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„France’s Postcolonial Malaise: The Discourse in the French Public Sphere on the French Army’s Use of Torture During the Algerian War (1954 – 1962) and its Impact on French Society“

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LIST OF ABBREVIATIONS

FIDH – Fédération internationale des droits de l’homme
FLN – Front de Libération Nationale
FN – Front National
GPRA – Gouvernement provisoire de la République Algérienne
LDH – Ligue des droits de l’homme
MRAP – Mouvement contre le racisme et pour l’amitié entre les peuples
NGOs – Non-Governmental Organizations
OAS - Organisation armée secrète
PCF – Partie communiste français
RTV – Radiodiffusion-Télévisions Française
UN – United Nations
UNGA – United Nations General Assembly
1 Introduction

1.1 ’It’s complicated’: The Coexistence of the French Settlers and Native ‘Arabs’ in Algeria

When the 37’000 French invaders touched Algerian soil in the early hours of Monday, 14 June 1830\(^1\), establishing a permanent colony was far from their military planners’ minds.\(^2\) As historians agree, the conquest of the Ottoman regency of Algiers rather served as “a makeshift expedient for internal political consumption, carried out by a government in difficulty seeking the prestige of a military victory.”\(^3\) To no avail for the French King Charles X. He was overthrown just weeks after the fall of Algiers in the course of the July Revolution when, for the first time since the French Revolution in 1789, barricades went up in the streets of Central Paris. Indeed, the July Revolution proved that the “revolutionary promise of the Declaration of the Rights of Man could not simply be wrapped up”\(^4\) and forgotten by the Bourbon Restoration.\(^5\) But although this recollection on civil and political rights had had - at least to a certain degree - the intended effect within mainland France, the impact on today’s Algeria was clearly different: Charles’ successor Louis Philippe d’Orléans did not withdraw from North Africa but instead expanded this temporary military occupation into a permanent settler colony. The inherent violence of this process is meanwhile well documented. "Voilà comme il faut faire la guerre aux Arabes", writes a French General in his letter in 1843, before continuing:

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\(^3\) Sessions, 2016, p.1.
Tuer tous les hommes jusqu'à l'âge de 15 ans, prendre toutes les femmes et les enfants, en charger des bâtiments, les envoyer aux îles Marquises ou ailleurs, en un mot, anéantir tout ce qui ne rampe pas à nos pieds comme des chiens.⁶

When Louis Philippe was forced to abdicate on his turn in the course of the Revolution of 1848, there were almost one hundred thousand French troops and over one hundred thousand European colonists in today’s Algeria, thus laying the foundation for it to become “the jewel of the French empire and its only colony of large-scale European settlement”.⁷ This “most intimate of colonial relationships”⁸ was not least expressed by Algeria’s administrative status, which was unique among the French oversea territories. Having been claimed territory of France in 1848 under the Second Republic, the National Assembly, in a momentous step in 1881, declared that Algeria would from now on be administrated as an integral part of France under its Third Republic’s constitution.⁹ Thus, any confusion about Algeria’s status was ended. In the eyes of the law the country was sovereign territory under the control of the Ministry of the Interior, whose civil servants and officials were accountable to the various government departments in the metropole.¹⁰

Historian Tony Judt concisely concluded: “If there was a France-outside-France it was in Algeria”¹¹, thus underlining what most of the French political elite had taken for granted for almost 130 years¹² and what Francois Mitterand famously expressed as

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⁷ Sessions, 2016, p. 1
⁸ Sessions, 2016, p. 2.
¹⁰ ibid.
Minister of the Interior in December 1954: “L'Algérie, c'est la France et la France ne reconnaîtra pas chez elle d'autre autorité que la sienne.”\textsuperscript{13}

This was, however, not the case. Especially for the native Algerians, whose vast majority were Muslims who were - as opposed to the French settlers - subdued to structures which were in total contradiction with the principles practiced in mainland France.\textsuperscript{14} With the “wind of change”\textsuperscript{15} blowing through the African continent, the famous “growth of national consciousness”\textsuperscript{16} also made the Algerian Muslims demanding their independent state, eventually leading, in 1954, to their armed struggle against the French in what today is called the Algerian War. As Hobsbawm pointed out, it was precisely the

coexistence of an indigenous population with a large body of European settlers [that] made the problem of decolonisation particularly intractable. The Algerian war was thus a conflict of peculiar brutality which helped to institutionalise torture in the armies, police and security forces of countries that purported to be civilised.\textsuperscript{17}

The said coexistence being at the root of the brutality of the Algerian War (and thus of its acts of torture), its structures, i.e. the relationship between the indigenous population and the French/European settlers merits a closer look. The republican structures in Algeria under French rule had one aim: excluding the Muslim majority from political power\textsuperscript{18} and making the European settlers the only beneficiaries of any evolution on Algerian territory, although the amounted to roughly 1

\textsuperscript{16} ibid.
\textsuperscript{18} Thiebault, 2000, p. 89.
million in 1960, while the Muslim majority counted roughly 10 million. Until 1947, the status of being a “French citizen” (citoyen français) with full rights (de plein droit) remained a privilege of the French settlers and their descendants as well as, from 1889 on, of the European settlers in general. Interestingly enough, the status of the Muslims in Algeria under French rule was based on the cunning differentiation between nationality and citizenship, creating a veritable monstruosité juridique. Thus, although Algerian Muslims under French rule were considered French nationals since 1863, they were not considered as French citizens and thus not allowed to benefit from the political rights (égalités politiques) without giving up their Muslim belief, according to the 1865 law called sénatus consulte. According to the French legislators, this law was meant to be a “republican” response towards the fact that Algerian Muslims were excluded from the right to vote, putting forward the justification that “l’appartenance à la nation française était d’abord l’expression d’un désir de vivre ensemble, qui supposait la soumission à un projet politique d’ensemble.”

Being the only ones allowed to send deputes and senators to the French Parliament, the French settlers were practically alone speaking on behalf of Algeria. Without going to deeply into the complicated terminology of identities in Algeria under French rule, it should be mentioned that, as a result, the European settlers were the only ones calling themselves “Algerians”, as opposed to the Algerian Muslims whom they simply called “Arabs”.

However, things slowly changed. More and more young “Arabs” who went through the French educational system and who held a diploma qualifying them for positions reserved for the Europeans, started

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20 ibid.
22 Frémeaux, 2002, p. 35.
23 Thiébault, 2000, p. 97.
24 ibid.
26 ibid.
demanding reforms. With the military service having become obligatory also for the Algerian Muslims in 1912, and with 170’000 Muslim Algerian soldiers eventually fighting for France in World War I, their demands for their rights gained weight. But however inevitable these demands may seem from today’s perspective, the government did not give way, mainly for two reasons: first, the French/European deputies at the Parliament strongly opposed any reforms in that regards (which paralysed any efficient law-making within the Parliament), and second, the Algerian question was everything but a priority for the French interwar governments. With an utterly ambiguous law from 1919 proclaiming an enlargement of the electoral lists for some local elections and further clarified the accession on how to acquire French citizenship - which was hardly any improvement, since having served in the French army and renouncing to the Muslim faith remained obligatory - as well as the government’s withdrawal of a project which would have seen 20’000 Algerian Muslims receiving the French citizenship, no reform of improvement for the Algerian Muslims whatsoever has been undertaken between the mentioned 1865 sénatus consulte law and 1944. In that year, 65’000 Muslim Algerian men were granted full citizenship, and it was extended to all Algerian Muslims in 1946 with the law called Loi Lamine-Gueye. To limit a potential enthusiasm of the Algerian Muslim population, the right to vote - until then automatically enshrined in the status of French citizenship - has, however, been restricted with a system called double collège. The first collège consisting in 464’000 voters elected 60 deputies, while the second, consisting in more than the double (1’400’000) amount of voters, elected the same amount of deputies. With the first collège being the more powerful, i.e. the privileged one, Muslim Algerians were only allowed to represent 13 % of this first college. It was only in 1958, in the midst of the Algerian War, that the entire Algerian

27 ibid.
28 ibid., p. 36.
29 ibid.
30 Thébault, 2000, p. 90.
31 Frémeaux, 2002, p. 36.
32 Thébault, 2000, p. 91.
33 ibid., p. 94.
35 ibid.
population was allowed to vote indiscriminately for the elections of the National Assembly.\(^{36}\) Needless to say that this reform came too late - and was far away from satisfying the indigenous population’s demands, for in the meantime its over 9 million people did not even want to become French citizens anymore; what they wanted, instead, was full independence from the French, just as Morocco (1955), or Tunisia (1956) had acquired it. As Ferhat Abbas, one of the founding fathers of Algerian independence, had already put it in 1943: “L’heure est passée où un musulman algérien demandera à être autre chose qu’un Algérien musulman.”\(^{37}\)

1.2 The Inevitability of International Law

It is indeed astonishing how much the historical context whit its inescapable mentioned “wind of change” was on the side of the Algerian native population seeking for independence. And how much it rendered France’s clinging on its “jewel” utterly anachronistic. In 1945, France signed and ratified the UN Charter which, in its Articles 1 (2) and 55 enshrined the Right to Self-Determination.\(^{38}\) It was precisely these Articles that the Provisional Government of the Algerian Republic (GPRA) under Ferhat Abbas invoked at the inaugural conference of the Non-Aligned Movement in 1955, initially comprising twenty-nine newly decolonized Asian and African governments, in Bandung, Indonesia.\(^{39}\) The same year, then UN Secretary General Dag Hammerskjöld followed a request of thirteen Asian and African countries by including a new item, “The Question of Algeria”, on the agenda at the General Assembly’s tenth session.\(^{40}\) France heavily protested the agenda item, claiming that the Algerian ‘rebellion’ was a domestic matter, and furthermore called for complying with Article 2 (7) of the UN Charter which asserts that “nothing […] shall authorize the United Nations to intervene

\(^{36}\) Thiébault, 2000, p. 95.


\(^{40}\) ibid.
in matters which are essentially within the domestic jurisdiction of any state”.  
Furthermore, France also stated that since the Algerian indigenous population was “formally part of the French state, every French person was already entitled to the full exercise of rights”, eventually pointing out that “Algeria was not a non-self-governing territory and therefore was not subject to regulation under Chapter 11 of the charter, the Declaration Regarding Non-Self-Governing Territories”.  
In December 1958, during the fourth annual discussion on Algeria in the General Assembly, France rejected a resolution calling for negotiations between the “two parties”, since it implied equal and legitimate standing for the GPRA - a step which eventually led the Generally Assembly to formally recognise the right of the Algerian to self-determination and independence.  
Although such a recognition from the General Assembly - however formal it may have been - was not legally binding as such, the quarrels between this body and the French government provide for a telling example on how an internationalisation of a conflict - especially of a colonial one - after World War II automatically came under legal scrutiny based on the ever-stronger principles of international law. One legal counsellor of the GPRA indeed had a point when claiming that the UN Charter “confirmed the legal character of decolonisation by the very fact that it had laid down the various stages of the process.” While Algeria successfully made “its case for self-determination based on the authority of legal norms rather than resorting mainly to military force”, the French government’s role in the Algerian war was all the more notorious - and has significantly enough also been perceived as such. As will be shown, the perception on the French government’s role in the Algerian war was and remains centred on its acts of torture and war crimes. Perfectly aware of that, the French government tried to do what it could on a legal level: by refusing to call what was happening in Algeria a war, it avoided any semantic ambiguity on recognising Algeria as a legitimate subject to

42 Forsythe, 2009, p. 45.
43 ibid.
44 ibid.
45 M. Bedjaoui, La révolution algérienne et le droit, Brussels, International Association of Democratic Lawyers, 1961, p. 11.
46 Forsythe, 2009, p. 45.
international law and thus to the Geneva Conventions which enshrine the humanitarian dimension of armed conflicts. Instead, France called the war opérations de maintien de l’ordre (“operations of maintaining order”), thus underlining its notion of the war as a domestic matter.\textsuperscript{47} As we will see, it was only in 1999 that the French government eventually recognised the Algerian events as a war.\textsuperscript{48} Lastly, by introducing broad amnesty laws in 1962 and 1968, the French government did not have to fear any judiciary aftermath.\textsuperscript{49} However, none of these legal measures proved to be successful in the sense that France managed to contradict or silence accusations from the international community, international organisations and, first and foremost, at home from intellectuals and ex-militaries. Certainly, the question has to be asked on why torture committed by the French Army has been at the centre of the - still ongoing - public debates on the Algerian War. What this paper, however, primarily focusses on is how torture committed by the French during the Algerian War has been discussed by intellectuals and their allies at home, and what this discourse reveals on today’s postcolonial France, and thus on a European country in general which deals with its colonial past (or tries to do so, or avoids to do so). As already indicated, the debates on torture in the Algerian War are deeply rooted in a historic environment where international law served as an increasingly important point of reference and legitimisation. Surprisingly enough, an in-debt analysis on the development of the discourse on torture committed by the French army during the Algerian War has not yet been undertaken from a clear and proper human rights perspective. While this study aims at closing this gap in research, it will try to do so by answering the following main research questions: How did the discourse on torture in the Algerian War develop from its earliest beginnings until today? Closely linked to that, we will furthermore ask: Why has torture been such an important phenomenon in the discourse about the Algerian War as such? And which role did human rights as a concept play within this discourse?

\textsuperscript{47} Frémeaux, 2002, p. 91.
We will start by providing a detailed reflection - and elaboration - on the methodology considered to be the most suitable for answering our research question, namely a discourse analysis. Furthermore, three theoretical sub-chapters on the meaning of the terms ‘discourse’, ‘public sphere’ and ‘torture’ will not only provide a fruitful definition of each for this study, but also theoretically embed what will then be analysed in the following chapters, namely the written interventions from intellectuals and ex-soldiers in the newspapers of mainland France during as well as after the Algerian War. The paper will eventually conclude by assessing the development of the discourse, the broader impact it had on French society, and reveal possible influences the Algerian War and its discourse on torture had on the US government’s positioning with regard to the Iraq War and the scandal on the Abu Ghraib torture and prisoner abuses. Last, but certainly not least, it will thus try to provide a contextualising assessment on how a European post-colonial power deals with its human rights abuses in the course of decolonisation.
2 Methodology

2.1 Discourse Analysis

The aim of this study being the understanding of the development of the debates taking place in France on the use of torture committed by the French army during the Algerian War, the most suitable method is considered to be what today is known as discourse analysis. Clearly, there are many approaches to this qualitative research method, and ongoing debates on its use and accuracy in several fields such as political science, literature, linguistics, psychology, and many more. With such a large amount on literature produced on discourse analysis, providing an in-debt overview on how it developed and what its several approaches and branches are would clearly go beyond the scope of this study. Rather, it is deemed all the more important and necessary to expose a precise and dense approach towards this methodology.

This has, however, first to be defined. Simply speaking, “discourse analysis is the study of language in use”. To get more precise and explain how this methodology will provide the necessary tools for this study, we must first and foremost ask: what do we mean by ‘discourse’ and by ‘language in use’? Discourse, based on Michel Foucault’s approach, can be defined “as a corpus of ‘statements’ whose organisation is regular and systematic”, meaning that it can be understood as an “interrelated set of texts.”

Texts, in this case our “language in use”, are defined as “an actual use of language, [but] as distinct from a sentence which is an abstract unit of linguistic analysis”, meaning that in our case they represent the “discursive “unit” and a material manifestation of discourse.” It goes by itself that “texts extend beyond the sentence” and that they are

not meaningful individually, but only through their interconnection with other texts.\(^{57}\) To be clear, although texts in this study mainly refer to written texts - a completed, written-down expression of an intended message by one of the participants in the discourse about torture, in this case the mentioned intellectuals, (ex-) soldiers, policemen, etc. in France -, they also can take other forms, such as spoken words (when it comes to oral interviews recorded on radio or TV), pictures, symbols, artefacts, and so forth.\(^{58}\) However, in order to accurately “use” a text in the framework of a discourse analysis and, to use Foucault’s famous expression, reveal the “positive unconscious of knowledge”\(^{59}\), two elements have first to be considered, namely its *cohesion* and *coherence*. By *cohesion*, we mean the “identification of connections that are linguistically signalled, like those between a pronoun and a previous noun phrase”.\(^{60}\) Often, the link is - grammatically as well as semantic - clear. But sometimes, a cohesion can be much more ambiguous. To give an example with the pronoun *its*:

The Prime Minister astonished his advisers by suddenly announcing on the aeroplane that he was going to promise Romania early membership of the European Union in return for its continued backing.\(^{61}\)

*Its* in this sentence could linguistically be linked to either *Romania*, the *European Union* or even *membership of the European Union*. However, the vast majority of the readers will see (and read) it linked to *Romania*. As Widdowson points out, the “appropriate anaphoric connection is a matter of inferring which makes most sense pragmatically, which corresponds most closely with the reader’s contextual knowledge of the world - in other words, it is a matter of discourse interpretation.”\(^{62}\) This, indeed, touches upon a crucial point when conducting a discourse analysis, namely that the *successful* cohesion within a text heavily depends on the judgement of the producer(s) of a text about what

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\(^{57}\) Phillips and Hardy, 2002, p. 4.  
\(^{58}\) ibid.  
\(^{60}\) Widdowson, 2007, p. 45.  
\(^{61}\) This example is taken from Widdowson, 2007, p. 45.  
\(^{62}\) ibid.
meaning he/she/they can assume the text receivers can work out for themselves by invoking what they know about the world. How much a producer of a text has to spell out in order to deliver a cohesive text, however, strongly depends on the context - the historical, social, political and economic environment for example, as well as its target group -, and is not necessarily clear for receivers who find themselves in a different context or who not happen to be the main target group. Thus, what the intended receivers of a text can take for granted can be totally unknown for others, which means that crucial elements of a text often have to be reconstructed, especially when analysing historical texts, as will be the case in this study. Before further elaborating on the contextualisation, it is worth looking at the before-mentioned notion of coherence. Coherence is what makes a text semantically meaningful or, as Widdowson simply puts it, “the interpretation of a text so that it makes sense”. To be more precise: the notion of coherence is based on the assumption that a text always keys into a specific context, without which it could not be interpreted meaningfully. A short example can illustrate that more accurately by taking this sentence: “The process may seem complicated but actually it is not really, so long as you prepare some general rules in advance and know what they consist in.”

Surely, this text is well and rightly connected with cohesive devices: it relates to the process, and they relate to general rules. The trouble, however, is that the reader of this text can hardly make any sense of it, since he or she cannot key it into a context. Indeed, nobody could really say what this text is about since there is no schematic frame of reference to refer the terms to: Process - which process? General rules - which general rules? This could certainly be changed by giving a title to the text, but the point to be made here is that “it is possible for a text to be cohesive but incoherent”. Why is that important for this study? The relevance of contextualising a text - i.e. to link and to embed it within a schematic frame of reference - cannot be overestimated. Indeed, “discourse analysis presupposes

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63 Widdowson, 2007, p. 49
64 ibid.
65 This example is based (yet slightly modified) on: Widdowson, 2007, p. 50.
66 ibid.
that it is impossible to strip discourse from its broader context.” A contextualisation, however, needs to be done on a scientific basis and it needs, thus and foremost, to be provable - a point which is rarely emphasised. Hence, for this study, those texts consulted either clearly refer to torture committed by the French army during the Algerian War, or do so by scientifically proving a coherence with other texts related to this discourse, may it be linguistically or by providing enough historical points of reference which make it probable that a text is indeed what we called a “unit” within a discursive corpus. Also, it is assumed that when contextualising relevant texts, providing enough historical points of reference also encompasses biographical research from the text produces, for arguments in public debates still come from human beings with specific experiences and, as will be shown, sometimes with specific ‘agendas’, like Jean-Paul Sartre who wrote from a specific anti-colonialist perspective. Contextualising, for this study, thus also means to take into consideration - and if required, to eventually reconstruct - what Foucault called the “fundamental ordering codes of a culture - those governing its language, its schemas of perception, and exchanges”.  

With the mentioned methodological procedure being ready to be used, it is, first, worth to analyse where the mentioned discourse took (and takes) place. The term France, in this study, necessarily has to take into consideration the change of territory which occurred since the beginning of the Algerian War in 1954. It is worth remembering that the current Fifth Republic has only been constitutionally established in 1958 - thus in the midst of the Algerian War -, that it lost its Protectorate in Morocco in 1955, its Protectorate in Tunisia in 1956 and - needless to say - French Algeria in 1962. Also, its precursor, the Fourth Republic, lost French Indochina in 1954 after the Geneva Accord in the same year. Without going through all the modifications of French territories which occurred since 1954, the point to be made is that when referring to ‘France’ - or the ‘French’ public sphere -, this study understands texts in French language, appeared and published in mainland France and produced by persons who refer to acts of torture

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committed by the French army during the Algerian War. The term ‘public sphere’, however, is more complex and more ‘constructed’. It thus merits to be examined more closely in order to better grasp how and why a certain discourse can impact a society.

2.2 The Public Sphere

The term - and to a certain degree even the notion as such - of the ‘public sphere’ has been established by Jürgen Habermas in his classic account *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* in 1962 (the first English translation appeared in 1989). According to Habermas, during the eighteenth century, “bourgeois literary and discursive practices gave rise to a new political constellation in which the public use of reason served to hold state policies for critical scrutiny.” Noting that, until the eighteenth century, the public realm was considered “coextensive with public authority” while “the private sphere comprised civil society in the narrower sense, that is to say, the realm of commodity exchange and of social labor”, this new ‘public sphere’ emerged from within the private realm of bourgeois literary circles and activities, i.e. the world of letters. Thus, linking the before said private and public realms, the negotiated public opinion “put the state in touch with the needs of society.” With this concept having been at the centre of (ongoing) crucial debates, it has not only been challenged, but also redefined and, to a certain degree, readapted. Indeed, it still can provide for a solid understanding of ‘the public’ realm, which has recently also been called “a symbolic site of conversation and public reasoning”, and its meaning for public discourses. One of the main challenges to Habermas’ concept of the public sphere, however, has

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72 ibid.
73 ibid., p. 31.
certainly been formulated by Nancy Fraser in 1990. Referring to Habermas’ three so-called “institutional criteria” which served as a precondition for the emergence of the new public sphere - first, the disregard of status, second, the domain of common concern and, third, inclusivity, Fraser points out that the bourgeois public sphere was not as open and inclusive as Habermas’ claimed it was. Rather, it was characterised by significant exclusions: “[T]his network of clubs and associations - philanthropic, civic, professional, and cultural - was anything but accessible to everyone. On the contrary, it was the arena, the training ground, and eventually the power base of a stratum of bourgeois men, who were coming to see themselves as a "universal class" and preparing to assert their fitness to govern.” The relevance of such criticism, also for this study, lies not only in the very fact that the public sphere, and thus public debates as such, have their roots in patriarchal (and hence exclusive) societies, but that a public sphere as such cannot simply be conceived as a ‘blank’ and ‘neutral’ space where each’s and everyone’s argument - however rational they may be - has the same weight, but rather as indeed a sphere where a society’s structures and values automatically ‘leak in’ and where these structures and values are naturally reflected. It is significant that the testimony of Louisette Ighilahriz, a female Algerian freedom fighter, in 2000 in the newspaper Le Monde on how she was tortured and raped by the French army during the war, made the subject of torture all of a sudden come back on the front page of the newspapers and marked a crucial turning point in the French discourse on that matter. Although this text - and the responses it triggered - will be methodologically examined later on, the preliminary point to be made now is the fact that an (Arab) women speaking about torture through mentioning her body achieved a breakthrough on the relevance on the discourse on that matter - something none of all of the relentless (and mostly male!) scholars, intellectuals, etc. did ever achieve. Based under the assumption

75 N. Fraser, ‘Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy’, Social Text, Nr. 25/26, 1990, pp. 56-80.
76 Habermas, 1989, p. 36.
77 Fraser, 1990, p. 60.
that the public sphere is, as Habermas claimed, an open, inclusive, rationality-based space where ‘everyone is equal’, the question arises how and why a female voice - which, through mentioning rape, automatically brings in a heterosexual and patriarchal connotation - achieved this turning point and got this overwhelming attention. As will be seen later, this text also demonstrates the accuracy of the (mainly feminist) challenges Habermas’ concept of the public sphere has experienced which pointed out that public spheres are precisely not “a space of zero-degree culture”. It would, however, be false to assume that Habermas did not take into consideration the critics and challenges his initial conception of the public sphere had faced. Having obviously noticed how much the notion of public sphere as such changed - especially due to growth in power of the media and the growing number of its participants - , Habermas further elaborated on and modified his conceptualisation. As Emden and Midgley made clear, Habermas revised notion underlined two crucial elements: First, a self-regulating media system should maintain its independence towards its environments, while linking political communication in the public sphere with both civil society and the political centre. Second, an inclusive civil society has to empower citizens to actively participate in and respond to a public discourse. Surely, this may sound as idealising the public sphere as such and the practical functioning of mass media as the originally concept which rightly faced the criticisms mentioned above did. However, Habermas’ revised notion of an ideal public sphere provides for a solid framework when analysing the shortcomings of the French public sphere during and after the Algerian War, especially with regard to his implicit assertion of media pluralism as a necessary condition for the freedom of speech.

79 Fraser, 1990, p. 64.
81 ibid., p. 420.
2.2.1 The Limitations of the French Public Sphere

As, just to name a prominent example, some of Sartre’s texts show, the reflection on the role of the French media - and linked to that the freedom of speech and the freedom of expression - was inherent in his denouncements of the French army’s use of torture. According to Sartre, the complicity between the French government and the media tried to hide the matter of torture committed by the French army in Algeria, thus leading him to say that the French (official) media’s role was to “hide, mislead, [and] lie”.\(^9\) The fact that Sartre’s popular journal *Les Temps modernes* has been censored and its premises seized precisely because it fiercely denounced the extensive use of torture by the French forces was certainly not the only reason for Sartre’s criticism towards the restrictions of the French public sphere. During the Algerian War alone, i.e. from 1954 until 1962, a total of 169 newspapers and periodicals have been seized in mainland France and 586 in Algeria.\(^8\) Although the policy of seizure as well as the criteria governing it have never been coherently explained by the government, it is worth mentioning that “altogether about forty per cent of seizures seem to have been associated with allegations of torture, summary executions or bad conditions in prisons or internment camps.”\(^7\) (This certainly raises the question what exactly we are referring to when talking about torture - a point we will define and elaborate on in the next chapter.) With almost all seizures in mainland France having been so-called *saisis judiciaires*, they were based on article 30 of the code of criminal procedure authorising officers of the *police judiciaire* to take “all measures required to determine whether a crime or misdemeanour has been committed against state security.”\(^6\) This article obviously could be stretched in its meaning as much as the local prefectures (where each edition of papers had to be deposited before publication) wanted to; also, technically speaking, seizure was (and is) the initial stage in mounting a prosecution for a crime against the state such as sedition, incitement to

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\(^5\) ibid., p. 278.

\(^6\) ibid., p. 274.
desertion or demoralisation of the army. But with barely fifteen percent of seizures in metropolitan France having been followed by indictment and only fifteen per cent having led to a trial - which in turn led only to six convictions - the phenomenon of seizures during the Algerian War in mainland France has rightly been called a “wholly arbitrary system of inflicting fines on papers which had displeased the authorities.”

Even though it has to be considered appropriate that the “freedom of information [became] one of the earliest casualties of the Algerian War” these mentioned examples of seizure only represent the tip of the iceberg, for the magnitude of the restrictions of the French public sphere during the Algerian War - but also later on -, have more subtle roots. As Harrison pointed out, seizure could not - and maybe not even intended to - serve as an efficient means of information control without forbidding two of the biggest newspapers in France, namely Le Monde and the satiric weekly newspaper Le Canard Enchainé. Furthermore, “not only were few seizures complete, but two semi-calendstine papers, Verité-Liberté and Témoignages et Documents, distributed banned material widely despite repeated seizures”.

If careful readers wanted to gain access to non-mainstream, i.e. non-governmental controlled news, they were anyways able to find that information the government was trying to suppress. As Suzanne Citron put it: “Pour être informé, il fallait appartenir à l’un de ces réseaux de connivence pour lesquels, comme l’a rappelé Pierre Vidal-Naquet, “la vie continuait mais la question algérienne finissait par envahir chacun de nos instants.” Harrison thus seems to had point in stating that “[i]f much of the French public remained ignorant and misled, the explanation lies less in seizures than in a deeper failure of the press itself.”

This deeper failure of the press itself during the Algerian War applies, as we will see, not only to the war years, but also to the years following the war and, to a certain degree, until today.

But what was it precisely and what does it reveal about the French public Sphere?

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87 ibid.
88 ibid., p. 281.
89 ibid., p. 273.
90 Harrison, 1964, p. 281.
91 ibid.
93 Harrison, 1964, p. 281.
Considering that in France, Art. 11 of the Declaration of Rights of Man and of the Citizen of 1789 on the freedom of speech has always been more than empty rhetoric, the extent to which the critical press stood alone is of unique significance. Even though no paper was closed or mortally injured and the most extreme system of repression and control were eventually avoided, the very vast majority of politicians kept pressing for more seizures and draconian legislation, judgements from the judiciary revealed little sympathy, if not antipathy, for the press, while for intellectuals - also for many of those criticising torture - “the arbitrary treatment of the press seemed a matter of apathetic resignation rather than organised protest.” Furthermore, the press was not only isolated, but deeply divided, leading to newspapers condemning or, sometimes, even applauding the repression of their opponents, such as the centre-right newspaper *Le Figaro* when left-wing weeklies were seized in 1958, or *L’Echo* - although being an early critic of seizures and a defender of *Le Monde* - which declared that press freedom did not apply to “those who betray France while she is at war.” This failure of the French press during - and to a certain degree after - the Algerian War has also been described as “patriotic silences”, referring to the “prudence and patriotism [that] led many papers to promote official versions of reality and to sustain the wishful thinking which persistently jeopardised the emergence of intelligent opinion about Algeria.” As evidence on torture grew, many papers did not follow Francois Mauriac’s words to “speak out” but seem to have believed that “it was more dishonourable to expose torture than to commit it.” The government’s complicity with the press eventually led to reports on torture being “dismissed as communist propaganda, buried, misrepresented or ignored; there were references to “so-called tortures”, or to persons being “jostled” or “ mishandled” by the police.” This patriotic silence was thus the fruit of some well-managed governmental measures: through an official influence over what is today known as mainstream media - especially the newsreels and the RTV (*Radiodiffusion-Télévisions Française*), who had the television

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94 ibid., p. 282.
95 ibid.
96 ibid., p. 283.
97 ibid.
98 ibid.
monopoly in France\^99 - it not only managed to let the rupture between the French mainland and Algeria appear as something unthinkable to the wider public, but also to sustain the thought that reports on the French force’s use of torture were either unpatriotic or dangerous. With seizures operating arbitrary, and with institutional censorship and heavy suppression being eventually avoided, newspapers were apparently not facing enough common threats but rather became either isolated or, as has been shown, self-divided, and thus failed to respond to the governments influence of the other media. With the fact that “conformism and suppression had compromised the freedom and integrity of the press more than seizure”\^100 as such, the question arises how these shortcomings of the French public sphere can be explained in a way that also sheds light on the relative silence on torture in the years and decades after the Algerian War. Before turning to these questions, however, another crucial question remains to be answered: what is torture? And do we talk about torture as such when talking about the discourse on the use of torture from the French army during the Algerian War?

2.3 Torture

2.3.1 Definition

With torture being as old as humanity\^101 itself, providing for a complete historical account of this phenomena - even if solely limited on France - would not only go beyond the scope of this study, but also fail to answer the mentioned questions it is interested in. However, without employing any historical perspective, torture during the Algerian War would remain an isolated, arbitrary chosen act of barbarity from an overwhelmed and desperate French army not knowing how to cope otherwise with these “évenements” - which, as will be shown, was not the case. Rather, as Lazreg pointed out, torture in the Algerian War is more adequately examined as a practice, i.e. a “rule-bound activity” that was not, as many military officers claimed, an epiphenomenon of

\^99 ibid., p. 273.
\^100 ibid., 1964, p. 82.
the war but “central to the army’s defence of a colonial empire in its waning years.”

Before elaborating on the use of torture as such from French forces during the Algerian War, it is worth reminding the authoritative definitions and notions of torture. With two of the most important definitions enshrined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 1) and the Rome Statute of the International Criminal Court (Article 7(2)(e)), the “cumulative criteria for the definition of torture”, according to Nowak, can be described as the

infliction of severe pain or suffering, whether physical or mental, by or at the instigation of or with the consent or acquiescence of a public official on a powerless person under the custody or direct control of the perpetrator, with the intention and for a specific purpose, such as extraction of a confession or information, intimidation, punishment coercion or discrimination.

There have also been definitions of torture which did not limit torture solely to actions perpetrated “by or at the instigation of or with the consent or acquiescence of a public official”, but extended it by linking it to “persons acting alone” or simply as

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Article 1: “[... ] ‘[T]orture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”


Article 7(2)(e): “‘Torture’ means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.”

106 World Medical Association, WMA Declaration of Tokyo – Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and
Amnesty International did in 1973, a “systematic and deliberate infliction of acute pain by one person on another”.107 For this study, however, the mentioned authoritative legal definitions of torture shed some significant light on the “governmental nature” of torture during the Algerian War.

2.3.2 Torture and Modern Warfare

Already in 1962, the leading historian on and against torture, in Algeria, Pierre Vidal-Naquet, published a book called *La Raison d’État*108, demonstrating through reliable governmental sources “que la torture est devenue pendant la guerre d’Algérie une institution d’État”109 (and that, at the same time, “à quel point cette pratique était révélatrice des dysfonctionnements profonds de la République française.”110). In 1972, he even went further - by becoming more precise as well -, defining torture the following way:

> La torture telle que je la définis ici, torture d’État, n’est en effet pas autre chose que la forme la plus directe, la plus immédiate de la domination de l’homme sur l’homme, ce qui est l’essence même du politique.111

How inevitable and necessary torture was perceived on a governmental level becomes particularly clear when considering the historical context in which not only the acts of torture have been perpetrated - most famously during the Battle of Algiers in 1957 - but also in which it has emerged as the only conceivable answer to the unknown challenges of what was called “asymmetrical warfare”.

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As Branche pointed out, the use of torture by the French forces during the Algerian War had a twofold origin (“une double origine”): on the one hand the deep colonial relationship with Algeria and its history, and on the other hand the repression of the nationalist movements in the other territories of the empire. 112 This is particularly true for French Indochina, where the communist (and anti-colonialist) uprising under Ho Chi Minh was threatening to rob the French colonial empire of one of its other jewels after the Second World War. With De Gaulle being eager to restore France’s grandeur, however, his insistence on holding on to its empire not only ignored the winds of emancipation blowing in the colonies, but also led to a certain political blindness which was “unable to consider a political solution suited to evolving political realities”. 113 The consequences were disastrous. During the First Indochina War (1946-1954), French soldiers, for the first time, “found themselves embroiled in what they called a “rotten war”, a war in which the enemy did not wear a uniform and was hidden within a civilian population that supplied logistical support. Basing their campaign on guerrilla tactics and a powerful ideology […] Ho Chi Minh’s foot soldiers struck quickly and unpredictably, spreading the tentacles of war across the entire territory.” 114 It was against the background of this new kind of warfare, in which the enemy is taking the form of an invisible political organisation hidden among the civilian population, that the French military planners saw the need for a new approach in their military operations - and found it in the revolutionary-war theory (guerre révolutionnaire)115, which became the most important precursors of what todays is called “counterinsurgency warfare” (or COIN), in which torture was the principal weapon. 116 Having been elaborated by French militaries such as Colonel Charles Lacheroy or Captain Paul-Alain Leger, the most famous text is undoubtedly Colonel Roger Trinquier’s La Guerre moderne117 which, published in 1961, also became a major reference for the United States’ entanglements in Vietnam, Latin America and, as

112 Branche, 2001, p. 28.
114 ibid., p. 45.
115 Lazreg, 2008, p. 3.
we shall see, in Iraq.\textsuperscript{118} Furthermore, the 1960 novel \textit{Les Centurions}\textsuperscript{119} by former soldier Jean Lartéguy gave the new warfare an extremely popular and romantic sheen, among other by including the first use of the so-called “ticking time bomb” scenario which justified the use of torture by a thrilling narrative (which we will further analyse later on). Not the least because \textit{Les Centurions} became one of France's greatest bestsellers since World War II, Lartéguy has also been described as “the greatest champion of the emerging military doctrine”\textsuperscript{120} The truly revolutionary element of this new doctrine was marked by the importance of getting information and intelligence about the hidden enemy (who did not wear any uniform), i.e. its leaders and its organised structure “by any means, including torture.”\textsuperscript{121} This “war of information” could legitimately be waged “by arresting masses of civilian ‘suspects’, by interrogating them and, if necessary, torturing them.”\textsuperscript{122} It goes by itself that the military planners elaborating this theory knew that it was unlawful in the sense that it breached the conventional laws of war, i.e. what is better known today as International Humanitarian Law (IHL)\textsuperscript{123} consisting in a “set of rules, established by treaty or custom, that seeks to protect persons and property/objects that are (or may be) affected by armed conflict and limits the rights of parties to a conflict to use methods and means of warfare of their choice.”\textsuperscript{124} However, this new doctrine and its practices were merely perceived by French military planners to be a reaction of the unlawful practices by the Vietminh guerrillas (and the Algerian “terrorists”) who, as Trinquier put it, did not respect the laws of war and thus had no reason to be protected by it. 125

\textsuperscript{118} Roth and Worden (ed.), 2005, p. 46.
\textsuperscript{120} Roth and Worden (ed.), 2005, p. 46.
\textsuperscript{121} ibid.
\textsuperscript{122} ibid.
\textsuperscript{123} The two main treaty sources of IHL are The Hague Convention (1907), setting out restrictions on the means and methods of warfare, and the four Geneva Conventions (GCs) (1949), providing protection to certain categories of vulnerable persons. There have also been subsequent treaties, case law and customary international law.
\textsuperscript{125} In his \textit{Guerre moderne}, General Trinquier put it baldly: “Our current laws are unsuited to dealing with terrorism for the simple reason that this form of aggression was never envisioned.” (Cited after Roth and Worden (ed.), 2005, p. 48.)
With many French officers arriving directly from Indochina, the Algerian War became their “laboratory for applying the lessons of Indochina directly to a separate conflict”. Traumatised by the humiliating military defeat at Dien Bien Phu and the horrors of the Vietminh prison camps, their scruples were even more easily removed by the fact that the adversary in Algeria seemed very like the previous one in Indochina. (It was not the least because of that they had the tendency to call the Algerian insurgents “the Viets”). Many of them would have agreed with what captain Pierre-Alban Thomas, who had discovered torture in Indochina, once said: “Le premier interrogatoire que j’ai vu […], eh bien, la nuit, j’ai très mal dormi! Et puis après on s’habitue, on s’habitue, on s’habitue.” In her seminal study on the use of torture by the French army in Algeria, Branche, who has also scrutinised letters and diaries from several soldiers, pointed out how decisive the first experience of the use of torture was for them, and that the accounts of the following instances where they had to use it were characterised by a certain normalisation of their action. Closely linked to that, it is no wonder that they also “had to forget everything they had learned at the war college and devise an entirely new manner of fighting for this new type of conflict.” The big test, eventually, took place from January until September 1957, during the Battle of Algiers. For this battle, General Jacques Massu, head of the Tenth Parachute Division, was given special powers - including police powers, meaning that he had a free hand in implementing the new doctrine he himself was adhering to since his time in Indochina. As Lazreg made clear, it was precisely this “surrender of police and administrative powers to the military [that] was a crucial step in establishing torture as a central component of the war.” With Massu’s soldiers being “the only masters in Algiers”, torture was systematically employed. Although not expressively mentioned in any official reports, frequent allusions were made to it, such as orders from General Massu saying that, for example,

126 Roth and Worden (ed.), 2005, p. 47.
127 ibid.
129 Branche, 2001, p. 60.
130 Roth and Worden (ed.), 2005, p. 47.
131 ibid., p. 48.
133 ibid.
if persuasion does not suffice, “it is necessary to apply coercive methods”\textsuperscript{134}. Furthermore, what often lies behind a simple term such as “interrogatoire” can be seen in Pierre-Alban Thomas’ testimony above, demonstrating the importance of a careful and contextualizing discourse analysis. In the headquarter of the \textit{1st Foreign Parachute Regiment} in Algiers called \textit{Villa Sézini}, which was also the main detention centre during the Battle of Algiers, the use of torture was a codified practice and indeed a “rule bound activity”, leading scholars to call the \textit{Villa Sézini} a “véritable machine tortionnaire.”\textsuperscript{135}

2.3.3 French Style Torture Procedures

There - and later all over Algeria as well -, the use of torture mostly took place on evenings or during night, in order to add to the “suspect’s” tiredness a frightening obscurity. At the beginning, a hood is pulled over the head of the victim, thus making it impossible for the victim to orient himself or herself within a dark, unknown space, surrounded by militaries. Furthermore, suspects who, from the beginning, got tortured, were systematically ordered to get naked or were forcefully undressed. Being naked and blinded, the victims are thus double-exposed in front of the French forces, not knowing where they are, where a potential beat could come from, and their naked body demonstrating an intimate vulnerability and helplessness. In the French military jargon of counter-insurgency, this method was called the “psychological preparation” (\textit{préparation psychologique})\textsuperscript{136}, aiming at terrifying and paralysing what a captain, in his account, called “the patients”, thus demonstrating them their helplessness by insulting them, threatening them with dead, and blackmailing them - often in relation with the wellbeing of their family and/or spouses. The physical torture, then, mostly followed the same procedures: electric shocks - applied through the infamous so-called \textit{gégène}, a colloquial abbreviation of \textit{généatrice}, i.e. a electric generator which regularly had to be recharged and was small enough to be portable and even brought to a suspect’s home - and forced ingurgitation of water. With regard to the electric shocks, electrodes (which were connected to the ‘\textit{gégène}’) were placed on the victim’s body -

\textsuperscript{134} Roth and Worden (ed.), 2005, p. 48.
\textsuperscript{135} Branche, 2001, p. 131.
\textsuperscript{136} Cited after Branche, 2001, p. 132.
not always on the same body parts, but genital organs were systematically targeted -, before the electricity was turned on and eventually applied on various levels. With regard to the forced ingurgitation of water, the victim’s head was either put in a basin filled with water or fixed in a horizontal position, while the torturers poured water over the face of the victim who still has the hood covering his or her face, thus reinforcing the sensation of suffocating or drowning. The French-Algerian journalist Henri Alleg, who was subjected to waterboarding and whose book La Question will be analysed later on, is one of the very few persons giving a written first-hand experience of being waterboarded:

The rag was soaked rapidly. Water flowed everywhere: in my mouth, in my nose, all over my face. But for a while I could still breathe in some small gulps of air. I tried, by contracting my throat, to take in as little water as possible and to resist suffocation by keeping air in my lungs for as long as I could. But I couldn't hold on for more than a few moments. I had the impression of drowning, and a terrible agony, that of death itself, took possession of me. In spite of myself, all the muscles of my body struggled uselessly to save me from suffocation. In spite of myself, the fingers of both my hands shook uncontrollably. "That's it! He's going to talk", said a voice.137

The whole torture procedure - from bringing the suspect into the so-called chambre d’aveux, the “room of confessions”, until the end of the physical aggression - usually took two to three hours, and was not “accomplished” after the acts of torture as such. As Branche found out when studying several testimonies, the militaries made sure that no traces whatsoever were left on the victim of torture. The traces of cords or handcuffs were often rubbed away138, while traces of the electroshocks - often burnings -, were either treated by (mostly male) nurses in the Villa itself or in a building around the corner of it, where tortured people were sent, sometimes for several days, for getting

138 Branche, 2001, p. 133.
treated in order to heal their visible wounds.\textsuperscript{139} Yet, some victims - mostly those who were eventually identified as militants by the FLN - could not leave custody but were put into a helicopter for so-called “death flights”, during which they were thrown out of the helicopter into the sea. When their bodies were found - mostly at the coast -, they were called \textit{crevettes Bigeard} (“Bigeard shrimps”), after the General Marcel Bigeard who, as one of the architects of the new French strategy of warfare and one of France’s most decorated servicemen, was instrumental in the increased institutionalisation of torture once the successful (although) temporary elimination of the FLN in Algiers was concluded in September 1957.\textsuperscript{140} However, the words \textit{interrogatoire, gégène, crevettes Bigeard, chambre d’aveux, préparation psychologique}, reveal that there are two linguistic sections which can be distinguished between these terms: ‘cold’, technical ones for those words defining various steps within the process of torture, and ‘warm’, minimising ones describing non-procedural items for or as a result of torture. Based on the assumptions of what has been found out within the large framework of the so-called \textit{linguistic turn}, namely that “language constitutes reality”, one could also modify this saying that, as in this case, language sometime aims at constituting a ‘softer’ reality.\textsuperscript{141} The conscious use of these euphemisms suggests a certain will of professional self-protection which, as has been shown, could be given up by many soldiers when writing, i.e. using language, in a \textit{non}-professional context, primarily in their diaries. But self-protection, or rather self-appeasement, should certainly not be seen as the only reason for these euphemisms, for there indeed was the acknowledgement and consciousness about the fact that these methods of the \textit{Guerre moderne} were unlawful as such. The increasing importance of international law, which has already been mentioned, in the years and decades after World War II might certainly have been another reason why officials were extremely cautious in not leaving any written traces about the use of torture in their documents - just as they tried to hide the traces on the bodies of their victims. Remains the question why the French militaries were ready to actually make

\textsuperscript{139} ibid., p. 136.
use of a practise which they officially refused to call by its name and deemed themselves illegal. A question which Branche convincingly answers with the notion of necessity.\footnote{Branche, 2001, p. 424.} Necessity, especially in the Battle of Algiers, was essential - and easily measurable: the more information about the leaders and structures of the FLN could be found out, the faster they could be neutralised. It was based on the notion of necessity - however unlawful it might have been perceived -, that torture became a method, a practice, this already mentioned “rule-bound activity”, and thus became a legitimate weapon of war among all the other conventional ones. It is, however, worth mentioning that “torture”, for many of its perpetrators during the Algerian War, was a word too broad and too heavy to be employed without further explanation. Here, the question on whether we are talking about torture as such when talking about the discourse on the use of torture from the French army during the Algerian War becomes crucial, for the use of the word and its notion were differently perceived by the perpetrators (and everybody protecting them) on the one hand, and the accusers, on the other hand. General Massu’s explanation from 1997 interview is a telling point of reference: “Torture”, he explained, “c’est un mot très général qui n'était pas valable pour l'action que nous avons menée en Algérie [...], qui n'a rien à voir avec la torture pratiquée dans les camps de déportation nazis.”\footnote{ibid., p. 166.} Here, Massu is not only referring to the necessity of getting intelligence and information at any price within this new “guerre de détails”, i.e. on why the French army had to torture during the Algerian War, but also how it did it. By putting the use of torture by the French army in stark contrast to the one practised by the Nazis and the (French) Gestapo, one could say that, indeed, Massu had a point. Torture by electroshocks was considered by the French military as specifically French, as a specific French method and a sterile technic of getting information (technique de renseignement), without even having to touch the “suspect” and thus not only as a practice distant from the cruelties inherent in the acts of torture known from the Nazis, but also from the bloody acts of barbary committed by the FLN. “Jusque dans les corps des prisonniers”, Branche reflected, “l’électricité peut
mème être considérée comme une marque de la civilisation française.”\textsuperscript{144} But this “marque”, ideally, had to remain invisible, just as the electricity during the act of torture was as such, leading to the notion that the body of the other became something “transparent and imperceptible, abstract.”\textsuperscript{145} But having a closer look, this necessity did not only apply to make the victims speak, it was also something which had to be heard. It is hardly possible not to conceive these acts of torture as a demonstration of a use of force (however hidden it wanted to be). By “implanting” torture in the bodies of thousands of members of a population, these acts also aimed to float - at least (or at best?) vaguely - in the collective conscience of majority of the Algerian population and thus to constantly remind it of the power of France. These acts of torture, shortly said, had a twofold aim: getting information - a name, a place -, but at the same time to dominate the majority of the Algerian population. The fact, however, that these acts of torture also wanted to be heard, leads us to crucial question how, indeed, it has been perceived, for it logically not only got heard from the majority of the Algerian population which it wanted to intimidate, but also from journalists and intellectuals in mainland France, as has already been indicated. How did they hear it? Certainly, many of them understood “torture” differently than the perpetrators and its defenders. But how exactly? How far did their understandings and notions differ between each other? And how did these notions develop? These questions will be at the heart of the following chapters.

\textsuperscript{144} ibid., p. 424.
3 The Discourse During the War

3.1 By Consent and Force: Gramsci’s ‘Cultural Hegemony’

Antonio Gramsci’s concept of cultural hegemony offers quite a concise framework for understanding the silence, conformism and suppression which, as has been shown and will be further shown, has hardly been affected by growing evidence of the French forces’ use of torture. Developed in the early 1930s, Gramsci’s characterised cultural hegemony as the “consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group; this consent is ‘historically’ caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function”146 in a certain society. Without having ever given an absolute and static definition of cultural hegemony, Gramsci, however, tried to provide for a concept that explains how ideas reinforce or undermine existing social structures and emphasised that the concept had little meaning unless paired with the notion of domination and that, consequently, “consent and force nearly always coexist, though one or the other predominates.”147 Although initially developed within a framework of Marxist thinking and having as primary objective to explain the “relation between culture and power under capitalism”148, it has been recognised that Gramsci’s concept “can inspire fresh thought in historians from a variety of intellectual traditions”149. And indeed, in order to better grasp the shortcomings of the French public sphere when it comes to the discourse on the use of torture by the French forces during the Algerian War, Gramsci delivers some precious indications especially when illuminating the ambiguities of consent. Recognising the crucial role of language, Gramsci, to a certain degree, anticipated Michel Foucault’s emphasis on the role of “discursive practice”, referring to the fact that, as he put it, “every language contains the

148 ibid.
149 ibid.
element of a conception of the world.” Gramsci pointed out that “verbal conception [of the world] is not without consequences. [...] It influences moral conduct and the direction of will, with varying efficacity but often powerfully enough to produce a situation in which the contradictory state of consciousness does not permit of any action, any decision or any choice, and produces a condition of moral and political passivity.” When it comes to the before-said failures of the press, it is astonishing how precise Gramsci’s theoretical analysis applies to the practical example of the “patriotic silence” of the French press - and in general most of the actors of the French public sphere - its conformism and prudence, even as evidence on torture grew. Starting by subtle “verbal conceptions” of ‘reality’ such as calling the actual war (where 400,000 troops were in the field) mere événements d’Algérie (“Algerian events”), opérations de maintien de l’ordre (“operations of maintaining order”) or, as has been shown, referring to “so-called torture” and to the rebels as “outlaws” who had to be “slaughtered” rather than “killed” like soldiers, the government successfully marked the boundaries of permissible discourse and discouraged any clarification of social alternatives. As the short analysis of the French public sphere and the inglorious role of the press during and after the Algerian War clearly demonstrated (and will demonstrate in later chapters), consent, as Gramsci put it, “involves a complex mental state, a ‘contradictory consciousness’ mixing approbation and apathy, resistance and resignation.” What makes Gramsci’s concept additionally attractive for taking it as a reference framework in order to better grasp the French public sphere’s shortcoming

150 Lears, 1985, p. 569.
152 Harrison, 1964, p. 283.
153 Related to this, Pierre Bourdieu wrote a stimulating text on the phenomena of public opinion which, according to him, does not exist but rather is a simple artefact based on “questions linked to the preoccupations of the ‘ruling power’” (p. 125) which are posed in the framework of opinion polls. Defining them as “an instrument of political action” (p. 125), Bourdieu claimed the their “most important function is perhaps to impose the illusion that a public opinion exists, and that it is simply the sum of a number of individual opinions.” However, Bourdieu states that the three main flaws in orthodoxy believing in representative opinion polls lies in the assumptions that, first, “the production of an opinion is in everyone’s range of possibility” (p. 123); second, that every opinion has the same importance; and third, that “there is a consensus about the problem, an agreement about which questions are worth asking.” (p. 123). See: P. Bourdieu, ‘Public Opinion Does Not Exist’. Communication and Class Struggle, vol I, 1979, pp. 124 - 130.
154 Lears, 1985, p. 570.
relating to the discourse on torture during and after the Algerian War is the inclusion of
the notion that “ruling groups never engineer consent with complete success. The
outlook on subordinate groups is always divided and ambiguous.”

Despite all the mentioned shortcomings of the French public sphere, this is certainly true for those who
indeed did raise their voice - or rather: lifted their pen -, for otherwise this study would
obviously be lacking one of its main object of scrutiny, namely the texts criticising and
denouncing torture.

We have exposed what a public sphere, according to Habermas, can be, what the
shortcomings of the French public sphere were (and to a certain degree still are) and
how they can best be explained with the Gramscian concept of cultural hegemony.
Keeping in mind the research questions, the relevant shortcomings of the French public
sphere since 1954 demonstrate how much, from a proper human rights perspective, they
have to be considered and reflected when talking about the discourse on torture as such.
At this point, it becomes more and more clear that a certain tension between two human
rights principles is underlying this study. On the one hand, there is the freedom of
speech and the freedom of information (including the plurality of the media),
representing a human right which, legally speaking, is not absolute and thus has to be
limited as soon as it gets misused “for the purpose of undermining the democratic
values of tolerance, pluralism and broad mindedness.”

Although it has, as has been shown, been limited quite extensively in some cases, the mentioned shortcomings of the
French public sphere cannot solely be explained on a legal level. There might indeed
have been violations of the freedom of speech, but most often, as has been shown,
journalists and intellectuals remained silent not because the state categorically censored
them by classic executive force, but because it managed to establish such strong
structures that, by delimitating the sayable, the majority silenced themselves. On the
other hand, there is the freedom from torture, which is an absolute human right and thus
cannot be tolerated under any circumstances. One might thus ask in how far the freedom

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155 Lears, 1985, p. 570.
of speech should be limited when ‘speaking’ about the violation of an absolute right in the first place. But the subject of this paper being how the French discourse on torture during the Algerian war developed, the emphasis is not to be put on the nature of potential infringements from the French government relating to the discourse on torture, but rather its potential presence within this discourse.

3.2 The Dreyfus Affair as a Precursor?

The Algerian War certainly can be understood as a key moment - a so-called moment clé - in the recent history of French intellectuals and thus in the meaning of the French public sphere as such.\textsuperscript{157} On the one hand, this can also be attributed to the stark rise of the amount of students in France: already during the Algerian War, the amount of students rose by almost the double, before, during veritable explosion of number of students in the 1960s, it even became four times as high as before the Algeria War.\textsuperscript{158} Surely, only a tiny minority of these young students made themselves heard in the sense that they were published in newspapers relevant for the public opinion, but they nevertheless became an increasingly relevant audience of those actively participating (and shaping) the discourse before they themselves emerged as active participants. On the other hand, France had already experienced the full emergence of the intellectual in the public sphere during the 1890s, when the Dreyfus Affair divided the Third French Republic.\textsuperscript{159} Based on blatant structural antisemitism combined with anti-German revanchism after 1870/71, the young French artillery officer of Alsatian and Jewish descents, Alfred Dreyfus, was wrongly accused of (and eventually convicted for) espionage by allegedly communicating French military secrets to the German Embassy in Paris. The constructed allegations were openly denounced in January 1898 by already then famous writer Émile Zola in the literary, liberal, and socialist newspaper \textit{L’Aurore}.

\textsuperscript{158} ibid., p. 22.
(published by Georges Clemenceau), who published his seminal open letter *J’accuse!* (“I accuse!”) to then president Félix Faure, accusing the government - especially the army and its “religious circles”, pointing out the deep complicity between the catholic church and the army - of antisemitism and the unlawful jailing of Alfred Dreyfus. Further deepening the division of the public opinion between the pro-Army, mostly Catholic "anti-Dreyfusards" and the anticlerical, pro-republican Dreyfusards, Zola’s letter, however, represented “a moment of human conscience”¹⁶⁰, as Nobel Prize Laureate Anatole France put it on Zola’s funeral. This was not the least because Dreyfus was eventually set free - after his imprisonment on the Devil’s Island in French Guiana for nearly five years - and reinstated in the French army in 1906.

Significantly, a considerable number of intellectuals intervening in the French public sphere in order to denounce torture used during the Algerian War - especially during the war itself - implicitly or expressively referred to the Dreyfus Affair (written) fight (*la guerre à l’écrit*) for defending and rehabilitating Alfred Dreyfus.¹⁶¹ Indeed, there were some obvious parallels: the institutions of the army, the justice, and the government as such, seemed once again to be culpable of putting in danger the moral integrity of the nation and of infringing basic civil and political rights. Many intellectuals, thus, saw themselves constrained to act at the same very moment where their precursors did so sixty years before, namely at the unbearable moment when - in their case the Algerian War - “a blessé en eux la conscience nationale et la philosophie du droit.”¹⁶² In a significant remark, Raoul Girardet stated that French intellectuals “semblent avoir rêvé de ressusciter, à l’occasion du drame algérien, ce qui reste le grand moment de son histoire et qui n’est rien d’autre que l’Affaire Dreyfus.”¹⁶³ There were, however, differences between the *Affaire Dreyfus* and the, as we could call it, *Affaires de torture.*

To start with, the intellectual’s interventions did not have a tangible impact on the war and the use of torture as such, as Zola’s *J’accuse!* and the later interventions from the Dreyfusards eventually did.\(^{164}\) Another considerable difference, according to Winock, was that, in the case of the Algerian War, “les contempeurs des méthodes de répression ne défendent pas un innocent.”\(^{165}\) This is certainly true, for indeed it is undeniable that the FLN also resorted to the use of torture during its struggle for independence. This was, however, an argument that did not trouble most of the intellectual’s stance on the French army’s use of torture. In this regard, Sartre certainly was the most famous - and extreme - example, claiming that the use of violence of the FLN has to be understood as an act of liberation, a necessity, as a veritable *conditio sine qua non* of decolonisation as such, as he made clear in his foreword to Frantz Fanon’s *Les damnés de la terre* (“The Wretched of the Earth”), which will be analysed later. Another notable difference between these two *Affaires* is also worth keeping in mind. Most interventions denouncing torture inevitably took place “through a filter of memories”\(^{166}\), having their roots in the Second World War, and first and foremost in the time under German occupation during which the infamous (French) Gestapo used torture as its main method of interrogating suspects from the French *Résistance*. It has to be underlined that the starting point of the outspoken denouncements of torture used by the French army during the Algerian War was Claude Bourdet’s article significantly called *Votre Gestapo d’Algérie*, published as early as on 3rd January 1955 in the weekly left-wing magazine *France Observateur*.\(^{167}\)

In it, Bourdet denounced the use of torture by the French army in Algeria - committed, according to him, mainly by members of the French settler’s community -, by implicitly accusing them of committing the same atrocities as the French collaborators under the German occupation.

There was, however, another crucial difference between these two *Affaires* which

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\(^{166}\) Rioux and Sirinelli (ed.), 1991, p. 42.

\(^{167}\) Citron, 2014, p. 58.
merits a closer look: the role of Catholicism, generally said, or more precisely: the role of catholic intellectuals.

3.3 The Catholic Intellectuals at the forefront: The First Discursive Sub-Corpus of the Christian Résistance

One of the - if not the - lasting historical impact of the Dreyfus Affair for French society was the political downfall of the catholic church - and to a certain degree of Catholicism as such. In the highly unstable Third French Republic (1870-1940), the Catholic church became a increasingly popular institution due to widespread scepticism towards the republic and its democracy which, for many, stood for the loss of all order and decadent modernity. “To many”, as Hannah Arendt put it, “the hierarchic system of the Church seemed the only escape from chaos.” It was not the least because of that that the French army - after its historic humiliation of 1870 against the German empire -, gladly accepted the guidance of the Church in order to improve (if not to re-establish) its legitimacy toward civil society. This symbiotic complicity between the army and the Church, however, came to an abrupt end after the innocence of Alfred Dreyfus became eventually clear. Due to the Church’s - and especially some Jesuit’s - well-known role of guidance within and for the army, the end of the Dreyfus Affair even led to the widespread perception that “no one in France, not even the army, was so seriously compromised as the Church.” As a result, the Dreyfus Affair seriously strengthened the Dreyfusard’s (and other republican’s) commitment to secularism, eventually leading to the 1905 law on the Separation of the Churches and State, the main backbone of the famous principle of laïcité. As opposed to its role of complicity with the army and the government during the Dreyfus Affair, the catholic church and its adherents with a voice in the public sphere, during the Algerian War, raised their voice against the army’s use of torture.

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169 ibid.
170 ibid.
Twelve days after Claude Bourdet’s (who described himself as a “Christian humanist”) article, on 15 January 1955, the writer Francois Mauriac - known for his convinced Catholicism - published an article denouncing torture in the centre-oriented weekly magazine *L’Express* which was indicated on the front page of the magazine with the truly Dreyfusian title “Mauriac accuse”. In this, Mauriac provided excerpts from a discussion he had with a friend, a priest from the Algerian region of Constantine, who already mentioned the before-said practices of waterboarding and electroshocks:

Ils [les soldats] n’ont pas renoncé aux coups de nerf de bœuf, vous savez ! […] Mais la baignoire, ou plutôt le baquet d’eau sale où la tête est maintenue jusqu’à l’étouffement, mais le courant électrique sous les aisselles et entre les jambes, mais l’eau souillée introduite par un tuyau dans la bouche jusqu’au pour le patient s’évanouisse...  

After having been told names of victims and witnesses, Mauriac, as he put it in the conclusion of the article, felt like an “homme qui a pris part, sans le vouloir, à un crime et qui hésite à aller se livrer.” Although Mauriac denounced the French army’s use of torture with the utmost force, an underlying - yet crucial - element of his written interventions on this matter was the purely moral approach. As opposed to later interventions by other intellectuals, Mauriac did not condemn colonialism - or France as a colonial power - as such, and thus refused to incorporate his judgement into political choices.

There were, however, other catholic intellectuals who felt the need to verbalise their appealed Christian conscience in the French public sphere before, in 1957, the topic on the use of torture became more widespread. Most notably, Henri-Irénée Marrou’s article from 5 April 1956 in the centre-left newspaper *Le Monde* – already then one of the most read in France – cannot go unmentioned. In this article called *France, ma patrie*

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173 ibid.
174 Rioux and Sirinelli (ed.), 1991, p. 84.
("France, my homeland"), Marrou, like Mauriac well-known for his Catholicism, raised his voice as a “simple citoyen que sa conscience tourmente”\(^{175}\) against the “moyens infects que sont les camps de concentration, la torture et la répression collective”\(^{176}\), not without adding: “Cela est une honte pour le pays de la Révolution française et l’affaire Dreyfus.”\(^{177}\) Like Mauriac, Marrou’s intervention was a (mere) moral judgement on the French army’s use of torture without any provocative positioning on a technical solution of the “Algerian problem”. Like Mauriac, Marrou was not fundamentally opposed to French Algeria as such (or even a war which, as already mentioned, in those years were mere “events”), as he makes clear when writing: “On ne défend pas une noble cause par des moyens infects.”\(^{178}\) As opposed to Mauriac, however, Marrou’s denouncement of the French army’s use of torture was much less written from a Christian, i.e. catholic point of view, than one, as he said, from a simple citizen invoking its countries historic values which he perceives to be at peril. Interestingly enough, both events Marrou refers to - the French Revolution and the Dreyfus Affair - represent major milestones of French secularism, events which dethroned the political weight not only of the Catholic church, but of religion as such. His “conscience tourmentée” - was it a catholic conscience or, as his arguments suggest, rather an Enlightened one? A careful reading indeed suggests a considerable role of ideas of Enlightenment - which, for many French intellectuals, still represents a source of patriotism - underlying his notions of justice, not the least of the French revolution’s achievement of the ban on torture. Also, and going hand in hand with that, the memory of World War II, and thus an implicit anti-Nazism is present when Marrou, himself a former part of the anti-fascist Résistance, writes:

La grandeur française est en péril. Je m’adresse à tous ceux qui, […] comme moi, ont des enfants et des petits-enfants : il faut que nous puissions leur parler sans être couverts d’humiliation d’Oradour et des procès de Nuremberg ; il faut

\(^{176}\) ibid.
\(^{177}\) ibid.
que nous puissions relire devant eux les belles pages de nos classiques sur l’amour de la patrie, sur notre France, ‘patronne et témoin (et souvent martyr) de la liberté dans le monde.’

What makes Marrou’s text a meanwhile uncontested masterpiece of intellectual intervention against the French army’s use of torture is its strategic of an outspoken appeal to France’s collective memory. By invoking historic events - i.e. what Pierre Nora famously defined as *Lieux de mémoire* - and values derived from them, Marrou could place his denouncement of torture into a historical coherence, thus proving how deeply “Unfrench” the use of torture in fact is. This is underlined by the famous plea from the declaration of the French Assembly on 11 July 1792 in response to Prussia joining Austria against France (“La patrie est en danger!”), which Marrou concludes his article with. With this strategic rhetoric of intellectual patriotism, furthermore, Marrou not only managed to bypass the arbitrary censorship which the government under Guy Mollet (from the *Parti Socialiste*) employed in order to avoid demoralisation of the army, but also was less exposed to accusations of treason coming from right-wing intellectuals or government officials. Marrou's text has recently been interpreted as a piece of “moral anti-colonialism”, which has to be disqualified as exaggeration. There is no unambiguous reference in this text suggesting that colonialism as such has to be disqualified on moral grounds. What Marrou does point out, however, is that a civilisation - i.e. a government - has to apply the ideals its propagating - and that it falls into hypocrisy, which leads to its end, if it fails to do so. Denouncing the use of torture in one of France's most widespread newspapers by calling it “moyens infects” amounting to a veritable French abnormality was obviously perceived as dangerous by the French government. Five days after the publication of Marrou's article, on 10 April, a search warrant was executed at his home where, needless to say, nothing

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179 ibid.
181 “[L]es civilisations qui laissent le fossé s’élargir entre l’idéal dont elles se réclament et les réalisation qu’elles en proposent, des civilisations-là meurent de leur hypocrisie.” Cited after: ibid.
compromising was found. 182 Then minister of Defense, Bourgès-Manoury, after a questioning in the Parliament, saw himself constrained to publish a statement in La Dépêche du Midi on 14 April, where he stated: “Quand je vois que M. Marrou a parlé de “moyens infects”, je dis que pas un seul soldat ne peut admettre cette imputation dans sa généralité.”183 This statement could not have been better formulated in terms of efficient and subtle defence. By saying that not a single soldier can accept such a general accusation, Bourgès-Manoury does not disprove Marrou’s accusations that torture was used by the French army, but rather that the generalisation of these accusations is unacceptable. Implicitly, Bourgès-Manoury thus stated that torture did happen - or at least might have happened -, but that it was not structural employed. Bearing in mind G.W. Bush’s famous words about the “disgraceful conduct” of “a few bad apples” after pictures of tortured prisoners in Abu Ghraib emerged in 2004, it is particularly telling to notice that Bourgès-Manoury did neither condemn torture as such, nor promise to investigate the accusations. The Christian interventions against the use of torture of the French army were, however, not over after Mauriac’s and Marrou’s interventions. By way of example, Pierre-Henri Simon’s book called Contre la torture (“Against torture”), published in March 1957, can be seen in the same sub-corpus of catholic denouncement of the use of torture by the French army in Algeria with a deeply rooted historical perspective. As a catholic writer who previously spent five years in prisoner-of-war camps during the Second World War, Simon, after the rumours on torture became more and more widespread, was appalled by the possibility of a “collective culpability of the army and nation at large”184, a culpability he attributed to the German army and Germany throughout the Second World War and which he thus, just as Marrou, perceived to be completely incompatible for France.185 Similarly to Bourdet, Marrou and Mauriac, Simon’s main aim was first and foremost to list and

183 ibid., p. 243.
185 After his release of the prisoners-of-war camp, Simon had visited Belsen and, “shocked by the rejection of responsibility by local Germans”, he wrote: “May the good people of France nevel fall into such a moral degradation of this order!” Cited after ibid., p. 232.
denounce the malpractices and not to propose a political coherent solution of the deeper conflict as such. Even far from advocating a withdrawal from Algeria, Simon was, it seems, more concerned - and maybe even more so than those before him -, with the effect the use of torture had on the French nation and its youth than on the native population of Algerians:

Even if torture of an Arab did pay, I would still say that it was criminal, that it was intolerable and a metal stain on honour in the sense that one says that sin is mortal. Something more essential than force will have been achieved and destroyed; a defeat more intimate and more irreparable than the destruction of the army [would be] sustained… I think, in effect, that a certain ethic of total war, a certain rallying to Machiavellian methods without conscience and without pity are the only possible outcome of the criminal forgetting, in the treason of the soul, of France’s vocation. What can we fear from the boys who have fought in this war in this spirit?186

However, the crucial texts following those of Bourdet, Mauriac and Marrou had a significant difference: they were written by actors involved. The first text we are referring to was published in February 1957 by the weekly catholic magazine called Témoignage Chrétien, founded in November 1941 in the framework of the French Résistance by the catholic Father Chaillet. Written by a Christian soldier called Jean Müller killed during service in Algeria, the text is a public letter/letters to his friends, and thus a first-hand account of the Algerian tragedy from a self-reflective perspective from within the military. The second publication is a brochure, comprising several texts by former officers and soldiers who had served in Algeria, and is called “Des Rappelés témoignent”. It was published by the Comité Résistance Spirituelle in March 1957 in order “to show the degree to which the war in Algeria represented the collective crimes of all French people […] and to help arrive Franco-Muslim

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reconciliation.” 187 These two publications marked the climax of the christian interventions against the use of torture by the French army during the Algerian war, before many of these active catholic intellectuals - as has been mentioned in the case of Francois Mauriac - became increasingly divided among themselves with regard to Charles De Gaulle’s return to power in spring 1958. We will thus first analyse these two texts and then compare them with the earlier ones by Bourdet, Mauriac and Marrou in order to draw a conclusion on the impact of this christian discourse on the use of torture on French society and its meaning(s) from a human rights perspective.

3.3.1 The Brochure called Le Dossier Jean Muller

The full title of Jean Muller’s text - “Le Dossier Jean Muller: De la pacification à la repression” - makes clear what has already been indicated: that it is a broader denouncement not only of acts of torture employed, but of repression from the French Army towards the native Algerian population in general. In the foreword, Georges Montaron, the publisher of Témoignages Chrétien, explains the magazine’s motivation to publish Muller’s letters:

On nous accusera une fois de plus de nous désolidariser du drame national. Pas plus qu’hier cette accusation n’a de fondement. Devant les faits d’une telle gravité, dire la vérité, c’est rester fidèle à l’honneur de son pays. Si nous avions refusé de publier le témoignage de notre ami, nous aurions tout simplement failli à notre devoir.188

This ‘act of publication’ is claimed to be primarily patriotic, rather than religiously motivated. There is no mentioning of a ‘Christian conscience’ or ‘Christian principles’ in the foreword. Instead of this, the fidelity to the homeland - homeland, i.e. France, in this case, being an abstract principle of highest integrity - is invoked as a moral duty to reveal these brutal acts reported by a soldier described as “moralement

187 Le Sueur, 2001, p. 156.
incontestable”

Like Marrou, Montaron, in his foreword, refers to France as an almost holy entity, a higher principle under which such acts of torture have to be condemned and fought against, but which, at the same time, remains untouched and unbroken in its sacrality. It is no coincidence that this attitude - or rather: this faith - has been most famously expressed by Jean Jaurés at the climax of the Dreyfus Affair: “Oui, quelle institution qui est restée debout? Il n’en est plus qu’une: c’est la France elle-même.”

The title - “From pacification to repression” - not only refers to the official, from today’s view almost cynical concept of pacification which the government thought to pursue with its armed action on Algerian ground, but also denounces and declares it as failed. As the title suggests, this pacification was a mere buzzword, a fact that heavily contributed to the disillusioned anger this Christian soldier must have felt: “We are far from the pacification for which we were recalled to duty”, Muller wrote, before continuing that “we are in despair when we see just at what point the French reply the processes, which recalls to mind the Nazi’s barbarity.”

The fact that this was an accusing testimony from within the army - as opposed to the previous intellectual accusations from outside the army and, additionally, outside the continent where the actions denounced happened -, had a particular relevance for the development of the discourse on torture. Sartre, just to mention one of the most prominent examples, not only based one of his most famous articles denouncing torture on these testimonies, but also advocated that each and every French citizen should read these testimonies - especially the brochure - in order “to overcome the great moral sickness.”

It was precisely this ‘moral sickness’ which Jean Muller tried to describe, first and foremost based on the acts of torture committed by his comrades, as well as on summary executions he both witnessed. However, what gives, among other things, his

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189 Ibid.
191 Cited after Le Sueur, 2001, p. 158.
192 “It is because we are sick, very sick”, Sartre wrote, “burning and prostrated, obsessed by the old dreams of glory and by the foreboding of its shame; France is fighting herself in the middle of a confused nightmare that she cannot escape or decipher.” Cited after: Le Sueur, 2001, p. 158.

As indicated in these words, and as will be shown, Sartre went one step further in his denouncements of torture. Torture did not dishonour France, but rather France was already an imperial, dishonoured entity which had to be fought by the Algerian people rightly claiming self-determination.
account a broader political dimension is his sensibility towards general structures of blatant racism towards the Arab majority - not only by his fellow soldiers, but first and foremost of the French and Europeans living in Algeria. It seems as if Muller deemed it dramaturgically necessary to start writing about those underlying structures of ‘subtle’ violence in order to have his later encounter with the institutionalised, physical acts of violence embedded in a linear, comprehensible - though not tolerable - and tangible narrative. Thus, Muller starts by the anecdote on his encounter with an Arab shoe-shine boy in the city of Oran, for whom he ordered a sandwich in a bar nearby. The waitress, however, answered Muller: “Laissez les tous crever, c’est de la mauvaise graine. Si vous voulez vraiment un sandwich, j’y mettrai du poison.”  

Muller saw this veritable hate from the Europeans towards the Arab regularly confirmed, not the least when a French family told him and his comrades that each of them shall kill a dozen of these “Fellaghas”. It is within through this embedment of the banalisation of death that Muller, eventually, turns to torture. Confirming what Branche stated on the decisive nature of the soldier’s first encounter with acts of torture, Jean Muller, too, made sure that the subject of torture stood out: “Il faut que je vous parle longuement des tortures;” he begins his detailed report on the torture methods he witnessed during his service. It is significant, however, that Muller does not write - similarly to some soldiers in their diaries which Branche scrutinised - about a sudden, shocking, overwhelming encounter with torture. Rather, it is introduced as a subject which is only coherent to be mentioned in this context. It is precisely this coherence - in the sense we used this word in chapter 2.1. - which explains this linguistic tranquillity of Muller’s account on the acts of torture. What did he witness? By way of example, Muller writes about a suspect tied to a tree all night by his feet, his back against a barbed wire. To drink, the soldiers gave the suspect only dirty laundry water. Also, Muller mentions the method of administrating electric

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194 Fellagha (literally ‘bandit’) was the pejorative term given to the armed Algerian independence fighters.
196 Le Sueur, 2001, p. 158.
shocks, with the electrodes on the intimate parts and around the ears. One man, Muller reports, was sprayed with water so that the electricity hurts even more. But also from suspects who were intentionally left in a metal cage under the hot sun. Others were stroked or lashed with a bull’s pizzle. Others got a knife pushed slowly into their flesh, or were simply “stationed” naked and in humiliating positions (à cheval, i.e. straddling, as Muller writes). A bleeding man was let one day and one night lying outside on the ground, and another suspect was thrown off the helicopter from 200 meters. Every tortured suspect, Muller writes, was taken by the parachutists (i.e. General Massu’s men) and liquidated.197 After enumerating these witnessed acts of torture, Muller writes to his friend: “Ce que je voudrais simplement te dire, c’est te mettre en garde contre les entraînements collectifs auxquels beaucoup ici se laissent prendre.”198 Muller thus identifies these ‘collective driving forces’ as a decisive and driving element behind the use of torture of the French army in Algeria. But these collective forces were not a mysterious process which happened to have its own, uncontrollable dynamic. Rather, as the title also suggests and Muller’s text makes clear - although more implicitly than explicitly -, these collective driving forces pushing individuals to use torture where institutionalised and derived from hierarchical structures engrained in the army itself.

As a consequence of his refusal to employ the use of torture, Muller also mentions his isolation during his service, and the acts of discrimination from other soldiers, captains and officers he had to face. However, Muller mentions that “personne, n’a osé m’attaquer de front, car je me suis toujours présenté comme chrétien, jamais comme faisant de la politique.”199 This remarkable sentence merits a closer look. For Muller’s comrades and superiors, his refusal to torture was interpreted as an unpolitical, Christian abstention. And in some ways, it truly was: neither did he positioned himself as an outspoken anti-colonialist, nor did he provide a sophisticated account - like Marrou - on how these acts go against the essential values of France. At the same time, it is precisely this quiet, Christian abstention which seems to have given him to act through language –

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198 ibid.
199 ibid.
to compensate is passivity on the ground through activity by the pen. It is precisely this what, ultimately, makes his text more powerful and broad in its accusations than the other three by Bourdet, Mauriac, and Marrou: the incorruptible witnessing of a wide net of acts of suppression, which inevitably led to torture. Furthermore, in his text, several parallels, i.e. similar ‘frames’ in his denouncements become visible compared to the already mentioned texts by Bourdet, Mauriac and Marrou. First, he, too, referred to “the Nazi’s barbarity”, though implicitly denouncing the use of torture as something “Unfrench”. But as it was the case with Francois Mauriac, it was less his French citizen’s dignity than his Christian conscience which was appalled and which seems to have forced him to lift his pen. It is certainly no coincidence that Muller - an actor involved on-site in Algeria -, in this discourse on the French army’s use of torture during the Algerian war, is the first, by employing the term of “entrainements collectifs”, to mention the notion of ‘social forces’ which can lead a ‘neutral individual’ to become a torturer - a concept which became popular only twenty-five years later with Philip Zimbardo’s Stanford Prison Experiment in 1971. It is not the least because of that that Muller eventually encouraged his reader(s) to keep true to their Christian principles and thus to assure the continuity of catholic (un)action among those identifying as Catholics in the army. This notion of unescapable collective dynamics among soldiers might, furthermore, also have been a decisive element for the Manifesto of the 121, the full title being: Declaration on the right of insubordination in the Algerian War, which, among other things, as will be shown later, demanded French conscientious objectors to the conflict to be respected by the authorities. Muller’s writings, however, can hardly be interpreted as a concise political intervention in the public sphere. Although astonishing 34’000 copies of the issue of Témoignages Chrétien with the Dossier Muller have been sold - the most successful issue of Témoignages Chrétien during the whole Algerian War -, that Le Monde, L’Humanité, and France-Observateur published the Dossier as well or at least excerpts of it, seem to

have addressed his thoughts almost exclusively to his catholic, or at least Christian, fellows.\textsuperscript{201} It seems, furthermore, as if Muller’s use of written language did not solely fulfil the function of describing - and in some way digest - what he witnessed, but also to establish a certain salutary distance to it.

3.3.2 *Des Rappelés témoignent*

As early as at the beginning of 1956 - i.e. even before the Battle of Alger had begun -, letters from soldiers and officers (or from their friends), were sent to the Catholic Territorial Prelature of Mission de France, located in the city of Pontigny in the Ecclesiastical province of the Metropolitan Archbishop of Dijon in Burgundy (France). These letters all reported torture practices employed by French soldiers and officers, summary executions, acts of violence against civilian population, and rape. The Mission’s priests thus deemed it necessary to create what they called the *Comité de Résistance spirituelle* (“Committee of Spiritual Resistance”) in order to publish these reports and denounce the use of torture employed by the French army. Beside the Mission’s priests, several catholic intellectuals - among them Marrou - joined the committee.\textsuperscript{202} As mentioned above, the main intention of the publication of these letters and reports was not only to denounce the use torture as such, but, through this, to reach a Franco-Muslim reconciliation. The concession of the use of torture by the French army was seen as a precondition for this reconciliation, leading the committee to state that the “recognition of our errors may be […] the key that will permit the opening of hearts to pardon and reconciliation.”\textsuperscript{203} But with each of these twenty-four letters and reports describing the Army’s cruel and inhuman violence, readers, contrary to the committee’s intention, must have seen their hopes for this Franco-Muslim reconciliation increasingly fading.

\textsuperscript{201} It is worth noting that L’Humanitée, which published excerpts of the Dossier on 26 February 1957, was immediately seized by the government for ‘endangering State security - as opposed to Témoignage Chrétien, Le Monde and France-Observateur. It demonstrates the arbitrary approach by the government when interfering with the freedom of the media.


\textsuperscript{203} Le Sueur, 2001, p. 156.

\textsuperscript{204} Le Sueur, 2001, p. 152.
In the foreword written by the committee collectively, arguments for publishing these letters were similar to those stated in the foreword of the Jean Muller Dossier. The committee assumes the “heavy responsibility” - again not as Christians, but as French citizen - to publish these “accounts of horror” which they compare to the crimes of the Nazis (“crimes des nazis”). Those officers and soldiers who “se comportent de la manière la plus correcte et la plus humaine”205 uphold the army’s and the country’s honour and its best traditions, which again implicitly includes the notion of France as a beacon for human rights. But as opposed to the foreword for the Dossier Jean Muller, the committee’s stance and objectives are more outspoken: the publication of these testimonies shall lead to a protest from the whole country in order to break this “conspiration of silence”, or the “guilty silence of the French people”. It is not only the regular French people who gets criticised for its silence, but also those officials with big responsibilities who, until then, pretended not to know what was happening in Algeria, and who ignored several denouncements of war crimes - the term employed by the committees indeed is “crimes de guerre” - from (mainly) Christian activists. All these denouncements, the foreword is keen to underline, do not mean the committee supported the cause of the FLN or Algerian independence - a common sense soon to be questioned not only by those ‘secular’ intellectuals inspired by this publication, but also from some catholic priests itself. With 20’000 copies sold, Des Rappelés témoignent, like the Dossier Muller, did much to publicise the daily violence in Algeria. It is not deemed necessary to provide a dense description of what exactly these soldiers and officers wrote, for their accounts consist in describing and denouncing those torture methods which we already encountered in the previous texts. Although summary and on-the-spot executions go not unmentioned, as well as shootings of innocent civilians during village searches, these letters and notes testify that Jean Muller’s isolation was not, to put it bluntly, an isolated case. It is significant that, just as Jean Muller, these soldiers and officers put most of their energy in describing the events of torture and how it affected them. One of the most revealing texts worth being mentioned - which also demonstrates to which degree the witnessing of some of the acts of torture took young

205 Chapeu, 2004, p. 94.
soldiers by surprise - relates to acts of torture inflicted on a child in the tent of his lieutenants. Clearly in a condition of shock, these young soldiers begins his account with the sentence: “Les hurlements de cochon qu'on égorge entendus hier soir vers neuf heures venaient bien du gosse.”206 He then describes that, instead of applying the ‘normal’ method of electro-shocking - consisting, as mentioned above, in placing the electrons around the genitals - they placed it on the child’s wrist and on his ear. In the two last sentences of this account, words to describe his feelings seem to be missing, which is why he repeatedly uses the word “brisé”, broken - maybe the most accurate one to depict the state of mind of many - Christian, but not only - soldiers serving in Algeria.207

3.4 The Irrevocability of Facts

The impact both publications had - the Dossier Jean Muller together with Des Rappelés témoignent - can hardly be overestimated, as has already been indicated by Sartre’s statement on Des Rappelés témoignent. A thorough analysis suggests that these two texts’ impact consisted in two dimensions: one relates to the official ranks of the government, the second - and maybe even more decisive and sustainable one - on the intellectual scene, i.e. on the written discourse as such. With regard to its impact on the ranks of the official governments, several immediate events of impact can be mentioned. With the comparison to Nazi atrocities becoming a common sense in every denouement of acts of torture used by the French army in Algeria, the government under Guy Mollet - himself a former member of the Résistance - eventually acknowledged that torture had taken place.208 However, these critics’ allegations were, according to the government, not only “non-existent or considerably exaggerated and distorted”209, but the critics themselves were “ignoring the sacrifices

206 Cited after: Chapeu, 2004, p. 94.
207 Chapeu, 2004, pp. 94-95. The end of the account reads: "Je suis rentré, une fois de plus brisé par l’écoeurément et je pensais au gamin que j’imaginais terrorisé au fond de la remorque de Jeep où il avait été enfermé à la nuit. […] Ce matin, je suis littéralement brisé."
209 ibid.
made by the army\textsuperscript{210} which the government said it will firmly defend against “odious slanders that can only disgust all those who know the spirit and courage and sacrifice shown by officers, non-commissioned officers and troops in Algeria.” \textsuperscript{211} It is, furthermore, no coincidence that, by end of March - i.e. less than a month after both publications -, Mollet deemed it necessary to address the torture issue in the parliament. Even in international newspapers, Mollet’s words have been covered. The \textit{New York Times}, for example, reported that “Mollet acknowledged that there had been isolated instances of indiscriminate brutality by security forces”\textsuperscript{212} - demonstrably carefully choosing his words. As a result, Mollet created a so-called Commission to investigate allegations of human rights abuses in Algeria - the term most often used in French being \textit{Commission the sauvegarde des droits et libertés individuels en Algérie} -, which, however, became quickly what has been called a \textit{coquille vide} (“empty shell”) without clear powers and eventually remained ignored by the government. With its slow and almost imperceptible disappearance also disappeared to hope to see the government activity control the “Algerian events” and what was happening on the ground.\textsuperscript{213} This became clear, at latest, with the seminal publication of Henri Alleg’s book “The Question” (\textit{La Question}) in February 1958, which will be analysed later on. There were other events within the official ranks inspired - if not caused - by the publications of the \textit{Dossier} and the \textit{Rappelés}. Encouraged by the \textit{Dossier Jean Muller}, the editor and co-founder of the already mentioned weekly \textit{L’Express}, Jean-Jacques Servan-Schreiber published the first section of his autobiographical novel about his six months experience as a soldier in Algeria from July 1956 until January 1957. “\textit{Lieutenant in Algeria}” was published in \textit{L’Express} “in the name of his quite comrades”\textsuperscript{214}, and although Servan-Schreiber did not witness any acts of torture himself, he had no doubt it was systematically employed since he “knew many incontestable witnesses of it.”\textsuperscript{215} His main focus being primarily the endangerment of the Franco-Arab reconciliation, he both

\textsuperscript{210} ibid.
\textsuperscript{211} ibid.
\textsuperscript{212} ibid.
\textsuperscript{214} Le Sueur, 2001, p. 152.
\textsuperscript{215} ibid.
denounced the French army and the French colons - i.e. the French population in Algeria - who, according to him, “corrupted the purity of the French army”\textsuperscript{216} by relentlessly demanding the restoration of the status quo - which was nothing else than their privileges within the colonial set up mentioned in the introduction of this study -, eventually leading the army to the application of unjustified violence. Interestingly, Servan-Schreiber was thus convinced that the Arabs “didn’t really hate France”\textsuperscript{217} as such - again, consciously or not, following this notion of France as an entity detached from its “rottenness of the administration”\textsuperscript{218} active in Algeria. It was precisely based on Servant-Schreiber’s publication of “Lieutenant in Algeria” that his former supervisor, General Jacques Pâris de Bollardiè ère, would, as the first high military involved and still in office, denounce - and thus fully admit - the use of torture by the French army in Algeria. It is obviously worth mentioning that de Bollardiè ère was practicing catholic as well. Thus, on 29 March 1957, de Bollardiè ère published an open letter in L’Express, expressing his full support to Servant-Schreiber, especially by recommending him that

vous fassiez votre métier de journaliste en soulignant à l’opinion publique les aspects dramatiques de la guerre révolutionnaire à laquelle nous faisons face, et l’effroyable danger qu’il y aurait pour nous à perdre de vue, sous le prétexte fallacieux de l’efficacité immédiate, les valeurs morales qui seules ont fait jusqu’à maintenant la grandeur de notre civilisation et de notre Armée.\textsuperscript{219}

One day before, on 28 March, de Bollardiè ère asked to be dismissed from his duties in Algeria, after having refused to apply General Massu’s directives on the so-called “accentuation of police efforts” (l’accentuation de l’effort policier).\textsuperscript{220} In 1972, de Bollardiè ère’s Christian approach to his seminal decision to speak out and quit his high-level function within the army, became outspoken: “Je pense avec un respect infini à ceux de mes frères, arabes ou français”, he wrote, “qui sont morts comme le Christ, aux

\textsuperscript{216} ibid., p. 153.
\textsuperscript{217} J.J. Servan-Schreiber, Lieutenant in Algeria, New York, Knopf, 1958, p. 54.
\textsuperscript{218} Le Sueur, 2001, p. 153.
\textsuperscript{220} Chapeu, 2004, p. 95.
He then continued:

La guerre n’est qu’une dangereuse maladie d’une humanité infantile qui cherche douloureusement sa voie. La torture, ce dialogue dans l’horreur, n’est que l’envers affreux de la communication fraternelle. Elle dégrade celui qui l’inflige plus encore que celui qui la subit. Céder à la violence et à la torture, c’est, par impuissance à croire en l’homme, renoncer à construire un monde plus humain.  

With regard to the impact on the French intellectuals and the discourse they shaped on the use of torture by the French army in Algeria, the *Dossier Muller* and *Des Rappelés témoignent* did nothing less than preparing the ground for a new phase of the said discourse. A phase more accentuated and radical in its stances not only with regard to the French perpetrators, but also to the native Algerian population and, sometimes, the FLN. In fact, there are enough reasons to suggest that the *Dossier Muller*, *Des Rappelés témoignent*, as well as the texts by Bourdet, Marrou and Mauriac, provided the raw material for the ‘new generation’ of intellectuals, i.e. those shaping the second phase of the discourse, which we here define as the phase of *secular decolonisation*. It is worth reminding that, what the texts of the Christian *Résistance* did, was to denounce facts, but not to incorporate them into a coherent framework claiming to be suitable for resolving the bigger conflict these acts emerged from. This coherent framework of decolonisation, however, has been slowly, but steadily gaining ground in France and not only resonated with many left-wing principles but, eventually, transformed - or at least modified - what can in general terms be defined as the French left. Not the least because the old, traditional left of the Forth Republic “continued to see making Algeria more...
French as the way to solve the Algerian crisis," the French "new left" took precisely the issue of decolonisation as a constitutive element for reinventing itself. Thus, the old binary poles of proletariat versus bourgeoisie which were at the center of the old (radical) left, were slowly replaced by two new poles, namely the ones of Third World versus Imperialism. As Sirinelli put it: "Jusqu'à ces années 1950, le prolétariat occidental apparaissait comme le moteur des révolutions à venir et la bourgeoisie comme le symbole et le bénéficiaire de l'exploitation capitaliste. Désormais c'est le Tiers Monde en gestation qui devient une sorte de levain des grandes luttes d'émancipation, qui elles-mêmes doivent devenir le moteur de l'Histoire." With the actors of the Christian Résistance having provided the raw material for the denouncement of the use of torture by the French army in Algeria and human rights abuses in general, the French left, in the midst of its modification, took over this discourse where the Christian Résistance wanted it - at least for themselves - to end: namely at the stage of secular political ideologies. Thus, by identifying those texts initiating this development from providing raw material to integrating these facts within the framework of decolonisation integrated by the French left, it is deemed a matter of systematic necessity to now open the second sub-corpus on the discourse on the use of torture by the French army during the Algerian war. This discursive sub-corpus of Secular Decolonisation will be examined in the following chapters by asking how exactly it differed from the first sub-corpus of the Christian Résistance, how present human rights as a concept were, and what the impact of this second discursive sub-corpus was, not only for the discourse on the use of torture by the French army in Algeria as such, but also for French society.

3.5 The Second Discursive Sub-corpus of Secular Decolonisation

Within only two decades after the end of the Second World War, the vast majority of

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225 ibid.
Europe’s colonies in Africa and Asia gained independence.\footnote{G. Chamedes and E.A. Foster, ‘Introduction: Decolonization and Religion in the French empire’, \textit{French Politics, Culture \& Society}, vol. 33, no. 2, 2015, p. 1.} Having been described as “one of the most dramatic processes of political emancipation in world history”\footnote{J. Eckel, ‘Human Rights and Decolonization: New Perspectives and Open Questions,’ \textit{Humanity: An International Journal of Human Rights, Humanitarianism, and Development}, vol. 1, no. 1, 2014, p. 111.}, Todd Sheppard and Kristin Ross have shown that in the French case “decolonization changed policies, attitudes, narratives and popular culture in the metropole”\footnote{Cited after Chamedes and Foster, 2015, p. 4.}. This is also true with regard to the discourse on torture used by the French army in Algeria, on which, as will be shown in this chapter, the notion - and the movement - of decolonisation had a major influence. Jean-Paul Sartre’s texts are a good place to start when trying to understand this long and slow emergence of the Third world - or rather: the emergence of the colonised - in the discourse on torture of this study. Furthermore, Sartre’s texts can, or rather should, be intertwined with some other relevant texts of this second discursive sub-corpus. Having written a foreword not only for Henri Alleg’s “The Question”, a memoir graphically describing the tortures which Alleg suffered as a member of the Algerian Communist Party (ACP) which was published in February 1958, Sartre also did so for Frantz Fanon’s “The Wretched of the Earth”, published in 1961, a psychologic and psychiatric analysis of the dehumanising effects of colonisation and the social, political and cultural implications of decolonisation. Furthermore, as one of the most prominent figures of the New French Left, Sartre also contributed to the \textit{Manifesto of the 121}, the open letter signed by 121 intellectuals and published in early September 1960, denouncing the use of torture by the French army in Algeria and demanding nothing less to the French government and public opinion than to recognise the Algerian War as a legitimate struggle for independence as well as the right to desert. Beside Sartre’s works and those closely linked to them, this sub-corpus would be incomplete without including \textit{Djamila Boupdf}, a book published in 1962 and co-authored by Simone de Beauvoir and Gisèle Halimi, a Franco-Tunisian lawyer, Feminist, and anti-colonial activist. Furthermore, the works of the highly esteemed historian Pierre Vidal-Naquet - himself one of the signatories of the \textit{Manifesto of the 121} -, although having partly been published after the end of the Algerian War, cannot
go unmentioned in this sub-corpus due to the fact that their deeply rooted in the notion of a justified, if not necessary, process of decolonisation of the Algerian people. As will be shown, Vidal-Naquet’s works can also shed a telling light on the presence of the concept of human rights within this discourse.

3.5.1 Jean-Paul Sartre’s Discovery of the Colonised

Before Sartre himself published his first article on the Algerian War in his journal *Les temps modernes*, the journal - which had been already a been protesting against colonialism during the Indochina War - had already published an article in May 1955 called *L’Algérie n’est pas la France*. Its fierce denouncement of colonialism would persist throughout the War (and afterwards), despite the fact that its stance on that matter meant that it was one of the magazines who experienced the shortcomings of the French public sphere the most: during the war, *Les Temps modernes* was seized five times - four times in Algeria, once in France. Sartre’s reflection on the matter of anti-colonialism, however, did not start with the outbreak of the Algerian War. At least by the late 1940s, Sartre expressively sympathised with the independence movements of Tunisia and Morocco, and also gave an interview as early as 1952 to Ferhat Abbas’ newspaper *La République Algérienne*, obviously expressing his sympathy for his independence movement. However, there are enough factors that demonstrate how much of a turning point the year 1956 was for Sartre’s increased engagement not only against the Algerian War, but first and foremost with regard to his denouncements on the use of torture by the French army. Precisely, two events were at the source of his reorientation towards (de)colonisation. The first took place in March, when Prime Minister Guy Mollet received special powers by the parliament in order to intensify the operations on the ground in Algeria. The approval of the French Communist Party (PCF) initiated Sartre’s rupture with the party - a rupture which eventually became reality eight months later, when the second decisive event took place: the Soviet

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231 ibid.
intervention in Hungary on 4 November 1956, which the PCF also approved.232 “A partir de là”, Mohammed Arbi concluded in 1990, “il s’opère chez lui [Sartre] un glissement éthique qui le mène, par touches successives, à découvrir un nouveau sujet de l’Histoire, plus radical que le prolétariat : les colonisés. La cause algérienne en bénéficiera.”

Indeed it did. Already in March 1956, Sartre exposed his accentuated views on colonialism in an article with the telling title Le colonialisme est un système (“Colonialism is a system”). In it, Sartre touched upon the crucial - and often radical new - points which will continue to be at the centre of his future texts. Firstly, Sartre described colonialism not only as a system which cannot sustainably be maintained, but as a project with an inherent necessity to fail: having been implemented in its form of aggressive imperialism around 1880, it started its decline after the First World War and, according to Sartre, turns itself now against the colonising nation.234 He thus reiterates, somewhat cynical:

“L’unique bienfait du colonialisme, c’est qu’il doit se montrer intransigeant pour durer et qu’il prépare sa perte par son intransigeance.”235 Thus, for him, the explosion (“éclatement”) of colonialism would not only free the Algerians, but also France.236 This led Sartre to conclude that: “La seule chose que nous puissions et devrions tenter - mais c’est aujourd’hui l’essentiel - c’est de lutter [aux] côtés [du peuple algérien] pour délivrer à la fois les Algériens et les Français de la tyrannie coloniale.”237

Another crucial and returning element in Sartre’s texts on Algeria - especially with regard to the use of torture by the French army - is a (human) rights based approach. Here, Sartre often employed a complex argumentation, stating that granting all

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232 It is furthermore worth keeping in mind the Suez Crisis (taking place from the end of October until November 1956), which humiliated France and Great Britain and certainly strengthened Sartre’s views on French colonialism as an anachronistic project doomed to fail at this stage.
234 Sartre, 1964, p. 27. “Je voudrais vous faire voir la rigueur du colonialisme, sa nécessité interne, comme il devait nous conduire exactement où nous sommes et comment l’intention la plus pure, si elle nait à l’intérieur de ce cercle infernal, est pourrie sur-le-champ.”
235 ibid., p. 32..
236 ibid., p. 34.
fundamental rights to the Algerian population, i.e. to assimilate them, would contradict the act of colonisation itself, which has always been based on the notion that the colonised shall remain a *sous-homme* (“sub-human”). 238 This was, as has been demonstrated in the introduction of this study, particularly true for Algeria, where the recognition of the native population of Algeria would have led to a demographic imbalance which remained simply inconceivable for the French government. In the July-August edition of *Les temps modernes*, Sartre elaborated on this point with the utmost force, by expressively demonstrating the incompatibility from colonialism with human rights:

La conquête s’est faite par la violence ; la surexploitation et l’oppression exigent le maintien de la violence, dont la présence de l’armée. […] Le colonialisme refuse les droits de l’homme à des hommes qu’il a soumis par la violence, qu’il maintient de force dans la misère et l’ignorance, donc, comme dirait Marx, en état de “sous-humanité”. Dans les faits eux-mêmes, dans les institutions, dans la nature des échanges et de la production, le racisme est inscrit. 239

Inherent violence and racism, the refusal to grant human rights, sub-humanity - it is no wonder that Sartre quickly understood the significance of the use of torture by the French army in Algeria. As has already been indicated, it was *Des Rappelés témoignent* which, by providing him enough evidence that torture was systematically inflicted by the colonised, underlined how right he was about his refusal of colonialism. However, the fact that Sartre dedicated an entire article to this book suggests that these revelations, although proving him right, deserved a closer look. In May 1957, in *Vous êtes formidables* (“You Are Wonderful”), published in *Les temps modernes*, Sartre, for the first time, consecrated a whole article on the denouncement of torture used by the French army in Algeria. 240 Initially, it was the newspaper *Le Monde* who asked Sartre to write an article on *Des Rappelés témoignent*, but eventually refused to publish the

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238 Sartre, 1964, p. 38.
239 Sartre, 1964, pp. 51-52.
article which Sartre then had called *Une entreprise de démoralisation* (“An undertaking of demoralisation”) because they deemed it “too violent”.\(^{241}\) After some modifications, Sartre decided to publish it in the edition/issue of May 1957 with the title *Vous êtes formidables*, ironically in reference to a radio show with the same name very popular at this time. The title obviously was not without purpose: not only did Sartre contrast “the ‘feel-good’ atmosphere of a population smugly enjoying the early benefits of the costumer boom with the horrors that were perpetrated in their name in Algeria”\(^{242}\), but also criticised the complicity between the French people and the media which, according to him, were only capable of proceeding help in the name of humanitarianism - as it was primarily the case in the said radio show which the article took its title from.\(^{243}\) In denouncing the acts of torture, Sartre, for the first time, introduced a motive which he would frequently use in his texts on the use of torture in Algeria, namely the characterisation of violence in general, and torture in particular, as “gangrène”, i.e. a cancer-like symptom inherent to the French army in Algeria (or even (French) colonialism as such). According to Sartre, every act of violence gradually reveals this “gangrène”, which he describes as “a cynic and systematic use of absolute violence.”\(^{244}\) This notion of torture as a cancer-like symptom inherent to/in the army was also used in Sartre’s foreword of Henri Alleg’s “The Question”, published in February 1958 at the *Éditions de minuit*, a publishing house with its origins in the Résistance. In his foreword, Sartre reiterates many of his original and controversial points he made in his previous publications of this matter, making this foreword appear almost as a compilation of his thoughts he gathered on colonisation and torture. By way of example, the notion of the sub-man is mentioned again, this time in an extraordinary vivid way which is certainly due to the exceptional gloomy and brutal tangibility of the account on the acts of torture which Alleg had suffered:

\(^{241}\) Contat and Rybalka, 1970, p. 310.
\(^{244}\) Sartre, 1964, p. 57. Original: “l’exercice cynique et systématique de la violence absolue.”
The purpose of torture is not only to make a person talk, but to make him betray others. The victim must turn himself by his screams and by his submission into a lower animal, in the eyes of all and in his own eyes. His betrayal must destroy him and take away his human dignity. He who gives way under questioning is not only constrained from talking again, but is given a new status, that of a sub-man.245

Through mentioning the taking away of human dignity, Sartre underlines once again a certain human rights-based approach towards this topic - an approach which has never been so expressively employed by those intellectuals of the previous interventions. Also, Sartre’s rights-based approach once again touches upon the issue of denying the “Arab’s” assimilation: “They asked for integration and assimilation into our society and we refused. By what miracle could we continue to over-exploit the colonies if the colonised enjoyed the same rights as the colonisers?”246 Sartre then elaborates on the de-humanising of the “Moslems”, as he also calls the native population of Algeria, as a precondition for the French to torture them:

[I]f he [the coloniser] accepts the Moslems as human beings, there is no sense in killing them. The need is rather to humiliate them, to crush their pride and drag them down to animal level. […] I am certainly not suggesting that the Algerian Europeans invented torture, nor even that they incited the authorities to practice it. On the contrary, it was the order of the day before we even noticed it. Torture was simply the expression of racial hatred. It is man himself that they want to destroy, with all his human qualities, his courage, his will, his intelligence, his loyalty - the very qualities that the coloniser claims for himself.247

Not the least based on this thoughts, Sartre concludes that “torture is […] in some ways the essence of the [Algerian] conflict and expresses its deepest truth.”248 As in many of his articles before the publication of his foreword on Fanon’s “Wretched”, he also

246 ibid.
247 ibid., p. xlii.
248 ibid., p. xliv.
concluded *Vous êtes formidables* by appealing to “open negotiations and to make peace” in order to “save France from this disgrace and the Algerians from this hell.” Apart from Sartre’s returning notion that France would be saved or freed if the Algerian people achieved their independence, i.e. if it does not find itself trapped by the vicious circle of colonialism, his notion of France as such in his texts against the use of torture merits a closer look. Interestingly enough, the idea of France as a divine principle, as a higher idea which gets invoked in order to demonstrate the blatant sacrilege of the use of torture is never used by Sartre. Rather, throughout his texts on Algeria and on the use of torture, his notion of France is one of a coherent perpetrator, a rational entity guilty of applying structural violence in its colonies. In *Le colonialisme est un système*, Sartre makes clear that this violence has its structural roots in France’s capitalistic approach towards its export-oriented economy, and he does so by quoting Jules Ferry, one of the most important promoters of colonial expansion of the Third French republic:

> La France, qui a toujours regorgé de capitaux et les a exportés en quantité considérable à l’étranger, a intérêt à considérer sous cet angle la question coloniale. […] Là où est la prédominance politique, là est la prédominance des produits, la prédominance économique.250

It is precisely this ‘politics first’ approach - i.e. the assumption that political domination is a precondition of economic domination -, which Sartre sees at work in Algeria, and which he continues to denounce more harshly in *Vous êtes formidables*. Far from considering France, as most of the *Christian Résistance* did, as a divine beacon for humanity, Sartre characterised it as the following: “Fièvreuse et prostrée, obsédée par ses vieux rêves de gloire et par le pressentiment de sa honte, la France se débat au milieu d’un cauchemar indistinct qu’elle ne peut ni fuir ni déchiffrer.”251 This notion of a feverish, obsessed France trapped in a colonial nightmare will be even increased by Sartre who, in 1962, after the Évian Accords ended the war, did not hide his bitterness and compared France with a dog:

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249 ibid., p. xliiv.  
251 Sartre, 1964, p. 58.
Il faut dire que la joie n’est pas de mise : depuis sept ans, la France est un chien fou qui traîne une casserole à sa queue et s’entonnoyante chaque jour un peu plus de son propre tintamarre. Personne n’ignore aujourd’hui que nous avons ruiné, affamé, massacré un peuple de pauvres pour qu’il tombe à genoux.\footnote{Sartre, 1964, p. 161.}

Interestingly enough, Sartre often did not only refer to France as such, but, as opposed to the intellectuals of the \textit{Christian Résistance}, to the guilty complicity of the French people. In his hard-edged bluntness, Sartre did not exclude himself from this guilty complicity, as he always uses the personal pronoun \textit{nous} (“we”). In \textit{Vous êtes formidables}, he puts it as the following: “Les crimes que l’on commet en notre nom, il faut bien que nous en soyons personnellement complices puisqu’il reste en notre pouvoir de les arrêter.”\footnote{Sartre, 1964, p. 59.} It is in the same article that Sartre did something he did much less often than the intellectuals of the \textit{Christian Résistance}, namely referring to the Second World War. Very much like Pierre-Henri Simon in his book \textit{Contre la torture} mentioned above, Sartre compares the French people’s - or as he puts it: “our” - complicity to that of the German people during the Nazi regime, which led him to ask the crucial question whether the French people - or: “we” - today, would still dare to condemn the Germans for their cruel complicity regarding the concentration camps.\footnote{Sartre, 1964, p. 66.} It is this collective responsibility which seems to have made it impossible for Sartre to refer to France as a divine entity, as the intellectuals from the \textit{Christian Résistance} did. One could claim that Sartre’s notion - and judgement - of France in his articles on the use of torture in Algeria is surprisingly coherent with the philosophical concept he remains known for: Existentialism. In his 1946 book \textit{L’existentialisme est un humanisme} (“Existentialism and Humanism”)\footnote{J.P. Sartre, \textit{L’existentialisme est un Humanisme}, Paris, Editions Nagel, 1946.}, Sartre formulated the famous three-word formula \textit{existence précède essence}, thus introducing “what is most distinctive of existentialism, namely, the idea that no general, non-formal account of what it means to be human can
be given, since that meaning is decided in and through existing itself.”

Existence is thus something determined by a “self-making-in-a-situation”, meaning that actions define the essence of an existence - may it be the existence of a single human being or what has later been called an “imagined community” by Anderson, i.e. a nation state.

It is against this background that Sartre’s incorruptible deconstruction of ‘France’ and the famous “French republican values” has to be understood when he writes: “Quel bavardage : liberté, égalité, fraternité, amour, honneur, patrie, que sais-je ? Cela ne nous empêchait pas de tenir en même temps des discours racistes, sale nègre, sale juif, sale raton...” Finally, it is not the least with the use of the personal pronoun “nous” throughout all his texts on the French Army’s use of torture in Algeria that Sartre implicitly accused each and every Frenchman: “Un homme, chez nous, ça veut dire un complice puisque nous avons tous profité de l’exploitation coloniale.”

3.5.2 The Manifesto of the 121

Sartre’s strong and outspoken opinions were obviously met with much criticism and even protest. However, in order to duly assess the impact of his written interventions with regard to the use of torture by the French army in Algeria, the already mentioned Manifeste des 121 merits a closer look, not only because Sartre was one of its signatories, but also because it can be understood as a founding document of the French left’s stance on colonialism as such largely inspired by Sartre’s previous texts. When the Manifesto got published in the issue of 6 September 1960 in Vérité-Liberté, Algerian tensions were high in mainland France. On the same day, on the front page of Le Monde were De Gaulle’s words which he formulated at one of his famous press conferences, denying the United Nations the right “d’intervenir dans une affaire qui est

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261 The full text of the Manifesto of the 121 has been reprinted in: Le Monde diplomatique, September 2000, p. 28. Also available online on the webpage of Le Monde diplomatique under the following link: https://www.monde-diplomatique.fr/2000/09/A/2392 (last accessed on 9 May 2017).
On the last page of this issue, a short article announced that on this day, members of the so-called “Jeanson Network” were put on trial. Named after the philosopher Francis Jeanson, whom Sartre entrusted the management of *Les temps modernes* from 1951 until 1956, the network was accused of helping FLN agents within the French mainland territory by carrying money and papers for them, and thus - as most of the people speaking out against the French actions in Algeria - of undermining the security of the state. Accused of being so-called *porteurs de valises* - suitcase carriers -, Jeanson, although absent, was condemned, just as other fifteen members of the network, to ten years of prison - a sentence which was revoked in 1966, after the general amnesty by De Gaulle. It was not the least because of Sartre’s long statement which was read out to the court - Sartre himself was in Brazil - that the trial attracted considerable publicity. While “[t]he country had been shaken to discover that Frenchmen had been actively working for the ‘enemy’”, Sartre’s statement was met with long applause in court. Reiterating some of the arguments already analysed, a key passage for the events to come was certainly his point on Algeria’s independence which, as he put it, “has in fact been won. Whether it will occur in a years’ time or in five years’ time… I do not know, but it is already a fact.”

It was in this very edition of *Le Monde* of 6 September that, in addition, the Manifesto of the 121 was mentioned as well. This clearly gave it a wider audience - and considerably increased its level of controversy. The fact alone that 121 intellectuals signed and expressed such hard-edged positions demonstrates how much of a shift, since Bourdet’s article *Votre Gestapo d’Algérie*, in public opinion had taken place, and apart from the fact that some intellectuals - among them Albert Camus or Raymond Aron - refused to sign the Manifesto, the document was taken serious in wider circles. The Manifesto had three core messages: first, it considered the refusal to take on the arms against the Algerian people as justified, just as, second, providing aid and

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263 ibid.
265 ibid., p. cxii.
266 ibid., p. cxii.
protection to the Algerians oppressed in the name of the French people. Third, the signatories recognised the fight of the Algerian people as the cause of all free men, since its fight is a decisive means to ruin the colonial system.  

Although the Manifesto was drafted by Dionys Mascolo, Maurice Blanchot and Jean Schuster, Sartre’s influence can hardly be denied, for some of his frames mentioned in his previous interventions can be found in it. The racist roots of the war is prominently mentioned, the notion of the French people as accomplices of degrading actions, and this time, torture serves explicitly as a reminder of the collective guilt of the German people during the Second World War: “Faut-il rappeler que, quinze ans après la destruction de l’ordre hitlérien, le militarisme français, par suite des exigences d’une telle guerre, est parvenu à restaurer la torture et à en faire à nouveau comme une institution en Europe ?”  

As Vidal-Naquet made clear, “the political climate changed fundamentally” in the weeks after the publication of the manifesto. As early as end of October, demonstrations attended by several hundred thousand throughout whole France in support of the manifesto’s demands took place. However, the opposition was well and alive and deemed it necessary to enhance its visibility as well. In a backlash not only against the Manifesto of the 121, but also against the Jeanson trial, a counter-manifest appeared, called Manifeste des intellectuels français pour la Résistance à l’abandon, eventually signed by more than the double of the Manifeste des 121, namely by more than 300 intellectuals and spokesmen of the Right. It was published on 7 October in the centre-right newspaper Le Figaro, but also in Le Monde and, on 12 October, in the Christian-democratic weekly magazine Carrefour. Claiming that France’s role in Algeria is to maintain an Algeria of freedom by fighting a minority of fanatic, terrorist and racist rebels, and that apologists of desertion have not the right to present themselves as the French intelligentsia, this counter-manifesto demonstrates that, although a certain shift in public opinion had taken place due to the interventions

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268 ibid.
269 ibid.
270 ibid.
271 Rioux and Sirinelli, 1991, p. 94.
of the *Christian Résistance* and notably Sartre’s more radical ones, the cultural hegemony practiced by governmental bodies was not that easy to modify. Furthermore, it is rather telling that this counter-manifest did not invoke human rights as such. It indicates that as a concept, it became more and more linked with the Algerian people’s fight for self-determination - not only due to Sartre and the Manifesto of the 121, but also due to the pro-Algerian stance regularly stipulated within the UN, especially the General Assembly, as has been mentioned above. But the counter-manifesto by the Right was not the only protest (left-wing) intellectuals denouncing the use of torture by the French army encountered. The reason why the Manifesto can be seen as a significant turning point in the discourse on the use of torture by the French army in Algeria lies in the increasingly hesitating - if not contradictory - role of the French catholic institutions. For a few days after the publication of the Manifesto, the Assembly of French Cardinals and Bishops, although still denouncing the use of torture, condemned desertion and ‘subversive activities’. This meant nothing less than France’s catholic establishment quitting its role as a ‘silent observer’ of a debate it itself had almost initiated by providing the raw material in form of testimonies, and formulating its official disapproval of the French Left’s interpretations and “exploitation” of its work on the denouncement of torture. There was, however, a much more serious and dangerous protest left-wing intellectuals - and first and foremost Sartre - had to face, namely the *Organisation armée secrète* (OAS), the famous French dissident paramilitary organisation which was officially formed in early 1961, after the 8 January referendum on self-determination concerning Algeria organised by De Gaulle, but who had its fragmented precursors from September 1959 on, when De Gaulle first outspokenly considered the possibility of self-determination by the Algerian people. As much as 7000 (future) sympathisers of the OAS gathered on the Champs-Élysées on 3 October 1960 to demand the retention of French Algeria, while screaming: “Fusillez Sartre!” (“Shoot Sartre!”). Also, the

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weekly magazine hysterically dubbed Sartre a “machine à guerre civile.” 274 De Gaulle, however, knowing that approving anything what right-wing groups demanded with regard to the retention of French Algeria was politically useless, answered with the famous words: “On n’arrête pas Voltaire!” (“You do not arrest Voltaire!”). 275 De Gaulle’s words, however, did not stop the OAS of placing the first of its two plastic bombs in Sartre’s apartment in July 1961 - an attack Sartre survived unhurt and undaunted. 276 The literally explosive political climate in France was, however, not to be defused any time soon, and Sartre did everything to see this climate escalating in favour of the Algerian people’s self-determination - especially with his most explosive text on this matter: his foreword of Fanon’s The Wretched of the Earth.

3.5.3 Frantz Fanon’s “The Wretched of the Earth”

When reflecting on violence - and thus also on torture - in the process of decolonisation, the works of Frantz Fanon have become indispensable. Born in Martinique in 1925, Fanon served as a volunteer in the Free French in Second World War, and afterwards studied psychiatric medicine in Lyon. It is not the least because of his academic background that his writings, which, broadly said, explored the relationship between the coloniser and the colonised as well as its individual and collective implications, have been hailed as “seminal” from psychoanalytical perspectives. 277 Already in his earliest major work from 1952 called Peau noire, masques blancs (“Black Skin, White Masks”), Fanon, asserting that colonial subjects - the colonisés - had been collectively traumatised by their colonisers, claimed that “decolonization was necessary not only on the level of the political collective but within each colonised man’s psyche.” 278 However, Fanon knew that decolonisation would hardly be granted in an act of charity by the colonisers, and thus argued that “an unspecified form of “conflict” was necessary

275 ibid.
276 ibid.
for the colonised subject to overcome the trauma of colonialism.”
It was during his time from 1953 to 1956 as a psychiatrist at a hospital outside Algiers that Fanon seems to had found this conflict.279 There, his treatment of wounded independence fighters and torture victims did not only bring him to actively support the FLN, but also had a considerable impact on his thoughts and, consequently, on his writing. What has been vaguely formulated in *Peau Noire, masques blanc* as the necessity of an unspecified form of conflict would eventually become a theory of the necessity of counter-violence, a theory that “counter-violence against colonisers could serve as an emancipatory or therapeutic mechanism.” 280 It is worth noting that before he started his writing process on *The Wretched of the Earth* in early 1961, Fanon, as an increasingly important figure for the FLN, focused his writings - mostly in form of short pieces in El Moudjahid, the main newspaper of the FLN - in justifying the FLN’s counter-violence towards its French oppressor as a strategic means to a politico-military end.281 Interestingly enough, this was due to the fact that his audience was only to a certain degree African, but that Fanon “primarily wrote for French intellectuals, often addressing those who identified as themselves as anti-colonialists but who were appalled by the FLN’s willingness to target civilians.”282 This, however, changed with “The Wretched of the Earth”. Although Fanon continued to employ some of his arguments justifying the counter-violence by the FLN, he clearly was uninterested in further providing repetitive apologetics for the Algerian counter-violence towards the French oppressor and thus decided to now address the Third World leaders engaged in the process of decolonisation rather than continuing to do so with the Parisian leftists.283 It is worth noting, however, that the values of the left continued to be inherent in Fanon’s approach on the matter of decolonisation - the best example being that the original title of this book, *Les Damnés de la Terre*, derived from the opening lyrics “The Internationale”, which is nothing less than the the 19th-century anthem of the Left Wing. In the first part of the book, Fanon develops his theory of the

279 Kuby, 2015, p. 62.
280 ibid.
281 ibid., p. 63.
282 ibid.
283 Kuby, 2015, p. 64.
necessity of violence by, as one could call it, sacralising violence of the colonised against the coloniser in the process of decolonisation. “On the level of individuals, violence detoxifies. It relieves the colonised of his inferiority complex, of his contemplative and despairing attitude. It makes him intrepid; it rehabilitates him in his own eyes.” 284 Later in the book, Fanon significantly writes: “Only combat can truly exorcise these lies about men which render inferior and literally mutilate the most conscious among us.” 285 The significance of the verb ‘exorcise’ here lies in Fanon’s repeatedly mentioned allusions of an almost religious benefit of the use of violence - a view he additionally underlines by quoting his friend Aimé Césaire, who, in his play called *Et les chiens se taisaient*, let his slave protagonist say: “Suddenly his eyes were like two cockroaches, frightened in the rainy season. […] I struck and the blood spurted; that is the only baptism I remember today.” 286 A faithful (re)birth in the blood of the killed oppressor, the emergence of an emancipated existence through the act of killing - it is indeed the picture representing the very essence of Fanon’s leading thought in “The Wretched of the Earth.”

Before, however, turning to the significance of Sartre’s foreword, a crucial and, astonishingly enough, relatively new reflection has to be taken into consideration, namely the fact that Fanon’s book and Sartre’s foreword have all too often been “yoked together”, as Kuby made clear, and thus key features of each have often been distorted. 287 For this study, the key features of both texts - let alone an adequate semantic analysis of them - are considered less important than their meaning and role within the corpus of texts against the use of torture by the French army in Algeria and their impact on French society, not the least from a human rights perspective. The fact that we analyse this significance of ‘Sartre and Fanon’ in one single chapter, instead of undertaking two separate analyses, is due to the - for this study highly relevant - fact that “the reception of *The Wretched of the Earth* […] was greatly influenced by the

285 ibid., p. 220.
286 Cited after ibid., p. 46.
287 Kuby, 2015, p. 59.
vehement Preface which Sartre wrote for it”.288 And more even: it lead to Sartre becoming “the most hated man in France.” 289

When analysing Sarte’s text and its relevance for the said discourse, it is worth keeping in mind that Sartre had a specific aim when writing this foreword - one could even say, specific targets in form of a specific group of Metropolitan intellectuals. Parallel to the discourse on the use of torture by the French army in Algeria, another discourse - although by far not as prominent and visible as the one on torture - by French intellectuals had emerged, namely “whether French leftists themselves should be willing to use violence to combat “fascism”, reject the taint of moral complicity with the military’s use of torture, and help bring an end to the war.”290 With Sartre having made his stance clear by publicly supporting the Jeanson-Network, other intellectuals, among them the editor-in-chief of the progressive Catholic journal Esprit Jean-Marie Domenach, philosopher Paul Ricoeur, sociologist Edgar Morin and Algerian-born journalist Jean Daniel declared that “Violence has posed the problem; it will not be sufficient to resolve it.”291 It was precisely this “respected Left” that Sartre wanted to demonstrate how inevitable the use of violence by the colonial subject is, though providing a more secular - or for that matter, a more Freudian - view than Fanon of the use of violence by the colonised: “[T]he colonized “ Sartre writes, “are cured of colonial neurosis by driving the colonist out by force. Once their rage explodes, they recover their lost coherence, they experience self-knowledge through reconstruction of themselves.”292 That Sartre would agree - and rephrase - Fanon’s main proposals was widely expected and did hardly surprise anyone. However, Sartre in this foreword moved beyond the mere and expected justification of the violence employed by the FLN. Rather, he condemned the pacifists and forced them to choose: “The Pacifists are a fine sight: neither victims nor tortures! Come now! If you are not a victim when the government you voted for an the army your young brothers served in, commits

\[\text{288} \text{ J. Irwin,} \text{ Paulo Freire's Philosophy of Education: Origins, Developments, Impacts and Legacies,}\]
\[\text{London, Continuum, 2012, p. 112.}\]
\[\text{289} \text{ ibid.}\]
\[\text{290} \text{ Kuby, 2015, p. 69.}\]
\[\text{291} \text{ J. Daniel,'Socialisme et anti-colonialisme',} \text{Esprit, vol. 28, no. 284, 1960, p. 810.}\]
\[\text{292} \text{ Fanon, 2004, p. lv.}\]
“genocide”, without hesitation or remorse, then, you are undoubtedly a torturer.” The fact that Sartre mentions the word “genocide” underlines once more his receptivity for terms and concepts of international law - and thus human rights -, for one has to keep in mind that “genocide” as a term - and as a notion! - has only been ‘invented’ in the early 1940s by Polish-jewish linguist and lawyer Raphael Lemkin, who coined it from the rooted words genius (Greek for family or tribe), and cide (Latin for killing). With Winston Churchill referring still in 1941 to the Nazis’ barbaric fury as “a crime without a name”, it is thanks to Lemkin that the Genocide Convention was drafted and eventually entered into force in 1951 - only ten years before Sartre’s Preface. And Sartre went even further, touching upon the last taboo by forecasting a civil war and the inevitability for Frenchmen to fight: “Every day we shrink back from the fight, but rest assured it will be inevitable. The killers, they need it; they will swoop down on us and lash out haphazardly. The time for illusionists and wizardry is over: either you fight or rot in the camps.” As Kuby made clear, Sartre, in his foreword, “celebrated the unique capacity of violence to bring the war “home” to France, provoke a longed-for radical break with the status quo, revitalize the body politic, and heal the crippling “neurosis” now plaguing a guilt-ridden, traumatised nation that had served as a will-fully apathetic “accomplice” to the great inhumanities of the modern era.” Violence, for Sartre, was thus supposed to bring a veritable catharsis to France, to be the only conceivable means of a truly Schumpeterian (and Marxist) creative destruction. The point to be made though is that Sartre, keeping true to his reasoning that, as we have seen, torture is “the essence of this conflict”, derived Frances guilt, i.e. the very reason why France was in need of this violent radical break, primarily from the acts of torture committed by the French army: “At first you had no idea, I am prepared to believe it, then you suspected, and now you know, but you still keep silent. Eight years of silence have a damaging effect. And in vain: the blinding glare of torture is high in the sky,

293 Fanon, 2004, lviii.
295 France ratified the Genocide convention in October 1950.
296 Fanon, 2004, lxii.
297 Kuby 2015, p. 72.
flooding the entire country.”

As it would turn out, Sartre’s prophecy failed: with De Gaulle’s government successfully concluding peace with the FLN in Evian several months later, the war never truly came home to mainland France, and Sartre’s announced ‘involution’, i.e. the disintegration of the colonists and metropolitans, never took place.\textsuperscript{300} Sartre’s preface, however, certainly contributed to the second attack the OAS carried out with plastic bombs in his apartment in January 1962.\textsuperscript{301} Moreover, the intellectuals Sartre targeted with this texts were perfectly aware of it. Jean Daniel rightly read Sartre’s text as a direct response to his own statement one year earlier that violence could not solve France’s deep crisis.\textsuperscript{302} After reading it, Daniel is said to have reacted with these ambivalent words: “Brilliant. Appalling. Everything against which I have fought up to now.”\textsuperscript{303} Domenach, however, was less hesitant and kept being convinced of his refusal to approve any use of violence, as he wrote in an own book review in Esprit: “There is a way—and Sartre, who has not dispensed with writing, must be convinced of it—there is a way to get out of the circle of this violence curled in on itself: speech, political action, revolutionary engagement, solidarity that affirms itself otherwise than in a fraternity of terrorists.”\textsuperscript{304} As for Fanon himself, he is said to have reacted with silence. As Kuby makes clear, this might not have been the least because of his awareness that Sartre almost entirely ignored the last part of his book, the one called “Colonial War and Mental Disorders”. In this part, Fanon, by writing not as a anti-colonial activist of the FLN, but as a practising psychiatrist, provides shocking case studies of traumatised patients, among them also anti-colonial fighters, and in doing so contradicts his “prophetic vision of violence as a regenerative act of sacrifice by which the trauma of colonial-ism is transcended”.\textsuperscript{305} It is due to Sartre’s foreword that the internal tension between the first and the last chapter of Fanon’s book remained so unexplored for a

\textsuperscript{299} Fanon, 2004, p. lxii.
\textsuperscript{300} Fanon, 2004, p. lx. “Involution begins: the colonized reintegrate themselves and we, the reactionaries and the liberals, the colonists and the metropolitans, disintegrate.”
\textsuperscript{301} O’Donohoe, 2005, p. 252.
\textsuperscript{302} Kuby, 2015, p. 74.
\textsuperscript{305} Kuby, 2015, p. 61.
What remains a crucial question for this study, however, is in how far Sartre’s foreword relates to the notion - or concept(s) - of human rights. On the one hand, surely, advocating for the Algerian cause of self-determination indicates a citation of international law and human rights principles, as stipulated in the UN Charter, Chapter 1, Article 1, or Art. 15 of the UDHR, just as the Declaration on the Granting of Independence to Colonial Countries and Peoples - in form of a resolution of the UNGA -, all of which Sartre himself might have known. 306 Furthermore, Sartre’s denunciations of “sub-humanising” and “de-humanising” the “Arabs” and of the refusal of French authorities not to grant them all “fundamental rights”, as he did in Le colonialisme est un système, suggests a certain human rights based approach preoccupied with the violation of human dignity, as enshrined in Article 1 and 2 of the UDHR. As already mentioned, his invoking of the term “genocide” underlines Sartre’s quick integration of international and human rights law into his vocabulary. However, the fact that there is inherent tension in Sartre’s discursive interventions on the use of torture by the French army in Algeria is undeniable - especially due to his several explicit approvals and appeals of and to the use of violence towards the “French oppressor”. The underlying question thus primarily is: in how far do ends justify their means? It is precisely the question on which Sartre and his radicalness on the one hand, and the more tempered - and in some cases christian - Leftists such as Domenach and Daniel on the other hand, could not agree upon, and which further fragmented the French left. It must, however, be said that the highly philosophical question on ends justifying the means can, sometimes - and as it is the case with the Algerian War -, be solved by historical interpretations. The fact that Sartre was wrong about an erupting civil war, and that violence in fact did end a few months after he called his country fellows to arms, disqualifies his envisaged means, for the end has been reached with the less violent ones, namely negotiation for peace - precisely what Sartre had called for three years earlier, in his foreword of Henri Alleg’s “The Question” back in 1958.

306 After the Algerian War, Article 1 in both the ICCPR and IESCR further enshrined the right to self-determination in human rights law.
It seems as if the blind violence of the Algerian War - which manifested itself primarily through the acts of torture committed by the French army - not only seduced soldiers on the ground to betray their humanism, but also one of the most nobly engaged intellectuals for the Algerian cause, as which Sartre, despite his shortcomings, continues to stand for.

3.5.4 Djamila Boupacha

On 3 June 1960, Simone de Beauvoir published an article in *Le Monde* which “aroused the most extraordinary storm, not only in France but all over the world.” In it, she gave an account of twenty-three years old Djamila Boupacha’s fate, a female Algerian member of the FLN who was arrested for trying to bomb a café in Algiers and who subsequently was tortured by the French army. But this written intervention differed on a crucial point from the other ones which took place in the framework of the discourse on torture used by the French army in Algeria: torture, in this case, consisted primarily of rape. It thus entailed sexual and racial aspects which, by then, had been largely ignored in the public discourse. The exceptionality of Beauvoir article lies, on the one hand, in the fact alone that it been brought to her knowledge. This was primarily due to Djamila Boupacha’s decision to bring a suit against her torturers, but also the strong support of her Tunisian-born, naturalised French lawyer Gisèle Halimi, who had already worked as a defence lawyer for FLN militants and eventually urged that Beauvoir took up the cause. And Beauvoir did so by starting her article in *Le Monde* with the following words: “Ce qu'il y a de plus scandaleux dans le scandale c'est qu'on s'y habitue.” In saying this, Beauvoir was certainly not the least referring to the fact that the discourse on the denouncement of the use of torture by the French army in

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308 R. Kunkle, “‘We Must Shout the Truth to the Rooftops:’ Gisèle Halimi, Djamila Boupacha, and Sexual Politics in the Algerian War of Independence’, *Iowa Historical Review*, vol. 4, no. 1, 2013, p. 5.
Algeria had now been going on for roughly five years without any noticeable change, but that sexualised violence, i.e. rape as a method of torture had become a common tool of oppression in the Algerian War. Also, the title of her article “For Djamila Boupacha” alluded to Jacques Vergès and Georges Arnaud’s 1957 manifesto, “For Djamila Bouhired,” in defence of another alleged FLN terrorist who underwent torture in prison. Beauvoir reemployed her notion of pointing out the banality - or banalisation? of a veritable scandal in her foreword of Halimi’s 1962 book on the Djamila Boupacha’s case, which she began with the words: “An Algerian girl of twenty-three, an FLN liaison agent was illegally imprisoned, subjected to torture, raped with a bottle by military officers: it is banal.” (It is worth mentioning that Hannah Arendt, at the same time, was writing her book on Adolf Eichmann and the “Banality of the Evil.”) However, to a certain degree, Beauvoir was wrong in assuming that readers would already be used to what she depicted in her article in Le Monde, for archived reader’s letters to the newspaper suggest their opinion indeed was scandalised: one reader condemned the “ensemble of details, so horrible and dangerous [malsaines], that one would believe them to be taken from the works of the Marquis de Sade” and another one described Beauvoir’s purportedly “sadistic pleasure in laying out such extreme details” as an assault on the dignity of both Le Monde and its readership. Indeed, Beauvoir did not shy away from describing the tortures Boupacha had suffered. But apart from those we have already encountered through the other testimonies and interventions - electric shocks with electrodes placed on various body parts, among them the genitals, and waterboarding -, Beauvoir, in her article, quotes Boupacha’s testimony:

On m'administra le supplice de la bouteille ; c'est la plus atroce des souffrances ; après m'avoir attachée dans une position spéciale, on m'enfonça dans le ventre le

313 Surkis, 2010, p. 44.
314 ibid.
goulot d'une bouteille. Je hurlai et perdis connaissance pendant, je crois, deux jours.\textsuperscript{315}

As Beauvoir wrote in her foreword for Halimi’s book, the original version of Boupacha’s article did not mention the word “ventre” (“belly”), but vagina - a word judged as too explicit for the editor.\textsuperscript{316} Beauvoir continues, with the denouncement of the use of torture at the very heart of her article, to blame France’s judicial system - an issue which, astonishingly enough, has hardly been mentioned in previous interventions by intellectuals. First, Beauvoir denounces the fact that no authority and no control defended Boupacha from her torturers.\textsuperscript{317} Second, Beauvoir heavily criticises the hindering provocations of the judiciary for Halimi in order to duly defend Boupacha. Having originally set the date of the process on the 18 May, the authorities only let Halimi come to Algier from 16 until 19 May. With the right to a fair trial being so clearly violated, a new date of the process had been set for 17 June, but Beauvoir, through her article, expressively asks for a later date in order Halimi to be able to learn more about the circumstance in which Boupacha had testified towards the police.\textsuperscript{318} Third - and there, Beauvoir touches upon another core element of her article -, Beauvoir denounces the fact that not one single perpetrator of torture from the French army in Algeria has ever been investigated by law. In her disarming logic, Beauvoir asked that, finally, it is time to prove to every French perpetrator of torture in Algeria that “in this Algeria which they claim to be French” they cannot violate French law.\textsuperscript{319} An anecdote Beauvoir mentions also demonstrates the tensions between French settlers and officials in Algeria and De Gaulle, i.e. his increasing ambiguous statements on Algeria’s future fate. Quoting Boupacha’s father (who got arrested as well) trying to stop his torturers with the argument that “the General De Gaulle forbad torture, the captain answered him:

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\footnote{\textsuperscript{316} Beauvoir and Halimi, 1962, 65.}
\footnote{\textsuperscript{318} ibid.}
\footnote{\textsuperscript{319} ibid.}
\end{footnotes}
“Qu’il [De Gaulle] fasse la loi chez lui ; ici, c'est nous les maîtres !”

There is, however, a certain parallel with Sartre’s texts in Beauvoir’s intervention, namely the notion of the “guilty citizen”. Beauvoir’s sentence that “Quand des dirigeants d'un pays acceptent que des crimes se commettent en son nom, tous les citoyens appartiennent à une nation criminelle” could indeed be Sartre’s, but a careful analysis of her notion of France - which, as so often in theses written interventions, gets expressed referring to the use of torture and its meaning for France as such - suggests that Beauvoir’s notion, or ideal, of France might be less “existentialist” than Sartres, and rather be akin to that of most of the intellectuals of the Christian Résistance. For by saying: “Par cette abdication c'est la France entière qu'ils trahiraient, c'est chacun de nous, c'est moi, c'est vous” Beauvoir implicitly states that France as such is indeed a higher and more human entity than the actions of its soldiers would make one believe. There is, furthermore, another notable - and enlightening - difference to one of Sartre’s texts on the use of torture in Algeria. In his already mentioned foreword of Henri Alleg’s “The Question” in 1958 - the first account coming from a victim of torture, and not from intellectuals, bystanders, witnesses or perpetrators - Sartre already had introduced gender as a category to this discourse by demonstrating how “the perverse power dynamic of torture […] physically embodied a symbolic struggle over masculinity and recognition.” Consequently, Sartre considered that Alleg - who survived the torture without giving his torturers any information - not only achieved a political triumph, but also a recognition of his virility: “Alleg is the only tough one, the only one who is really strong”. One the one hand, this achievement of surviving torture, this heroisation of a survivor of torture, is underlying not only Beauvoir’s article on Boupacha, but also Halimi’s 1962 book, for which Pablo Picasso provided a portrait by Boupacha for the cover. On the other hand, while Sartre tried to demonstrate Alleg’s heroism, Beauvoir, through her article, managed to implicate her readers in Djamila’s -

320 ibid.
321 ibid.
323 Cited after ibid., p. 40.
and thus France’s - shame. Furthermore, the implicit heroisation of Halimi and Beauvoir by Boupacha became evident not only through the reactions of the French authorities, but also other intellectuals. François Sagan, still famous for her book “Bonjour Tristesse”, reacted to Beauvoir’s article with one published in Esprit on 16 June with the telling title “The young girl and grandeur”, referring to De Gaulle by asking “how an intelligent man, who has a sense of grandeur and power, has not yet done anything”, and by concluding that “the trumpets of grandeur could not cover the screams of a young girl”. Furthermore, shortly after Beauvoir’s article and its success, a “Djamila Boupacha Committee” was formed in order to “condemn the practice of torture, defend Boupacha from her criminal charges, and effectively punish her torturers.” The committee was joined by important figures, notably intellectuals, of the public sphere, among them Sartre, Louis Aragon, De Gaulle’s niece Geneviève De Gaulle, or Aimé Césaire, just to name a few. Condemning the practice of torture the committee certainly did - the punishment of Boupacha’s torturers, however, was made impossible through the Evian accords two years later and the subsequent broad amnesty laws from 1962 and 1968, which granted them full immunity (as it did Boupacha and many other FLN fighters). Another exceptionality of the case Boupacha consists in the fact that the French authorities concerned, for the first time, saw themselves constrained to respond. And they did so in consistently trying to absolve Boupacha’s torturers from any blame, as Halimi demonstrates in her 1962 book. M. Patin, President of the Committee of Public Safety and, at the same time, the presiding magistratove Boupacha’s case, downplayed the torturer’s responsibility by calling them “a lot of inexperienced youngsters…hardly more than recruits, really, you know how it is.” However, as Patin seems to have been keen to point out, these “youngsters” were all “real gentlemen…Well-bred fellows…absolutely out of the top drawer…One of the

324 ibid., p. 46.
325 ibid., p. 44.
326 ibid.
327 Kunkle, 2013, p. 11.
329 Kunkle, 2013, p. 11.
ones I saw is an agricultural engineer.”\textsuperscript{331} What Patin thus implicitly stated was that Boupacha’s claims of having been tortured where either false due to the torturer's superior educational and economic background, or that it was insignificant since they were simply “inexperienced youngsters”. Furthermore, Patin’s statements implied a inherent assumption that well-educated Frenchmen would never torture - and if so, it would simply be youthful folly. But Patin, and thus the French Algerian judicial system, did not only use social class distinctions to save their torturers from any judicial aftermath. Confronted with Boupacha’s claim to have been deflowered by a bottle, Patin answered: “We’re not concerned with real torture, then – the kind of thing they used to do in Indo-China...Penetration \textit{per anum}, very violent...generally fatal.”\textsuperscript{332} With a bold disregard of French laws against torture, Patin considered that officials committing \textit{vaginal} rape did not amount to “real torture”. Paradoxically enough, he not only admitted the use of torture in the First Indochina War by French officials, but also claimed that, because of that, torture in Algeria would not be applied in Algeria. Patin, furthermore, stated: “This Djamila Boupacha of yours is not a pleasant character...not a nice girl at all...Girl thinks she’s Joan of Arc...She wants \textit{independence} for Algeria!”\textsuperscript{333}

Apart from the fact that no French official, intellectual or politician would ever describe Joan of Arc as “a nice girl”, Patin attacks Boupacha’s gender identity by trying to prove that she is a French enemy, i.e. not a “real French woman”. Patin’s reaction on Beauvoir’s article clearly demonstrates how patriarchal concepts of sexuality, gender, race, and social class underpinned the official defence of French torturers in the Algerian war. Also, Patin’s outspoken reactions - or rather: the fact that the French Algerian judicial system deemed it necessary to react in such detail - underlines the discursive power of what Beauvoir did: breaking the taboo which surrounded (and is still surrounding) rape as a practice of torture and thus, in this case, as a weapon of war. As we shall see, Djamila Boupacha will not be the last female victim of rape making bringing her case to the public - and thus decisively (re)shaping the discourse on the French army’s use of torture in the Algerian War.

\textsuperscript{331} ibid.
\textsuperscript{332} ibid., 97.
\textsuperscript{333} Beauvoir and Halimi, 1962, p. 99. Emphasis in original.
4 The Years of Relative Silence or: The Accumulation of Problems

With the Evian Accords and the amnesty laws of 1962 and 1968 having closed the door on any potential judicial aftermath\textsuperscript{334}, the discourse on the French army’s use of torture was, in some ways, entering into what we could call the \textit{third phase of relative silence}. Although the discourse as such did not entirely stop, the French public sphere was by far not as concerned with the matter of torture in the Algerian war than it was during the war years.\textsuperscript{335} The relative silence, however, primarily relates to the medium of written texts, for there was a considerable amount of films on the French army’s use of torture that emerged during the late 1960s, 1970s and even 1980s. Although not primarily focusing on the matter of torture used by the French army, yet not completely avoiding it either, Gillo Pontecorvo’s seminal 1966 Film \textit{The Battle of Algiers} - which won the Golden lion at the Venice Film Festival in 1966 - could not be shown in France until 1971. This was not, as often suggested, because of official censorship by the French government, but because “cinema owners were deterred from showing the film by threats from veterans’ organizations and pied-noir groups.”\textsuperscript{336} Significantly enough, it was the film version of Henri Alleg’s \textit{La Question} which truly started to bring the matter of torture in Algeria on the screens in 1977, with other following, such as the commercial successful \textit{Avoir vingt and dans l’Aurès} (1971) and \textit{R.A.S} (1972), or, although gathering smaller audiences, \textit{L’Honneur d’un capitainne} (1982), \textit{Cher Frangin} (1989).\textsuperscript{337} Furthermore, two documentaries also did not shy away of revealing the darker practices of the French army in Algeria, \textit{La Guerre d’Algérie} (1972) and \textit{La Guerre sans nom} (1992).\textsuperscript{338} Also, public opinion polls conducted in the 1970s and 1980s reveal that there was a certain awareness of the French population of their

\textsuperscript{334} M. Pakier and B. Stråth (ed.), 2010, p. 278.
\textsuperscript{335} Cohen, 2001, p. 83.
\textsuperscript{337} Cohen, 2001, p. 84.
\textsuperscript{338} ibid.
country’s conduct during the war years in Algeria. According to a 1979 poll published in L’Express, 59 percent of respondents believed that torture had been used in Algeria by the French army, while 13 percent did not believe so and 28 percent had no opinion on it. 81 percent condemned torture as as “inadmissible”, whatever the rationale. In a 1987 poll, 67 percent of the respondents believed that France had committed crimes against humanity in Algeria, while a 1991 poll conducted on 17 - to 30 years old, 94 percent believed the French army had employed torture and assassinations during the war, thus suggesting a similar trend with regard to France’s collaborationist record during the Second World War under the Marshall Pétain: namely that younger respondents were more likely to condemn human rights abuses committed in the past.

With regard to the French officialdom - which still refused to call the Algerian events a war -, the 1990s can be understood as a veritable turning point. Not only was there a new generation which, as stipulated by the mentioned polls, was sterner in judging the past than the previous one, but two others events made it easier for the political class to face what happened in Algeria from 1954 until 1962. First, the death in 1996 of President Francois Mitterand, who had been Minister of Interior and Minister of Justice during the War. With his authority over the French Socialist party gone, the new generation of French socialist had more freedom to openly interpret the Algerian events according to their convictions - together, it must be said, with the conservatives, i.e. Gaullists in the parliament, who constituted also a new generation insofar as they were “personally unconnected with policymaking during those years.” The second decisive event was the 1997-1998 trial of Maurice Papon, not only one of the main collaborationist under the German occupation with a considerable role in the deportation of about 1600 French jews, but also a super-prefect in Algeria from 1956 to 1958, who had overseen the use of torture and summary executions in during the

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339 ibid.
340 ibid.
341 ibid.
342 ibid., p. 85.
War. In the early 1960s, it was, finally, Papon who, as a prefect of the Paris police, had had 11’000 Algerian demonstrators maltreated – some were beaten to death, strangled, shot or drowned in the Seine - and, in some cases, even killed. Papon’s trial indeed has to be understood as significant and telling turning point for the discourse on the French army’s use of torture during the Algerian war. For it was precisely the French intellectuals’ historical perspectives - the drawing of parallels between the atrocities in Algeria with those during the Second World War under German occupation -, which, in the meantime, had become the predominant one from the French public. With the publicly drawn parallel between the Papon who was responsible for the handing-over of French jews and the one who had overseen the use of torture in Algeria, the Papon trial “created a heightened receptivity to consider various aspects of the North African conflict.” Roughly one year after Papon’s conviction of crimes against humanity for his crucial role in the deportation of about 1600 Jews, the French Parliament, in 1999, “unanimously voted that the conflict had been a war.” It was precisely the parliament’s recognition of the Algerian conflict being a war which led the Moroccan-born historian Claude Liauzu, in an article in Les Temps modernes published in December 1999, to predict that soon, “the accumulation of problems, those connected with torture and war crimes,” would (re)emerge in the public discourse. As history proves, Liauzu could not have been more right. As early as in summer of 2000, more precisely on 20 June 2000, Le Monde published an article with the title: Torturée par l’armée française en Algérie, « Lila » recherche l’homme qui l’a sauvée (“Tortured by the French Army in Algeria, “Lila” is Searching for the Man who Saved her”).

343 ibid.
347 ibid.
Having been called a veritable “earthquake”, this article, its meaning and implications for the development of the discourse on the French army’s use of torture in the Algerian war, will now be scrutinised in the following chapter.

5 The Return of Memory

“Lila” was the war name of Louisette Ighilariz, a former Algerian independence fighter, who has been tortured for three months in 1957 in Algiers. The acts of torture she had suffered being primarily rape, her case immediately recalls the one of Djamila Boupacha almost forty years earlier. Interestingly enough, in most newspaper articles that appeared on that matter, the parallels between these two cases have hardly been mentioned - a fact that underlines Vidal-Naquet’s claim that, after having literally “disappeared” in 1962, torture, all of a sudden, “came back on the front page of the newspapers.” However, the fact that “the article about Ighilahriz […] ignited an unprecedented debate in the French public sphere” has its primary reason in its crucial difference to Boupacha’s case, namely that, for the first time, a victim of torture during the Algerian war did not speak up in order to solely accuse the French army – which the army had almost gotten used to during the war –, but in order to find the soldier who rescued her. Clearly, Ighilahriz did not hide from what this soldier named Richaud rescued her: from rape, up to three times a day, and beatings during more than three months, during which Ighilahriz had always to be naked. Her parents were tortured, too, and her mother not only suffered waterboarding for three weeks, but had also to witness the hanging of her three years old son (who miraculously survived after having been reanimated).

All that was perpetrated by the commanders of the infamous 10th Division of Paratroopers, the General Jacques Massu, his colonel Marcel Bigeard and

350 ibid.
the captain Jean Graziani.

Two days after Ighilahriz’s testimony in *Le Monde*, Bigeard, infamous for his already mentioned ‘death flights’, expectably denounced Ighilahriz’s accusations as “a stream of lies” and even claimed that Richaud only existed in Ighilahriz’s imagination. The turning point, however, was caused by the words of the general Massu on the same day in *Le Monde*. Not only he said that he had known Richaud very well (and that he has been the medical doctor of his division), but also expressed his regret for allowing the use of torture within his division. As Massu put it: “No, torture was not indispensable in time of war; we could have done without it. When I think of Algeria, it makes me sad, because that was all part of a certain ambiance. We should have done things differently.”

Additionally, Massu declared that “the principle of torture was accepted; those actions, without any doubt reprehensible, were backed, even commanded, by the civil authorities who were perfectly aware of it.” As Massu points out, there have been two members of the government who came visiting the ‘centers of interrogation’ on a regular basis, encouraging soldiers to torture using words like: “Allez-y, les gars! (“Go for it, guys!”) Massu’s confession came so unexpected that even Pierre Vidal-Naquet, a historian who devoted his whole academic carrier exerting pressure toward the French Army to finally admit its crimes during the Algerian war, declared he would never ever have thought to witness that during his lifetime. In his confession, Massu relied on a today well established notion about how torture as a phenomenon takes place,

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358 ibid.
359 ibid.
highlighting the ‘ambiance’ and the government’s permission rather than an inherent form of evil of one of the perpetrators. The notion of the neutral individual whose actions are solely explicable through ‘social forces’ – which eventually transform him or her into a perpetrator – has become broadly accepted through the Stanford Prison Experiment lead by the psychologist Philip Zimbardo in 1971.\footnote{P. Zimbardo, 2008.} As Zimbardo claimed, the experiment proved that “individual behaviour is largely under the control of social forces and environmental contingencies rather than personality traits, character, will power or other empirically unvalidated constructs.”\footnote{Quoted after T.A. Berger, ‘Politics, Psychology, And The Law: Why Modern Psychology Dictates An Overhaul Of Federal Rule Of Evidence’, \textit{University of Pennsylvania Journal of Law and Social Change}, vol. 13, no. 2, 2009, p. 209.}

However cautious Massu’s confessions were, for a group of intellectuals and academics they were perceived as a promising first step toward a new dealing from post-colonial France with its colonial past. Thus, on 31 October, four months after Massu’s confessions, twelve veteran intellectuals from the era of the Algerian war – with Pierre Vidal-Naquet among them – re-entered the public debate and published the “Appel des douze” in the left-wing newspaper \textit{L’Humanité}. More precisely entitled “L’appel à la condamnation de la torture durant la guerre d’Algérie” (“The appeal to condemn torture during the Algerian war”), “the signatories called on French President Jacques Chirac and Prime Minister Lionel Jospin to denounce retroactively the use of torture during the French-Algerian war.”\footnote{Le Sueur, 2005, p. 292.} They asked for five things: “(1) the urgent condemnation of torture, (2) that the truth about the facts be established, (3) the setting aside of a special day for teaching about colonialism in schools, (4) to seek reconciliation between the French and the Algerians, and (5) that a delegation representing the Twelve be met by the president and prime minister.”\footnote{ibid., p. 293.} However, ‘the twelve’s’ optimism proofed to be premature. None of their requests have been met by the government.
5.1 General Aussaresse’s Reappearance

It was in this context that one month later, on the 23 November 2000, the General Aussaresse broke his silence by giving a long interview to Le Monde.\(^\text{364}\) Having been appointed in 1957 as a liaison officer between the 10th Division of Paratroopers and the police and justice service, Aussaresse said that when he came to Algeria, torture was already widely practiced. He admitted taking part in summary killings and having killed 24 people, but denied having tortured himself. However, he deemed torture necessary, although he conceded having obtained the better results always without the use of torture. But after having been asked whether this fact tends to show that torture is unnecessary if one takes enough time to ask questions, Aussaresse answered that, indeed, it might be possible, but that in certain situations there would simply not be enough time. He underlined the fact that he and his men were in charge during a time of emergency and that things had to go fast.\(^\text{365}\) Obviously, the justification in Aussaresse’s case relied on the ‘ticking time bomb’ scenario, claiming that in order to save the life of many people, a terrorist who refuses to tell where ‘the ticking bomb’ is, has to be tortured. As mentioned earlier, the ticking time bomb scenario was first introduced in Lartéguy’s 1960 novel Les Centurions\(^\text{366}\) set in the First Indochina War and written by a former soldier called Jean Lartéguy. Aussaresses, who had himself been a soldier in the First Indochina War, knew not only about the origins, but also about the power of this justification.

As opposed to Massu, Aussaresses denied the government’s commands to torture and claimed that the military was responsible for that. Furthermore, he rejected a general repentance from the French state without elaborating about this stance. As became clear later on, Aussaresse saved most of his stories and positions for a book which he eventually published in May 2001.


\(^{365}\) ibid.

\(^{366}\) J. Lartéguy, 2011.
5.2 Old New Tensions

In his book called *Services spéciaux, Algérie 1955-1957*, published in May 2001, Aussaresses eventually recognized that he, himself, had tortured.\(^{367}\) “He expressed no remorse for these actions, deemed patriotic and justified by him, as a necessary unofficial ‘counter-terror’ toward the destruction of the FLN.”\(^{368}\) Furthermore, he “confirmed that torture was tolerated even if not recommended by the government.”\(^{369}\)

One day after the book came out, three French human rights NGOs – the League of Human Rights (*Ligue des droits de l’homme – LDH*), the International Federation of Human Rights (*Fédération internationale des droits de l’homme, FIDH*) and the Movement against racism and for friedship between peoples (*Mouvement contre le racisme et pour l’amitié entre les peuples, MRAP*) - lodged a complaint before a Paris court against Aussaresses’ two publishers, Perrin and Plon, for apology for war crimes, and for Aussaresses for complicity of apology of war crimes.\(^{370}\) The reasons why Aussaresses could not be tried for torture and summary killings had several legal aspects, maintained by France precisely in order to protect former soldiers of the Algerian war. Firstly, “all offences committed during operations carried out against the Algerian insurrection had been amnestied by the decrees of 22 March and the law of 31 July 1968.”\(^{371}\) Furthermore, “prior to the new Penal Code of 1994, crimes against humanity were only prosecuted if related to ‘persons acting in the interests of the European Axis countries.’, before or during World War II, as stated in Article 6 (c) of the Nuremberg Charter.”\(^{372}\)

In January 2002, the two publishers were fined with € 15’000 each for apology of war crimes, and Aussaresses with € 7500 for complicity of apology of war crimes. The court found “that several parts of the book justified acts of torture as unavoidable, unacceptable in ordinary times, and becoming legitimate in cases when urgency required it. By expressly legitimising the use of torture and other


\(^{369}\) Ibid.

\(^{370}\) Ibid., p. 119.

\(^{371}\) Ibid.

\(^{372}\) Ibid., p. 118.
abuses, and permitting the immediate physical elimination of the enemy, the book gave value to a general apology of war crimes.”373 What is most surprising in this verdict is the fact that, implicitly, the court recognises the crimes committed by the French Army during the Algerian war. However, knowing that these crimes as such could not be punished, the court ‘projected’ their punishability into another legal sphere, namely the freedom of expression. This approach was confirmed by the highest French court, the Court de Cassation (Court of Cassation) who rejected Aussaresses revision of his sentence by highlighting that “what was in question was not the revelation of acts of torture and summary executions, but their glorification.”374 However, Aussaresses was only partly right when he said that he has been punished for what he said, not for what he has done375, whereas his lawyer indeed might have had a point claiming that “the court’s decision constituted the first censorship of a personal account in French history.”376 In 2005, Aussaresses was stripped of his rank by French President Jacques Chirac, as well as the right to wear his army uniform and his Legion d’Honneur.

If the impact of Louisette Ighilariz’ testimony can indeed be described as a veritable discursive “earthquake”, the shakeup of the French judiciary system it caused sheds a significant light on the country’s unease in dealing with its unpunished colonial past. The amnesty laws from 1962 and 1968 implicitly admit that there might have been illegal acts, first and foremost consisting in torture – but by amnestying them also considered them to be excusable because of their necessity. Claiming the necessity of torture, however, was the reason of Aussaresses’s conviction - and there is a certain paradox in the fact that France’s highest court confirmed a conviction which is based on the approval of a practice which, forty years before, has been deemed excusable or necessary by the state whose judicial system this institution is supposed to represent. France’s unease in dealing with its unpunished past can also be seen in its unlikely readiness to make Aussaresses’s crimes - i.e. his applied acts of torture - punishable within a different legal sphere, namely the freedom of expression. There is, however, an

373 ibid., p. 119.
374 ibid., p. 120.
internal tension in the Aussaresse’s case, namely the fact that he has been punished for approving a crime which the French republic was not ready to punish herself. Aussaresse’s trial, however, clearly demonstrates an inherent constant in the development on the public discourse we are analysing in this study, namely the never-ending correlation between the use of torture by the French army in Algeria and the limitation - whether justified or not - of the French public sphere.

5.3 The Discursive Persistence of the “French Doctrine”

As Gift demonstrated in 2013, the “comparison of the justification and ideology behind the use of torture in Algeria and at Abu Ghraiib is not something which has gone unexplored in recent scholarship.” Indeed, with regard to the discursive dimension of the use of torture in both the Algerian War and the Iraq War, “[t]he similarities between the French general’s arguments in favour of terror methods ostensibly to fight terrorism, and those made by the Pentagon, White House legal counsels, and well-intentioned intellectuals are striking.” Before reaching our conclusion on the public discourse on the French army’s use of torture in Algeria, it is worth to briefly examine how the French army’s use of torture and the discourse about it influenced the official positioning of the US government on its use of torture in Iraq, notably after the scandal on torture and prisoner abuse which took place in the Abu Ghraiib prison. This will allow us not only to assess the broader impact of the French army’s use of torture in Algeria on an international level, but also to detect in how far the discourse in France influenced the one in the US, more precisely: in how far the power of language in the French discourse shaped the US’ belief in the necessity to use torture in Iraq. In her seminal book “Torture and the Twilight of Empire: From Algiers to Baghdad”, Marnia Lazreg impressonably enumerates several parallels and influences regarding these two wars. She starts by the most (in)famous and tangible influence from the Algerian War on the Iraq war, namely the screening of Pontecorvo’s already mentioned

1966 film “The Battle of Algiers” in the Pentagon as a “training tool” on 23 August 2003. The audience consisted of about 40 officers and civilian experts who were urged “to assess the advantages and costs of resorting to torture and intimidation in seeking vital human intelligence about enemy plans.” Nothing precise is known about the discussion following the screening, but Kaufman, who wrote in the New York Times about it a couple of days after it took place, makes clear what must have been at the core of the audience’s attention: “The question of how conventional armies can contend with such tactics and subdue their enemies seems as pressing today in Iraq as it did in Algiers in 1957.” And this, in some way, goes not only to the core of this screening, but to the core of the US government general interest in the Algerian War as a “new” kind of war. Certainly, as we have shown earlier, a new challenge the Algerian War indeed was for a conventional army. But how “new” was the situation for the US in Iraq really? Less new than many officials made the public opinion believe during the Iraq War itself, as historic cooperation between the French and the US government suggests. For as early as in 1961, “ten liaison officers under Paul Aussaresses’s command were sent to work with the French military attaché in Washington and at the Special Warfare Centre at Fort Bragg.” The US, confronted with similar structures of guerrilla warfare in Vietnam and later Latin America as the French in Algeria, thus from the 1960s on “became interested in the “French School”384. As two of Aussaresses’s associates from Fort Bragg told to Robin, back then the U.S. Special Forces “didn’t know anything about counterinsurgency warfare […], they learned everything, including the use of torture as the principal weapon in this kind of war, from the French.” Logically, the US government was keen to the Frenchmen’s “bible” of “this kind of war”, Trinquier’s already mentioned La Guerre Moderne. It was nobody else than US President Lyndon

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382  ibid.
384  ibid.
385  ibid., p. 52.
Johnson’s advisor for the “pacification of Vietnam” and former CIA agent Robert Komer who translated Trinquier’s book, and it was precisely on Komer’s translation that, eventually, Operation Phoenix, mounted in Saigon in 1967, was modelled. Operation Phoenix, as Robin was told by Aussaresses’s associates, “was a copy, in every aspect, of the Battle of Algiers. [...] And it was terrible.” There is thus a certain debunking paradox in the fact that the US government, by using Trinquier’s book as a reference tool - which, additionally, it had already used once in Vietnam! - claimed its war in Iraq was unprecedented. The perception of the Algerian war as a predecessor of the “unprecedented” Iraq War is furthermore underlined by two other prominent readings. In the American newsmagazine television program 60 minutes, G.W. Bush asserted that he was reading a history of the Algerian War which Henry Kissinger had recommended to him. Before that, Bush read Albert Camus novel “The Stranger”, “apparently to get insight into Algerian-qua-Muslim culture”. Apart from the obvious cultural similarity between these two engagements of war - both Algeria and Iraq are Muslim societies whose cultures are deemed inferior, and both US and French authorities were convinced to “know” their enemy’s culture, “when in reality they approach[ed] it through an ethnocentric conceptual grid that serves geopolitical interests”, a significant technical (and thus, to a certain degree, a discursive) parallel with regard to the use of torture can be drawn between the two wars. Just as the French did when refusing the term “war” in order not to have to abide by humanitarian law, i.e the Geneva Conventions, the US government did everything “that the Third Geneva Conventions regarding the treatment of prisoners of war did not apply to the conflict with al-Qaeda and the Taliban.” The justification to disqualify these two organisations from the protection of the Convention sounds familiar. As President Bush’s legal advisor, Alberto R. Gonzales wrote, “both were militant, terrorist organizations without a dedicated state, and so the Geneva Conventions Gonzales

386 ibid.
387 ibid.
389 ibid.
390 ibid.
391 Gift, 2013, p. 17.
justified the disqualification of these two organizations from could not apply because they were not High Contracting Parties.”392 Bush adopted this “legal conclusion of the Department of Justice” and declared in February 2002 that “none of the the provisions of Geneva apply to our conflict with al-Qaeda in Afghanistan or elsewhere throughout the world.”393 Roughly two years later when, in April 2004, the leak of the infamous Abu Ghraib photos depicting acts of torture committed by US soldiers appeared, the government, however, saw itself constrained to react and clarify “that the President and his top officials did not say or do anything that could possibly be seen as approving the abuse or outright torture of prisoners.”394 As opposed to the public discourse in France on the French army’s use of torture in Algeria, which took place in written language, the photos from Abu Ghraib could not be denied as such. But just as the French authorities did with the written accusations by French intellectuals, the US authorities perceived enough space for interpretation, or rather: enough space for purely language-based belittlement. By calling the acts of torture in Abu Ghraib “abuse” and “maltreatment”, the US government not only shied away of using the term “torture”, but also charged the soldiers involved only with disgraceful conduct, “a verbal slight-of-hand that acquitted those troops of torture and found them guilty of the lesser crime of pornographic horseplay.”395 Although it must be said that, unlike the French authorities, the US authorities did not - and due to new technologies could not - censor or silence the media or otherwise limit the public sphere, the US government, just like the French government during the Algerian War, “avoided the truth of what was happening with regards to torture.”396 And just as, by way of example, General Massu did in his already mentioned interview from 1997 - by saying that the word “torture” applies to what the Gestapo did, and thus “is not valid for what we did in Algeria”397 -, or M. Patin who, with regard to Djamila Boupacha’s accusations, disqualified her claims being torture

392 Ibid.
396 Gift, 2013, p. 20.
397 Branché, 2001, p. 166.
since it did not amount to the admitted acts of torture by the French army in Indochina, the US government relied on a notion of torture which was, curiously enough, not met by the leaked photos and written accusations. The notable difference, however, was that, for the French authorities’ denials, the notion of torture which they claimed to amount to ‘real’ torture was historically rooted (either, as we have seen, in the Second World War, or in Indochina). From the US authorities, however, no indicator for what ‘real’ torture could be was ever provided, whether historically, nor abstractly. It thus reflects a certain tendency that there is a generally bigger unease for US authorities with regard to a definition of torture than for the French authorities. With regard to the US’ keenness of learning about the “French Doctrine” of counterinsurgency as stipulated in Trinquier’s La Guerre Moderne and as applied in Algeria by several French militaries, notably by the General Aussaresses, the impact of the Algerian War and the French discourse on the US government's stance on the use of torture resulted in nothing less than in a now-well established pattern formulated by Christopher Einholf. According to Einholf, this pattern consists in the rule that “torture is more commonly used when a government or society perceives itself to be under threat.”\footnote{C. J. Einholf, ‘The Fall and Rise of Torture: A Comparative and Historical Analysis,’ Sociological Theory, vol. 35, no. 2, 2007, p. 106.} Based on Einhorn’s pattern, one might conclude that not only the use of torture, but also the reaction of avoiding the truth by the use of belittling language of both the French and the US authorities could be described as governmental acts of helplessness towards two principles which also 21st century superpowers struggle to reconcile: national aims and international rights.
6 Conclusion

In order to grasp the main elements of the relation between the French settlers and the native Muslim population in Algeria, as well as the relation between mainland France and French Algeria, we have started by giving a historic account on how these relations developed. We have found that the *de jure* social and political exclusion of the native population of Algeria only came to an end in 1958, when *de facto* this very population was already engaged in a war against its colonisers who, for almost eight years, fought with peculiar brutality and refused to grant the native population independence. We have then seen how relevant the increasing importance of international law became. With the FLN successfully making “its case for self-determination based on the authority of legal norms rather than resorting mainly to military force”, France not only faced increasing pressure by the UN (notably the GA) and the Non-Aligned-Movement, but also from intellectuals at home. However, before analysing the discourse on the use of torture by the French army during the Algerian War as such, we deemed it necessary to expose the methodology by which this study can most adequately be conducted. Unsurprisingly enough, the method considered the most suitable was a discourse analysis, which we have broadly defined as “the study of language in use”, before specifying our approach by employing the method of the so-called Frame Analysis. This analysis being a distinct method within the wider framework of Discourse analysis, it was deemed not only adequate, but also promising for this study since it “acknowledges that any account involves a framing of reality” and that “all accounts of reality are shaped in some way or other.” Thus, it indeed allowed us to more precisely contextualise the written interventions of intellectuals against the French army’s use of torture in Algeria and by that to distil certain things out their texts which remained unsaid. Sartre’s foreword for Frantz Fanon’s “The Wretched of the Earth” which is a good example which demonstrated that the objective of a text as well as its ‘unsaid implications’ cannot be reconstructed only by the text in itself, but by

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401 Deveureux, 2007, p. 137.
contextualising this text and its author’s aim(s) and perspective(s). Having taken into consideration Domenach’s or Jean Daniel’s previous positioning against the use of violence, we have thus demonstrated how crucial it is to understand ‘discourse’ as an “interrelated set of texts.”

In order to further clarify the often ambiguous - or at least broad - terms of this study’s title, we deemed it necessary to briefly elaborate on the meaning and the definition of the terms “Public sphere” and “torture”. By building on Habermas’ concept of the Public sphere of 1962, which asserted that, during the eighteenth century, “a new political constellation in which the public use of reason served to hold state policies for critical scrutiny” emerged, we took on the definition of the public sphere as a “society engaged in critical public debate.” However, taking into consideration the (ongoing) crucial debates on Habermas’ concept, we deemed Fraser’s criticism the most relevant - and enlightening - one for this study. Fraser’s point that the emerging bourgeois public sphere of the eighteenth century was by far not as open and inclusive as Habermas claimed it to be, but was rather characterised by significant exclusions based on the assumption of white bourgeois men as an ‘universal class’, makes clear that also the French public sphere can and should not be understood as a blank and neutral space. Rather, it has indeed to be conceived as a sphere where a society’s structures and values automatically ‘leak in’ and where these structures and values are naturally reflected. This proved to be particularly true when, by way of example, analysing Djamila Boupacha’s and Louisette Ighilariz’s cases. Apart from the fact how significant it is that precisely two Algerian women’s denouncements of rape as a practice of torture have caused the most outspoken - yet concise! - reactions, not only from the wider public, but also and most significantly from the direct or indirect perpetrators involved, demonstrates a disturbing susceptibility for the patriarchal sexualisation of violence, and even more: a veritable European fetishisation of the abused ‘Arab’ female body.

We have furthermore demonstrated the shortcomings of the French public sphere. Indeed, there have been governmental seizures of newspapers which published articles

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402 Phillips and Hardy, 2002, p. 3.
403 Emden and Midgley (ed.), 2013, p. 147.
404 Habermas, 1989, p. 52.
on the Algerian War that displeased the French authorities, but with two of France’s biggest newspapers, *Le Monde* and *Le Canard Enchaîné*, never having been forbidden, occasional censorships remained arbitrary and unpredictable – as the case of the *Dossier Muller* made clear: while the communist newspaper *L’Humanité* was seized for publishing excerpts of it, *Le Monde* or *Témoignage Chrétien* were not. However, we demonstrated that these arbitrary seizures were not solely responsible for the shy conformism of the media who mostly remained hesitant in denouncing the evident use of torture by the French army. Taking into consideration the deep complicity between the government and the media - most notably the French newsreels and RTV -, Gramsci's concept of cultural hegemony offered an enlightening framework not only in grasping the phenomenon of a “consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group”\(^\text{405}\), but also by acknowledging that “ruling groups never engineer consent with complete success.”\(^\text{406}\) Both of these premises are at the heart of this study, and both lead us to the conclusion that, as opposed to Bourdieu’s thought-provoking essay on why public opinion does not exist, it did indeed so: despite of clear evidence for the French army’s use of torture, the *Manifeste des intellectuels français pour la Résistance à l’abandon* by intellectuals and spokesmen of the Right, who claimed that France’s role in Algeria is to maintain an Algeria of freedom by fighting a minority of fanatic, terrorist and racist rebels, outnumbered the *Manifeste des 121* - which opposed the was precisely because of the use of torture - by more than the double. Our last semantic clarification concerned the term “torture” and its meaning - or at least notion - during the Algerian War as such. By taking Nowak’s definition, we based our approach on the French army use of torture as it occurred during the Algerian War on Lazreg’s and Vidal-Naquet’s notions of it as a governmental ‘rule-bound activity’. It was not the least General Massu’s statement on regular visits of two (unknown) members of the government to the ‘centres of interrogation’ that proves Lazreg’s and Vidal-Naquet’s assertions to be right.

\(^{405}\) Hoare and Smith (ed.), 1971, p. 12.  
\(^{406}\) Lears, 1985, p. 570.
We then turned to the analysis of the public discourse as such, and can now, by way of conclusion, start to answer our main research question on how the discourse on torture in the Algerian War developed from its earliest beginnings until today. From the very beginning, written interventions denouncing the French army’s use of torture took place through a perspective of historic consciousness. Mostly, this consciousness referred to the Second World War, especially of the French Gestapo’s use of torture during the German occupation of France (1940-1944), as one of the first written interventions by Claude Bourdet (Votre Gestapo d’Algérie) made clear. The emergence and the first phase of this discourse derived from written interventions by intellectuals with a catholic background. In order to underline this historic yet distinct Christian perspective, we decided to define a first phase of this discourse, a discursive sub-corpus, and called it the Christian Résistance, referring to the French Resistance which fought against the Nazi German occupation in France. Furthermore, we pointed to another crucial historic connotation inherent in the discourse on the French army’s use of torture in Algeria, namely the Dreyfus Affair and Emile Zola’s famous written intervention J’accuse!, which for many intellectuals still represented “a moment of human conscience” that could and should guide their actions with regard to the atrocities taking place in Algeria. However, as a thorough analysis of the discursive sub-corpus of the Christian Résistance suggests, its primary element consisted in the pure moral judgement, i.e. denouncement of the French army’s use of torture - without incorporating these denouncements into any political or technical solution. This was first and foremost the case for Bourdet, Mauriac and Marrou, who were not opposed to France’s engagement in Algeria, and thus French colonial rule as such, but also for those interventions written by (ex)-soldiers involved who provided first-hand testimonies, namely the Dossier Muller and the publication by the Comité de Résistance Spirituelle called Des Rappelés témoinent. However, these testimonies, even without question or denouncing colonialism as such, went, in some way, further than the previous interventions and decisively shaped the development of the discourse. Not only did they criticise the blatant racism of the French settlers and soldiers in Algeria - and thus made clear how torture and the ‘othering’ of the potential victim were interrelated -, but their detailed and often shocking first-hand accounts were perceived
as the ideal ‘raw material’ for those intellectuals with a specific political agenda. Thus, it was the French left who took over the discourse where the Christian Résistance wanted it, at least for themselves, to end: namely at the stage of secular political ideologies which, by then, had strongly been determined by the ongoing process of decolonisation. We thus detected the necessity of defining a second phase of the discourse, namely the one of Secular decolonisation. With Sartre having become increasingly estranged by the Old French Left, notably the French communist party’s approval of Guy Mollet’s special powers in Algeria and of the Soviet intervention in Hungary in 1956, the ‘colonized’ became his primary concern and also decisively shaped a new French left, for whom the old dualism of bourgeois vs. proletarians was replaced by those of Imperialism vs. the ‘Third World’. Thus, the discourse on the French army’s use of torture in Algeria also heavily influenced the (re)shaping of a new French Left, as the Manifeste des 121 makes clear. As opposed to the first discursive sub-corpus, the second phase of the discourse on the French army’s use of torture sternly denounced not only the use of torture, but also colonisation as such, and furthermore approved the desertion of those supposed to serve as soldiers on the ground. Interestingly enough, our analysis of this second phase of the discourse suggests that it was less ‘patriotic’ than the first one. Most intellectuals of the Christian Résistance often referred to France as a higher principle of humanity, a sacral entity detached from the brutality and ‘rottenness of its administration’ in Algeria. Thus, the French army’s use of torture in Algeria had nothing to do with France as such, as Marrou made sufficiently clear when writing that these acts of torture were “a shame for the country of the French Revolution and the Dreyfus Affair.”407 This notion of France as the most noble entity of humanity was, however, reversed by Sartre and his fellow intellectuals (although Sartre was indeed the most radical in his stance). Sartre based his understanding of France as a country, or as an entity, on his philosophy on Existentialism - according to which existence precedes essence - and thus implied that his notion of France in Algeria derives from France’s actions there. Although the new French left was divided whether to approve (the used) violence by the FLN, Sartre went

even further by perceiving violence a veritable necessity which, by bringing the war into mainland France, would also save France from it “colonial disgrace”. Thus, as opposed to the intellectuals from the Christian Résistance, who idealised France as a beacon for humanity, Sartre, especially in his latest phase, and notably in his foreword of Fanon’s “The Wretched of the Earth”, sacralised violence as a healing instrument for the colonised and, ultimately, for its coloniser. However, astonishingly enough, it was precisely Sartre who explicitly introduced the notion of human rights within the discourse. Not only by approving the Algerian people’s right to self-determination, but also by using the term “genocide” and explicitly mentioning the violation of the Algerian’s fundamental rights and human dignity, the latter especially by denouncing the French army’s ‘subhumanisation’ of the Algerian native population. We eventually concluded the second discursive sub-corpus with Simone de Beauvoir’s article on Djamila Boupacha which, interestingly enough, thematised precisely the same issue as the article which, after almost forty years of relative silence, caused an ‘earthquake’ in the French public sphere: namely rape as a practice of torture. While the reactions to Beauvoir’s article belittled Boupacha’s accusations and claimed it not to amount to ‘real’ torture, the reactions to Louisette Ighilariz’ accusations took place in more open and distant context. We called this last phase of the discourse The Return of Memory, since it confronted France in an unprecedented manner with its colonial past in Algeria whose essence, as Sartre wrote, lied in its use of torture. While General Massu regretted the use of torture in Algeria, General Aussaresses remained convinced that it was necessary and useful. The publication on May 2001 of his book called Services spéciaux, Algérie 1955-1957, which lead his two publishers to be fined each for apology of war crimes, and Aussaresses for complicity of apology of war crimes, demonstrated France’s paradoxical unease in dealing with its human rights abuses during its colonial past.

We concluded by briefly analysing the Algerian War’s and its discourse’s influence on the US government’s positions on the Iraq War. The keenness of the US authorities to use the Algerian War as a source of inspiration for their ‘unprecedented’ war in Iraq was considerable, and is illustrated by the screening of “The Battle of Algiers” at the Pentagon in August 2003 and President G.W. Bush’s citation of relevant books.
Furthermore, not only did both countries take the necessary (il)legal steps in order to disqualify the Geneva Conventions, but also used, one might say, the brutality of belittling language when confronted with accusations of torture. It is not least this chapter of assessing the impact of the Algerian War on the US government’s positioning on its war in Iraq that brings us to the answer of the remaining question why torture has been such an important phenomenon in the discourse about the Algerian War as such. First, in France’s case, the Algerian War was indeed a relatively new kind of conflict. As the military men involved - often cynically - stated, the laws of the ‘symmetrical’ war did not apply, and with old laws being deemed inappropriate, the French government, in a certain helplessness, had to invent its own laws, which, as Trinquier’s book *La Guerre Moderne* testifies, were rather strategies than laws. Second, and in an almost dialectical tension to that, the rising importance of international law - with regard to Algeria first and foremost spread by the UN - after World War II made governments more likely to come under legal scrutiny (be it by civil society, international courts, or other actors). Both of these factors produced what one could call an antinomy of two mutually excluding principles which proved to be utterly stimulating for French intellectuals. From the first phase of the *Christian Résistance* to the second one of *Secular Decolonisation* and, after an intermezzo of almost forty years of relative silence, to the third - and so far, last - phase which we called the *Return of the Memory*, one can only guess whether or not the public discourse on the French army’s use of torture during the Algerian War in the French public Sphere has come to an end. What has become certain through this study, however, is how “the colonial past stubbornly refuses to remain in the past.” 408 A finding which does everything but exclude the possibility of a resumption of this discourse in the future…

7 Epilogue

When then presidential candidate Emmanuel Macron visited Algiers in February 2017, the echoes of the Algerian War – or simply: of France’s colonial past – reverberated to such a degree that the French political class seemed helplessly lost in time. “I spoke about our colonial past”, Macron said in an attempt to end the controversy over his comments made earlier on that visit, “but in Algeria, I especially spoke about the future, about what I wanted us to build together with this country with which we share a history.”\(^\text{409}\) It seems, however, as if no one from the political class – and from most of the media – had noticed Macron’s vision of the future of the French-Algerian relations. Instead, it was his views on this relation’s past which, all of a sudden, seemed to determine not only the nature of the French-Algerian relations, but also the nature of France’s identity as such.

What happened?

On 14 February 2017, Macron gave an interview to an Algerian TV Channel in Algiers, and said the following:

Colonization is part of French history. It’s a crime, it’s a crime against humanity, it’s a genuine barbary, and it is part of the past we have to face, while presenting our apologies to those against whom we have committed those actions.\(^\text{410}\)

The reactions to this statement exemplify the Algerian War’s explosive monopoly in the (re)opening of old wounds of French identity. Then Presidential Candidate Marine Le Pen from the (extreme) Right wing party Front National (FN) – whose founding father


Jean-Marie Le Pen is said to have tortured while serving as a soldier in the Algerian War, immediately asked her audience, by using the new media in today’s public sphere, on Facebook: “Is there anything worse when you want to become president than going abroad to accuse the country you want to lead of crime against humanity?”

Conservative Candidate Francois Fillon had a similar response: “This dislike of our history, this continual repentance, is unworthy of a candidate for the presidency of the Republic.” What is particularly telling from this short yet dense discursive eruption on French identity related to the Algerian War is that the discourse on that matter has significantly broadened. For Macron’s interview in Algiers sparked a discussion less about the Algerian War’s legacy, but rather about French colonialism as such. In an interview a few weeks later, Marine Le Pen rendered her stance on this issue more precise:

Those who are honest will admit that colonization gave a lot. Especially when we speak of Algeria. [We built] hospitals, roads and schools. […] You know, even Algerians who are honest, admit it. […] The Front National was created from the demise of ‘French Algeria’.

As relevant as the demise of ‘French Algeria’ was for the foundation of the FN, who first became the party of the French settlers in Algeria disappointed and angry with De Gaulle, the claiming that colonialism had positive effects seems to have gained ground in France. In February 2005, the Law on colonialism was passed by the National Assembly, which, according to its Art. 4, required high-school teachers to teach the “positive role” of the historic French presence overseas, notably in North Africa. The article was eventually repealed at the beginning of 2006 – not least due to pressure


\[\text{\footnotesize Note 2} \quad \text{ Ibid.} \]

\[\text{\footnotesize Note 3} \quad \text{ Colonization gave a lot: Marine Le Pen’ [online video], 2017,} \]

\[\text{\footnotesize Note 4} \quad \text{ Ibid.,} \]

\[\text{\footnotesize Note 5} \quad \text{ ‘Loi n° 2005-158 du 23 février 2005 portant reconnaissance de la Nation et contribution nationale en faveur des Français rapatriés’, Available from:} \]

\[\text{\footnotesize Note 6} \quad \text{ https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000044898&dateTexte=&categorieLien=id (accessed 7 July 2017).} \]
coming from historians such as Pierre Vidal-Naquet – because, as President Jacques Chirac said, “[I]n a Republic, there is no official history. Writing history is the business of historians: it should not be circumscribed by laws.”\footnote{Samson, D., «Ce n’est pas à la loi d’écrire l’Histoire», RFI, 11 December 2005, Available from: http://www1.rfi.fr/actufr/articles/072/article 40372.asp (accessed 7 July 2017).} However, the trend of (re)discussing the virtues of colonialism was followed during the presidential campaign in France, not only by Marine Le Pen, as we have seen, but also by Francois Fillon, who declared in August 2016: “France is not blameworthy for wanting to share its culture with the peoples of Africa, Asia and North America.”\footnote{Sessions, J., Why the French presidential candidates are arguing about their colonial history, The Conversation, 19 April 2017, Available from: http://theconversation.com/why-the-french-presidential-candidates-are-arguing-about-their-colonial-history-75372 (accessed 7 July 2017).} Against this background, Macron’s mentioned statement on colonialism in Algiers can be understood as a particularly bold one – one, however, that also recognized the subtle challenges of ‘facing history’ which seem to be too complex for rhetorical clashes in presidential campaigns. Not least with the thoughts of his former supervisor, the philosopher Paul Ricoeur, in his mind, Macron, in this very interview to the Algerian TV channel, underlined the importance of “braiding” the ‘competing memories’ (mémoires concurrentes) and the ‘mixed memories’ (mémoires mélangées) on France’s role in Algeria and the Algerian War in particular, referring to the ongoing complicated relationship between the former French settlers in Algeria and its descents on the one hand, and Frances’s Muslim population with an Algerian background on the other hand.\footnote{417 “Emmanuel Macron parle de la relation algéro-française’ [online video], 2017, https://www.youtube.com/watch?v=tZZyN9tcjhs&t=23s (accessed 7 July 2017).} As much as this short and dense discourse was ‘lost in time’, it is precisely time that, according to Macron, may well be at the source of a new relationship between France and Algeria:

The equivalent of a human life has passed since the end of the Algerian War. My generation did not experience it. […] I believe that we can construct a new relation [between France and Algeria], which does not take anything from anybody’s memory. Which recognizes everybody’s memory and wounds.
Which recognizes everybody’s pain. But which, by reconciling them, goes beyond them in order to look forward. This is our generation’s task.418

It is thus nothing less than the future history of the past that will further determine France’s relation with Algeria – and continue to forge France’s identity which, as this study concludes, might well be as complex and contradictory as its ‘mixed’ and ‘competing’ memories of the Algerian War.

418 ‘Emmanuel Macron persiste # la Colonisation est un crime contre l’humanité @ François Fillon’ [online video], 2017, https://www.youtube.com/watch?v=SEurlBef_Bc [accessed 8 July 2017].
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‘Emmanuel Macron persiste # la Colonisation est un crime contre l’humanité @ François Fillon’ [online video], 2017, https://www.youtube.com/watch?v=SEur1Bef_Bc [accessed 8 July 2017].

Abstract (English)

The aim of this Master Thesis is to analyze how the discourse on the use of torture by the French army during the Algerian War (1954 – 1962) developed in the French Public Sphere. By relying primarily on newspaper articles, interventions by (public) intellectuals and persons directly or indirectly involved in this war – may it be soldiers, politicians, actors of civil society, or survivors –, the sources used for this thesis are language based publications which, in one way or another, contributed and formed the before said discourse. The study analyses, contextualizes and interprets this discourse with the method of discourse analysis and employs a human rights perspective, thus trying to answer in how far human rights were present in this discourse. After having identified the main phases of this discourse, the thesis argues that the use of torture in the Algerian War by the French army had a certain impact on conflicts in the still young 21st century, most notably on the Iraq War, and that with the new French Presidency under Emmanuel Macron, the ‘mixed’ and ‘competing’ memories might start a reconciliation process.
Abstract (Deutsch)