

## *The State, the Historians and the Algerian War in French Memory, 1991-2004*

in H. Jones, K. Ostberg and N. Randeraad (eds.), *History on Trial: The Public Use of Contemporary History in Europe since 1989*, Manchester, Manchester University Press, 2007, p.159-173

French colonialism in Algeria ended in 1962 following eight years of war which revealed deep divisions in French society, repressive police and army methods, and violent opposition among Algerian nationalists.<sup>1</sup> The war was waged both in Algeria and in France, where it led to the collapse of the Fourth Republic in 1958. As specified in the accords d'Evian in March 1962, a cease-fire was combined with a general amnesty that prohibited the prosecution of any Algerian nationalist or French soldier, policeman or politician for crimes related to the war. This effectively curtailed debate on Algerian war crimes for many years and meant that before the 1990s, discussion of the war was largely confined to specific lobby groups, such as veterans' organisations.

By contrast, the last decade has been marked by the growing importance of the Algerian War in French public debate. This has primarily focused on the repressive methods used by the French, the criminal dimensions of which seem to have been suddenly discovered. Some of the individuals affected are demanding compensation for the trauma caused by their mistreatment. While there is a new concern to understand the processes that led to criminal behaviour in the conduct of the war motivated by anti-racist or human rights perspectives, the Algerian question has not been focused around the 'never again' position that has, for example, characterised Holocaust history. Instead, debates about the war have been concentrated on a series of individual cases or events, through revelations in the press and in the courtroom. The specificity of the French case primarily lies in the way the French state has dealt (or perhaps has failed to deal) with the legacy of a difficult recent past. In contrast to the question of looted Jewish assets and property, issues resulting from the Algerian war were not channelled through a large-scale, authoritative investigating commission. When in the late 1990s, after a long period of silence, French involvement in the Algerian war became a hot topic in the media, this resulted in a series of trials (mostly trials for defamation) which indirectly called the state into question. To some extent unwillingly, historians were then also involved in the matter, not just as individual scholars conducting their own research along the lines that they think are appropriate but as expert witnesses in court and commentators in the media. It is a situation that has raised important ethical questions for French historians, and this chapter will reflect upon the difficulties facing the profession in the past decade.

---

<sup>1</sup> I would like to thank Judith Miller (Emory University) who has been so helpful with the translation of this paper.

## Vichy and its Impact on Perceptions of the Algerian War

It is important to understand that these developments took place at a time when the relationship between French historians, government and society had been affected by debates surrounding the Vichy regime and the German occupation of France during the Second World War (1940-44).<sup>2</sup> The debate on Algeria was influenced by this controversy; the two became intertwined and underwent similar stages. The first point of intersection concerned the question of Vichy and the definition of 'crimes against humanity'. In 1987, Jacques Vergès, the lawyer defending the Nazi Klaus Barbie, drew parallels between the actions of the Nazis in France and those of the French in Algeria. The response of the Cour de Cassation (the Supreme Court) was clear: it modified the definition of a crime against humanity by narrowing its application to a crime committed 'in the name of a State practising a policy of political hegemony.' This implied that crimes committed by the French in Algeria could not be defined as crimes against humanity because France was not considered to have been a State practising such a policy. During the trial, Vergès continued to press the comparison, however, arguing that colonialism as a project constituted a policy of political hegemony.<sup>3</sup> Witnesses, including historians, were questioned along that line. At the same time, the historian Pierre Vidal-Naquet, a specialist in ancient Greece who had been active from the very start of the struggle against the use of torture during the Algerian war, argued in an article in *Le Monde* that 'It is obvious that we Frenchmen have committed numerous crimes against humanity in Algeria, of course, and even before that in Indochina and in Madagascar.'<sup>4</sup> He even went so far as to wish that French political and military leaders should have their amnesties annulled so that charges could be brought against them.<sup>5</sup>

1991 marked the thirtieth anniversary of the repression of the Front de Libération Nationale (FLN) boycott of the blackout imposed on Parisian Algerians on 17 October 1961—a repression that came at the cost of at least dozens of deaths. This occasion prompted several groups – composed mainly of children of Algerian immigrants - to encourage public discussion of the French "devoir de mémoire" over the Algerian War. In 1991-1992, the anniversary of the end of the Algerian War resonated with the French, coinciding as it did with the first Gulf War. Public awareness of the anniversary was particularly influenced by a four-part television documentary, 'Les Années Algériennes', broadcast on the public channel. Produced jointly by historian Benjamin Stora and several television directors, it evoked the

---

<sup>2</sup> See Henry Rouso, *Le Syndrôme de Vichy, 1944-198...*, Paris, Le Seuil, 1987, 379 p. ; Benjamin Stora, *La gangrène et l'oubli*, Paris, La Découverte, 1991, 372 p. and Raphaëlle Branche, 'Désirs de vérités, volontés d'oublis : la torture pendant la guerre d'Algérie,' *Cahiers Français*, n°303, Paris, La Documentation Française, septembre 2001, p.70-76.

<sup>3</sup> *Chronique du procès Barbie pour servir la mémoire*, Paris, Le Cerf, 1988, 504 p.

<sup>4</sup> *Le Monde* du 16 juin 1987.

<sup>5</sup> He added that in Algeria, France had not committed the crime of genocide—foreseeing a change in French criminal law that would take place in 1994. In that year, the concept of 'crimes against humanity' was severed from the 1987 understanding of 'a state practising a policy of ideological hegemony and the crime of genocide was then distinguished from crime against humanity.

'Algerian years' in France between 1954 and 1962. While it did mention the internal struggles of the Algerian nationalists, this documentary was devoted especially to the French experience of the war. In the same way, as the Algerian War resurfaced in French public debate, it was principally the French dimension that was explored.<sup>6</sup>

While the comparison with Vichy had been contained within a fairly contained framework in 1987, it came to national attention ten years later during the trial of Maurice Papon, accused of having organised the deportation of four convoys of Jews from Bordeaux to the death camps while serving as Secretary General of the prefecture of the Gironde between 1942 and 1944. This time, the comparison was posed by the popular historian Jean-Luc Einaudi, who was called as a witness.<sup>7</sup> Einaudi, author of *The Battle of Paris* (1991), which focused in particular at the events of 17 October 1961, reminded the court that Papon had been serving as the Paris Prefect of Police in 1961, arguing that he bore responsibility for the repression of Algerians in Paris. Although it was far from the trial's main subject, the testimony of this non-professional historian (although Jean-Luc Einaudi is a trained educator, he is the author of several history books on the Algerian War) had important repercussions. His testimony connected Vichy to Algeria through the career of one individual, who had eventually held a ministerial post.<sup>8</sup> This suggested a continuity of men and methods over time, opening the way to a judicial reading of the Algerian War.

A second parallel between Vichy and Algeria raised as a consequence of the Papon trial concerned the official discriminatory practices instituted by the French state: directed at Jews under Vichy (and independent of any German demands), on the one hand, and directed at Algerians on the other. That an authoritarian regime and a Republican regime could undertake similar policies was disconcerting and disturbing. Gérard Noiriel's study, *Les origines républicaines de Vichy* (1999) posed this troubling question for the period preceding the Vichy regime.<sup>9</sup> But the Algerian example was more disturbing because it had occurred after the lessons of Vichy should have been learned, and during the history of this regime. For the French, it was as though the existence of another France had been revealed. Alongside the traditional republican France, with its values of liberty, brotherhood and equality, there was another, darker, colonial France. Indeed, while the Vichy question faded in the French media and courtrooms following Papon's trial, the Algeria question received increasing attention, particularly from 2000. The primary question raised by Papon's trial, the longest criminal trial in post-war France,<sup>10</sup> was the extent to which

---

<sup>6</sup> This paper does not attempt to discuss Algerian perspectives, which have been largely excluded from recent French public debate.

<sup>7</sup> During the same period, historians had also been working in historical commissions including the commission on Paul Touvier and the Catholic church (cf. René Rémond (ed.), *Paul Touvier et l'Eglise - rapport de la commission historique instituée par le cardinal Decourtray*, Paris, Fayard, 1992); the 'Jewish file' commission (cf. René Rémond (under the presidency of), *Le "fichier" juif*, Rapport de la commission au Premier ministre, Paris, Plon, 1996); and more recently, the mission on the spoliation of Jews in France (commission Matteoli).

<sup>8</sup> Maurice Papon was the Minister of the Budget from 1978 to 1981.

<sup>9</sup> Gérard Noiriel, *Les origines républicaines de Vichy*, Paris, Hachette, 1999, 335 p.

<sup>10</sup> From 8 October 1997 to 2 April 1998.

an individual could be held responsible for crimes committed as an agent of the state—crimes against humanity, but also, and of central relevance in the case of Algeria, crimes of war. What ultimately was at stake was the state's responsibility for having pursued policies that led to criminal behaviour.

### **The Evolution of Official Attitudes towards the Algerian War**

Under French law, it proved to be difficult to establish the criminal culpability of the state and its individual agents because prosecutions could only be brought for crimes against humanity, which as we have seen was narrowly defined.<sup>11</sup> By 2000, however, there were calls for an official state apology over Algeria. At first, this stemmed less from victims of torture than from other groups with painful memories, in particular Christian veterans, often priests. While at first confined to a small minority, demands grew for a state admission of responsibility. In October 2000 twelve people appealed to the President of the Republic and the Prime Minister to 'condemn the torture that was undertaken [in the name of France] during the Algerian War,' attracting press attention for several weeks and attracting many further signatories.<sup>12</sup> In Parliament, Communist MPs relayed this call in vain. The Prime Minister reacted by declaring that it was necessary 'to remember that in dark hours, the institutions of our country failed.'<sup>13</sup> He would not go further than that and refused explicitly to consider any act of collective repentance.<sup>14</sup>

From the beginning, French authorities had refused to characterize the operations they undertook in Algeria as a 'war.' This has had complex legal consequences. Veterans, for example, were awarded honors and decorations that were distinct from those awarded in time of war; likewise, the title of veteran was not even granted them until 1974.<sup>15</sup> Even so, the concept of a war was still not officially acknowledged by the state; this would only come gradually. In 1992 the government had moved forward by not only recognising the status of the individuals involved but also by acknowledging responsibility for them. It was announced that Algerian veterans would be classified as having war-related post-traumatic stress syndrome provided that a line of direct and decisive causality could be established between the

---

<sup>11</sup> On the specificity of French State and administration, see Marc-Olivier Baruch and Vincent Duclert (eds), *Serviteurs de l'Etat*, Paris, La Découverte, 2000, 587 p. See also, in this book, Cécile Laborde, 'Penser l'Etat en Grande-Bretagne', pp. 69-82.

<sup>12</sup> The appeal appeared in *L'Humanité* on 31 October 2000. The twelve signatories were: Henri Alleg, former editor of *Alger républicain*, author of *La Question* (Minuit, 1958); Josette Audin, the wife of Maurice Audin; Simone de Bollardière, the widow of général Pâris de Bollardière; Nicole Dreyfus, lawyer; Noël Favrelière, recalled reservist, deserter; Gisèle Halimi, lawyer; Alban Liechti, recalled reservist, draft dodger; Madeleine Rebérioux, historian, secretary of the Audin Committee; Laurent Schwartz, mathematician, president of the Audin Committee; Germaine Tillion, ethnographer, resistance fighter, author, notably of *L'Algérie en 1957* (Minuit, 1957); Jean-Pierre Vernant, historian, resistance fighter; Pierre Vidal-Naquet, historian, author, notably of *La Torture dans la République*. The debate attracted much attention, and was fed by the daily communist paper *L'Humanité* and by *Le Monde* during the two months that followed.

<sup>13</sup> The remarks were made in a speech at the annual dinner of the CRIF on 4 November 2000. His declaration echoed that of President Chirac who, barely several months after his election, on 16 July 1995, had declared with regard to the round up of the Vel d'Hiv' and the participation of the French State in the deportation of Jews: 'There are moments that are difficult to evoke 'because these black hours stain our history forever and are an offence to our history and our traditions.'

<sup>14</sup> Jospin's exact words were: 'La torture en Algérie, les exactions qui ont pu avoir lieu à l'occasion de ce conflit colonial, ne relèvent pas d'un acte de repentance collective mais de la recherche de la vérité.'

<sup>15</sup> Law of 9 December 1974. In 1982, a new law improved the conditions under which a combatant's card could be accorded.

imputability of the neurosis and an event that occurred while in service (even if the traumatic event had been underestimated or minimized at the time).<sup>16</sup> Trauma caused by war was being implicitly recognized, opening the doors to compensation. In admitting this, the Government was moving towards an official acknowledgement of responsibility for the war and its consequences.

The decree, however, did not quell the uneasiness of many people at the continued official use of term 'operations for the maintenance of order' to designate what they had experienced as warfare. It was as if the government was more comfortable admitting individual histories rather than a collective history. Veterans associations and other groups persistently demanded the official use of the term 'war,' which historians as well as the French public had long before adopted. This was finally successful in October 1999, when deputies and senators voted to replace the phrase 'operations for the maintenance of order in North Africa' with 'the Algerian War.' That unanimous decision, however, concealed enormous differences between politicians regarding the events in question. There was not even agreement on the date of the war's end. On the one hand, it was widely assumed to be 19 March 1962, following the signing of the Evian Accords. But many others argued that the thousands of deaths that occurred after the ceasefire made a later date more appropriate. Lobby groups formed along these lines, promoting their alternative interpretations. In January 2002, the secrétaire d'Etat had announced to the veterans that March 19, date of the ceasefire, would become the official anniversary if there was a two-thirds majority vote for it in parliament. Only 278 deputies, however, voted for that resolution while 204 voted against it. The administration therefore abandoned the idea of proposing a definitive vote to the Senate, which was adjourning, as well as to itself, given the lack of any sufficient consensus.

Considering the emotional re-opening of old wounds and the extraordinary media attention given to the historical trials in the past two decades, it is striking to observe how both governments and deputies have failed over the years to take the initiative on the Algerian War issue, waiting instead to be forced when public opinion has grown too strong to ignore. The official policy—of both the right and the left—on this matter seems to continue in the spirit of the original amnesty laws: to forget the past in order to go on living together, regardless of whether that applies to the Algerians or the French, the former French deserters, the former members of the OAS, or even the generals behind the failed putsch of April 1961. But by trying to draw a line under the past without any attempt formally to confront the war crimes committed during the Algerian War, the state imposed a silence that became heavier as demands for recognition—and by implication, for reparation—emerged. This silence on the Algerian War enabled equally sensitive questions about other aspects of colonial history to be avoided, questions that were particularly pressing for the descendants of the populations that had come from the former colonies.

---

<sup>16</sup> *Journal officiel* of 12 January 1992. On this decree, see Louis Crocq, *Les traumatismes psychiques de guerre*, Paris, Odile Jacob, 1999, pp.343-349, and J. Marblé, 'Le décret du 10 janvier 1992 est-il applicable?', *Annales médico-psychologiques*, 1998, 1, pp.63-66.

## **Trials, experts and witnesses: History Judged**

The failure to appoint a commission to investigate these matters meant that the courtroom became the primary site where questions could be posed of the past, providing an outlet for political protest.<sup>17</sup> Two types of trials in particular played this role: the criminal trial for crimes against humanity (for which the Papon trial was emblematic) and trials for defamation. It was only in this context that the State could be held to account, and forced to respond to political questions that were biased by the judicial process. The past few years have seen several trials in particular that involved the Algerian question.

In the first, professional historians were not directly involved. In an action brought in 1998 in the pension court by an Algerian, Mohamed Garne, against the French state following his discovery at the age of thirty that he had been conceived as a result of rape committed by French soldiers. Expert psychiatric testimony attested that Garne had been deeply traumatised by this discovery, and supported his claim for compensation. In a detailed report, the psychiatrist concluded that the French state was 'the only identifiable father of Mohamed Garne.' A highly regarded specialist in war-related post-traumatic stress syndrome, he had served as a military physician in Algeria at the time, and his judgements were clearly shaped by these memories. Judges in this process also made interventions based on their own historical interpretations, taken entirely in the absence of expert historical opinion.<sup>18</sup>

The second trial was a libel action brought by the right wing politician Jean-Marie Le Pen against the historian Pierre Vidal-Naquet in 1999. Le Pen, who had at one time publicly acknowledged having practiced torture during his time in Algeria in 1957, later denied it when the allegations were used against him when he became a presidential candidate in 1974. The action was one of a series of suits brought by Le Pen over the years, and followed the publication of Vidal-Naquet's memoirs. In the courtroom, the historian and his lawyer cited the words of the young deputy in 1957 and 1962. The judges, who were not required to pronounce on the substance but instead on the defamatory nature of the offending words, ruled that one could not consider oneself defamed for actions about which one had otherwise prided oneself. The judgement otherwise avoided ruling on Le Pen's past record; it was ruled that the use of the term 'torturer' needed to be discussed, not within the context of a libel trial, but rather in the broader context of 'ethics, the debate of ideas, political discussion that should be permitted in a democratic society.'<sup>19</sup> Thus, while supporting the historian, the court was unwilling to take responsibility for making an

---

<sup>17</sup> Antoine Garapon, « La demande de responsabilité » in *Le crime contre l'humanité. Mesure de la responsabilité ?*, Paris, CERP/Parole et silence, 1998, 127 pp.

<sup>18</sup> It was notably the case when the court corrected the expression 'concentration camps' used by the expert to designate the consolidation camps in Algeria and added: 'to meet the needs of the so-called policy of pacification, large portions of the Algerian civil population had been gathered in these camps called 'consolidation camps' (characterized not without some excess as 'concentration camps,' a term with a specific connotation); camps where the living conditions were precarious and humanity and compassion were largely absent.' The court had thus made its own historical interpretation.

<sup>19</sup> *Le Monde*, 15 September 1999.

historical judgement.

This problem was even more evident during the third trial, the libel action brought by Maurice Papon against Jean-Luc Einaudi in 1998. The former sued the latter for following an article that appeared in *Le Monde* in which the historian claimed—as he had in his original testimony—that there had been ‘a massacre perpetrated by the police force acting under the orders of Maurice Papon’ in Paris in 1961.<sup>20</sup> Public attention focused on the evidence of these events, and a ruling was anxiously awaited. In court, the deputy prosecutor accepted that the repression of the Algerian demonstration had constituted a ‘massacre’ but criticized Einaudi’s ‘unsupported personal judgment’ that the police had been acting on Papon’s orders. He argued that Papon ‘was neither the only, nor the person most responsible’ and that one must not forget ‘the murderers themselves’ or the ‘intermediary hierarchy’ of the police. This was not accepted by the court, which on 26 March 1999 discharged Einaudi on the grounds that he had acted in good faith. Again, the court had avoided ruling on the issue of responsibility. However, as discussed above, the recognition that there had been a ‘massacre’ marked the end of the long official silence on the events of 1961. It was not until October 2001 that the new Paris city government placed a plaque on the Pont Saint Michel ‘to the memory of the Algerians, victims of the bloodstained repression of a peaceful demonstration,’ and this happened only after heated debate and numerous modifications of the text, carefully omitting any indication of the authors of the repression. No additional official acknowledgement was made.<sup>21</sup>

By default, the courtrooms were thus the only place with a national audience where responsibility for the excesses of the repression of Algerian nationalism between 1954 and 1962 has been debated. For the defamation trials especially, the judges had to come to an understanding of the historical reality in order to rule on whether the contested statements were libellous. Historians were thus required in the courtroom, but they were convened as witnesses and faced the same difficulties as those confronting the historians involved in Papon’s criminal trial. Their role was ambiguous. They were not official experts, because they were denied access to items in the trial dossier, and they were not witnesses, because they had not been present during the events under question. They were summoned by the court to tell the ‘truth’ in a context that by its nature excluded the process of historical interpretation or its consideration.<sup>22</sup>

The magistrates have been bewildered by historians who refuse to testify, as it seems reasonable to call upon an historian when expert advice is needed in order to evaluate controversial statements regarding a past historical event. It is however, undeniable that these trials have compromised the scholarly status of the historian by placing him or her on the same plane as other witnesses. Judicial rulings replace

---

<sup>20</sup> ‘Octobre 1961 : pour la vérité, enfin’, *Le Monde*, 20 May 1998.

<sup>21</sup> Several months later, in March 2002, the mayor of Paris unveiled the plaque on the memorial that the capital had decided to dedicate to its soldiers, dead or missing, in North Africa from 1952 to 1962.

<sup>22</sup> That ambiguity concerning the status of the discourse involved pushed Henry Rousso, during the Bordeaux trial, to refuse to testify. He explained his refusal in *La hantise du passé*, Paris, Textuel, 1998, 143 pp. (University of Pennsylvania Press, 2002).

historical judgements. The law imposes its own distorting norms on the past according to criteria that are foreign to those of historical research. This was especially evident during the trial of General Aussaresses, for example. He and his editor were sued in 2001 by human rights campaigners, who alleged that the certain statements in his memoirs about the Algerian war constituted 'complicity in apologising for crimes of war'. The action was essentially a political trial by proxy of the illegal methods used in Algeria that had been defended by the general in his book, and it was intended not only as an opportunity morally to condemn him, but also as a means to bring public attention to those methods. The only historian willing to testify was Pierre Vidal-Naquet, whose militant views were long-established. Others felt that the political use of the legal process was not in accordance with the role of the professional historian. By testifying, one would be participating in a distorted process, whose real objectives lay outside the courtroom. This was confirmed when the trial concluded with a condemnation of his apologetic approach to the use of torture. It was not the final ruling itself, but the way that the trial had unfolded which was the real story of this episode.

By contrast the libel trial of Ighilahriz and Pouillot V. Schmitt, brought by two actors from the war against General Maurice Schmitt for statements made on television regarding them and in which he had called into question the veracity of their testimony. In this case, the burden of proof lay with the complainants, while General Schmitt was able to call witnesses as well as to consult documents deposited in the trial dossier. One of his witnesses was General Faivre, a man who has spent many years in the archives in his efforts to defend former Algerian 'harkis' (non-professional soldiers), and who was called in his capacity as an 'historian'. In the absence of a professional historian, there was no competent authority in the courtroom to analyse historical evidence provided. The court ruled in favour of the complainants.

This case raises an ironic result of the media attention surrounding the issue of torture. On the one hand, the focus on specific events or issues that occurred during the war was unsatisfactory because it was divorced from the wider historical context. The paradox for the historian was that defenders of the use of repression and notably torture typically demanded that the wider context should be taken into account as a means of justifying the use of extreme measures. In an atmosphere of moral condemnation, calls for an understanding of the historical context became associated with the defence of brutal behaviour. Media outrage on the other hand, was based on only a few cases and individuals. One can see here how difficult it was for historians to make their work understood. Legal actions have served all who wanted to believe that war crimes were perpetrated by only a minority of individuals, by reducing the war to a series of particular events. The personalisation of the Algerian War through court action, has displaced public attention from the general to the particular, and in the process the broader political issues surrounding the war have been lost sight of. Even when appointed as an officially approved expert witness, the historian will only serve individual histories, and it is questionable whether that should be the



historian's most important social role.

The ambiguous position of historians in these trials – dealing with a past that is sufficiently close so that witnesses from that period are still alive, but too distant for the judges to feel they are competent in every respect – is inevitable. Especially in a case like that of the Algerian War, where the past is so fiercely contested, the process is hampered by the absence of scholarly authorities or agreed professional standards for witnesses called as 'historical experts'.

### **Access to archives, the media, and the historians' role**

Following the model used for the Vichy question, historians of the Algerian War have been granted selective but expanded access to the withheld archives from the period. For a period as recent as that of the Algerian War, French law governing access to archives is clear. Public documents are not open until thirty years have past since the date of their creation, corresponding in fact to the last date of the period considered, in this case 1962.<sup>23</sup> Therefore it was not until 1992 that files on Algeria began to become available. Since then the Algerian War has been the subject of more serious historical research. Earlier, historians had produced important works, but archival access changed things considerably.<sup>24</sup> Where public archives are concerned then, the historiography of the Algerian War is relatively young. The number of theses and scholarly works produced using public archives is small, although growing, and the number of university researchers established in this area of specialty is also limited, in France as in other countries. On this point, Algeria differs from Vichy, which has a large and established scholarly literature. The burden on historians of Algeria was therefore heavier by comparison.

Access to archives remains, however, a sensitive subject. The 1979 Act introduced a sixty-year rule for files relating to private life or national security. Researchers had to seek special permission to gain access in such circumstances, and until recently the rules governing the granting of such permissions remained vague and arbitrary. This policy encouraged conspiracy theories and an atmosphere of distrust. For example, in 1996 the National Archives were rocked by controversy concerning accusations over the existence of a supposedly withheld "Jewish file of the Prefecture of Police."<sup>25</sup> The government finally responded to this by deciding to grant general rather than individual access, following a review of withheld files from the period of the Occupation.

Strengthened by this precedent, the government thus reacted relatively quickly when the pressure began to release withheld files relating to the Algerian War. This was partly due to lingering public suspicion that a refusal to grant access to the archives could only be explained by a deliberate political decision to hide the

---

<sup>23</sup> Law no. 79-18 of 3 January 1979.

<sup>24</sup> This only applied to the French historiography based on French documents. See Raphaëlle Branche, *La guerre d'Algérie : une histoire apaisée?*, Paris, Le Seuil, 2005, 445 p.

<sup>25</sup> In 1996, an inquiry commission presided by the historian René Rémond determined that there was no official file but instead an assortment of disparate pieces of information.

truth—although, as professional historians are aware, the archives are more likely to raise questions than to give simple answers. In 1998 Einaudi complained publicly that the Prefecture of Police had refused him access to key files relating to his defence. In response to Einaudi's complaints the Prime Minister announced in a May 1999 communiqué, the government's desire to 'facilitate historical research on the demonstration organised by the FLN on 17 October 1961 and more generally on the acts committed in countering French Muslims during 1961". In a limited gesture, he acknowledged the necessity of widening the scope to the entire year of 1961 in order to illuminate the events of 17 October, revelations surrounding which had proved shocking to French public opinion.<sup>26</sup> The willingness to be open was genuine but cautious, in the sense that the decision applied only to 1961.

The day of Einaudi's testimony, the Minister of Culture,<sup>27</sup> Catherine Trautmann, had affirmed her willingness to open files concerning the 17 October 1961 repression. The Minister of the Interior had added, speaking before the National Assembly, that he would ask for a similar undertaking from the Paris Prefecture of Police, which Einaudi had particularly complained about. There was a clumsy attempt to manipulate this process when, at an early stage, two officials (an honorary advocate general of the Cour de Cassation and a Conseiller d'Etat) were instructed to report on what was contained first, in the Archives de la Justice and second, in the Ministry of the Interior's archives. They were not aided by any historian and rendered their conclusions in terms of factual contents, proposing an analysis that was completely devoid of any deep understanding of the historical context of the documents. Both reports were released to the press and presented as the first official unveiling of secret archives, even though several months before a daily newspaper had tried to force the matter by publishing pages from the archives mentioning French Muslims found dead in the Seine in October 1961.<sup>28</sup> Nevertheless the commitment had been made to permit greater access to the archives. How well did this process work for historians, who were simultaneously being confronted by growing public demands for 'the facts' regarding the Algerian War? Between the government, which was relatively cautious, and the increasingly feverish public speculation, historians found themselves constantly being pulled in conflicting ways.

From 2000, the increasingly emotional temperature of French discussions on Algeria following revelations about the widespread use of torture during the war underlined this problem. The controversy over torture during the Algerian War was launched by the daily newspaper, *Le Monde*, and became the editors' battle horse, as explained below. Declaring an intention to confront an historical taboo and to reveal the 'truth', interviews with witnesses became frequent, accompanied by predictably sensational headlines. The media frenzy began with the testimony of an Algerian female victim splashed on the front page of *Le Monde*, a few days after the official

---

<sup>26</sup> Circular of 4 May 1999 and the communiqué of 5 May.

<sup>27</sup> In France, public archives are under the authority of the Ministry of Culture, with the exception of the two ministries that hold their archives independently, the Ministries of Defence and of Foreign Affairs.

<sup>28</sup> *Libération*, 22 octobre 1997. Pages from the register of the Parquet de Paris of 30 October 1961. They were leaked to the journalist by an archivist.

visit to France of the Algerian president in June 2000. This campaign spread to other media sources, and soon held national attention. Historians were not silent while this was happening, but scholarly views were largely overtaken by the weight and forms of this news coverage. Historians were invited in the press to provide expert opinion. Historical analysis was increasingly treated as just another subjective resource. The papers favoured dramatic witness accounts to balanced analysis, and polemic to the complicated unveiling of reality.

Historians lost control of the process, and failed to convey an appropriate degree of methodological professionalism and scholarly rigour. The role of the historian was made more difficult because recent research on Algeria and war crimes has been controversial within the Academy. Historians of Algeria have been accused of being ideologically motivated and biased in their approach, and it is true that debate has tended to slide from reasoned scholarship into politically motivated trials or to be based on the personal experience of some academics. The Algerian War has proved to be an emotional topic for contemporary historians as well as for the French public. In the media, historians were pressured to take positions on topics outside of their scholarly competence. This was difficult enough, but became even more disturbing as historians became involved in the inevitable courtroom battles that followed, as we have seen. The persistence of such stories in the news put pressure on politicians to respond in some way. In the Assembly, increasing public concern posed an embarrassing political problem that was not taken frankly into account by many deputies. French Communist Party MPs were the only parliamentary group to propose to a commission of inquiry, and the idea was not pursued.

## Epilogue

Meanwhile, both Prime Minister Lionel Jospin and the President Jacques Chirac proposed their vision of history. Despite the wide differences in their use of words and factual presentation, they were in agreement about the need to minimize the significance of the acts of torture, dismissing them as marginal actions, and thus refusing any consideration of them as part of a systematic policy of repression.

The Prime Minister was first to make his views known, stressing the necessity of allowing historians to do their work: 'The government, as it has done in the past three years with regard to access to archives of the Second World War or documents related to the events of October 1961, is ready to support scientific and historical work'.<sup>29</sup> This was an initiative of an entirely different magnitude than previously conceded. In an April 2001 Report responding to the introduction of a right of appeal to a special commission for those denied access to official records, Jospin included a section on 'access to public archives relating to the Algerian War'.<sup>30</sup> This responded point by point to various problems: the length of time it took for a decision to be made once a request was submitted, the reluctance of some agencies to

---

<sup>29</sup> National Assembly, 28 November 2001.

<sup>30</sup> On archives in France, Sophie Cœuré and Vincent Duclert, *Les archives*, Paris, La Découverte, 2001, 124 pp.

grant access, the absence or closure of catalogues for many significant collections, and the way that control over documents was jealously guarded by services which were slow to hand files over to the archives. Most significantly the Prime Minister set an objective of putting certain collections on an equally open footing as those from the Occupation. This was certainly a step forward for historians, but it was first and foremost a response to media pressure. This is clear, even in the convoluted preamble:

The return to the events connected to the Algerian War, such as the recent discussions that have developed on this subject, show the level of interest that has undertaken to see that the facts corresponding to this period receive the illumination of historical research. In fact, only such an approach, with the exigencies of the rigor and historical method that are inherent to it, will permit giving these events a clear and impartial understanding.<sup>31</sup>

While respecting historical methodology, Jospin saw it as the historians' role to pacify public feeling by supplying authoritative answers on the conduct of the Algerian War.

The subsequent Presidential communiqué of 4 May 2001 was even more explicit, stating that it was necessary for 'historians [to] be in a position to bring the truth to light rapidly on all questions of responsibility by having access to the archives from the period' and that 'the entire truth must be [revealed] on these unjustifiable acts.'<sup>32</sup> The President had decided to endorse popular calls to 'establish who was responsible' for acts that were no longer dismissed as the 'acts of a minority' because they had been accepted as morally 'unjustifiable'.<sup>33</sup>

Essentially, Jospin and Chirac had invoked history as a means of buying time while the furore ran its course in the news. This recourse to historians permitted the government to signal a willingness to account for the past while completely dispensing themselves of any need to make public statements regarding it. It was a dilatory and hypocritical response, for the political authorities seemed to pass along to historians—the 'professionals' of the past—the responsibility of telling 'the truth' about French history. In reality, however, politicians remain happy to pronounce on this past when it suits them to do so. What they did not wish to do at all costs was to accept responsibility on behalf of the state which might entail a reparations obligation that could set a precedent with almost unlimited application to other controversies. This was particularly true of torture allegations; the Prime Minister has continued officially to ignore the historical scholarship on this subject that would permit one to question the argument that the use of torture was but a minority activity.<sup>34</sup> Other groups and individuals have continued to speak out on the question

---

<sup>31</sup> Circular of 13 April 2001 that appeared in the *J.O.* of 26 April 2001.

<sup>32</sup> Communiqué of the President of the Republic, 4 May 2001, published in *Le Monde* on 6-7 May 2001. President Chirac had also reacted in the autumn but took a more limited position than his Prime Minister, most notably on the question of the archives.

<sup>33</sup> I permit myself to indicate that the works of Pierre Vidal-Naquet as well as my own doctoral thesis defended in December 2002 had already illuminated to an extent the question of who was responsible.

<sup>34</sup> Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie*, Paris, Gallimard, 2001, 464 p.

of responsibility, and it is difficult to know how historians should respond to this challenge, and in particular how to convey the subtleties of historiographical debate to a public that wants black and white answers. Because narrative understanding is considered to be partisan, it is difficult to imagine that it would be possible even to agree on appropriate historians to appoint to a commission, should there be the political will to do so. Debate has hinged upon morally loaded terms like 'honour', 'good' and 'evil'. In the case of the Algerian War, as with comparable controversies in other parts of the world, it has proved to be difficult to come to terms with the reality that torture was condoned in a democratic state, because the past is still too contemporary to contemplate with detachment.<sup>35</sup> It sometimes looks as if 'never again' is put on a forgotten agenda, and that the lessons of the Algerian War will continue to be ignored.

---

<sup>35</sup> See the disputes over the occupied territories, terrorism and the Israeli methods, or even the underlying themes of the speeches that followed September 11, notably in the United States, where reputable newscasters on the influential American television show on CBS, 'Sixty Minutes'—astonishingly—even interviewed General Aussaresses as an expert on the 'war against terrorism' and torture. General Aussaresses was presented on the show as the former chief of the French secret service in Algeria, having 'tortured dozens of presumed terrorists' (*Libération*, 23 January 2002).