed mysterious. However, the newspapers quickly made a link to the Lindbergh case, whose victim was also a young boy, and as soon as the ransom demand was unveiled, the similarity appeared unquestionable. The kidnapping of the Lindbergh baby garnered a lot of media attention in Europe in 1932.[67] The similarities with the Malméjac case were interpreted as a new sign of the contamination of France by the vices of the United States. It was feared that there was only a small step between kidnapping and the importation of gangsterism.[68] In the France in the 1930s, weakened by the economic crisis, the crisis of the institutions and values, and by political disunity, such a crime could not fail to bring people together and the child's recovery be a breath of fresh air: Le Journal and Détective both featured gangsters from Marseille condemning the kidnapping, themselves scandalised by such criminal methods.

The abduction of Claude Malméjac in Marseille in 1935 was a singular event. The act shocked its contemporaries on more than one count: the victim was a small child, the family was attacked through him, the kidnappers seems to have brought a dreaded kind of North American criminality to France and therefore further evidence, if it was needed, of the disintegration of values. The linking of this abduction with the Marescot and Lindbergh affairs also contributed, at the time, to increasing its dramatic intensity. It was in this context that the investigators, lacking leads, appealed to the population to move the investigation forward, by means of the radio and the written press. The broadcasting of information in the media, followed by the coverage of the case, sparked a large popular mobilisation. Alongside eyewitness accounts, which met with the investigators' expectations, there were also contributors who wished to be part of the cast of the investigation. They individually exercised a form of judicial popular policing. Yet the extraordinary nature of the crime tested the institutional actors of the investigation, compromising their hierarchical structures and usual practices, to the extent that they seemed to melt into the wider inquisitive community, which collectively exercised judicial popular policing, the aim of which was to restore social order and consensus, in a France in the throes of disunity and crisis.

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67 Aron and Vérilhac, Roy Pinker.

68 For example, Le Journal, 3 December 1935.

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