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Torture of terrorists? Use of torture in a “war against terrorism”: justifications, methods and effects: the case of France in Algeria, 1954–1962

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Abstract

During its war against the armed nationalist movement fighting for Algerian independence (1954–62), France made extensive use of torture, for which the main justification given was the terrorism employed by the National Liberation Front, even though such terrorist violence was neither the nationalists' main form of action nor the French army's true target. Research into the methods used and the aims pursued challenges that justification, shedding light on the way in which torture really operates in a war of this kind, even though the Algerian War has been presented as a model for many subsequent conflict situations.

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In August 2003 the US Directorate for Special Operations and Low-Intensity Conflict organized a screening of the film *The Battle of Algiers*¹ at the Pentagon (Defence Department). The film, which portrays the Algerian partisans' struggle during the war of independence against the French colonial power, shows in equal measure the terrorist methods adopted by the National Liberation Front (FLN) and the violence used against it by the French army and police. While it might well be thought that such a screening, designed to train and inform those in charge of

clandestine operations, was likewise supposed to remain confidential, a timely press leak brought it to public attention: the text of the invitation, which referred to similarities between the war waged by the United States in Iraq and that faced by the French in Algeria, was published in the press.² It emphasized features common to both wars to show that the Americans would not make the same mistakes as the French; in a sense, they wished to tell the world they had learned from the past – the past of others, that is.

The previous spring US President George W. Bush had vaunted the end of the main hostilities in Iraq. A few months later, however, he had to change his tune in the face of the public scandal over abusive treatment of inmates at Abu Ghraib prison in Iraq, the continuing hostilities and the high numbers of dead and wounded, including Americans.

More than three years later, he was able to say that he had read Alistair Horne’s book³ with interest; in the preface, the author highlights four similarities between the two conflicts:⁴ the emphasis placed by the weaker of the two sides on attacks against members of the enemy administration and its repressive apparatus, and, more broadly, against civilian targets; transfers of weapons thanks to porous borders; the use of electrical forms of torture, which weakened national cohesion in the country resorting to it; and the difficulty of envisaging the withdrawal of military troops.

While the two conflicts undoubtedly share many similar features – of which the following article will give an idea – there are also significant differences between them. Aside from the well-documented shifts in the international constellation, the influence of public opinion and its ability to react to information are undoubtedly the most obvious signs that times have changed since the conflicts of the 1950s and 1960s. For that matter, the two conflicts are bound to differ, for one preceded the other by nearly half a century.

The Algerian War may in fact be regarded as a prototype for conflicts in the second half of the twentieth century; it has served as a model for the fight against “subversion”, “enemy insurgents” and “terrorism”, depending on the terminology used. The US war in Iraq and the Algerian War are indeed linked in this respect. It is not the only link, however. There are numerous echoes of the

1 The film *The Battle of Algiers*, directed by the Italian Gillo Pontecorvo (1966), was made just after independence and shot in the Algiers casbah; it featured the latter’s residents, with Yacef Saadi, head of the Autonomous Zone of Algiers at the time, playing himself. It was filmed partly with a hand-held camera. The director says he shot it in “documentary style”, helping to give it the power of a virtual eyewitness account of the period.

2 “How to win a battle against terrorism and lose the war of ideas. Children shoot soldiers at point-blank range. Women plant bombs in cafes. Soon the entire Arab population builds to a mad fervor. Sound familiar? The French have a plan. It succeeds tactically, but fails strategically. To understand why, come to a rare showing of this film.” Quoted by Michael T. Kaufman, Film Studies, *New York Times*, 7 September 2003.

3 Alistair Horne, *A Savage War and Peace: Algeria 1954–1962*, Viking Press, New York, 1977, was the first to give an overall account of the war. The author is a British historian; a new 2006 edition gave him the opportunity to suggest contemporary comparisons.

4 Marc Roche, “Le président américain, l’historien britannique et la guerre d’Algérie”, *Le Monde*, 23 January 2007.

Algerian War and affinities with it for the Americans in Iraq; it has also had a bearing on many other conflicts throughout the world since the 1950s. In order to allow readers to make up their own minds about the possible implications, I shall discuss the standard arguments put forward to justify the use of torture, followed by the methods adopted and the perpetrators. I shall then question the validity of the proposed justifications in the light of the forms of violence used, affording an opportunity to reflect on the aims pursued and the formidable issue of effectiveness. In addition to the aims explicitly affirmed by those directly and indirectly involved, an analysis of the practice of violence reveals its ultimate *modus operandi*, thereby challenging an interpretation that merely skims the surface of the events in question.

From insurrection to the Algerian War

The war between the Algerian nationalists and the French authorities, which culminated in an agreement providing for a ceasefire and Algerian independence, is not always defined in the same way on both sides of the Mediterranean Sea. The French have long spoken of the “Algerian War”, but the French parliament did not officially endorse the expression until October 1999. The Algerians, for their part, hail it as a “revolution”, a “war of liberation” or “of national independence”. Everyone would agree, however, that the transition to sovereignty was formalized when Algeria acceded to independence in early July 1962. Political and community leaders are deeply divided over the causes, while historians themselves opt for a sequential chronology.⁵ Here I shall adopt the traditional timeline starting in 1954, on the grounds that the FLN, the French authorities’ main adversary, made known its emergence by a series of attacks during the night of 1 November that year.

France then had to contend with an insurrection that gradually spread throughout Algeria in the form of an armed resistance movement and attacks on Algerian and French civilians and soldiers.⁶ Refusing to acknowledge a state of war or siege, the French authorities referred to an “insurrection”, a “rebellion”, “terrorism” or acts of “outlaws”, and regarded the entire situation as an internal French affair to which they responded by means of “police operations” designed

5 A number of dates could be taken as a starting point. The colonization of Algeria dates from 1830, and France’s decision to colonize the whole country from 1834. In 1848 the north of the country was divided into French *départements*, thereby asserting administrative continuity between Algeria and France. The first great massacre of Algerians who had expressed nationalist leanings took place in May and June 1945 (following demonstrations in north-east Constantine). The first FLN attacks took place in 1954; in 1955 France decreed a state of emergency throughout Algeria; in 1956 the French National Assembly granted the government special powers in respect of the Algerian issue.

6 It must be borne in mind, however, that this distinction – adopted here for reasons of linguistic convenience – was not used at the time. Everyone was officially French, by either nationality or citizenship. Since 1947 the attainment of citizenship by “French people of North African origin” had improved considerably on paper, although there was still a great deal of discrimination in practice. On the other hand, the proponents of Algerian nationalism regarded the inhabitants of Algeria as being divided into two national groups: in their view, there were indeed Algerians and French people living in Algeria.

to “maintain law and order” in a French territory. Within a legislative, administrative and judicial framework geared to the needs of law enforcement, where the executive and the army ultimately had supreme control over operations, France took the view that it had nothing to answer for to the rest of the world. So although it had been largely instrumental in drafting the Universal Declaration of Human Rights⁷ and was a signatory to the 1950 European Convention on Human Rights, it did not agree to ratify the latter until 1974, well after the Algerian War. France had, however, ratified the Geneva Conventions in June 1951, which according to international law were thus applicable to the Algerian situation.⁸

The French did not see it like that, however, and rejected such an interpretation. Despite the efforts of the International Committee of the Red Cross (ICRC), France refused to let it conduct an investigation in Tunisia during the 1953 revolts.⁹ Nevertheless, in 1955 the ICRC did obtain the authorization of the Prime Minister, Pierre Mendès France, to carry out visits to prisoners on Algerian territory, although with very limited room for manoeuvre: there was no explicit statement that the prisoners were covered by an instrument of international law, and missions had to be confined to checking on their conditions of detention. Moreover, their status was not specified: they might be civilians or soldiers, and the grounds for their detention varied widely. In March 1958 the establishment of special military internment centres for “rebels taken captive while in possession of weapons” was, for one category of these Algerian prisoners, a form of de facto acknowledgement of a status comparable with that of prisoners of war.¹⁰ Yet it was only in November 1959 that General Challe, commander-in-chief of the French forces in Algeria, described detainees at the centres as being “considered equivalent to members of an enemy army”.¹¹ From then on it was a matter of following the lead of a political authority that had shown the way to self-determination for the Algerian people.

Not until 1961, however, did France acknowledge the applicability in certain cases of the Third Geneva Convention relative to prisoners of war¹² and did the army ensure that it was applied within the military internment centres.¹³ This recognition of a diplomatic negotiating partner caused a military enemy to emerge. While the Provisional Government of the Algerian Republic could be

7 This text, adopted by the UN General Assembly on 10 December 1948, owes much to French lawyer René Cassin.

8 Indeed, Article 3 common to the four Conventions clearly stipulated that there were non-international armed conflicts in which they must also be applied.

9 Art. 3(2) explicitly allows parties to a non-international conflict to refuse the ICRC’s services.

10 General Salan, in charge of the French forces in Algeria in March 1958, took care to specify that those detainees “must not be regarded as prisoners of war. The Geneva Conventions do not apply to them.” Memorandum from the Sixth Bureau of the General Staff of Algiers of 19 March 1958 on the military internment centres, 1H 1100/1 (Service Historique de la Défense – SHD).

11 Quoted by Allan Rosas, *The Legal Status of Prisoners of War: A Study in International Humanitarian Law applicable in Armed Conflicts*, Academia Scientiarum Fennica, Helsinki, 1976, p. 149.

12 In this connection, see *ibid.*, chap. 6, “Survey of recent practice”.

13 For more details, see Raphaëlle Branche, “Comment rétablir de la norme en temps d’exception. L’IGCI/CICDA pendant la guerre d’Algérie”, in Laurent Feller (ed.), *Contrôler les agents du pouvoir*, PULIM, Limoges, 2004, pp. 299–310.

pleased with its success, the pace of military operations had slowed down considerably by that time and the National Liberation Army (ALN), the military arm of the FLN, was much weaker than before.¹⁴ Few ALN soldiers were going to appreciate such a change of heart when people regarded as “suspects” or “terrorists” – who had been by far the most numerous victims of the French troops since the outbreak of hostilities – continued to be excluded from the new concessions.¹⁵

These civilians were a constant source of concern to French soldiers. Who was actually a member of the resistance? Who might be hiding a knife under his djellaba to slit the throat of a shopkeeper deemed too loyal to the French? Which child shepherd was actually a lookout for ALN fighters? Which peaceful old man was keeping them informed of French troop movements, thereby paving the way for a deadly ambush? Which woman was delivering supplies to the mountains on the pretext of gathering food? In town, who was wearing European clothing to be able to plant a bomb more discreetly in a crowded place? An enemy with a thousand faces in an unknown country was what confronted French soldiers arriving from metropolitan France with, at most, a few months’ military training.¹⁶

Urgency and intelligence gathering as justifications for torture

The operations the French carried out in Algeria induced them to commit acts of torture. Without ever being explicitly justified in writing¹⁷ – given that it was a form of violence totally prohibited under French law – torture was suggested by the highest authorities and on the whole was both tolerated and encouraged. Notwithstanding the official line about “pacification” and “maintenance of law and order”, a distinction between occasions “during combat” and “outside combat” was established in summer 1955: “There are no restrictions on the use of weapons during combat”;¹⁸ “outside combat”, the “French rules of humanity

14 Owing, *inter alia*, to the major operations carried out under the “Challe plan” in 1959 and 1960 and the construction of two electric fences on the Moroccan and Tunisian borders, which blocked arms deliveries and made it much more difficult for people to cross over to rest bases or, travelling in the other direction, to contribute fresh blood to the fight in Algeria.

15 As Jack Goody states, “terrorist” “turns out to be the label assigned to those who use illegal or illegitimate force against existing state authorities. They are essentially people that see themselves as without justice, without rights, whether political or property. That is why such an extraordinary variety of states under different regimes have so avidly taken up the American challenge to fight “terrorism” ... Any national or minority movement that seeks to act against the state’s monopoly of force can be so characterized, although most such movements do not see themselves as having any alternative.” Jack Goody, “What is a terrorist?”, *History and Anthropology*, Vol. 13 (2) (2002), p. 141.

16 Unlike the Indo-China War, where only the professional army was called upon to fight, France sent almost its entire contingent to Algeria between 1956 and 1962.

17 According to the archives kept and consulted.

18 “Au combat, aucune restriction n’est apportée à l’emploi des armes.” Memorandum from General Noiret, 9 April 1956, 1H 2898/1 (SHD). The permission in question applied to ground combat.

continue to apply”.¹⁹ Insults, theft, rape, pillage, destruction and torture were prohibited.²⁰ While straightforward in theory, however, this distinction seldom reflected the situation faced by French troops in Algeria. Their enemies were difficult to distinguish from civilians at first sight, unless they were armed men wearing identifiable uniforms – which they rarely did. Furthermore, the civilian population was thought to be informed of enemy movements and thus regarded as a key source of intelligence. In practice, civilians often came under suspicion, arousing fear and mistrust on the part of French soldiers.

Intelligence gathering

From the onset of the war, civilian and military authorities had stressed the crucial need to gather intelligence. Every soldier had to be alert and endeavour to supply information about the enemy. Having groped around in the dark trying to identify nationalist groups, the French security forces had gradually become certain of the FLN’s growing influence on the Algerian population and attempted to forestall it. Their action was then extended to dismantling the networks the organization was developing within Algerian society. The Resident Minister in Algeria, Robert Lacoste, said, for instance, “Resolute, systematic action must be taken against the rebel OPA [political and administrative organization], which forms the very basis of the enemy structure and must therefore be identified and destroyed.”²¹

A different kind of war

Soldiers adapted to what was perceived as a new type of war, a “revolutionary war”. It had to be a total war, based on new tactics and strategies.²² The emphasis was on a war waged within the civilian population, seeking to identify nationalist networks that did not hesitate to resort to indiscriminate terrorism.

The aim of revolutionary war is the same as that of conventional war: to impose one’s will on the adversary. But whereas in conventional war this aim is achieved primarily by destroying armed forces, with the population playing a merely secondary role, in revolutionary war the initial lack of forces means that winning over the population becomes an indispensable intermediate step.²³

19 “Hors du combat [ce sont les]règles françaises d’humanité [qui] demeurent.” Interministerial circular of 1 July 1955.

20 It should be noted, however, that the texts carefully avoid any reference to “human rights”.

21 “Il convient d’aborder résolument une lutte systématique contre l’OPA [organisation politico-administrative] rebelle qui est la base même de l’organisation adverse et qui doit à ce titre être détectée et détruite.” Special directive from the Resident Minister on action against the rebel OPA, 18 August 1956, 1H 3088/1 (SHD).

22 This shift in the approach taken to the war owes a great deal to General Salan (who headed the French forces in Algeria from late 1956 to late 1958) and the men in his entourage, who had come from Indo-China.

23 Antoine Argoud, *La décadence, l’imposture et la tragédie*, Fayard, Paris, 1974, p. 121.

Accordingly, the French army undertook to wage a counter-revolutionary war, justified by its adversary's methods: "The "subversive revolutionary war" waged by international communism and its intermediaries cannot be fought with conventional methods of combat, but also calls for clandestine counter-revolutionary forms of action."²⁴ In the face of urban terrorism in Algiers, the chaplain of the paratrooper division responsible for maintaining law and order in the city commented that "it is not [the] military leaders who ... have arbitrarily imposed such methods; by behaving like bandits, the *fellagha*²⁵ are forcing [the paratroopers] to act as police officers"²⁶.

A response to the terrorists

The argument that it was necessary to adopt "counter-revolutionary" means of combat was reinforced by the idea that the latter were effective. Against this background, a specific line of thinking was developed in order to justify torture. It was based largely on the idea of dealing with urban terrorism in a city riddled with nationalist networks.

The practice of torture was sometimes likened to the technical procedures performed by a surgeon, sometimes to the actions of a priest seeking to convert, sometimes to the blows struck by a caring father to punish an unruly child for its own good, and sometimes to the concern shown by teachers adopting the language of their pupils in order to make themselves understood.²⁷ It all stemmed from the implicit idea that the person being tortured had something to say (confess) and was therefore guilty. Torture was thus a kind of anticipatory punishment – in that it eliminated recourse to legal proceedings which, the military complained, were in any case too slow and too lenient. The disappearance of legal proceedings and the summary procedure offered in their place were not unproblematic. Consequently, justification was based primarily on clear-cut cases in which the person tortured was undeniably guilty – a confessed killer belonging to a "gang" or the acknowledged witness of a crime or attack, even though his role was a passive one,²⁸ in other words, a

24 "On ne peut lutter contre la "guerre révolutionnaire et subversive", menée par le communisme international et ses intermédiaires, avec les procédés classiques du combat, mais bien également par des méthodes d'action clandestines et contre-révolutionnaires." Memorandum from General Massu, 29 March 1957, 1R 339/3* (SHD).

25 Literally "road blockers", this term was used initially in Tunisia and was subsequently applied to the Algerian context to designate the French army's adversaries throughout the war, helping – along with other terms – to deny them the status of combatants.

26 "Ce ne sont pas [les] chefs militaires qui ... ont arbitrairement imposé ces méthodes; ce sont les *fellagha* qui, se conduisant en bandits, obligent [les parachutistes] à faire ce métier de policiers." The Rev. Delarue, "Réflexions d'un prêtre sur le terrorisme urbain", text circulated as an appendix to the memorandum from General Massu of 29 March 1957, 1R 339/3* (SHD).

27 See Gabriel Périès, "Conditions d'emploi des termes *interrogatoire* et *torture* dans le discours militaire pendant la guerre d'Algérie", *Mots*, No. 51 (June 1997), pp. 41–56.

28 "Entre deux maux, choisir le moindre" (Choose the lesser of two evils). Text probably written by Rev. Delarue and Lieutenant-Colonel Trinquier (see Pierre Vidal-Naquet, *La raison d'État*, Minuit, Paris, 1962, p. 112) and sent via the chain of command to officers in the north Algerian zone in spring 1957. It was quickly brought to the notice of the press.

terrorist who knew where the next bomb was. Soldiers therefore had to act quickly: “As soon as a criminal [is] caught in the act, it [is essential] that he speak spontaneously, if possible, or be persuaded to disclose anything that would make it possible to avoid a renewed massacre of innocents.”²⁹ The use of torture was justified by an imminent threat: once again, it was a case of exceptional remedies for an exceptional situation.³⁰

Urgency

In practice, the argument that terrorists knew where the bombs were gave way to a justification based on the straightforward concept of urgency and speed. Until the nationalist organization had been eradicated, the threat was present; it weighed just as heavily as actual attacks. Although a memorandum had attempted to distinguish between “rebels” taken prisoner during engagements, who had not participated in abuses, and individuals responsible for detestable (acts) associated with banditry and terrorism,³¹ some soldiers had serious reservations. A text accompanying the aforesaid memorandum acknowledged that “local needs” had to prevail: “Some rebels caught bearing weapons during engagements may, following an investigation, be found to be guilty of previous acts of terrorism, in which case there is clearly no need to grant them special treatment.”³²

In fact, all enemies were by and large regarded as one and the same, and the argument justifying the use of torture as part of the fight against urban terrorism could be applied in every case. This did not bother the Resident Minister – far from it. Having set out a list effectively putting all “rebels” on the same footing, he plainly stated, “The rebels’ terrible threats and appalling crimes are forcing us to adopt certain behaviour”, and “in some cases strict compliance with the law may become a crime”.³³

Proportionality to the threat, and the duty of protection

The threat was terrifying, endangering law and order: “Unlike war, where the stakes are victory, [the maintenance of law and order] involves a form of violence

29 “Aussitôt qu’un criminel [est] pris sur le fait, il [faut] qu’il parle spontanément, si possible, ou qu’il soit amené à dire ce qui permettrait d’éviter quelque nouveau massacre d’innocents.” Ibid.

30 Ibid. As far back as Carolingian times, the concept of an “obvious crime” warranted bypassing the normal investigation process and having more rapid recourse to trial by ordeal, justified by the urgency of the situation.

31 Memorandum from the Sixth Bureau of the 10th Military Region (i.e. Algeria), 24 November 1957, 1H 3977/2 (SHD). The memorandum recommends treating the former as similarly as possible to the way in which prisoners of war are treated by civilized countries signatory to commitments in this area.

32 “Certains rebelles, pris les armes à la main au cours d’engagements peuvent, après enquête, être convaincus d’actes de terrorisme antérieurs, auquel cas il n’y aura évidemment pas lieu de leur donner un traitement privilégié.” Memorandum from the Fifth Bureau of the Constantine Army Corps, 10 December 1957, accompanying the memorandum from the Sixth Bureau of the 10th Military Region, 1H 3977/2 (SHD).

33 “Les menaces atroces, les crimes abominables des rebelles nous impos[ent] une conduite ... le respect strict de la légalité peut devenir en certains cas un crime.” Ibid.

directed towards the restoration of civil peace”; in this case, the means used are not proportional “to the attack, as in war, but [to] the threat”.³⁴

What kind of violence is permitted in such a context, where intelligence gathering is the main priority? In one of the few explicit texts originating from the highest levels of command, General Salan, commander-in-chief of the French forces in Algeria, advocated “the temporary surprise abduction and transportation by helicopter of a few inhabitants selected at random or identified as suspects with a view to interrogating them about the rebel organization established in the *douar* [rural administrative area]”³⁵ and “thorough interrogations, to be utilized immediately”, which should be “as vigorous as possible”.³⁶ General Salan could not go into too much detail in terms of practical advice.³⁷ One of his subordinates defined the moral framework for the actions of a good soldier: “This is an inevitable, implacable fight, morally justified by the duty to provide effective protection for those citizens who continue to place their trust in us.”³⁸ The technical aspects, for their part, remained vague. Prior to December 1959 and the Minister of the Armies’ explicit, strict ban on “coercive procedures such as water, electricity or the hoist”,³⁹ at best leaders simply asked that “methods detrimental to individual human dignity”⁴⁰ not be used. It might be specified – without further clarification – that any “procedure that would leave an irrevocable moral or physical mark on the individual in question”⁴¹ was prohibited.

34 Antoine Garapon, “Que signifie maintenir l’ordre?”, *Esprit*, No. 248 (December 1998), pp. 121–33.

35 “L’enlèvement provisoire et par surprise, par action hélicoptérée, de quelques habitants pris au hasard ou repérés comme suspects en vue d’un interrogatoire sur l’organisation rebelle implantée dans le douar.” General directive No. 3, 19 January 1957 (SHD).

36 “Interrogatoires poussés à fond et immédiatement exploités”, “aussi serré[s] que possible”. Memorandum from General Salan, 11 March 1957, 1H 3087/1 (SHD).

37 Some of his subordinates complained about this. According to Algiers Army Corps officers, “the unusual nature of this modern conflict confronts each of us with tasks which, going beyond the traditional confines of conventional war, have not been codified: our consciences are then faced with a painful dilemma they may be reluctant to resolve in the absence of clear instructions”. Criticism was levelled at the “inadequacy of the Criminal Code”, and the “lack of firm, clear instructions on how to wage revolutionary war” was widely deplored. Report on morale in the Algiers Army Corps in 1957, 31 December 1957, 1H 2424 (SHD).

38 “Il s’agit bien là d’une lutte inéluctable et implacable, dont la justification morale se trouve dans le devoir de protéger efficacement les populations qui nous ont conservé leur confiance.” Operational directive issued by General Loth, 6 December 1957, 1H 4402/2* (SHD).

39 “Procédés coercitifs tels que l’eau, l’électricité ou le palan”. Directive from Pierre Guillaumat, to General Challe, Commander-in-Chief of the French troops in Algeria, 23 December 1959 (private source). The minister stated that he wished these instructions to be circulated down to the level of local commanders, with a reminder of the harsh penalties incurred in the event of a violation, and that he was determined to make his wishes known right down to the lowest ranks of the army, without the production of other texts at intermediary levels.

40 “Méthodes attentatoires à la dignité humaine de l’individu”. Directive No. 2 from General Allard to zone commanders, 23 March 1957, 1R 296* (SHD).

41 “Procédé qui marquerait irrémédiablement l’individu moralement ou physiquement”. Directive from General Allard to the Algiers Army Corps generals commanding the northern, southern, eastern and western zones, 27 March 1957, 1R 296* (SHD).

Methods used and perpetrators

Nevertheless, it is possible to ascertain the methods used and how soldiers on the ground interpreted the ambiguous orders they were given. The content of the circular from the Minister for the Armies after five years of conflict has been borne out: water (using a funnel or some kind of trough), electricity and suspension were recurrent forms of torture. Prisoners were first stripped naked and beaten.

The basic reality

While the hoist suggests special equipment, the reality was often more basic: the prisoner’s feet and hands were tied behind his or her back, a stick passed between them and the prisoner suspended like an animal. A rope might be used for the same purpose, binding the prisoner’s hands or feet. Electricity was the most common technique: it could be used in barracks or during operations, thanks to technical advances enabling the electric generator to be taken along with the troops during combat. This device, which supplied electricity for the field telephone and radio, could also be diverted from its primary function and linked up to electrodes placed on the prisoner’s body.

Such functional aspects undoubtedly played a part, but above all this form of torture held a certain attraction for rational minds attempting to convince themselves that such violence was necessary in war.⁴² It was also very different from the kind of violence used by the adversary and highlighted by propaganda, in which mutilation predominated. Furthermore, the electric generator made it possible to keep the victim’s body physically and psychologically at a distance. This interposition of an instrument was also a feature of the other methods: a rope, a hoist, a jerry can of water, a funnel. Lastly, this short list of techniques employed all over Algeria throughout the war – even after their explicit prohibition at the end of 1959 – should also include the practice of rape, often using intermediate objects.

Drawing on a fairly limited range of forms of violence, mostly in different combinations, the torture practised by the French army in Algeria appeared to obey an unspoken rule: it must not leave permanent marks on the victim’s body. Where this was not the case, the victim was frequently executed; where an execution was planned in advance, this was reflected in the type of violence used.

The “specialists”

Such acts of torture were usually performed by specific soldiers, mostly from the Second Bureau, which was responsible for intelligence. They formed a small team headed by an officer, sometimes backed up by a commando. Most of the men were conscripts. As a result of the emphasis on intelligence gathering, the Second

⁴² With the generator it was possible to graduate the level of violence and adjust it to the victim’s reaction.

Bureau was extended beyond the general staff level during the Algerian War. Intelligence officers were quickly trained and sent out even to sectors and regiments.⁴³ It would be an exaggeration to speak of training in torture, however, since interrogation techniques appear to have been learned primarily on the spot or via tips exchanged between officers.

Alongside this team, other soldiers might also have occasion to torture prisoners, particularly when it came to questioning them immediately after capture – as recommended by all the directives. In addition, the Algerian War gave rise to the development of specific units of specialists responsible for torturing the most important or reticent individuals or those most sensitive in political or other terms: the Operational Protection Detachments.⁴⁴

However it is organized, torture is a form of violence that is always collectively inflicted under the supervision of a higher-ranking officer. The presence of an officer in charge means it is sometimes described as a crime of obedience, which in no way diminishes each participant's share of responsibility.⁴⁵ De facto, torturers form a group bonded together partly by the collective practice of torture. This communion in violence deliberately inflicted on others leads to a different definition of the word "torturer". As well as the person who administers the beating or plunges the prisoner's head under water, there is a whole group in which each person has a role: the person who asks the questions, perhaps another who acts as interpreter, the person who takes notes, the person who pours more water over the victim receiving electric shocks. Members of the group test and monitor one another. This collective dimension is essential to understanding both the psychological pressure and the protection felt. There is no need for recourse to training schools or particularly harsh conditioning in order to explain why, in the all-pervading anxiety typical of this guerrilla war, men – who were not necessarily predisposed to such acts in any way – agreed to participate in torture sessions.

Both then and now, one of the main ways in which they justify their acts (having emphasized the violent nature of their adversary and presented the French army's actions as merely defensive) is to stress the aim pursued (intelligence) and the method's effectiveness. This is the full force of the argument presenting the use of torture as a key element in the race between security forces and terrorists about to set off a bomb. Let us look at what actually happened on the ground.

43 Given the considerable latitude left open to them, it would be wrong to assert that all intelligence officers used torture. On the other hand, everything suggests that it was regarded as a legitimate and often necessary practice.

44 Regarding the establishment and development of these units and the extreme difficulty the military authorities and government had in controlling them, see Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie, 1954–1962*, Gallimard, Paris, 2001, chs. 9, 12 and 18.

45 Likewise, the officer in charge of the group of torturers is part of a hierarchical structure and under its orders, but is not thereby relieved of personal responsibility.

Aims pursued and effects of torture

In late 1954 the Minister of the Interior – in charge of Algeria⁴⁶ – realized how hard it was for the police to fight terrorism, particularly when used by a movement of which it had no previous knowledge. “It is clearly difficult”, he said, “for police to prevent a terrorist – for such is his loathsome name – from one day setting off a bomb in an Algiers cinema that will cause many casualties.”⁴⁷ Two and a half years later, when the police⁴⁸ had been replaced by the army in operations to “maintain law and order” in Algeria and the military had just been granted full powers to break the FLN’s hold on Algiers, François Mitterrand, by then Minister of Justice, commented with some concern on the successes proudly declared by the paratroopers, “It is true that the Army has achieved significant results in terms of suppressing terrorism. However, its activities would have been just as effective – and would only have gained in authority by escaping criticism – if it had shown greater regard for the law.”⁴⁹

Results – in the short term

General Massu’s paratroopers did indeed achieve impressive results in less than three months. Deployed to prevent a general strike instigated by the FLN in late January from being a success, their task was essentially to eradicate nationalist networks in the capital of French Algeria – including the activists themselves, their leaders, the communists and Christians who supported them, their network of bomb manufacturers and the bombers themselves. Regular press conferences were held to announce their achievements, backed up by numerous enemy organization charts, photographs of seizures and discussion of the prize capture of regional leader Larbi ben M’hidi.⁵⁰

46 The minister was represented in Algeria by a governor-general. In 1956, the governor-general was replaced by a resident minister, who was a member of the government on a par with other ministers – thereby demonstrating the importance placed on Algeria at the time.

47 “Il est évident qu’il est difficile à une police d’empêcher qu’un jour un terroriste – tel est son nom abominable – puisse, dans un cinéma d’Alger, lâcher une bombe qui fera tant de victimes.” Hearing of the Minister of the Interior before the National Defence Committee of the National Assembly, 2 December 1954 (National Assembly Archives).

48 A number of whose reports, moreover, established that it used torture as a matter of course. See Pierre Vidal-Naquet, *La torture dans la République: Essai d’histoire et de politique contemporaines, 1954–1962*, Minuit, Paris, 1972.

49 “Les résultats obtenus par l’Armée, dans le domaine de la répression du terrorisme ont été, certes, très importants. Mais cette activité aurait été tout aussi efficace et n’aurait fait, en échappant à la critique, que gagner en autorité, si elle s’était montrée plus soucieuse des lois.” Letter from the Minister of Justice to Guy Mollet, copied to Robert Lacoste, 22 March 1957, cab 12/87* (Centre des Archives d’Outre-Mer – CAOM).

50 More specifically, Larbi ben M’hidi was a member of the FLN’s executive organ, the co-ordination and execution committee (CCE). He was one of those most strongly in favour of triggering the general strike; being based in Algiers, he was in charge of the action taken. His arrest prompted the CCE’s departure from Algiers and the reorganization of the FLN within the city. Officially Larbi ben M’hidi died in his cell, using his sheets to commit suicide. In fact, this lie concealed the summary execution of the main nationalist leader arrested by the army in Algeria. In particular, it shows how the military freed themselves from civilian supervision at the time.

This apparent success – since bloody attacks again shook the capital in May and June, and the FLN organization in Algiers was not dismantled until the autumn⁵¹ – was achieved by sealing off the Casbah district,⁵² introducing a strict census system coupled with encouragement for informing on others, the systematic practice of torture and round-ups of suspects, the disappearance of arrested persons outside any legal framework and an increase in summary executions.⁵³ Trumpeting the system's success was also a means of diverting attention from such methods, the scale of which was just becoming perceptible to the French public and international circles.

In any event, very few were aware of the whole truth; the number of politicians in the know was doubtless very small. Although François Mitterrand appeared to be convinced that the military would have been just as effective⁵⁴ if it had respected the law, and the head of the Algiers paratroopers echoed his sentiments 43 years later by admitting that “we could have acted differently”,⁵⁵ it is highly likely that the vast majority of those in power agreed at the time (and perhaps still do) that torture was effective.

What is the truth of the matter?

A central method in an overall plan

Some information obtained under torture may have led to arrests. Some of it may even have made it possible to thwart attacks in the process of being carried out. But this was not what mattered most to the French army – whatever it may have implied in its occasional justifications. The main purpose was to identify members

51 On the other hand the influence gained by the French army over the population was confirmed in the years that followed; possible evidence includes the Algerian crowds celebrating the putsch of 13 May 1958 by military officers claiming that they wished for a new French Algeria, opposed to the government's policy, and the cessation of attacks. Nevertheless, such triumphalism must be tempered by the scale of the spontaneous pro-independence demonstrations of December 1960, pending detailed research on this nationalist foothold and the strategy adopted.

52 The Arab quarter in the heart of Algiers in which the FLN was well established.

53 There was a hesitant return to legality from April 1957, but the bulk of the system – including the systematic practice of torture – remained in place.

54 Letter from the Minister of Justice to Guy Mollet, copied to Robert Lacoste, 22 March 1957, cab 12/87* (CAOM).

55 He said a few months later, “We should have done things differently, that's really what I think. But what, how? I don't know. We should have looked for, tried to find, alternatives. Unfortunately we didn't manage to.” In this interview he had described the situation as follows, “I also think civilians did what they could at the time and it wasn't easy for them. It was a very complex war, with political, social and economic aspects and involving policing. But I wish people would avoid accusing the French army. It was assigned the unpleasant task of restoring law and order, which it did as well as it could. As for determining the government's share of responsibility, I cannot see how that is possible. All I can say is that they came to Algiers regularly, to the 10th paratrooper division, and that they went to visit the regiments and oversee the intelligence work. They came even when I wasn't there. There was always one of them in the sector, which is understandable given that we were carrying out a very important operation in Algiers at the time. But none of them ever said anything whatsoever on the subject, not even: “Ease off a bit!” I think they were all very frightened about what was happening in Algiers, the murders, the bombs (especially Lacoste), and wanted it to stop at all costs.” Interview with General Massu, by Florence Beaugé, *Le Monde*, 22 November 2000.

of the FLN and the ALN. The idea was that since the combatants – including those described as terrorists – were moving among the population like fish in water, simply depriving them of that water would be enough to stop them. Algerian citizens were shifted to camps, creating prohibited zones where ALN combatants were hunted down without any restrictions.⁵⁶ The French army had a dual objective: first, it was pursuing enemies, “rebels”, “terrorists” and “outlaws”. Second, however, it was attempting at the same time to mimic the approach taken by the FLN: to convince the Algerian population that its future lay with France. It went all out to do so, building roads, schools and housing – for which time had not been found to build in more than 120 years of colonization – setting up a programme to modernize the economy, introducing free medical care and so on.

Torture was not separate from this overall plan; it was one of the central methods used. Far from being a form of violence chosen, in an emergency, to stop a murderer, it came to be an ordinary, everyday form of violence used indiscriminately in towns or in the mountains, well away from any “terrorist” threat. Some prisoners were tortured immediately after being arrested, but others were left to languish in captivity for a while before being subjected to torture.

While urban civilians suspected of belonging to networks planting bombs were tortured, they accounted for only a tiny minority of victims. Far more often the victims were mere civilians suspected of delivering supplies to combatants in outlying areas, giving them shelter or even just knowing or having seen them. Naturally, they might also be suspected of being members of the FLN, raising funds, organizing politically or belonging to the ALN.

Whereas intelligence was presented to French soldiers as the ultimate purpose of torture – and it is indeed a means of obtaining information – in reality this was just a fantasy.⁵⁷ The main objective of the violence was elsewhere.

Yet that emphasis on intelligence did highlight something fundamental: beyond the torture room lay a world connected to that place and the individuals in it. The torturers claimed to be deliberately inflicting suffering on others as a way of finding out about that world, which remained impenetrably obscure to them despite the lengthy colonial history during which they had lived alongside it rather than mingling with it. In reality, they were inflicting such suffering as a means of communicating with that world.

The Algerian population as the primary stake

As the war began to affect everyone, the Algerian population indeed became a key battleground and the primary stake for the two main opposing camps. Torture became a basic weapon in this essentially political war, in which it was vital to win

56 By the end of the war, nearly a quarter of the Algerian population had been forcibly displaced in this way. For the first analysis see Michel Cornaton, *Les camps de regroupement de la guerre d'Algérie*, Editions Ouvrières, Paris, 1967.

57 According to the *Trésor de la Langue Française*, a fantasy is an “imaginary construction, conscious or unconscious, allowing the subject involved in it to express and satisfy a more or less repressed idea or overcome an anxiety”.

over the population – whether by persuasion, psychological action, improvements in the Algerians’ living conditions or by torture and terror. By torturing individuals, French soldiers were sending a message to the families, villages, clans and political communities to which they belonged. By humiliating individuals, assaulting them and forcing them to give in and betray, the military was affirming its present omnipotence and desire for future power. Torture is often thought to be intended to make people talk. In fact, as used for political purposes in Algeria and other comparable situations, torture was designed chiefly to make people listen. It was not based on *raison d’état*, as part of the violence that is necessary to run a state. It was the essence of power itself, which could no longer be masked by the inegalitarian trappings of the colonial system. Accordingly, it had a complex relationship with publicity, for although it could be regarded as the dark side of a colonial regime that stressed the advantages of the “civilization” it brought, this did not mean that it had to remain hidden. On the contrary, to be effective on the ultimate battleground (within the Algerian population) it had to be publicized. In the contest of distorting mirrors and the echo chamber of rumours that are always an integral part of war, public opinion thus had a complex role to play.

The role of public opinion

While currents of public opinion are feared when they are liable to hinder government action, they may also be sought by political authorities (*vis-à-vis* the rest of the world, but also the military authorities, for example). At the time of the Algerian War, however, conflicts still received limited media coverage. Algeria was a long way from metropolitan France, and in Algeria itself information was controlled by the army. Apart from what went on in the cities,⁵⁸ very little news reached the general public.

Informing the world

The nationalists did attempt, however, to inform the world of their plight at a very early stage. International meetings (such as the Bandung Conference) and above all the United Nations were choice fora for those wishing to gain recognition for the Algerian people’s right to self-determination and trying to undermine the official French line that events in Algeria were simply an “internal French affair”.⁵⁹

The vigilant French authorities, too, waged war in this diplomatic arena. They submitted their three-yearly human rights report to the UN Commission on

58 This was one of the very reasons the FLN opted for indiscriminate urban terrorism in Algiers itself. Such acts attracted far more attention there than those in the Algerian interior.

59 Matthew Connelly, *A Diplomatic Revolution: Algeria’s Fight for Independence and the Origins of the Post-Cold War Era*, Oxford University Press, Oxford and New York, 2002.

Human Rights, pointing out that social order was essential for effective individual freedoms.⁶⁰ The report analysed the situation in Algeria since 1954 as follows:

The development of an attempt at political subversion characterized from the start by the massacre of civilian populations and acts of individual terrorism [has created] an emergency situation in this part of the French Republic, which is seriously endangering citizens’ lives, the protection of freedoms and property and national sovereignty itself.

While stressing that civilians retained control of Algerian politics, the report set out the various measures taken to control and improve the situation. It explicitly stated that it was prohibited to obtain confessions by force or trickery within a legal framework. Although nothing was said about extrajudicial settings, it was nevertheless specified that a “civil servant or member of the forces of law and order [who], while in office or in the exercise of his or her functions, has used violence or had it used against people without legitimate grounds” would see his sentence increased.⁶¹

In this unequal battle for international public opinion as represented by the UN, France was better armed; there, too, it had the strength of an established power. Nevertheless, the Algerian nationalists’ claims struck a chord and fairly quickly attracted support. Preceded by a number of international campaigns on behalf of torture victims, the bombing of a Tunisian village near the Algerian border finally destroyed the credibility of a version of events as an “internal French affair”. In this connection, however, the issue of torture probably played only a minor role.

The limited influence of public opinion in France

French public opinion was a different matter. In 1957 the public discovered that torture was not merely a series of blunders, but a widespread practice (although its true scale was not known at the time) and, a very serious indictment, that Europeans and women were also affected. The considerable emotion aroused went beyond activist and Christian circles; it influenced the government’s policy, forcing it to take a definite stand.⁶² However, although some groups worked to

60 Three-yearly report submitted in September 1957, archived in the René Cassin collection, 382AP/129/6 (Centre Historique des Archives Nationales).

61 “Le développement d’une entreprise de subversion politique caractérisée dès l’origine par le massacre des populations civiles et les actes de terrorisme individuel [a créé] dans cette partie du territoire de la République française une situation de crise où la vie des citoyens, la sauvegarde des libertés et des biens, et la souveraineté nationale elle-même [sont] dangereusement menacées ... [un] fonctionnaire ou agent de la force publique [qui], dans l’exercice ou à l’occasion de l’exercice de ses fonctions a sans motif légitime usé ou fait user de violences envers les personnes [verra sa peine alourdie].” The general absence of sanctions and criminal convictions is precisely what allows the conclusion to be drawn that torture – albeit prohibited – was in fact permitted in Algeria.

62 It was also as a result of this public feeling that the military authorities responsible for law enforcement in Algiers issued texts prohibiting any technique that would leave an irrevocable psychological or physical mark on the individual in question. Explicit reference was made to the context: it must be ensured that “the Army cannot be accused of having resorted either to reprisals against innocents or to methods detrimental to individual human dignity” (“[que] l’Armée ne puisse être accusée d’avoir usé, soit de représailles sur des innocents, soit de méthodes attentatoires à la dignité humaine de l’individu”). Directive No. 2 from General Allard to zone commanders, 23 March 1957, 1R 296* (SHD).

keep the issue alive, seeking to obtain as much information as possible⁶³ and ensuring that incidents were not shelved and the public was kept informed, torture was neither a subject of ongoing indignation nor a major political consideration during the war. No member of the government resigned, nor was any military leader punished for using such methods.⁶⁴

Lessons from the Algerian War

Should this impunity continue to be the principal lesson of the Algerian War? It is a question worth asking, given the extent to which the conflict has become the basis for a theory of war exported throughout the world. Indeed, notwithstanding a colonial context that may seem to belong to the past, the Algerian War displayed elements typical of many contemporary conflicts, generally characterized by considerable inequality between the combatants. While it involved a confrontation between two cultural systems, one had hegemonic aspirations tinged with contempt for the other side and was able to harness the machinery of state. This cultural power struggle was compounded by significant legal inequalities and, in particular, a relationship to the land marked by an opposition of lawful and unlawful occupants (a dual claim invoked equally by both parties, each with its own interpretation in which the other was regarded as the unlawful occupant). Lastly, the real challenge was to turn a presence imposed by force into a presence accepted by the majority.

Against such a background, by labelling one's enemies as "rebels", "subversive" or "terrorists" they are placed beyond the pale, as "outlaws"⁶⁵ who permit a high level of violence. This kind of categorization serves to blame them, as the initial troublemakers, for any violence they may suffer. In the end, it denies their actions any legitimacy – particularly by treating them as the actions of a minority. Above all, it is a refusal to consider that they are acting for political motives and with a political plan in mind. Yet that is precisely what those who use torture as a key weapon in a war waged by a repressive system are doing: they are performing a political act. They are making a political response to a political threat. In such a context, the practice of torture is intended to secure total control over the population and subject it to a specific, non-negotiated plan for the future. However, by denying one's adversaries the status of political negotiating partners and reducing them to the rank of "terrorists", one is liable to preclude a political solution for ending the war, thereby rendering any situation secured by means of such force particularly unstable. Conversely, encouraging other forms of persuasion is a way of trying to break the

63 Pierre Vidal-Naquet and the Audin Committee played a crucial role in this respect.

64 Although a few political and military leaders expressed their disapproval of the practice and even used their power to punish some of the perpetrators, this did not lead to an acknowledgement that torture was part and parcel of the security forces' assignment.

65 "Outlaws" was the very term the French used for a long time to refer to Algerian nationalists.

deadlock. Rather than seeking to crush one’s adversaries, it is a matter of bringing them to change their position, vis-à-vis both the population they are attempting to control and the one they too would like to confine, expel or eliminate.