

## COMPTE-RENDU

The session began with Martin Conway, the seminar convenor, introducing Raphaëlle Branche. He evoked her thesis and subsequent book published by Gallimard entitled *La torture et l'armée pendant la guerre d'Algérie - 1954-62*. He underlined the importance of this work, which came in for a great deal of media attention in France due to the uncomfortable questions it raised by describing the centrality of the politics of torture in the Algerian war.

Raphaëlle Branche began by evoking the veritable media storm which arose in 2000 around the issue of torture in Algeria. Two days after the visit of the Algerian president, *Le Monde* published the story of Louisette Ighilahriz, captured in September 1957 at the age of 20 and raped and tortured for three months. The reactions from those involved can be categorised by three attitudes:

- Denial (General Bigeaud)
- Recognition and regret (General Massu)
- Recognition and justification (General Ausarresses).

The media focused in particular on the latter reaction, putting it down either to cynicism or senility. A campaign began to force the state to acknowledge the atrocities and an increasing number of former militaries began to break the silence.

Raphaëlle Branche then outlined both the historiographical and legal contexts surrounding the topic:

### 1. HISTORIOGRAPHICAL CONTEXT

Pierre Vidal-Naquet published documents and testimonies in a militant journal throughout the war to prove that torture was occurring, and in particular surrounding the issue of the disappearance of Maurice Audin, a young communist student arrested and tortured to death. He later published *L'affaire Audin* and *Raison d'état*. Since then, however, the issue remained largely untouched. The archives were closed to the public for thirty years, a period extendable for up to 60 yrs for those which were liable to compromise a person's privacy or state security. This meant that although 1992 was an important year in allowing access to a large part of the archival evidence, it is only in 2022 that the remaining documents will become freely accessible. Due to the fact that the archives were closed for so long, historiography based on archival research is still relatively young. It was only in 1995-6 that new works began to reveal new information. Raphaëlle Branche herself has enjoyed access to the military units' archives, and has also interviewed many former militaries. However, she underlined that access was not always possible for her either.

### 2. LEGAL CONTEXT

Despite being theoretically a part of France, a number of judicial particularities distinguished French Algeria from France. During the war, the Algerian territory was subject to a special regime which included censorship and the curtailing of media freedom, curfews and a huge military presence. There was a refusal on the part of the French authorities to recognise a state of war, for this would have meant acknowledging Algeria as being independent from France. Instead very particular lexical tactics were employed with references to "police operatives" engaged in "maintaining order on French territory". However, this posed numerous problems. For example: in a situation where war was not declared, in theory all deaths that occurred had to be investigated, and yet the peacetime framework proved glaringly inadequate for such measures. The subsequent declaration of a state of emergency facilitated procedures for the French in a number of ways by contravening existing law on two fronts: by allowing exceptional police measures and by devolving more power to the army, an army engaged in a "struggle against terrorism". The Minister of the Interior justified the declaration of a state of emergency with claims that had this been done earlier many lives would have been saved. The voting of special powers, which signified the devolution of key powers to army, was presented as a temporary measure, but was one that lasted.

Despite the geographical distance, the French population living in metropolitan France were not able to entirely ignore the situation in Algeria due to conscription. The authorities cleverly presented the adversary as being strongly linked to international communism despite the fact that the FLN was a purely national movement, with no such links.

In Algeria the FLN progressively assumed control through targeted acts of terrorism against French nationals and Algerians supporting the French initiative. In the meantime, the French army targeted civilians. From the first year, two acts grew exponentially - summary executions and internment in camps. From very early on, regulatory leeway was granted to commit prohibited acts. Torture was used indiscriminately against both military prisoners and civilians suspected of aiding and abetting the FLN. Torture was justified by the notion of 'terrorism'. General Salan had developed in Indochina a theory of "revolutionary war" on the part of the opposition, which therefore required the use of counter-revolutionary methods to fight a counter-revolutionary war. Torture was one of these methods and from 1957 onwards it became justified as necessary in order to win this war. In April 1957, Guy Mollet ordered a "Commission de sauvegarde des droits et des libertés individuels" (commission for the protection of rights and individual freedoms) to investigate the issue. The main aim was in fact to absolve the French army of accusations, and it was also a play for time as the critics kept quiet while the commission was doing its work.

The military response to the question was that counter terror was the right response to terror. The FLN were therefore presented as being responsible for the violence taking place. It was considered that the life of a terrorist was worth less than the life of his victims. It was therefore a case of choosing the lesser of two evils. The problem is, however, that the so-called guilt of the 'terrorists' was hypothetical - in reality suspicion was enough to justify torture. Furthermore, if torture was justified this way the reality itself was in fact very different. In practice torture was never used to gain information that would save lives instantaneously, it was used as a means of bringing down a political organisation as part of a long-term strategy. The word 'torture', however, was never used. Euphemisms were employed and the act itself was presented as a use of violence that was rational and proportional to the goal in question.

### Torture - the facts

Raphaëlle Branche then moved on to summarise the actual facts of torture, claiming that despite the fact that the quest for information was always the ostensible aim for torture, historians shouldn't focus upon the apparent goal. She forwarded the notion that torture is always characterised by the willingness of individuals to use power, explaining that acts of violence were almost always committed by soldiers under the supervision of a superior. Torture would begin with the systematic stripping of victim. Beating was a consistent feature, and combined with any number of the following acts:

- hanging by the feet or hands
- water torture
- torture by electric shock
- rape.

Electric torture was one of the more used forms of torture. Pain levels could be adapted according to the reaction and the use of a machine enabling perpetrators to distance themselves from their acts. Similarly, objects were used for sexual violation. The enemy was being characterised as barbarous and savage, so the use of other means of violence was crucial in establishing a difference between the two.

Torture was theoretically and legally prohibited. However, the reality was more ambiguous: it was in fact both prohibited and authorised. No one was ever brought to trial for acts of torture, and the one trial that did take place for causing death through torture ended in the acquittal of the perpetrators.

### Implications for the state

So, asks Raphaëlle Branche, what were the implications of this being allowed upon the state?

Violence was in fact prohibited and officially denied, and yet soldiers, whose conception of legitimacy was based on military practice, saw the demands of the legal system as peripheral.

It was only after De Gaulle's speech on self determination in September 1959 that political authority regained control of military force

According to Raphaëlle Branche, there are two key elements in understanding how some French soldiers became torturers. Firstly **military structure**, which was an ordered structure within which a refusal to obey was quite impossible. Fear was omnipresent and amongst the small groups of combatants the need to keep the group together was fundamental to their survival. The leader had a very important role to play, indeed in groups where leaders specified that torture was not allowed, it did not occur. Secondly there is the notion of the **colonial past**, which promoted a hierarchical view of society in which different individuals had different rights. Public imagery portrayed the Algerians wielding knives, presented as throat-cutting castrators. This mindset provided fertile ground for certain forms of violence.

### Interpreting the violence

Raphaëlle Branche then raised the question of how these acts of violence can be interpreted. In her opinion, torture became part of a political situation in which the Algerian population were the chosen field of battle, in which torture was the most efficient means of achieving victory. The aim of torture was not in fact to make people talk but to affect the group as a whole. Torture had a central place in the system of control exercised by the French authorities and was part of an attempt at psychological control, a manner of keeping the Algerians off balance. Furthermore, she argues, one must be careful about the use of euphemisms and the categorisation of torture according to its ostensible purpose. "Intelligence torture" for example is supposedly rational and less horrendous. By implying that intelligence is a proper, necessary end, the means employed to achieve it benefit in hindsight from legitimacy due to that necessity. In her opinion, these distinctions allow the passing over of the essential feature of torture which is the psychological effect it has upon individuals. For Raphaëlle Branche, torture in French Algeria was above all a political form of violence allowing control over the civilian population.

### Questions.

Raphaëlle Branche was asked to comment upon the individual backgrounds of the conscripts and the effect that this had upon their willingness to engage in acts of torture. She replied that most young conscripts were not politically engaged, but that, the army being an intelligent structure, the people who were politically engaged weren't asked to torture or were placed in situations where it could be more easily justified.

The fact that these events could happen at this particular time, only ten years after the liberation and but five years after Nuremberg trials, was evoked. Raphaëlle Branche explained that a considerable amount of justification was used to explain and stress the differences.

The issue of the role of individual morality was brought up and the role that this played at the time, and indeed retrospectively. Raphaëlle Branche explained that in one particular case, that of theology students, morality was an issue at the time. A group consciousness arose, due to their meeting for Mass and other religious events, and this sense of unity made refusal easier. She has interviewed many veterans, and although the problem did occur for some during the war, for many the war was a parenthesis in their lives and disconnected from reality, including morality.

The issue of the awareness of the clergy was developed, and level of public opposition enquired about. Raphaëlle Branche replied that in France censorship was less strong, but that, with a few exceptions, the position of the Catholic Church was fairly tentative during the war. The Church was more concerned with humanitarian issues than with individual human rights as such.

Raphaëlle Branche was asked to what extent De Gaulle was involved. She explained that the issue remains unclear, particularly as the archives of De Gaulle are still closed. However, she stated that in 1958 when he was made chief executive he was not really aware, as the Minister of Algeria was protecting the army quite effectively. De Gaulle spent July and August 1958 seeking information and the turning point was 1960 when he tried to gain firmer control over the army.

The question was raised as to whether the silence surrounding the issue had any link with the Second World War and the need to keep violence out of public discourse due to the war memory. Raphaëlle Branche agreed that at this time people did not want to know such things, as the atrocities of WWII remained on everybody's minds.

Raphaëlle Branche was asked what the impact of international opinion was upon the French political elite. She replied that missions sent by countries had difficulty actually gaining proper access to information. The French attempted where possible to present the issue as an internal problem and keep it out of international discourse, although the FLN were very skilful at bringing the war into UN debates.

The question of Indochina was discussed and whether or not similar events had occurred there, as this would imply a non-broken chain of violence. Raphaëlle Branche replied that this was the case.

Raphaëlle Branche was asked what the reaction of the civil authorities was once military power was increased. She replied that this depended on whom. The IGAME ( Inspecteur général en mission extraordinaire ) of both Oran and Algiers chose to avoid the issue, whereas the IGAME of Constantinois, Maurice Papon, was actively involved in repression.

Finally, the issue of whether it is now too late for official apologies from the French government was raised. Raphaëlle Branche expressed the view that no nationally recognised politician appeared to be ready for this yet, and that the usual response is to dismiss the question by stating that there were excesses and exceptions, but that that was all.

Martin Conway drew the discussion to a close, thanking Raphaëlle Branche for her paper and reiterating the valuable aspect of her work.

**Report by Lucy Garnier**