

# Legitimizing Torture: How Similar Ideologies of the United States in the War on Terror and the French in Algeria Led to Torture

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History

## Abstract

*The United State's effort to win the war on terrorism by spreading democracy served to legitimize torture by circumventing international and domestic laws, creating ambiguity and confusion among members of the United States military. France too, in the French-Algerian War of 1954-1962 used torture in the name of spreading the benefits of French civilization. This study discusses the role of ideology by comparing similarities between France and the United States in terms of each nation's world views. Ideology is discussed in the creation of laws legitimizing torture and how government officials came to decisions that allowed for abuses to happen. Winning these wars was considered so important that both the French and U.S. governments either created or interpreted laws in a way that allowed for torture. Government investigations are examined, revealing the role of ideology in the reports and how that effected recommendations for punishment for those culpable in torture acts. French bias is revealed, showing a strong desire to promote the torture activities, believing the methods to be effective. U.S. reports reveal a desire to fix the problem but do not investigate the roots of the abuse, for fear of losing the moral ideological authority of carrying out its wars. Ideology affected the judgment of individual soldiers in both conflicts. Confusion among the soldiers and their sense of duty to their nation affected the decision to engage in torture, sometimes believing it to be government policy to abuse prisoners in order to stop future attacks. Lastly, public perception of torture has affected how these wars are remembered. Thus, the experience of France in the Algerian War of 1954-1962 and its use of torture should have been a warning to the United States of how a well-meaning ideology can deny people the values those ideologies are said to promote.*

## Introduction

When pictures of torture at Abu Ghraib became revealed to the public in 2004, the United States faced a crisis of conscience. How could the United States, a nation which prided itself on being a beacon of liberty be responsible for such blatant human rights violations? Was it simply the irresponsibility of a few undisciplined soldiers or symptomatic of a much larger problem, reaching up the chain of command to the highest levels in government? What were the signs that the use of torture might create the large moral and very public dilemma the US has been faced with? One answer to these questions may be found in the comparative history of France during its own crisis concerning torture of Algerians during the French-Algerian War from 1954-1962. France was faced with an insurgent terrorist group that fought against them and horrified the French loyalists in Algeria. They named themselves the *Front de Libération Nationale*.<sup>1</sup> Similar ideologies that promote the spread of a certain way of life have been parts of the foreign policy of both France and the United States. This desire to spread Western democratic institutions by way of force often hit snags on the path because of its inherent hypocrisy. The use of torture became the result of an ideology in the name of good intentions. That tradition of going out into the world with the intention of spreading cultural values in the name of democracy and liberty had proven very difficult for the French in Algeria. When leaders of the United States chose to conduct the "War on Terror" in an expansive manner meant to promote peace and democracy, methods became employed contrary to the values of the mission, which in turn counteracted the intended outcome. Torture became one of the results of such a single-minded ideology. One specific precedent that should have been paid attention to more closely by the U.S. government, military, and public domain was the experience of the nation of France and its use of torture during the French-Algerian War from 1954-1962.

<sup>1</sup> National Liberation Front is hereafter referred to as the FLN.

The ideological missions of both France and the United States have some very striking similarities. This may explain why both nations have justified certain actions in the name of their ideologies. In this case, the accepted use of torture extends from the spreading of certain Western values in a way that undermines those values. France made the mistake of fighting against a population in the name of *Algérie française*.<sup>2</sup> The United States is fighting what it calls the “Global War on Terror” in Iraq, Afghanistan and elsewhere with initial stated purposes of creating a “transition from dictatorship to democracy” in those nations assumed to sponsor terrorism.<sup>3</sup> However, attempting to establish democracies by use of military force has its own contradictions.

The “War on Terror” has been fought in an expansive manner with undefined borders. It is not a country being fought, but a practice of doing things, much like the “War on Drugs” or “War on Poverty.” Therefore, for the purposes of this research, the main focus of abuse and torture in the “War on Terror” is the Abu Ghraib prison facility in Iraq, the memorandums which gave rise to abuse, and the subsequent investigations afterward. Also, the similarities to be found when compared to the French in Algeria are much more striking in the detention facilities and the insurgency in Iraq. Places like Guantanamo Bay are far from the battlefield and those conducting interrogations are also far from the battlefield –physically and mentally. That is a basis for future research. The “War on Terror” is a wholly different type of war with different standards for the handling of detainees in an era of greater scrutiny for nations conducting counterinsurgency warfare. It is those common soldiers who faced the day to day operations with insurgents, who may have just returned from a dangerous convoy, who have the most in common with French soldiers and policemen in Algeria.

One of the best histories of the French-Algerian War is Alistair Horne’s *A Savage War of Peace: Algeria 1954-1962*.<sup>4</sup> This book served as the basis for a good background of the conflict in general. Additionally, it unintentionally pointed out many of the similarities between France’s effort to keep Algeria and the United States’ determination in the war on terror. Many of the parallels are pointed out by Thomas E. Ricks, who said the author “wrote passages about the French in Algeria that could describe the U.S. military in Iraq,” even though the book was written years before in 1977. Ricks carefully points out that there are “huge differences between the two wars,” which is important to clarify. “The United States isn’t a colonial power in Iraq, seeking to maintain a presence of troops and settlers as long as possible. Rather, in Iraq, victory would consist of getting U.S. personnel out while leaving behind a relatively friendly, open, stable and independent government.”<sup>5</sup> But the similarities drawn from a reading of *A Savage War of Peace* are nonetheless striking. Additionally, President Bush was reading this same book in 2007 to better understand the conflict in Iraq.<sup>6</sup> He even had the author over at the White House for advice, based on his expertise.<sup>7</sup>

Similarities in how torture came to be practiced by both France and the United States have been discussed in very recent historiography. Neil MacMaster, in “Torture: From Algiers to Abu Ghraib” discussed the overall similarities on the paths toward torture and the consequences each nation faced.<sup>8</sup> The overall approach he took is a good step in promoting further research into these similarities. However, a more specific look at the ideological aspect of the use of torture can help people to understand how a rational justification can become part of the reason individuals and groups resort to torture. Sociologist Marnia Lazreg, in *Torture and the Twilight of Empire*, describes how torture by the French “was part and parcel of an ideology of subjugation that went beyond Algeria’s borders.”<sup>9</sup> Torture was front in center much of the focus of that ‘subjugation.’ In the last chapter, she ties it in with the events of the War on Terror. Lazreg states that “wars of occupation share one thing: They seek to disguise material and strategic interests as either a ‘civilizing’ or a democracy-disseminating mission.”<sup>10</sup> While the role of

<sup>2</sup> The term *Algérie française* translates to “French Algeria,” the desire to keep Algeria an integral part of France.

<sup>3</sup> George W Bush, “Address to the Nation on Iraq From the U.S.S. Abraham Lincoln,” May 1, 2003, *Public Papers of the Presidents of the United States: George W. Bush* (hereafter PPPGWB), 2003, vol. I. (Washington, DC: GPO, 2006), 411.

<sup>4</sup> Alistair Horne, *A Savage War of Peace: Algeria 1954-1962*, 4th ed. (New York: The New York Review of Books, 2006).

<sup>5</sup> Thomas E. Ricks, “Aftershocks: A classic on France’s losing fight against Arab rebels contains troubling echoes of Iraq today,” review of *A Savage War of Peace: Algeria 1954-1962*, by Alistair Horne, *Washington Post*, November 19, 2006, sec. BW.

<sup>6</sup> “Bush’s History Lesson,” *The Boston Globe*, January 21, 2007.

<sup>7</sup> Peter Baker, “A President Besieged and Isolated, Yet at Ease,” *The Washington Post*, July 2, 2007, A01.

<sup>8</sup> Neil MacMaster, “Torture: from Algiers to Abu Ghraib,” *Race & Class* 46, no. 2 (2004), 1-21.

<sup>9</sup> Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad*, (Princeton, Princeton University Press, 2008), 3.

<sup>10</sup> Lazreg, 259-260.

the ‘civilizing’ mission does help to ‘disguise material and strategic interests,’ she fails to note that there may be a genuine interest in lifting up those who the French and the United States have both occupied. It is not as simple as the black and white approach that Lazreg proffers. Instead, given the nature of democracies and the availability of dissenting opinions and ideas, there have been both those that want the material gains of subjugating others through violent means and those that want to help others achieve a better quality of life. The role of the *Mission civilisatrice*<sup>11</sup> played heavily as the main ideology behind justification for torture by the French in Algeria as discussed by Rita Maran in *Torture: The Role of Ideology in the French-Algerian War*.<sup>12</sup> According to her, ideology was front and center in the reasoning behind the use of torture, and it determined people’s justification for and against torture. This book, while focusing on French ideology serves as the basis and inspiration for beginning this comparison of French and U.S. ideologies in regards to torture. This material draws from these sources, but also from first-hand research of the primary source material.

This study explores five themes in a comparative manner: The ideological missions of the French and the United States as enlightened, civilized nations that others can and should benefit from; the role of ideology in the creation of laws that foster torture; ideology in government investigations of abuse; the ideology of the soldiers; and ideology and public remembrance. The search for similar ideologies in their mission to spread their values to the world is what drove both France and the United States toward policies which encouraged the use of torture.

### **Ideological Missions of France and the United States**

The Declaration of the Rights of Man and of the Citizen was approved by the National Assembly of France on August 26, 1789. The French liberal tradition stems from the basic ideals spelled out in that document, which France has since based its constitutions on.<sup>13</sup> Many of the most important passages declare an element of freedom from oppression: “Men are born and remain free and equal in their rights;”<sup>14</sup> “The goal of all political associations is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression;”<sup>15</sup> And most specifically relevant to the use of torture: “Inasmuch as every man is presumed innocent until he is judged guilty, if it is deemed indispensable to keep him under arrest, *all measures not necessary for securing his person should be severely limited by law.*”<sup>16</sup> This document became the cornerstone of the stated ideals of the French Civilizing Mission during the colonial period of the late 19th and early 20th centuries. However, the Rights of Man served as a justification for an idea of French civilization as superior over others. Therefore, the Rights of Man were “overridden, as were more recent domestic and international legal obligations on human rights, when the use of torture was routinized by the French state during the war with Algeria”<sup>17</sup> and elsewhere. Because of the importance considered inherent in the French ideology of extending the Rights of Man to other peoples of the world, any other considerations to whomever the French colonized took a back seat from their perspective. The colonized, specifically the Algerians gained the benefits of French civilization whether they liked it or not. The French used Algeria as the original testing ground for the spread of French Republicanism after colonization in 1830 during the last days of the reign of Charles X.<sup>18</sup> The French, for their part saw the *Mission civilisatrice* as the noblest mission they could perform. They believed they played the part of parent over their colonies, in effect relegating the colonized to a subservient position in the French Empire. In effect, the French violated the Rights of Man in order to spread the Rights of Man. “Men are born and remain free and equal in rights,” the document says, but this was contradictory in everyday life for Algerians throughout the colonial period. The French experience “documents the far-reaching consequences of a state’s capacity to believe in its own ideology of freedom and promotion of the individual while using measures, including torture, that deny both.”<sup>19</sup> This is

<sup>11</sup> The term *Mission civilisatrice* means “civilizing mission,” the view that it was not just the duty of France to colonize other territories, but to civilize them by bring in western values and culture in order to raise the quality of life in the places they conquered.

<sup>12</sup> Rita Maran, *Torture: The Role of Ideology in the French-Algerian War* (New York: Praeger Publishers, 1989).

<sup>13</sup> French Constitution, Preamble.

<sup>14</sup> “Declaration of The Rights of Man and of the Citizen,” art. 1, in Susan Dunn, *Sister Revolutions: French Lightning, American Light* (New York: Faber and Faber, Inc., 1999), 213.

<sup>15</sup> “Declaration,” art. 2, in *Sister Revolutions*, 214 .

<sup>16</sup> “Declaration,” art. 9, in *Sister Revolutions*, 214. Italics not in original but added by author for emphasis.

<sup>17</sup> Maran, 2.

<sup>18</sup> Jeremy D. Popkin, *A History of Modern France*, 3rd ed. (New Jersey: Pearson Education, Inc., 2006), 91.

<sup>19</sup> Lazreg, 253.

something that the United States in its promotion of democracy since the beginning of the War on Terror did not seem to foresee.

The United States has increasingly seen its mission as one of spreading an idea around the world. The Declaration of Independence states:

all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...<sup>20</sup>

Those ideas of Life, Liberty, and Happiness are extensions of the Enlightenment, inspired by men such as John Locke, and later by Thomas Paine, that famous author of “Common Sense,” so influential during and after the American Revolution.<sup>21</sup> They were later interpreted as the mission call of the United States to help to secure those rights to others around the world. That concept, referred to as American Exceptionalism, is the idea that the United States not only could influence world events, but should do so in order to bring about positive results. Besides, as arbiters of the flicker of democracy, many Americans saw their country “in a pivotal position in human history” to spread those ideas.<sup>22</sup> William McKinley, President during the Spanish-American War with Spain, and the one who decided to keep such places as Puerto Rico and the Philippines as colonies had this to say about America’s mission: “The American People, intrenched [sic] in freedom at home, take their love for it with them wherever they go... our sense of justice will not abate under tropic suns in distant seas... so hereafter will the nation demonstrate its fitness to administer any new estate... and in the fear of God will ‘take occasion by the hand and make the bounds of freedom wider yet.’”<sup>23</sup> President McKinley saw it as his special duty to keep the Philippines because it was the mission of the US to provide for them “order and of security for life, property, liberty, freedom of conscience, and the pursuit of happiness.”<sup>24</sup> Indeed, after the events of World War II, the United States was instrumental in ensuring the development of democracy for many countries in Western Europe and Asia. Through the Marshall Plan, economic aid helped stimulate revived democracies propped up by US forces. The Japanese economic boom “took place against the background of a democratization reform program promoted by the American Occupation Forces.”<sup>25</sup> Even Taiwan and South Korea eventually emerged as powerful democracies after a time under dictatorships.<sup>26</sup> More recently, in light of the War on Terror, the mission to spread democracy entered another phase of importance. During the buildup to the Iraq War, President Bush said in his State of the Union address in January 2003 that:

The American Flag stands for more than our power and our interests. Our Founders dedicated this country to the cause of human dignity, the rights of every person, and the possibilities of every life. This conviction leads us into the world to help the afflicted and defend the peace and confound the designs of evil men.<sup>27</sup>

Furthermore, the “National Security Strategy of the United States of America,” released in 2002, demonstrated a sharp change in focus. The US would not just “extend the peace by encouraging free and open societies on every continent,” but would do so by “fighting terrorists and tyrants” wherever they may be.<sup>28</sup>

<sup>20</sup> US Declaration Ind.

<sup>21</sup> Michael Hunt, *Ideology and U.S. Foreign Policy* (New Haven: Yale University Press, 1987), 19-20.

<sup>22</sup> Hunt, 31.

<sup>23</sup> William McKinley, “President McKinley’s Second Inaugural Address.” *A Compilation of the Messages and Papers of the Presidents Vol. XIII*, (New York: Bureau of National Literature, Inc.), 6467.

<sup>24</sup> McKinley, 6469.

<sup>25</sup> Yutaka Kōsai, “The Postwar Japanese Economy, 1945-1973,” in *The Cambridge History of Japan, Volume 6: The Twentieth Century*, trans. Andrew Goble, eds. John W. Hall et al (New York: Cambridge University Press, 1988), 495.

<sup>26</sup> Central Intelligence Agency, *The World Factbook: South Korea; Taiwan*, November 20, 2008, (accessed November 26, 2008), <https://www.cia.gov/library/publications/the-world-factbook/>.

<sup>27</sup> Bush, “Address Before a Joint Session of the Congress on the State of the Union,” January 28, 2003, *PPPGWB*, 2003, vol. I., 85.

<sup>28</sup> Bush, “The National Security Strategy of the United States of America,” September, 2002.

The idea of spreading democracy around the globe is a noble one, but very difficult. Often, promotion of the spread of democracy has been the justification for military intervention by the United States on several occasions.<sup>29</sup> However, “the aim of spreading democracy around the globe, moreover, can too easily become a license for indiscriminate and unending U.S. military interventions in the internal affairs of others.”<sup>30</sup> This use of ‘indiscriminate and unending intervention’ has led to a belief in the superiority of the U.S. mission.

This belief in the superiority of the mission originally had to do with the constant intertwining of liberty and territorial expansion in the first half of the history of the United States. Territorial expansion was the physical manifestation of the “national greatness” of the United States those men like Thomas Jefferson promoted.<sup>31</sup> This idea, “Manifest Destiny,” eventually came to mean using a strong hand in foreign policy as well. During the Spanish-American War, President McKinley “claimed for the United States a right and duty to establish colonies, help ‘oppressed peoples,’ and generally project its power and influence into the world. Americans would benefit, and so would all humanity.”<sup>32</sup> However, methods used by the imperialist US such as the forced subjugation of the Philippines under the auspices of a guiding parent contradicted the ideals of the mission.

The sense of fraternity that France and the United States both share is the dedication to certain ideological values and beliefs. This is illustrated in a communication between the two countries in 1959, while France was struggling in Algeria. In a very frank, emotional letter from French Prime Minister Debré to the U.S. ambassador in France, he appealed to the ideology of both France and the United States in defense of the mission in Algeria:

You know well moreover that our ideals correspond to yours –did they not originally inspire them? –and that my government, like General De Gaulle, has the will to practice a policy of liberalism and of evolution, which alone is capable of reconciling harmoniously in Algeria the requirements of the two communities.<sup>33</sup>

Thus, by touching on similar “ideals,” the P.M. and French government tried to garner support for the civilizing mission they were engaged in.

The problem with ideology is that “ideologies blinker and blind, obscuring reality and justifying in the name of high causes extreme inhumanity and wanton destruction.”<sup>34</sup> Thus, in terms of justification for torture, the ‘high cause’ of spreading French and American values overrode concerns for humanity of individuals and their basic rights under international and domestic law.

### **Ideology: Interpretation and Creation of Laws that Foster Torture**

The French-Algerian War bound France to certain international laws. The most important documents concerning law at the time were the Charter of the United Nations, the Universal Declaration of Human Rights (UNHR), and the Geneva Conventions. The UNHR specifically states in Article 5 that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>35</sup> Also, Article 17 of the Geneva Conventions, ratified in 1949 state that: “No physical or mental torture, nor any other form of coercion, may be inflicted on

<sup>29</sup> James Meernik, “United States Military Intervention and the Promotion of Democracy,” *Journal of Peace Research* 33, no. 4 (1996): 391.

<sup>30</sup> Robert J. Art, “A Defensible Defense: America's Grand Strategy after the Cold War,” *International Security* 15, no. 4 (1991): 42.

<sup>31</sup> Hunt, 30-31.

<sup>32</sup> Hunt, 38.

<sup>33</sup> “Letter from Prime Minister Debré to the Ambassador in France (Houghton), Paris, April 28, 1959,” U.S. Department of State, *Foreign Relations of the United States, 1958-1960: Arab-Israeli Dispute; United Arab Republic; North Africa*, (Washington, DC: GPO, 1992), 653.

<sup>34</sup> Hunt, 6. This interpretation of ideologies comes from Michael Hunt’s summary of the views of George Keenan, American diplomat and father of the containment doctrine. Hunt believed Keenan decried the role of ideology in foreign policy to the extent of dismissing it, in effect ignoring many of the aspects that define relations with other nations.

<sup>35</sup> United Nations, “The Universal Declaration of Human Rights,” December 10, 1948, *Encyclopedia of the United Nations and International Agreements*, 3rd ed. vol. 2, 958-961.

prisoners of war to secure from them information of any kind whatever.”<sup>36</sup> However, the rules did not define torture, allowing differing interpretations. It was not until years later under the “Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” that torture obtained a useable definition.<sup>37</sup>

For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.<sup>38</sup>

Part of the reason for the useable definition was because of the systematized torture during the French-Algerian War. However, a more concise explanation can do little when the importance of the ideological mission is seen to trump all other concerns, even when doing so betrays that mission.

By the time of the terrorist attacks on September 11th, 2001, there was a useable definition as to what constituted torture. However, outrage after the attacks among the government, and the public sphere at large contributed much to opening the door to the abuses which were to eventually take the form of the Abu Ghraib prison scandal.

Part of the liberal French and U.S. tradition of assuming innocence is something that needs to be taken into consideration. The right to be presumed innocent until proven guilty is a staple of democratic tradition. During both the French-Algerian War and the War on Terrorism, these basic laws were skirted numerous times. Also, since many terrorists perform their actions outside the laws of warfare, there is thus a viable argument that the laws of warfare do not apply to them when detained: i.e. laws against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In fact, “many terrorist groups demand to be treated as prisoners of war, but they deny the state the right to take them to court as war criminals for the indiscriminate killing of civilians,” according to Walter Laqueur.<sup>39</sup> The idea that terrorists act outside the realm of warfare has caused both the creation of new laws, interpretation of old laws, or the simple disregard for the law in dealing with those deemed to be terrorists.

In clearing the way for abuses to eventually take place, the French government gave “legal sanction” to the police and military in Algeria which “legitimated the practice of human rights abuse” by declaring a “state of emergency.” This law, Act No. 55-385 of 3 April 1955: “establishing a state of emergency and declaring the application in Algeria,”<sup>40</sup> “facilitated house arrests and the internment of tens of thousands of nationalists.”<sup>41</sup> This broad sweeping power allowed for the justification of torture because once again, it emphasized the importance of the overall mission of the French to win the war. This law “gave moral and legal sanction to abusers; they would subsequently view their acts as justified by the ‘fight against terrorism.’”<sup>42</sup> In performing acts of torture, many of the men who did so “believed themselves to be meeting the requirements of the government’s policy.”<sup>43</sup> When given the belief that it was acceptable to commit acts of torture because of the right of law, then it became no longer the responsibility of the individual to decide what was right or wrong.

<sup>36</sup> U.S. Department of State, “The Geneva Convention Relative to the Treatment of Prisoners of War,” August 12, 1949, TIAS no. 3364, *United States Treaties and Other International Agreements*, vol. 6, 3332.

<sup>37</sup> Maran, 6.

<sup>38</sup> United Nations, “Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” 9 December 1975, *Encyclopedia of the United Nations and International Agreements*, 3rd ed. vol. 4, 2339.

<sup>39</sup> Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, (New York: Oxford University Press, 1999), 39.

<sup>40</sup> *Law 55-385: Establishing a State of Emergency and Declaring its Application in Algeria*, French Law (April 3, 1955), trans. Brett Berning, *The Official Journal of the French Republic* (7 April, 1955): 3479-3480. This law was recently invoked during the 2005 French riots in order to give the police more leverage and greater discretion in quelling them, allowing for mandatory curfews in cities throughout France.

<sup>41</sup> Shiva Eftekhari, “France and the Algerian War: From a Policy of ‘Forgetting’ to a Framework of Accountability,” *Columbia Human Rights Law Review* 34 (2003): 421.

<sup>42</sup> Eftekhari, 422.

<sup>43</sup> John Talbott, *The War Without a Name: France in Algeria, 1954-1962* (New York: Alfred A. Knopf, 1980), 86.

Some of the notable passages from the ‘Special Powers’ act include Article 6 which allowed for the “house arrest in a district or locality of any person... whose activity proves to be too dangerous for public safety and order,” and for the “creation of camps,” where prisoners would be placed for indefinite amounts of time.<sup>44</sup> These measures made it easy for the security forces in Algeria to do their job, but at the same time, lessened the measures necessary to ensure abuses would not happen. The authorities decided what constituted ‘dangerous’ activities, giving them power to arrest whomever they wanted, while the ‘camps’ were veritable concentration camps where Algerians starved and their anti-French passions conflagrated.<sup>45</sup>

Another passage from the ‘Special Powers’ act, Article 11 gave the authorities the power “to ensure control of the press and publications of all kinds,” adding a high degree of censorship to the maintaining of order and the secretiveness of the degree of torture.<sup>46</sup> However, the power of the government under this law to control the press lacked the effectiveness the pro-*Algérie française* camp preferred. Intellectuals such as Henri Alleg were able to publish evidence of torture by the French military and police in Algeria. His book, *La Question (The Question)* was his “personal testimony of suffering torture at the hands of the French military.”<sup>47</sup> A near-bestseller, he had been held for three years without trial and then smuggled out with him his account that he had written while in detention.<sup>48</sup> He described being electrocuted numerous times, held underwater until he passed out, being kicked, punched, and punctured at the hands of French intelligence officers. At the end of his book, Alleg talked about how the people of France had to be told about the truth:

All this, I have had to say for those Frenchmen who will read me. I want them to know that the Algerians do not confuse their torturers with the great people of France, from whom they have learnt so much and whose friendship is so dear to them... But they must know what is done IN THEIR NAME.<sup>49</sup>

Alleg’s book reminded people of the Nazi treatment of members of the Resistance in World War II. Drawing on that parallel, people were extremely upset that their own country, with its legacy of resistance against injustice could be capable of such brutality.<sup>50</sup> On March 27th, 1958, the French government banned the book and seized copies from the publishing house as well as newspapers that had published excerpts from it. By then it was too late because it had “already become a near bestseller and the subject of lively public debate.”<sup>51</sup> Thus, practices such as establishing into law measures that were purported to spread the ideology of the ‘Rights of Man’ in actuality contradicted those values. This was seen in publications such as *La Question*, both in its description of torture endured and by the government’s reaction to the book itself.

The court system itself in Algeria, while theoretically based on the French system, was in the hands of the police instead of the Ministry of Justice. This created a system without the separation of powers inherent in different branches of government. If abuses were to occur by the police, they were to be reinforced by the police who controlled the justice system:

In other words Muslims were arrested and often tortured by the police, brought before courts which were both biased and permeated with a spirit of radicalism, and finally, after being sentenced, passed into the hands of a prison service which itself was subordinate to the police. The whole process took place within a closed circuit of which torture formed an integral part.<sup>52</sup>

<sup>44</sup> Law 55-385, art. 6.

<sup>45</sup> Horne, 220-221.

<sup>46</sup> Law 55-385, art. 11.

<sup>47</sup> Mouloud Feraoun, *Journal 1955-1962: Reflections on the French-Algerian War*, trans. Mary Ellen Wolf and Claude Fouillade (Lincoln: University of Nebraska Press, 2000), xxii.

<sup>48</sup> Feraoun, xxii.

<sup>49</sup> Henri Alleg, *The Question*, trans. John Calder (New York: George Braziller, Inc., 1958), 122. Words in all caps are original.

<sup>50</sup> Martin Evans, *The Memory of Resistance: French Opposition to the Algerian War (1954-1962)* (Oxford; New York: Berg, 1997), 41-42.

<sup>51</sup> “French Seize a Book on Torture Charges,” *New York Times*, March 28, 1958, 6.

<sup>52</sup> Pierre Vidal-Naquet, *Torture: Cancer of Democracy, France and Algeria, 1954-62*, trans. Barry Richard (Baltimore: Penguin Books, 1963), 31.

Thus, France fostered a self sustaining system in the courts of Algeria, later helped by the Special Powers act that gave rise to an environment where authorities tolerated and encouraged torture. Ideology told those in Algeria that the preservation of the *Mission civilisatrice* received all-importance, especially when “the racial supremacy of the European over the Muslim were questioned,” such as it increasingly became after World War II.<sup>53</sup>

In the United States, the meaning to domestic and international laws concerning detainees has been framed to justify the aims of the Bush administration during the War on Terror. The administration, like the French in Algeria, formulated policy, enacted laws and interpreted previous laws to fit a certain ideological mold, even when sidestepping international laws.

In his “Military Order of November 13, 2001,” President Bush stated that “if not detected and prevented,” terrorists could cause further deaths, placing “at risk the continuity of the operations of the United States Government.”<sup>54</sup> To prevent this, he said that the U.S. needed “to identify terrorists and those who support them...” In order to do this though, the President said that because of the situation, it was “not practicable” to hold to the “principles of law and the rules of evidence” which criminal trials typically follow because of the “extraordinary emergency” the U.S. had been placed under.<sup>55</sup> The President then listed off the types of individuals who fell under that category. According to him, the President can determine at his discretion that “there is reason to believe that such individual[s]” are or were terrorists.<sup>56</sup> However, there was a complication in the determining of such cases since, as stated before, the “principles of law and the rules of evidence” did not apply. At the very highest level of government, the President was stating that certain people did not qualify for the basic rights attributed to criminals in the U.S., or to those given P.O.W. status. In such a light, the President took a step toward torture and prisoner abuse.

White House Council Alberto Gonzales wrote a memo in January 2002 to the President in favor of his decision not to apply the Geneva Conventions to Al Qaeda or the Taliban, and not to give POW status to detained combatants. His main argument in favor of this was that “the war against terrorism is a new kind of war” that “places a high premium” on “the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities.” He believed this new war “renders *obsolete* Geneva’s strict limitations... and renders *quaint* some of its provisions.”<sup>57</sup> Gonzales further justified this by stating this kind of war was “not contemplated in 1949 when the GPW was framed.”<sup>58</sup> However, the GPW had no type of particular armed conflict in mind and that those High Contracting Parties, such as the United States were bound to follow the rules during any type of armed conflict.

The French in Algeria argued that their war was a new kind of war as well. Like the United States of today, compared to the enemy the French were fighting, they were vastly superior in technology and numbers. Roger Trinquier, a major theorist on counter-insurgency warfare and a former French officer in Algeria wrote *Modern Warfare: A French View of Counter-Insurgency*, published for the US military at the Combat Studies Institute. Trinquier called the French Army “a pile driver attempting to crush a fly, indefatigably persisting in repeating its efforts.”<sup>59</sup> This book, heavily influential in how the United States carries out its own insurgencies shows that the use of terrorism to fight a war is not a novel idea, and therefore does not render irrelevant the Geneva Conventions.

It was not that the United States was unaware of some of the negative consequences of using methods that could be considered torture. It was simply the perceived importance of the mission at hand that trumpeted all other concerns. Secretary of Defense Donald Rumsfeld formed a “working group,” designed to “assess the legal, policy, and operational issues relating to the interrogations of detainees held by the U.S. Armed Forces.”<sup>60</sup> The group’s

<sup>53</sup> Vidal-Naquet, 31.

<sup>54</sup> George W. Bush, “Military Order of November 13, 2001: Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism,” in *Torture and Truth: America, Abu Ghraib, and the War on Terror*, ed. Mark Danner (New York: New York Review of Books, 2004), 78.

<sup>55</sup> Bush, “Military Order,” 79.

<sup>56</sup> Bush, “Military Order,” 79.

<sup>57</sup> Alberto Gonzales, “Decision RE Application of the Geneva Convention on Prisoners of War to the Conflict with Al Qaeda and the Taliban,” in *Torture and Truth*, 84. Italics added by the researcher for emphasis.

<sup>58</sup> Gonzales, “Decision RE,” 86. GPW stands for the Third Geneva Convention Relative to the Treatment of Prisoners of War.

<sup>59</sup> Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*, trans. Daniel Lee (London: Pall Mall Press, 1964), 4.

<sup>60</sup> Donald Rumsfeld, “Memorandum for the General Counsel of the Department of Defense: Detainee Interrogations,” in *Torture and Truth*, 184.

report stated that many of the techniques being used by the U.S. would be considered by some nations and people as “more aggressive than those appropriate for POWs violative of international law... making U.S. personnel involved in the use of such techniques subject to prosecution for perceived human rights violations.” The report accurately predicted the negative consequences of some of the techniques to be used, saying that “should information regarding the use of more aggressive interrogation techniques... become public, it... may produce an adverse effect on support for the war on terrorism.”<sup>61</sup> With this in mind, framers of policy in the war on terrorism created an interpretation of laws that fit the ideological framework of the United State’s democracy disseminating mission.

This ‘adverse effect’ took form during the French-Algerian War. Domestic protest against the way the government was waging the war in Algeria eventually came to such a head, that the war effort became compromised. The laws created and the methods employed by the French military and police in Algeria worked to create this protest. The “121 Manifesto on the Right to Refuse to take up Arms in the Algerian War” was a declaration signed by 121 intellectuals in France, including such influential people as Simon de Beauvoir, and Jean-Paul Sartre.<sup>62</sup> In order to win “in the fight against public indifference and apathy” in regards to torture, certain committees in France tried “to give suffering a recognizable human face.”<sup>63</sup> These committees also led by many leading French intellectuals helped to stir the passions of the French public and their belief in the overall mission in Algeria. Thus, the ideology of the civilizing mission as justification of the torture techniques in Algeria simply worked to increase the public’s negative reaction to the war. The United States too, stands the risk of losing its ideological justification which Bush says “leads us into the world to help the afflicted and defend the peace and confound the designs of evil men.” Thus is the effect over-time of justifying abuses by fitting them into law according to an ideology.

### **Ideologies Revealed in Government Reports**

During the entirety of the French-Algerian War, the French government conducted one investigation into reports of torture which amounted to about twelve pages of text. The United States has had several investigations conducted under its own direction. Major General Antonio Taguba was directed to investigate the 800<sup>th</sup> Military Police Brigade based on the photographs and reports of torture in Abu Ghraib prison.<sup>64</sup> James R. Schlesinger was tasked to head an independent panel to review Department of Defense Detention operations in the fallout of Abu Ghraib.<sup>65</sup> And Lieutenant General Anthony Jones and Major General George Fay investigated the Abu Ghraib prison and detention facility under the 205<sup>th</sup> Military Intelligence Brigade.<sup>66</sup> Combined, these U.S. government investigations constitute a much more thorough analysis of abuses that occurred when compared to the French government’s single investigation. However, analysis of the way both the French Government and the U.S. Government investigated reports of torture reveals a belief in their respective missions of spreading similar ideologies.

In 1955, French Minister of the Interior, François Mitterand, directed government servant Roger Wullaume to investigate the reports on torture and come up with recommendations.<sup>67</sup> Intentionally avoiding use of the word “torture” throughout his report minus two instances, Wullaume wrote about “certain acts of violence,” reported in the media. The report was very brief and had the goal of treating reports of abuses as rare, and to document it to show the French as being pro-active about it. Before detailing any abuses, he wrote that “several of the prisoners stated that no violence has been used on them,” attempting to prove the rarity of abuses. Also, Wullaume justified some of the abuses as an “old-established practice,” and that “they were far less barbaric than others... against which no one protests.” This was a defense by the French government of the methods being used by the police and army in Algiers, arguing them as tried and true, very effective practices. When Wullaume did

<sup>61</sup> “Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations,” in *Torture and Truth*, 196.

<sup>62</sup> Evans, *The Memory*, ix-x.

<sup>63</sup> Evans, *The Memory*, 143.

<sup>64</sup> Anthony Taguba, “Article 15-6 Investigations of the 800th Military Police Brigade (The Taguba Report),” in *Torture and Truth*, 279-328.

<sup>65</sup> James R. Schlesinger, “Final Report of the Independent Panel to Review DoD Operations (The Schlesinger Report),” in *Torture and Truth*, 329-402.

<sup>66</sup> Anthony R. Jones, and George R. Fay, “Investigation of Intelligence Activities at Abu Ghraib,” in *Torture and Truth*, 403-579.

<sup>67</sup> Maran, 24.

document cases of individuals with physical marks of abuse, instead of condemning the perpetrators, he stated that if the law “were allowed to do no more than hunt down and arrest ‘suspected culprits’, and if it was the job of the examining magistrates to establish their guilt, many crimes and misdemeanours would go unpunished.” According to the man investigating the abuses, torture was necessary.

Wuillaume then described “the forms of violence used.” He described methods such as isolated confinement, beatings and water immersion, “water-pipe method” where water is forced into the stomach through the mouth, electricity to the genitals and other sensitive parts, prolonged bodily suspension, and being “forced to dance naked in front of their relatives and neighbors, which for a Muslim is a fearful humiliation.” These clear descriptions of torture are consistently taken by Wuillaume a degree of disbelief, illustrating his mistrust of the prisoners and his overwhelming trust of the French interrogators.

He then described the “authority under which violence was used.” He began by stating that “it is extremely difficult to fix the responsibility for the use of violence even in the most serious cases,” because most of the methods “leave no marks.” Here, the role of the French ideology comes into play. A sense of mistrust toward the accusers of torture, especially the detainees of Algerian descent was evident. At the same time, Wuillaume stated that the police explained to him “they are expert at using these methods without endangering the victim’s life,” without questioning the veracity of the claim. Then, in defense of the methods, he reminded his audience of “the atrocities committed by the terrorists themselves,” who “massacred or mutilated large numbers” of those loyal to France, hinting that they probably deserved to be tortured. Thus, Wuillaume illustrated the ideology of the French civilizing mission by depicting French interrogators as noble servants of the cause while portraying Algerian accusers as deserving of the abuse.

Wuillaume did state “all physical violence verging upon torture must be prohibited,” finally using the word itself, but in a way that separated torture from what the police did.<sup>68</sup> He assumed a definition of torture to be something more than just violence against a person, but excessive violence. However, measuring violence against excessive violence is not done with a yard-stick, but in the eye of the interrogator. Wuillaume willingly left that up to the professionals. They were French soldiers and policemen, and therefore, they could be trusted. They played the part of parent over the Algerians by punishing them for their disloyalty to France, a nation simply trying to uplift them.

According to Wuillaume, the overall mission in Algeria was too important, and he felt that any impediment on the rights of the police and the army to do their job would seriously weaken their efficacy. He was of the mind that in order to protect the many in Algeria, that crimes against the few were permissible, even if not legal. Thus, Wuillaume considered the role of *Algérie française* so important, that his recommendation to the government only served to continually justify torture because it was in the name of the ideology of the *Mission civilisatrice*. The fact that the report was written in 1955, well before the bulk of the torture abuses happened in Algeria, illustrate further how unconcerned the French government and army really were towards basic ideas of human rights for the Algerians.

The investigations the U.S. government mandated in 2003-2004 are much more thorough than the French report. The war in Iraq was extremely unpopular. This was exacerbated with the advent of super-fast forms of communication, making reports of torture more problematic than it had been for the French government during their war in Algeria. It was something that could not ever be disregarded for a long period of time as it was in Algeria. The reports concerning the Abu Ghraib torture scandal made recommendations to punish those soldiers responsible for or complicit in the abuse. Also, the reports urged for a review of military doctrine and training in regards to the handling of detainees. However, the government reports placed blame downward and never higher up the chain of command past the brigade level.<sup>69</sup> Even when those implemented in abuse “commented upon the intense pressure they felt from higher headquarters, to include CENTCOM [United States Central Command], the Pentagon, and the DIA [Defense Intelligence Agency] for timelier, actionable intelligence,” they were the ones blamed for allowing their soldiers “to be subjected to inordinate pressure from Higher Headquarters.”<sup>70</sup> Thus, what was said at higher levels did not matter, and that those in charge of operations at Abu Ghraib, such as Colonel Pappas, commander of the 205th Military Intelligence Brigade, should have known that.

Deciphering the role of American ideology in the government reports is a difficult task because of the care put into compiling them and the fact-finding nature of them. In contrast to the lone French government report which expresses a high degree of French superiority over the Muslim Algerians, the U.S. reports illustrate a desire to truly

<sup>68</sup> Roger Wuillaume, “Text of the Wuillaume Report,” trans. Pierre Vidal-Naquet, in Vidal-Naquet, *Torture*, 170-174. This footnote covers quotes from the last four paragraphs.

<sup>69</sup> Taguba, 319-324; Schlesinger, 351-352; and Jones, 432-436 in *Torture and Truth*.

<sup>70</sup> Jones, 547-548; 556.

fix the problem by punishing those responsible for torture techniques and by implementing military-wide changes in doctrine and training. However, the role of the American ideology in the War on Terror is expressed by the sense of infallibility of those high up the chain of command. The reports inevitably hint that the leaders of the War on Terror cannot have been responsible for misdeeds. Even if there was a desire to fairly assess the faults of the Bush Administration's direct and indirect orders that led to human rights abuses, there's still an idea that "war is hell," and nothing ever goes right all of the time.

## Ideology of the Soldiers

Ideology among soldiers in both the French Army in Algeria and the United States military in Afghanistan and Iraq were both shaped by the similar values of their nations. The French soldiers had a "shared understanding of the duty to maintain and spread French civilization."<sup>71</sup> However, different ideas as to how this duty was fulfilled led to "confusion about the correct way to carry out their duty." Under this ideology of the civilizing mission as the all-important reason for being in Algeria, the army "supplied a workable rationale that obviated conscious decision-making" regarding the moral dilemma of committing torture.<sup>72</sup> The United States military also 'supplied a workable rationale that obviated conscious decision-making.' Calling the war in Iraq a "crucial advance in the campaign against terror," President Bush framed the fight there as good versus evil, free peoples versus terrorists in his speech aboard the USS Abraham Lincoln.<sup>73</sup> Therefore, the seed had been planted, labeling those in Iraq against the US mission a 'terrorist.' Soldiers stood "for freedom and order," against the "terrorists and Saddam loyalists."<sup>74</sup> The impact on the conscience of individual soldiers fighting in the War on Terror was lessened when they considered their enemy responsible for the attacks on September 11th. Just as with the French in Algeria, Americans in Iraq were imbued with an ideology that took away humanitarian concerns while supposedly promoting a humanitarian cause.

Part of the reason for French soldiers' determination in supporting their ideology in Algeria has much to do with their recent history stemming the previous two decades. The French military was feeling the physical and emotional strain of perpetual defeat stemming from the Nazi occupation in 1940 to the loss of the Indo-China War in 1954 and subsequent colonial wars elsewhere. The French military sought victory as a means to regain honor, even at an extremely high cost. That is one huge difference between the root causes of torture implementation between the two conflicts. The French military, seeing itself betrayed by the politics of the Fourth Republic had a different rationale of its mission in Algeria: "We have not come here... to defend colonialism. We have nothing in common with the rich colons who exploit the Muslims. We are the defenders of liberty and of a new order." When speaking about the institutions of the Fourth Republic, the military ran radio station in Algeria announced that in Indo-China, those "men liberally betrayed us..." and that in Algeria, "here you will not be betrayed."<sup>75</sup> To the generals and career soldiers, "Algeria was the test of their redemption as soldiers and as Frenchmen imbued with a mission to save the nation from a democratic system perceived as corrupt, dysfunctional, and lacking the will to fight."<sup>76</sup> The soldiers on the other hand, were going to do whatever it was going to take to save French –and their own –honor.

The United States military has recent memories of success in the Cold War standoff and campaigns such as Operation Desert Storm in 1991, as well as a mixture of failures in Vietnam and the involvement in Somalia in the early 1990's. Dissent among high-ranking generals in recent years regarding handling of the wars in Iraq and Afghanistan has only occurred after they have retired or under anonymity, illustrating that while maybe in disagreement with policies of the government, there is a sense of allegiance toward the civilian authorities while still in uniform that continues to remain strong.<sup>77</sup> This differs from the commanders in Algeria who openly disobeyed or fought against their own government. While there is this difference in recent histories between the French military and United States military, there is still a sense that the U.S. cannot be allowed to lose in its wars either.

The use of terrorism by the FLN and Al Qaeda was enough to cause both France and the United States to use torture methods to suppress the organizations, adhering to an idea that "massive violence," such as systematic

<sup>71</sup> Maran, 73.

<sup>72</sup> Maran, 73.

<sup>73</sup> Bush, "Address to the Nation," May 1, 2003, *PPPGWB*, 2003 vol. I, 411.

<sup>74</sup> Bush, "Address to the Nation on the War on Terror," September 7, 2003, *PPPGWB*, 2003, vol. II, 1104.

<sup>75</sup> Horne, 175-178.

<sup>76</sup> Lazreg, 254.

<sup>77</sup> David S. Cloud and Eric Schmitt, "More Retired Generals Call for Rumsfeld's Resignation," *New York Times*, April 14, 2006.

torture “has usually prevailed over terrorism, because there is not an unlimited reservoir of people” who will continue to attack these nations.<sup>78</sup> The ultimate goal in the Battle of Algiers was to destroy the FLN network by any means necessary. General Jacques Massu, the hero of the day during the famous Battle of Algiers, claimed that the use of torture was extremely justified, that “the battle was won and a halt was brought to the F.L.N. –imposed terror and the indiscriminate killing and maiming of both European and Muslim civilians.”<sup>79</sup> However, General Massu at the time, failed to take into account the “emotional weapon” that the tortured populace gained. Albert Camus stated that “torture has perhaps saved some at the expense of honour, by uncovering thirty bombs, but at the same time it has created fifty new terrorists who... would cause the death of even more innocent people.”<sup>80</sup> Also, the defeat of the F.L.N. in Algiers forced the leaders of the revolution to seek safety in Tunisia, where it would organize a government in exile, and most importantly, the internationalization of the war via television.<sup>81</sup> The use of torture in Abu Ghraib no doubt did much to anger millions of moderate Muslims throughout the Middle East, surely bringing into the ranks of the Iraqi insurgency many reinforcements.

There are varying rationales among regular soldiers in regards to torture. Since no two soldiers are the same, their perceptions of how an ideology should be spread vary as well. One American soldier who spoke out about abuses at Abu Ghraib in 2003 expressed frustration at others for allowing torture to happen: “Every time I said something about how I was worried about the treatment of the detainees, they would either say, thy [sic] are the enemy and if I was out there they would kill me, so they didn’t care.”<sup>82</sup> This soldier, Sergeant Provance was among many who saw the twisting of the American ideology of fighting for freedom by suppressing some very basic freedoms through the practice of torture.

The same rationale was used among French soldiers in Algeria, including the willingness to kill prisoners, not just torture. A veteran soldier talked to his new captain who thought it was “a bad practice to kill possible innocents.” In regards to Arabs in general possibly being terrorists, the veteran soldier said to his captain “...once you’re here, to pose yourself problems of conscience – and treat possible assassins as presumed innocents – that’s a luxury that costs dear, and costs men.”<sup>83</sup> In essence, the veteran asked the inexperienced captain: What is more important? Everything you value, including the safety of France and its mission, or the possible innocence of a few? With this view in mind, the willingness and the self-justification to use torture – and more extreme measures – against prisoners came more easily.

Soldiers fighting for France thought of Algeria as the last of the old French Empire that covered much of Africa, the Middle East, and Southeast Asia. The focus of the mission was to keep Algeria as an integral part of France. Thus, they were often inclined to behave in a manner that coincided with the brutality of colonialism. The United States in Iraq has often been compared to an imperialist venture. One letter to the editor of the New York Times in response to the White House reaction to the abuses at Abu Ghraib states “these soldiers realize they were sent on an imperialistic mission and behave accordingly, reflecting the nature of the administration that sent them!”<sup>84</sup> Whether soldiers or the administration believed the mission to be imperialistic, there have continued to be American soldiers willing to use methods regarded as torture, even after Abu Ghraib. A survey conducted by the Army in Iraq in the fall of 2006 found that up to 40 percent of soldiers would approve of torture techniques in order to save the lives of other soldiers.<sup>85</sup> Extenuating circumstances such as saving the lives of other soldiers can make rationale for abuse more understandable, but of the troops surveyed, 10 percent of them “reported that they had mistreated civilians in Iraq, such as kicking them or needlessly damaging their possessions.”<sup>86</sup> General Patreaus, in a letter to all military personnel in Iraq, stated that he “was concerned by the results” of the report and reminded them how respect for human dignity separated America from the enemy.<sup>87</sup>

With the knowledge that no two soldiers are exactly alike in ideology or how to express that ideology, it is unjustified to place blame on the group as a whole. With all the soldiers of both the French-Algerian War and the

<sup>78</sup> Laqueur, 252.

<sup>79</sup> Horne, 204-205.

<sup>80</sup> Horne, 205.

<sup>81</sup> Horne, 219.

<sup>82</sup> “Sworn Statement of Samuel Jefferson Provance,” in *The Torture Papers: The Road to Abu Ghraib*, ed. Karen J. Greenberg and Joshua L. Dratel (New York: Cambridge University Press, 2005), 482.

<sup>83</sup> Horne, 174.

<sup>84</sup> Omar I. Nashashibi, “Letter to the Editor,” *New York Times*, May 4, 2004.

<sup>85</sup> Thomas E. Ricks and Ann Scott Tyson, “Troops at Odds With Ethics Standards,” *Washington Post*, May 5, 2007, sec. A.

<sup>86</sup> Ricks.

<sup>87</sup> David Patreaus, Letter to MNF-Iraq, May 10, 2007.

U.S. wars after September 11th, ideology has also been expressed by the condemnation of torture and abuse, not just its approval. Paul Teitgan, past wartime resistance fighter and victim of Nazi torture, was secretary-general of the Prefecture of Algiers supervising the police from 1956-1958. He resigned his post, citing “the excesses and the torture were the reasons.”<sup>88</sup> His view of French ideology, of the civilizing mission, was against the use of torture and “once [you] get into the torture business, you’re lost... fear was the basis of it all. All our so-called civilisation is covered with a varnish. Scratch it, and underneath you find *fear*.”<sup>89</sup>

On the other end of the spectrum, some soldiers under the cover of legal and perceived moral sanction saw torture in a different light. General Paul Aussaresses, director of intelligence operations during the Battle of Algiers wrote a memoir of his experience in Algeria entitled *The Battle of the Casbah: Terrorism and Counter-Terrorism in Algeria, 1955-1957*. In the preface of his book, Aussaresses states:

What I did in Algeria was undertaken for my country in good faith, even though I didn’t enjoy it. One must never regret anything accomplished in the line of a duty one believes in... I don’t attempt to justify my actions, but only to explain that once a country demands that its army fight an enemy who is using terror to compel an indifferent population to join its ranks and provoke a repression that will in turn outrage international public opinion, it becomes impossible for that army to avoid using extreme measures.<sup>90</sup>

Aussaresses had his mind set that in the Algerian War, torture was the only way to win. He not only thought it was the way to win, but the moral thing as well. After all, he said what he did was done ‘in good faith.’

The dark side to the pro-torture argument among the soldiers was that even if done ‘in good faith’ it still worked to betray the ideological missions of both France and the United States. It is hard to justify torture when the people doing it say to their prisoners:

‘You’re going to talk! Everybody talks here! We fought the war in Indo-China –that was enough to know your type. This is the Gestapo Here! You know the Gestapo?... And your whore of a Republic, we will blow it up into the air, too! You’re going to talk, I tell you.’<sup>91</sup>

This example, from Alleg’s account of being tortured by members of the 10th Paras division, illustrates very strongly how torture was betraying the spirit of the Republic and the Rights of Man, the cornerstone of French ideology.

The soldiers carrying out their duties in both France’s war and the U.S.’s war have been the ones most affected by policies which govern prisoner treatment and torture application, besides the victims themselves. Also, they are the ones that are most directly representative of their home countries when in a war of occupation elsewhere. Thus, similar ideologies which purport to spread democratic civil values to ‘uncivilized’ parts of the world are largely the responsibility of the individual soldiers, French and American. The trickling down of inhumane policies such as ambiguous laws which make abuse easier tend to create confusion among those doing the actual work of carrying out the wars of their nations. That confusion has led to differing ideas in the ranks as to the proper method of treating the enemy, and to shield the conscience of many from doing what would normally be considered morally unacceptable.

## **Ideology and Public Remembrance**

It was the same ideology, the idea that France was a special nation, dedicated to certain democratic values that also drove the anti-war and anti-torture movement at home. The ideology played a reverse role in the public by proving the hypocrisy in the French colonial mission because of the violent torture. Public opinion against torture became the most effective weapon that led to the decolonization and independence of Algeria. However, for a war that was very much in the public mind at the time, it was very easily “forgotten” by the public at large after it ended.

<sup>88</sup> Robert C. Doty, “France Faces a ‘Crisis of Conscience,’” *New York Times*, Oct 16, 1960.

<sup>89</sup> Horne, 204. Italics in original.

<sup>90</sup> Paul Aussaresses, *The Battle of the Casbah: Terrorism and Counter-terrorism in Algeria, 1955-1957*, trans. Robert L. Miller (New York: Enigma, 2002), xiii.

<sup>91</sup> Alleg, 58.

It was simply a war that people wanted to forget, but not everyone could, especially the victims and perpetrators of torture.

What role did ideology play in the public's remembrance –or lack of remembrance –of the Algerian War? The desire for French greatness, to continue spreading ideas from the *Mission civilisatrice* without doing so by the familiar formula of colonial occupation had much to do with this. France moved on and left behind its old ways, in favor of focusing on prestige in other manners. "Charles de Gaulle could now turn to his goal of making France the leader of Europe."<sup>92</sup> In 1960, France became the fourth nuclear power in the world. It then became an important player in the development of the European Community, now the European Union.<sup>93</sup> The leadership provided by de Gaulle in the post-Algerian War period allowed France to focus on the development of the European and French economies.<sup>94</sup>

The use of torture in the Algerian War helped contribute to the sour legacy of the war that the French were to endure. Unlike memories of French victory in World War I and the Resistance in World War II, the Algerian War was not seen by many Frenchmen as a moment to be proud of. It was representative of the last bastion of the lost French Empire, of a waste of lives for no real reason, and of French violations of human rights on a mass scale. All that, after all the horrors of World War II, of the new ideals of a "new Europe," bound by the international laws of the Geneva Conventions, where humans were assumed to have universal rights accorded them –there had still been that kind of war fought in the name of France.

As a result of the shame the war had brought to France, there was reluctance to even call it a war. Instead, the government called a "police action," a much less violent euphemism. Plus, there was the idea that since Algeria was officially as much a part of France as Paris was at the time, there was the rationale that if it was called a war it would mean that France acknowledged Algeria as a separate nation at the time of the conflict.<sup>95</sup> Only in 1999 did the conflict get official recognition by the government as an actual "war" in the Law of 18 October 1999.<sup>96</sup> This recognition coincided with a growing awareness of the victims of torture, psychological illnesses in soldiers, and the true gravity of the war that was meant to be largely forgotten but was too powerful to ignore.

In a backlash to the negativity surrounding the French-Algerian War, there has been a recent attempt to promote the ideology of the *Mission civilisatrice* by trying to rewrite history in order to change public remembrance of torture in Algeria. On February 23, 2005, a law was introduced in the French parliament which stated that "teachers should teach the 'positive role' of the French presence overseas, especially in North Africa."<sup>97</sup> This attempt to promote French ideologies through an interpretation of the past drew protests from Algerians, historians, and others concerned about the state's role in prescribing how history ought to be taught. This protest, and implications about France's relations with Algeria, led to an executive decree nullifying the law.<sup>98</sup> However, cancellation of the law "does not diminish the importance of the episode... in showing the contested memories and histories of French expansion."<sup>99</sup> This attempt to rewrite history, in doing so rewriting the role of torture used by the French in Algeria, proved unsuccessful. In reality, it served more to bring to light many of the negative aspects of French colonialism, especially torture in Algeria.

It may be too early to tell how the United States will be remembered for its conduct in the "War on Terror" and its use of torture. However, the images of American soldiers giving a thumbs up in front of a human pyramid of naked prisoners or in front of the corpse of a dead prisoner, or the image of a hooded prisoner standing on a box for fear of falling off which would mean certain electrocution, and images of police dogs barking at naked prisoners are seared into the minds of people all around the world. Whether Americans should use torture is still a subject of debate among politicians, intellectuals, and the public at large.<sup>100</sup> It is important however, to assess how American

<sup>92</sup> J. Robert Wegs and Robert Ladrech, *Europe Since 1945: A Concise History*, 5th ed. (Great Britain: Palgrave Macmillan, 2006), 69.

<sup>93</sup> Popkin, 293-297.

<sup>94</sup> Wegs, 54-55; 120-137.

<sup>95</sup> Cohen, 219-220.

<sup>96</sup> Neil MacMaster, "The Torture Controversy (1998-2002): Towards a 'New History' of the Algerian War?" *Modern & Contemporary France* 10, no. 4 (2002): 452.

<sup>97</sup> Robert Aldrich, "Colonial Past, Post-Colonial Present: History Wars French-Style," *History Australia* 3, no. 1 (2006): 14.4.

<sup>98</sup> Aldrich, 14.6.

<sup>99</sup> Aldrich, 14.6.

<sup>100</sup> These are just some of the examples of the ongoing torture debate, all sources are too numerous to list: Adelle M. Banks, "Poll shows support for torture among Southern evangelicals," *USA Today*, Sept 16, 2008; and *The Torture Debate in America*, ed. Karen J. Greenberg (New York: Cambridge University Press, 2006).

ideology might judge the use of torture by the US. Like the French, many Americans were appalled at what representatives of their country did at places such as at Abu Ghraib. How torture affects the collective memory of this war will determine the judgment of history.

## Conclusion

Torture, committed under an ideological banner by representatives of the United States and under the pressure of the highest levels of government cannot be easily explained. It is abstract to think in terms of a mission to spread democracy, western values and beliefs. However, this attempt to explain it through the similar history of the French experience in Algeria sheds light on the situation the United States is in today. France's *Mission civilisatrice*, deeply rooted in concepts of the French Revolution and the ideas set forth in the Declaration of the Rights of Man and of the Citizen, was ideally a humanitarian venture to help those in other parts of the world in need. It became in reality a tradition of conquering other countries and subjugating their people to forced colonial rule in order to obtain resources, to retain the status as a great nation, and to spread Christianity. The United States shares a similar ideology, also rooted in its revolution. The creation of the first modern democracy imbued Americans with a sense of virtue and greatness, if not a sometimes jingoistic pride. The events of September 11th, 2001 allowed for that ideology to justify recent military intervention and for the twisting of ideology to be a justification for torture.

The creation and selective interpretation of laws allow democracies to create policies that promote abuse of prisoners. The French Special Powers act, in defense of the perceived importance of the overall mission of *Algérie française*, allowed for expansive police and military powers to do what was deemed necessary to win the war. This more easily allowed for internment, torture, and displacement of individuals deemed a threat to *Algérie française*. Once the War on Terror began, members of the highest levels of government began interpreting international and national laws in ways which allowed for how they thought detainees should be handled. They were able to skirt those norms by hiding behind an ideological banner of spreading democracy and defeating evil ideas and people. It was both the French and US government's creation and interpretation of laws which denied basic human rights to prisoners, in turn creating international and domestic outrage and a loss of support for the mission.

Ideology revealed in government investigations is revealed differently among the French and U.S. investigators. Perhaps changing standards are the reason for the difference. The singular French investigation, the Wuillaume Report was heavily biased in reporting of abuses. While admitting abuses were going on, the report displays a high confidence in the interrogators and the French mission in general, while at the same time showing a mistrust toward the Algerians who were tortured with the attitude that 'they probably deserved it.' The United States on the other hand has had numerous in-detail investigations concerning torture, especially at Abu-Ghraid Prison. They represented a true effort to determine what went wrong, why abuses happened, and how to implement those lessons in future doctrine so such a thing does not undermine later missions. However, the unwillingness of any of the government investigators to look further up the chain of command illustrates the idea that the mission is all important. The ones leading the War on Terror, in their eyes, are righteous in their cause and so is the United States.

The soldiers on the ground in both the French and U.S. wars were most affected by their nation's ideology. Because of perceived missions to spread certain western values, these soldiers deployed in far-off locations to carry out the orders of their superiors to preserve an idea. Sometimes, soldiers were blinded by that imbued ideology when it came to torturing prisoners. Some, on the other hand, saw that ideology as the reason not to torture and to report abuses. Some soldiers saw torture as essential to winning the war while others saw it as an essential reason for losing the war. The position these soldiers were placed in, both the French and US, and the constant reminder of their role in these great humanitarian missions which blinded the conscious of many soldiers who committed torture.

Public memory of the French-Algerian War has done much to disregard the importance of that war. The negativity surrounding it has led to issues such as torture victims and soldiers being essentially forgotten about because of the desire to do just that: Forget. What the public in the United States years from now will collectively remember depends greatly on its treatment of the enemy, especially in regards to torture.

Ideological constructs such as the *Mission civilisatrice* of France or the Wilsonian model of military intervention to promote democracy of the United States have too often served to justify activities that deny those ideologies. Torture by the French in Algeria illustrates the value of looking toward history to help determine what might happen in the future. The United States in the War on Terror has used the ideology of freedom, democracy, and liberty to attack those deemed to hate those concepts. However, dehumanization of the enemy and a perceived supremacy of the mission under that ideology led to torture. It is in the best interest of the United States to develop policies that not only promote democracy, but also rationalism and restraint. One of the best places to look to do

just that, and to check the power of its own ideologies is a study of the French and its use of torture during the French-Algerian War.

### **Acknowledgments**

I would like to thank Dr. David Walker, my research mentor, and Boise State University's Ronald E. McNair Program, especially David Hall and Helen Barnes, for providing intellectual, moral, and financial support throughout this research experience. I would especially like to thank my family for supporting my educational goals, especially my loving parents, because their faith in my intellectual abilities has been my inspiration.

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