

*The French State Faced with the Algerian Nationalists (1954-1962):
A War against Terrorism?*

in Samy Cohen (ed.), *Democracies at war against terrorism*, Palgrave Macmillan, 2008, 280 p.

During its last colonial war (Algeria, 1954-1962), France was a democracy that was very much torn between conflicting forces. The foundational values of its modern history (that originated in the French Revolution) and of its recent history (stemming from its victory over Nazism – at least as far as Resistance forces were concerned – and from its new regime, the IVth Republic), were weakened by the challenges it was facing in its Algerian *départements*.¹ Indeed, nationalism had become so influential there that it had become difficult to maintain the myth of a peaceful French Algeria. In fact, as early as the end of the Second World War, the colonial power had experimented with different administrative and legal adjustments; this met with strong opposition from the *Français d'Algérie* (French settlers or colonists in Algeria)² and increased the Algerians' resentment.

In 1954, the onset of armed struggle was a double challenge for France. Firstly, the French empire appeared to be on the decline after the loss of Indochina, the Empire's evolution toward the Union française (which changed the legal status of French colonies and their inhabitants), and the emergence of movements of rebellion in the North African protectorates. Secondly, this new period seemed to be an opportunity for French democracy, which had never functioned properly in Algeria, to make up for lost time and to finally make arrangements for there to be a little more equality in the country.

In fact, this colonial republic was a skewed democracy, because it was undermined from within by statutory discrimination or huge disparities in living conditions. The violence of the war between the French police and armed forces and the Algerian nationalists revealed this foundation of inequality, shedding light on the significance of certain situations, which only few people had reflected on before. It was also exacerbated by the presence of terrorism, a protean phenomenon that dominated the war and gave it a particularly cruel shape. Beyond the terrorist attacks themselves, the entire range of means used to fight them, and especially against those who allegedly committed them, were what gave the war this dimension. In addition to the cycle of repression that it produced or contributed to, terrorism and the struggle against it also created spaces of ambiguity in the French democratic

¹ Translator's note: In order to completely assimilate colonized Algeria into France, it was subdivided into the same administrative units as metropolitan France (*départements*) and treated as French territory, not as a colony or foreign country under French domination. Therefore, until 1956, there were three French *départements* in Algeria.

² Translator's note: From the mid-19th century, French policy was to colonize Algeria, actively encouraging hundreds of thousands of Europeans from poor areas of Italy, Spain, and France to settle there. This gradually led to the growth of a large minority population known as "*colons*," "*pieds-noirs*" or "*Français d'Algérie*" ("Frenchmen of Algeria"), which dominated and controlled French Algeria.

sphere. These spaces allowed considerations of *raison d'Etat* (national interest) to overdevelop to the point of sustaining dissidence or the temptation to organize a *coup d'Etat*: this situation was perhaps more hazardous for democracy than was the main enemy it was focused on – terrorism.

After a short presentation of the Algerian nationalists and the terrorism they resorted to, I will turn to the French state's institutional and legal responses, and their implementation. Finally, an analysis of justifications of the methods involved will follow: in my view, they are in fact a fundamental element of the issue of democracies fighting terrorism.

Terrorism, a weapon for a nationalist project

The desire for independence had already existed in Algeria for a long time when the conflict known as the “war of independence” – or “*guerre d'Algérie*” (“Algerian war”) to the French – broke out. Between the two World Wars, Messali Hadj crystallized one of the first modern political expressions of these aspirations. As his supporters increased in numbers, other, more moderate political movements gradually rallied to the idea of independence. However, until the 1950s, they gave priority to legal means of action. Until 1954, and probably until 1955 or even 1956, most nationalists remained committed primarily to tactics inspired from the French workers' movement, favoring the use of petitions, strikes, demonstrations, and elections – regardless of how obviously they were rigged in Algeria.³

Only a small minority favored armed struggle; at the end of the 1940s, they formed the *Organisation Spéciale* (Special Organization), or OS.⁴ Then they founded the *Front de Libération Nationale* (National Liberation Front) or FLN, which was brought into being with a series of attacks in the night of October 31-November 1, 1954.

The police were taken by surprise and in the midst of coordination problems, and they reacted by striking at the nationalists they already knew of and had detected. Most of them were members of the *Mouvement pour le Triomphe des Libertés Démocratiques* (Movement for the Triumph of Democratic Freedoms) or MTLD, who had actually been kept aside from these new tactics and the new political group, the FLN. Nonetheless, the police had no qualms in using torture on the individuals they arrested, and even tortured a member of the city council of Algiers.⁵

In parallel to acts of terrorism, in the shape of sabotage of public goods (roads, railways, telegraph poles) and targeted assassinations of Algerians labeled as “pro-

³ In fact, the main pro-independence party, the *Mouvement pour le Triomphe des Libertés Démocratiques* (Movement for the Triumph of Democratic Freedoms) or MTLD ran for municipal elections in 1947, and won 33% of the vote. Even though it had won 9 seats in the first round, and was in the lead for the run-off elections in several constituencies, the MTLD did not win any seats in that second round. The *Union Démocratique du Manifeste Algérien* (Democratic Union of the Algerian Manifesto) won 7 seats in the first round, but only one in the run-offs. However, candidates supported by the colonial administration won 41 seats. In 1948, the Socialist Governor-general Edmond Naegelen blatantly rigged the legislative elections.

⁴ The OS was dismantled in 1950.

⁵ This caused a scandal so quickly that the authorities in Paris wished to regain control of the police in Algeria as soon as possible.

French," nationalists that were too moderate and representatives of the French state,⁶ the FLN also set up some guerrilla fighter units (*maquis*). Regular French troops were sent to fight them. Thus, from the beginning of the war, the police and the army were mobilized to face enemies they were ignorant of. In both cases, the result led to repressive blunders that ending up being more favorable to the FLN than to the French troops.

Concerned with increasing its following, as a newcomer to the Algerian political scene, the FLN was also involved in an internal struggle inside the national movement. It aimed to win over an increasing part of the Algerian population. It used diverse methods, of which terrorism was one: they assassinated some Algerians for having expressed their choice of a different path, through their discourse or action. On August 20, 1955, the FLN cadre in charge of the *Nord-Constantinois* region directed thousands of armed peasants toward a few locations populated with *Français d'Algérie*, so as to massacre them; this decision was also linked to the aforementioned tactics. The massive repression that followed this massacre widened the rift between Algerians and Europeans in Algeria, far beyond what it had ever been.

Thus, the FLN was undeniably a political group that resorted to armed force and terrorism from the start. The group was immediately qualified as "rebels," "outlaws," and "terrorists." Accordingly, from the first series of FLN attacks, the general government's communiqués evoked acts "committed by small groups of terrorists," whereas the attacks themselves were identified as "*menées criminelles*" ("criminal intrigues or acts").⁷ Later on, the "state of emergency" law again specified that its goal was to fight the "terrorists."

The FLN's tactical evolution reinforced the position of those who wished to reduce its action to criminal acts and refused to consider their political use and significance. Indeed, as of spring 1956, the FLN began to organize "blind" terrorist attacks in urban areas. This transition to anonymous and massive violence was made official in August 1956 during a meeting of most of the FLN's main leaders, which led to a reorganization of the struggle and a sort of minimum agreement on ends and means.⁸ Deadly attacks took place in Algiers as of September, particularly in places frequented by European youth.

The explicitly transgressive dimension of these attacks (since the victims were anonymous civilians and no longer specific individuals whose death had an immediate political meaning), and the fact that they were far more spectacular than previous strikes oriented repression in a direction that was anti-terrorist and political, on the whole. As of the arrival in Algiers of the new main official in charge

⁶ For a study of different forms of terrorism during the Algerian war, see works on the OAS and the FLN, as well as Guy Pervillé, "Le terrorisme urbain dans la guerre d'Algérie (1954-1962)," (pp. 447-467 in Jean-Charles Jauffret et Maurice Vaisse (eds.), *Militaires et guérilla dans la guerre d'Algérie*, Brussels: Complexe, 2001) and Raphaëlle Branche, "La lutte contre le terrorisme urbain," (pp. 469-487 in Jean-Charles Jauffret et Maurice Vaisse (eds.), *op. cit.*) and "FLN et OAS: deux terrorismes en guerre d'Algérie," (in *La Revue Européenne d'Histoire / European Review of History*, vol. 14, n°3, septembre 2007, p.325-342).

⁷ Communiqué from the general government, quoted in Mohammed Harbi, 1954, *La guerre commence en Algérie*, Brussels: Complexe, 1985.

⁸ This was a meeting called the Soummam Congress (*congrès de la Soummam*).

of French Algeria, the *Ministre Résidant* ("resident Minister," a minister for Algerian affairs who was permanently based there) Robert Lacoste, in the spring of 1956, the priority of intelligence gathering was very clearly asserted. The point was to privilege action against the enemy's political organization rather than fighting its army, the *Armée de Libération Nationale* (National Liberation Army), or ALN. More specifically, in the context of increasingly spectacular terrorism, the French police and military seemed to be lumping the FLN's political organization and its terrorist structures together. In fact, terrorism was also a means for the FLN to produce allegiance within the Algerian population. From then on, a discourse emerged which assimilated any form of political support for the FLN to an effect of the terror produced by the organization.⁹ This reasoning had two effects. On the one hand, the fight against terrorism was considered the key to the political struggle: dismantling the terrorist networks was supposed to deprive the FLN of its political support within the population, since this support was assumed to have mainly been acquired through terror. On the other hand, this reasoning took a perverse turn, as it meant holding that fighting the FLN's political structure should allow the authorities to dismantle the terrorist networks, and that any Algerian nationalist was ultimately suspected of knowing a terrorist, or even of being one him/herself, according to the way Algerians were presented. This point will be developed further on.

Before turning to the responses to the FLN's terrorism in practice, we shall consider the institutional responses elaborated by the French state during the war.

Finding the appropriate response

Two conclusions were quickly drawn from the events Algeria was experiencing at the end of 1954. First, it was out of the question to consider the attacks and acts of rebellion occurring in these French *départements* on the other side of the Mediterranean, as a war. Second, the legal arsenal ordinarily available in peacetime could not suffice to subdue those disturbing the colonial order. Without ever declaring war, or even an "*état de siege*,"¹⁰ successive French governments opted for exceptional and renewable measures.

After six months, a state of emergency was voted for some areas of Algeria. It was gradually extended to apply to all of Algerian territory.¹¹ The law permitted the extension of certain prerogatives of the civil and military authorities. In particular, it allowed for exemptions from common law on two levels. Civilian authorities received the right to limit the inhabitants' liberties, and could go as far as putting them under house arrest or interning them in camps. The army had its judicial

⁹ At the end of May 1957, the FLN's massacre of 303 villagers, on the grounds that they supported the MNA (*Mouvement National Algérien*, Messali Hadj's nationalist movement), gave the French authorities a bloody example to support this point of view. Indeed, the FLN tried to deny responsibility for this "Melouza massacre," blaming it on the French forces.

¹⁰ Translator's note: A "state of siege," which according to French law, could be declared by the government; it entailed transferring certain powers from the civilian authorities and the police to the army, the extension of police powers, etc. on all or part of French territory.

¹¹ The state of emergency was first voted on April 3, 1955, and extended from August 22, 1955.

powers increased in order to accelerate judicial processes in a context qualified as a “fight against terrorism.”

Later, in March 1956, the new government went further and asked the *députés* (members of Parliament) to grant it special powers for Algeria. Contrarily to what a state of emergency involved, this did not mean specific powers, but that the legislature recognize the principle of the executive’s omnipotence for Algeria.¹² These special powers were voted for 6 months; they were renewable. Actually they constituted the legal framework for the entire war which, in the end, was almost exclusively in the hands of the executive branch of government.¹³ Thus, it was able to redefine the concepts of a crime and an offense, essentially through regulations, even though officially, the French penal code was still in effect.

This predominance of the executive also led to giving significant weight to the military and to their interpretation of reality. The refusal to recognize the Algerian *maquisards* (guerrilla fighters) as prisoners-of-war was one of the most obvious signs of collusion between military interpretations and political interests. The army had been brought in to keep order and did not consider itself bound by the international legal framework of war.¹⁴ Indeed, the way it intervened in the field bears witness to the fact that it evaluated the danger it faced and the missions it had to accomplish in a manner far removed from the descriptions of war in international law.¹⁵

To understand the latitude the army was given to carry out the war on the ground, we must refer to the texts of law involved. Though they were prescriptive, almost all the directives or instructions advocating such or such an attitude were ambiguous. The key terms used to designate the enemy or techniques of violence were vague enough to leave the persons implementing them considerable latitude in doing so.

This was expressed quite directly by the commander of a tank division based in the Mitidja area, near Algiers, who had been entrusted with infantry missions.¹⁶ At

¹² These special powers were theoretically given to the central government in Paris, but in fact, they quite frequently accrued to Robert Lacoste, who was increasingly inclined to abandon some of his prerogatives to the army.

¹³ In summer 1957, Maurice Bourgès-Maunoury, the new *Président du Conseil* (head of government), asked for these powers to be extended to the territory of continental France; later on, General De Gaulle asked for confirmation of these powers, as the law required. In October 1958, a decree abrogated the obligation for any future government to request the renewal of these special powers... Thus, they were still in effect, even under the Fifth Republic, since they were never officially abrogated. At the same time, the government was led to ask the National Assembly (Parliament) for full powers for a year, as in February 1960.

¹⁴ France had acceded to the Geneva Conventions in 1951. From an international law perspective, their application was a relevant issue during the Algerian war; the French protagonists of the war, both political and military, rejected this. However, the International Committee of the Red Cross (ICRC) was allowed to intervene in Algeria, in virtue of the Geneva Conventions, but only to supervise the prisoners’ conditions of detention. This led to a paradoxical situation: the “events” in Algeria produced prisoners, to whom the Third Convention on prisoners in armed conflicts was applicable; yet these “events” did not justify the application of the First Convention on the wounded in armed forces in the field, or the Fourth Convention, on the protection of civilian persons in time of war. Thus, with regard to the First and Fourth Conventions, Algeria was at peace, whereas the unspoken recognition of the relevance of the Third could lead one to think the country was in a state of war. On this issue, see Raphaëlle Branche, “Entre droit humanitaire et intérêts politiques: les missions algériennes du CICR,” *La Revue historique* 609 (1999-2), pp. 101-125.

¹⁵ Though the Geneva Conventions do consider non-international armed conflicts, their combatants must still meet a number of criteria, that the ALN did not necessarily meet, at least when it was first created. In particular, article 4 of the Third Convention specifies that prisoners-of-war are combatants led by a responsible person, carrying weapons, but also wearing a distinctive sign allowing their recognition from a distance. They are also supposed to respect the laws of war.

¹⁶ Report on the morale of the 7th DMR (*Division Mécanique Blindée*, a light armoured division) and of the battalions of the Ain Taya sector, 1957, 1H 2424 (SHD).

the end of 1957, he described morally exhausted officers: *“Indeed, many consider that ends do not justify means; on the other hand, they have to accomplish their mission. Thus, the conscience of a large number of leaders and intelligence officers must choose between efficiency and moral revulsion toward the use of methods that have been condemned many times in other circumstances. In a word, duty is difficult to define, to find, because to them it does not involve disinterested discussion, but rather decisions that put the lives of other men, and the morality of their subordinates – especially young conscripts – in the balance. / To determine what their attitude should be, they only have directives and insufficient legislation that is too vague, that requires too much initiative from them in an area that involves the entire nation’s responsibility. They need codified legal means, or at least total support from the military authorities and state officials. They feel that they are left to manage a serious issue by themselves, and that they are suffering from the failings of their civilian and military leaders. This has weakened their trust in these leaders.”*

Further on, he adds: *“It does not suffice to prescribe the destruction of the rebels’ political-administrative infrastructure. The right approach and the means for doing so must be specified, and defined in legal terms. Otherwise, those who carry this out only have a choice between inefficiency and illegality.”*

If a normative text produced by the authorities at a high hierarchical level is too broad, it designates nothing, but if it is too precise, it appears to hamper subordinates with a straightjacket of rules forbidding them from taking the realities of the field into account. Yet beyond this question of the degree of precision and ambiguity necessary, it is obvious that during the Algerian war, political authorities settled for definitions that were much too flexible to provide a framework for the fight going on. This was obvious quite soon. As early as July 1955, the long address by the Interior Minister and the Minister of National Defense, which defined “the attitude to adopt *vis-à-vis* the rebels in Algeria,” advocated a “more brutal, quicker, more complete” military reaction, asking “everyone to use their imagination in order to apply the most appropriate means compatible with [their] conscience[s] as soldier[s].” The text also recommends the following: “Any rebel using a gun, seen holding one or committing acts of violence, will be shot immediately,” and especially, “fire must be opened on any suspect attempting to escape.” Before the war had even been extended to all of Algerian territory – by extension of the state of emergency in late August 1955, for instance – this address did not bother to define the essential notions of “rebels” and “suspects.” Thus, it created a deadly tautology, by which anyone running away was a potential suspect and any suspect was a potential runaway. This undeniably involved an *a priori* legalization of summary executions. This common practice became authorized, or even recommended – even though to carry it out, the soldiers had to use a little lexical camouflage, turning summary executions into “escape attempts” or “shooting runaways.” In such a context, being suspected of terrorism could mean a death sentence.

Nonetheless, in the case of the fight against terrorism, as it was presented, particularly after increase of blind bomb attacks, summary executions could not take place outright. As of 1957, the struggle against FLN terrorism encountered a set of

arguments that was becoming more and more established, according to which the police and armed forces' priority in Algeria should be gathering intelligence. As explained previously, the point was to obtain information on the ALN *maquisards* and on the political organization of the FLN. When terrorism became an important element of FLN tactics, the intelligence services eagerly seized the opportunity.

Faced with terrorists, any qualms about methods of intelligence gathering, especially interrogation methods, were easily soothed. Finally, let us see how and why the French authorities justified the methods they used.

Justifying the violence of repression – including illegal violence

The use of violence against individuals found guilty of terrorism was fundamentally justified by urgency: the terrorist violence was sudden, and had to be avoided by action of the same character.¹⁷ Asserting this urgency meant asserting the speed necessary to a reaction presented as efficient – the evidence of its efficiency being the speed itself... Accordingly, the moment in which the evidence was established to actually prove the suspected individual guilty of terrorism was eclipsed. More specifically, the question of justice was made irrelevant: the process was a policing technique that functioned as if it anticipated a guaranteed penalty, while at the same time, rejecting any recourse to the judicial system, considered too slow and too lenient, anyway.¹⁸ This technique usually consisted of torture, even though none of the protagonists involved in its justification used the word.¹⁹ Whatever the objectives that a torturer assigns himself, or believes he is assigning himself, it is a form of suffering intentionally inflicted upon someone and carried out in a context where the victim is deprived of all his/her rights, and in which the torturer has every right, including the right to put the victim to death.²⁰ It was used on a massive scale in Algeria, entering the basic arsenal at the disposal of intelligence officers and more generally, of other soldiers, if necessary.²¹ As a result, it did not constitute a kind of excessive and reprehensible violence that the authorities sometimes allowed, but rather a standardized and organized form of violence in the framework of the military hierarchy: an authorized practice.²²

Indeed, torture played an essential role in the ongoing war. Beyond its direct victims, it essentially addressed the Algerian population. The latter had become the

¹⁷ An entire argument was gradually constructed by late 1956, to justify the place given to new forms of conflict. It was the "revolutionary war theory," which attributed a new form of "revolutionary" war, inspired by Mao Zedong, to the FLN; the army was then supposed to respond by a "counter-revolutionary" war.

¹⁸ See Sylvie Thénault, *Une drôle de justice: les magistrats dans la guerre d'Algérie*, Paris: La Découverte, 2001, 347 p.

¹⁹ See Gabriel Périès, "Conditions d'emploi des termes interrogatoire et torture dans le discours militaire pendant la guerre d'Algérie," *Mots* 51 (June 1997), pp. 41-57.

²⁰ Torture aims to deprive someone else of his/her capacity to think, and its psychological foundations lie in this manipulation of the idea of this person's death.

²¹ See Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie, 1954-1962*, Paris: Gallimard, 2001, 474 p.

²² Of the plentiful evidence of this authorized status of torture, the most flagrant was probably the fact that its perpetrators were never condemned. According to Hans Kelsen, in fact, a form of violence that is never punished by any penalty is an authorized practice. See Raphaëlle Branche and Sylvie Thénault, "L'impossible procès de la torture pendant la guerre d'Algérie," proceedings of a conference on *Justice, politique et République de l'affaire Dreyfus à la guerre d'Algérie*, Brussels: Complexe/IHTP, 2002, pp. 243-260.

main stake of the war, in order to defeat the nationalists it was allegedly sheltering, but most of all, for itself. It had become a favored field of combat. Therefore, torture was not merely a weapon against terrorists, but also a political weapon. More precisely, it contributed to an important strategic reorientation of the French army, which claimed to have borrowed its enemy's methods in order to fight it.²³ Thus, as he was in command of the troops in charge of restoring order in the Algiers urban area, which had been struck by blind terrorist attacks since the autumn, General Massu reminded his troops that "one cannot confront the 'revolutionary and subversive war' conducted by international Communism and its agents, merely with classical combat techniques, but also with clandestine and counter-revolutionary methods of action."²⁴ His position was supported by the chaplain of his paratrooper division, who was probably attempting to deal with the troubled consciences of some of the soldiers. Faced with urban terrorism, stated Father Delarue, "it is not [the] military leaders who [...] arbitrarily imposed these methods [of war]; it is the *fellaghas*²⁵ (*sic*), acting like bandits, who force [the paratroopers] to do this policemen's job."²⁶

What was at stake was in fact using "counter-terror" to oppose the FLN, whose deadly terrorism reinforced the arguments of those who refused to see it as any more than a totalitarian group, that kept Algerians living in fear. In that war, torture was certainly a weapon of choice. Indeed, on top of the information it could potentially be used to gather, it essentially served to send the entire Algerian population a message of order. This violence had an ambiguous status: its history linked it to the category of confession and, therefore, guilt, and at the same time, it was a symbol of the arbitrariness of power, as it could be used against anyone. In practice, it produced widespread fear, rooted in two elements. The French police and army hoped it would contribute to removing the FLN's hold on the Algerian population, but nonetheless, it also provoked increasing support for independence and the sacrifices necessary to attain it.

In fact, even though the police and army's methods were very diverse during this period, during which many techniques previously experimented with or tested were widely developed, one of their common foundations was the place of violence in the image of Algerians produced by the colonial imagination. On one hand, violence had to be used against them because it was a language they understood, or even the only one accessible to them, and on the other hand, violence was something that existed in their own nature, almost naturally.

²³ This reorientation corresponded to the arrival of Raoul Salan to the post of Commander-in-chief, and an increase in urban terrorism. It led to the redefinition of the army's duties; from then on, the military included fighting urban terrorism within its realm of intervention. Algiers became its main field of experimentation as of January 1957, during what was called the "battle of Algiers."

²⁴ Memorandum by General Massu, commander of the Algiers army, March 29, 1957, 1R 339/3* (SHD).

²⁵ Translator's note: The Arabic word *fellâqa* (sing. *fellâq*) was originally a derogatory term meaning a bandit, a highwayman or a person living clandestinely as a sort of outlaw. During the Algerian war, the gallicized forms *fellagha* or *fellaga* became general terms for Algerian or Tunisian clandestine fighters struggling for their countries' independence from French domination.

²⁶ R.P. Delarue, "Réflexions d'un prêtre sur le terrorisme urbain." This text was circulated as an appendix to General Massu's memorandum from March 29, 1957, 1R 339/3* (SHD).

Accordingly, a “civic and moral training book” for the 1959 contingent of conscripts²⁷ prepared the French soldiers, ignorant of Algerian realities, to the “impulsive character” of “the Algerian” – the use of the singular is another sign of the naturalization of Algerians as a separate species. This is reminiscent of the long history of French colonization in Algeria, based on forms of discrimination that were solidly anchored in the law and in practices. But colonial France was proud of itself and of the progress it brought to the country and its inhabitants, and denied it was built on these dark foundations: colonization was just a phase to bring societies toward the light of civilization. In reality, Algerians hardly saw anything of this evolution, and it was these dark foundations themselves that started to push colonial France off balance.

This is strikingly similar to classical Greek democracy, whose greatness and values cannot be dissociated from the initial exclusion of non-citizens, the very existence of which also guaranteed the rights of citizens. Everything proceeded as if, by forcing France to fight those it did not see or consider, the Algerian nationalists laid bare this intimate knot... Unless it was a struggle at the margins of democracy, toward which colonial France was led by the nationalists’ methods, but also by its images of them, at the risk of perhaps losing itself completely.

One of the clearest signs was precisely the use of state terror, and most particularly, the generalization of forms of violence which, like torture, had the paradoxical status of forbidden and permitted violence, since they were carried out by the police and armed forces of a democratic country. In this way, the men perpetrating these acts were pushed toward a legitimacy based on the practice of war, to the detriment of legality, which appeared external, artificial or even inappropriate.

This discrepancy is threatening for a state which cannot manage to impose its authority in both areas, to maintain close ties between them. In fact, the French state did experience this type of hazard during the Algerian war: based on the legitimacy they drew from their practices, and strengthened by the acts committed by the army in France’s name, certain soldiers attempted to influence the political direction of the country by force, on several occasions. This can be described as a recurrent temptation to organize a *coup d’Etat*. The strength of this temptation came from the permanent reinforcement of the army’s legitimacy, to the detriment of legality, which was largely encouraged by politicians. But the more significant factor was a dynamic established from the start of the war; it consisted in delegating powers to the army, and it inherently led to the army demanding more and more means to conduct the war according to its own views, such as the army represented it to the political authorities.²⁸

The weakness of democratic governments in this situation also materializes in a very different way, which the army felt free to criticize: they are subject to electoral

²⁷ Quoted in Philippe Lucas and Jean-Claude Vatin, *L’Algérie des anthropologues*, Paris: Maspero, 1975, 292 p.

²⁸ I developed this point in “The Violations of the law during the French-Algerian War,” in Adam Jones (ed.), *Genocide, War Crimes, and the West. History and Complicity*, London and New-York: Zed Books, 2004, pp. 134-145.

control and, more generally, they are accountable to public opinion. Therefore, they have to compromise, since they must respect certain liberties (such as freedom of expression), or infringe upon them as discreetly as possible (such as the right to an attorney for persons charged with a crime).

However, public opinion was relatively inactive at the beginning of the war. In spite of protest from some intellectuals,²⁹ the public was not regularly informed of the methods used in Algeria until late 1956, and especially early 1957. People knew little about the war because it was taking place far from metropolitan France, in a territory where censorship was increasingly vigilant, and where the police and armed forces operated out of sight of any potential outside observers. Once they had returned to France and were no longer in uniform, the French conscripts were the first to be able to give evidence in the media. They triggered the first massive media campaign on the subject of torture, in spring 1957.³⁰ At the time, they contributed to question French moral values and the heritage of the Second World War. “Were we defeated by Hitler?” asked Sirius (a pseudonym for Hubert Beuve-Méry), in an editorial in *Le Monde* newspaper. On a more political level, Jean-Jacques Servan-Schreiber asked the French if France was not in the midst of “abandoning the idea of justice – and therefore, victory – to the enemy?”

In this context, several strong symbolic gestures were made: the writer Vercors, a former Resistance fighter (in the Second World War), returned his *Légion d'honneur*³¹ medal; General Pâris de Bollardière asked to be relieved of his command in Algeria – he was severely penalized for this. At the same time, efforts were made to justify the methods employed by the French forces in Algeria, using documents written by psychologists, doctors, and criminologists. At the beginning of 1957, a medical brochure was so widely distributed that one could conceivably imagine it was deliberately used by the general government as a propaganda brochure, as the repression of Algerian nationalists was accelerating and worsening, especially with the engagement of French paratroopers in Algiers. On the pretext of a scientific presentation on criminal mutilations in Algeria, the brochure claimed that “man returns all the faster to a state of savagery that the varnish of civilization on him is thinner.” Photographs of mutilated victims – often close-ups – were used to support this statement.³² The general government also widely publicized pictures of the August 20, 1955 attack: persons and animals with their throats cut, destroyed houses,

²⁹ In particular, the author François Mauriac wrote, “at all costs, the police must be prevented from torturing people,” in his *Bloc-notes* on November 2, 1954.

³⁰ Robert Bonnaud, “La paix des Nementcha,” *Esprit*, April 1957; “De la pacification à la répression. Le dossier Jean Müller,” published by *Les Cahiers du Témoignage Chrétien*; Jean-Jacques Servan-Schreiber, “Lieutenant en Algérie,” a series of articles in *L'Express*, beginning on March 8, 1957 (and later published by Julliard, in 1957); *Des rappelés témoignent*, brochure published by a *Comité de Résistance Spirituelle* (“Spiritual Resistance Committee”).

³¹ Translator’s note: the “Legion of honor” is the highest French distinction awarded for excellent civil or military conduct.

³² In the framework of the FLN’s struggle for power in Algeria, the movement had forbidden smoking or taking snuff among the Algerian population, as tobacco was taxed by the French state and an indirect form of taxation, but also the source of an addiction contrary to Muslim precepts. According to certain interpretations, smoking is qualified as *makruh tahriman* (considered a detestable practice that should be shunned, from the point of view of religious law), or even *haram* (forbidden by religious law). In Algeria, mutilation of the nose or lips was a response in order to punish people who transgressed this rule. The latter was subsequently abandoned, probably because it was inapplicable.

etc. Along with the cutting of throats, which evoked savagery because of the blood it shed and of the fact that only knives (primitive weapons) were used, blind terrorism completed this barbaric image of France's enemies and in a way, confirmed it.

Rather than specifically justifying the form of fight that they had chosen, the French authorities usually settled for a general discourse on the necessity of fighting and saving French Algeria, while publicizing FLN violence widely. However, in spring 1957, the accumulation of very grave testimony led the *Président du Conseil* to name an investigative committee in charge of establishing the truth on "the potential reality of the cases of abuse reported." But this mainly allowed the government to play for time: as long as the committee was carrying out its investigation, criticism was muted.

However, a few cases broke through this wall of silence or resignation, particularly the Audin and Alleg cases, named for two members of the clandestine Algerian Communist Party, who were arrested and tortured in Algiers in June 1957. Because Maurice Audin actually disappeared, he quickly became a symbol of the arbitrary nature of rule in Algeria. "Audin committees" were formed in France in order to put pressure on the authorities and alert public opinion. The historian Pierre Vidal-Naquet carried out the lengthy task of deconstruction of the official discourse on the case, in order to demonstrate that the official theory of Maurice Audin's escape from custody was a lie that served to conceal the fact that he had been physically eliminated.³³ His book *L'Affaire Audin* was outright modeled on the Dreyfus affair. This association aimed to remind people that once again, the French army, the political authorities and the judicial system had jeopardized the principles and values of France.

As a journalist, Henri Alleg made his story known himself, in a book that caused a shock: *La Question* (Minuit, 1958). The sociologist Edgar Morin described him thus in *France-Observateur*: "(...) this is the book of a hero, a hero because he fought, resisted, underwent torture, fought back, denounced it, and finally, wrote this book. (...) After Nazism, the accounts of deportation hit carefree citizens in the face. *La Question* hits us in the face during the Algerian war. Everyone will have to look *La Question* in the face and answer the question it raises."

Though he was European, a Communist and a journalist, the account of the tortures Henri Alleg underwent in the hands of the French paratroopers could symbolize what some Algerians, who were anonymous and mostly illiterate, suffered as well. The book was very quickly translated and distributed abroad, with a preface by Jean-Paul Sartre. Along with three other French recipients of the Nobel Prize, (François Mauriac, André Malraux and Roger Martin du Gard), he sent a "solemn address" to the French President in April 1958, expressing their concern regarding the methods being used.³⁴

When General De Gaulle arrived in power in June 1958, André Malraux entered the government. He invited the three other Nobel Prize laureates to form an

³³ Pierre Vidal-Naquet, *L'Affaire Audin*, Paris: Minuit, 1958.

³⁴ Solemn address published on April 17, 1958 in *L'Express*, *L'Humanité* and *Le Monde* newspapers.

investigative commission for Algeria, but it was never created. In fact, public opinion seemed willing to give De Gaulle time to unravel the situation in Algeria, and public testimony denouncing the practice of torture became less frequent. Nonetheless, it continued to occur until the end of the war. The last publicized case was that of a young Algerian woman convicted of terrorism and tortured in 1960: Djamilia Boupacha. The affair was popularized because of a portrait of the woman painted by Picasso, and supported by Simone de Beauvoir; the young woman's lawyer, Gisèle Halimi, raised it repeatedly.

Yet in the end, the protagonists of successive campaigns against torture were quite unsuccessful. The gradual decrease in the use of torture starting in 1960 cannot be attributed to them, and there is no evidence to show that the campaigns were of any benefit to the victims, at least in the short term. However, the existence of these campaigns certainly was a hindrance to the army and the political authorities. They formulated some answers in order to justify these methods, to disparage France's opponents or to accuse some French citizens of "demoralization." France had to defend itself vis-à-vis its own public opinion, but also on the international level.

Opposite France, the Algerian nationalists had fewer resources. Even so, they managed to touch national and international public opinion. As early as autumn 1955, the MNA sent President Eisenhower a black book on the situation³⁵ and endeavored to publicize the issue in the United Nations. According to the French authorities, who were aware of it, the black book gave "the impression that the atmosphere in Algeria was one of blind hatred, systematic destruction, and summary executions." In contrast, they wished to persuade their foreign counterparts of the benefits France brought to Algeria, and of its respect of the civilian population's basic rights. Regarding the accusations contained in the brochure concerning reprisals following August 20, 1955 attack, an internal document of the general government affirmed: "It must be said and repeated, it must be believed that not for one day, not one hour, did France accept the idea of collective responsibility applied to human life, nor the idea of reprisals, collective or not. Everyone must know that orders against all retaliatory executions were always imperative, and that these orders have constantly been obeyed."³⁶ Naturally, this was far from true. No matter; the fundamental project was to put forward a balanced presentation of the facts, opposing nationalist barbarity to French civilization, before national or international public opinion. Accordingly, the French Ministry of the interior asked the Governor-general for "specific elements for refutation, on Muslim terrorism, its atrocities, our methods of pacification, and the political action of our indigenous affairs and

³⁵ The black book was entitled *The Black Paper on French Repression in Algeria*. It was 20 pages long and the MNA presented it to the American government on September 20, 1955. It insisted on inhumanity and the crimes committed against civilian populations in Algeria, and claimed that the repression was "assuming a genocidal character." Messali Hadj presented a shorter text, the *Memorandum on Recent Bloody Events in Algeria*, to the Secretary-General of the United Nations on September 5, 1955.

³⁶ Memorandum on the black book presented by the MNA, dated November 23, 1955. CAB12/93 (CAOM).

Algerian affairs officers."³⁷ Afterward, the FLN also developed intense diplomatic activity designed to undermine the French argument.³⁸

These justifications remained important throughout the war, and each side tried to reinforce its legitimacy vis-à-vis the French public and international public opinion. The use of democratic methods in this debate proved vital.³⁹

To claim that the arguments of either side played a decisive role in the war would be excessive. However, it is essential to take them into consideration in a democratic context. Furthermore, the durability of certain analyses of the parties to the conflict is especially striking. To this day, they have popularized images of Algerians as either bloodthirsty or passively submissive to the FLN, on the one hand, or of the French army as comprising torturers who were all professional soldiers, and sometimes presented as imbued with values that came from Nazism, on the other! On a more subtle level, the core argument, which reduced the struggle against nationalism to a fight against terrorism, has recently re-emerged: urgency and efficiency are being emphasized to the detriment of any other considerations. Yet since France lost the Algerian war, one must acknowledge that this argument is more of an assumption than an outcome.

³⁷ Telegram from the Interior Ministry to the Governor-general, November 14, 1955, CAB12/93 (CAOM).

³⁸ On the internal and internal functioning of the FLN, see Gilbert Meynier, *Histoire intérieure du FLN: 1954-1962*, Paris: Fayard, 2002 (812 p.) and Matthew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era*, Oxford and New York: Oxford University Press, 2002 (400 p.).

³⁹ With regard to the community they claimed to represent, this was not as obvious: the FLN used violence and coercion in its relationship with Algerian civilians, both in France and in Algeria. Democratic methods were very far removed from the mechanisms of power within the nationalist organization.