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Re-readings of the Algerian War during the US ‘war on terror’: Between recognition and denial

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In the light of the Iraq insurgency and the revelations of torture by American soldiers at the Abu Ghraib prison, an increasing volume of academic and media commentary has drawn parallels between France’s experience during the Algerian War (1954–62), and the current situation facing the United States in Iraq and in its broader ‘war on terror’. It has been argued that the Algerian War – now viewed by most as a catastrophe which has left an indelible scar on the French national psyche – provides a useful template for understanding the tactical and ideological flaws of the Bush administration today. The aim of this article is twofold: firstly to analyse the main contours of the Algerian War/‘war on terror’ parallel as it has been debated in academic and media circles, and secondly to examine an aspect of this debate which has attracted less direct scholarly attention, namely the respective attitudes of the French and US governments towards these parallels.

Keywords: Abu Ghraib, counter-insurgency, interrogation, Iraq War, torture

Nothing can protect a nation from itself, neither its traditions nor its loyalties nor its laws, and if fifteen years are enough to transform victims into executioners, then its behaviour is no more than a matter of opportunity and occasion. Anybody, at any time, may equally find himself victim or executioner. (Sartre in Alleg, 1961)
The use of torture by the French army during the Algerian War (1954–62) represents an enduring paradox of the twentieth century, the legacy of which continues to generate heated discussion in contemporary French society. The French colonial enterprise was framed in official discourse in terms of a ‘civilizing mission’ intended to bring democratic and economic progress to a colonized people seen to be at a primitive stage of historical evolution. While altruistic in tone, the overarching moralistic discourse underpinning the civilizing mission served to camouflage the true nature of the colonial system which was predicated on economic exploitation and operated through the permanent threat or use of state-sanctioned violence.

The contradictions inherent in the French colonialist ideology came to a head in the Algerian War, during which the European civilian and military presence was violently contested by indigenous groups seeking national independence. This movement coalesced under the banner of the Front de libération nationale (the FLN), and in 1957 culminated in an urban insurgency characterized by the use of terrorist violence against the civilian population. This phase of the war came to be known as the ‘Battle of Algiers’, and it was due to the ineffectiveness of traditional military strategies in breaking the FLN insurgency that the French army employed a series of counter-insurgency measures including arbitrary arrests, extra-judicial killings, and the routine use of torture as a means of gathering intelligence and restoring order. Whilst effective in the short-term, news of French human rights abuses leaked out with disastrous political consequences, ultimately leading to international isolation, and paving the way to the collapse of France’s colonial empire.

During the Algerian War and its aftermath, the French government went to great lengths to conceal all knowledge of the illegal interrogation methods and the cycle of human rights abuses which it had secretly endorsed. Although the existence of torture became public knowledge through the testimony of torture victims such as the journalist Henri Alleg, and provoked an outcry from prominent intellectuals such as Jean-Paul Sartre and Pierre Vidal-Naquet who condemned torture from a humanist perspective, the question of torture fell largely dormant after 1962. For their part, successive French governments have systematically sought to promote a campaign of collective amnesia, in the hope that the troubling events of the Algerian War would recede, and ultimately disappear from public consciousness.
The recent torture debate in France

Although the issue of torture never completely disappeared from academic circles, in recent years a number of events have served to reignite the public torture debate in France. On 20 June 2000, Le Monde published an interview with FLN militant Louisette Ighilahriz who claimed that she had been raped and tortured by members of the Tenth Parachute Division in Algiers (Beauge, 2000). Ighilahriz directly implicated the prominent French army figures General Massu and Colonel Bigeard, and claimed that Massu had witnessed her abuse. A year later, General Aussaresses, protected from prosecution through post-war amnesties, released a controversial memoir in which he not only acknowledged and defended the widespread practice of torture in Algeria, but described at length his personal involvement in the kidnapping, torture and disappearance of many Algerian militants and suspected terrorists. He was subsequently fined €7,500 for ‘justifying war crimes’, and stripped of his Legion of Honour.

At a more general level, the opening of national archives and access to previously classified documents have led to a new wave of scholarly inquiry into the more troubling aspects of the colonial period, and the question of torture in particular. An expanding body of anti-colonialist literature has emerged (and in numerous cases, reemerged) in France over the last decade, including books by Vidal-Naquet (2001 [1975]), which examines the systematic and organized character of the practice of torture within the French army; Stora (2005 [1991]), which examines the lies perpetrated by the French state in Algeria, and the official blocking of collective national memory; and Branche (2001), which demonstrates irrefutably that torture was endemic and widespread in the colonial system and originated from the highest levels of government.

Today, the overwhelming consensus of opinion in France views torture as a national cancer – as an unhealed wound from the past which needs to be expiated. As this consensus has grown, so too have pressures from intellectuals, academics and the media for official acknowledgement and condemnation of what took place half a century ago. So far, however, the French government has maintained its position of silence with regard to the question of torture, and has attempted to put a positive spin on the colonial period through a controversial 2005 law discussed below.
9/11, Iraq, and growing parallels with the Algerian War

The September 11 terrorist attacks in the United States took place at the same moment as these introspective debates were gathering speed in France, and in the years following the attacks an increasing volume of academic and media commentary has drawn parallels between American ideology and military tactics in its so-called ‘war on terror’, and those employed by the French during the Algerian War. Paul Aussaresses’s controversial memoir was released in the United States in 2002, containing a new publisher’s preface arguing that the war crimes defended by the disgraced French general were highly applicable to America’s new war in which intelligence-gathering was paramount. The unrepentant Aussaresses, who was also interviewed on US television and held up as an expert on counter-terrorism, was greeted by a receptive audience in a United States still reeling from the September 11 attacks. In late August 2003, five months after the US-led invasion of Iraq, and in the midst of escalating violence, it did not escape the attention of the US media that the Pentagon had screened Gillo Pontecorvo’s classic 1965 film *The Battle of Algiers*, which graphically depicts the brutal, and illegal, methods used by the French army against the FLN insurgency. Speculation mounted that the United States was modelling its counter-insurgency strategy in Iraq, at least in part, with reference to the Algerian War context.

The parallel with Algeria fully crystallized with the photographic revelations of obscene tortures and prisoner abuse by US soldiers at the Abu Ghraib prison in April 2004. It was argued by Algerian War scholars such as Neil MacMaster (2004), and later in the forewords of re-published seminal works on the Algerian War such as Henri Alleg’s *La Question* (1958), re-released in France in 2004 and in the United States in 2006, and British historian Alistair Horne’s classic *A Savage War of Peace* (1977), also re-published in the United States in 2006, that the Algerian War provided an excellent template for understanding the ideological and technical failings of the United States in Iraq today. The parallel was particularly timely given the nature of the concurrent debates taking place in France over its colonial past at precisely this time.

**Summary of key parallels**

In his fascinating comparative analysis of the two contexts, Neil MacMaster (2004) points out that in the immediate aftermath of the September 11 attacks, a self-serving national debate had taken place in the United States over the possible benefits of torture in
questioning terrorist suspects. This argument, a leading proponent of which was Harvard law professor Alan Dershowitz, posited that in times of exceptional danger to national security it might be justifiable to torture a suspected terrorist who may be in possession of knowledge which could prevent an impending attack (MacMaster, 2004: 3). As MacMaster points out, the hypothetical ‘ticking-bomb scenario’ as it is known, which was the primary rationale upon which the French army conducted tortures in Algeria and formed the central thesis of Aussaresses’s memoir, completely ignored the vast field of historical and legal knowledge on this question, and the fact that international treaties and the US constitution expressly forbid the use of torture without exception (MacMaster, 2004: 3–4).

The Patriot Act, passed on 25 October 2001, reflected the mentality driving the Bush administration in its new war, and set the early groundwork for a modified legal environment favourable to intelligence-gathering in the light of the US-led invasion of Afghanistan. The Act, reminiscent of the 1956 Special Powers Act passed by the French government at the time of the Algerian War, gave the US government new latitude to detain hundreds of people indefinitely, in secrecy, and without charge, who were deemed to be a threat to national security (MacMaster, 2004: 2). In both the French and US cases, new government powers gave the executive the authority to undertake virtually any repressive methods it saw fit (MacMaster, 2004: 2), and in both contexts captured detainees were designated in ways which caused them to fall outside the protection of the Geneva Conventions. Even before the Abu Ghraib scandal, the existence of the off-shore US detention centre at Guantanamo Bay, Cuba, had raised many concerns over detainee status and treatment from human rights groups, legal analysts and academics, who argued that a legal vacuum had effectively been created conducive to the spread of human rights abuses.

With the evolution of events in Iraq, comparisons with Algeria proliferated still further. In new commentaries added to works originally written about the Algerian War, Henri Alleg (2006) and Alistair Horne (2006) among others, pointed out that the Iraqi insurgency facing the US military resembled the FLN insurgency confronted by the French in Algeria in important ways. In both contexts, the occupying army faced similar problems, notably an urban insurgency waged by an unconventional and largely invisible enemy, constant unrest and violence including car-bombs and other acts of terrorism, and an urgent need to gather intelligence to restore order. The Abu Ghraib tortures, it was argued, represented the natural and entirely foreseeable culmination of a US counter-insurgency strategy which, in terms both of
its ideological underpinnings and its execution, so closely mirrored that used by the French half a century ago.

While it is true that important differences exist between the two conflicts, as Irwin Wall is right to point out, the parallel between the Algerian and Iraq Wars is without doubt a useful one, and one which provides important insights into both contexts.

**Official attitudes towards the Algerian War/Iraq War parallel and the question of torture**

A notable aspect of the Algerian War/Iraq War debate which has attracted less scholarly attention has been the position of the French and US governments with regard to these parallels. It is interesting to note that as the comparisons between the two conflicts have become more and more numerous, as we get deeper into the revelations of torture – those committed by the French army in Algeria and by the US army in Iraq – the French and US governments have increasingly distanced themselves from these debates, or have attempted to frame them in new ways. In this article, I argue that the respective governments have occupied an uncomfortable position between recognition of the Algerian War/Iraq War parallel and related questions of torture on the one hand, and evasion, manipulation, denial and at times complete silence on the other. In the analysis which follows I look at how this has operated, and why.

On the French side I argue that the government’s response to the Algerian War/Iraq War debate can be characterized, primarily, in terms of silence. Having been the world’s leading critic of the US-led invasion of Iraq in 2003, the French government has not maintained this position as events have unfolded. I argue that there is a link between the French government’s silence over the question of torture in Algeria, and their disengagement from criticisms over the Iraq War. At the root of this silence, I suggest, lies an underlying preoccupation with avoiding to add further fuel to debates over France’s colonial past which they are anxious to keep out of the public sphere. In effect, one could draw the analogy that in the light of the Iraq War the French government has found itself in a glass house and cannot throw any stones.

On the US side, I will show that the Bush administration has been acutely aware of the parallel between Iraq and Algeria, and has in fact used the French experience of counter-insurgency as a model. There has thus been official recognition of the relevance of the Algerian War at the tactical level. Moreover, important actors within the Bush
administration, including the Justice and Defense departments, the CIA, and the president himself, have been prepared to re-examine the torture debate with an open mind, as I will outline later. However, the most striking feature of the US government’s analysis has been its apparent ignorance of the moral and political lessons of the Algerian War pointed out by so many academics. Unable to cover up the existence of prisoner abuse and torture at its Guantanamo Bay and Abu Ghraib detention facilities, the Bush administration has resorted to the use of extraordinary semantics in an apparent attempt to redefine the concept of torture in morally acceptable ways. The result, I argue, has been a serious erosion in the credibility of French and US claims to defend and promote human rights internationally.

France and the Iraq War: from opposition to silence

In the light of the bilateral tensions arising from France’s staunch opposition to the Iraq War, it is easy to lose sight of the fact that France was an ardent supporter of the United States in the immediate aftermath of the September 11 attacks. It remains unclear whether the French government’s opposition to the Iraq invasion stemmed from a genuine desire to uphold international law, to save an ally from making a catastrophic mistake, or to capitalize on the widespread international opposition to the war in order to opportunistically project an image of France as an alternative model for global leadership. A combination of these factors is the most likely explanation. Whatever the case, the fact remains that since the invasion of Iraq in March 2003, and continuing to the present, the French government has progressively disengaged from its initial position of opposition. This withdrawal is particularly noteworthy given that the evolution of events in Iraq has in many ways validated France’s pre-war position. Why is it that the French government disengaged so extensively from its initial position, given that a concrete basis for criticism now seemed to present itself?

I would argue that a number of converging factors may account for this silence, each of which is intimately connected to the ongoing refusal of the French government to fully condemn colonialism in general, and to acknowledge the human rights abuses committed during the Algerian War in particular. The parallels being drawn in academic and media circles have, in effect, created an impossible dilemma. The French government, while undoubtedly aware of the parallel (Chirac himself participated in the Algerian War), cannot criticize US conduct in Iraq while its own conduct in Algeria remains
unacknowledged. This is perhaps why it is not surprising that at no point prior to the war did the French government discuss the potential dangers of invading Iraq through the prism of their own experience in Algeria, despite mounting commentary from academics and historians, many of whom were issuing such warnings. It is notable that the French government has issued no statements on the legality of the Guantanamo Bay prison, and only one statement was issued by Chirac with regard to the Abu Ghraib tortures, which commended the measures being taken by the US to sanction those responsible. Moreover, this statement was made in response to a journalist’s question as opposed to on his own initiative. In many ways, the Iraq War and the issue of torture have served as an unwelcome bridge into the past, and this is significant as memory and politics are deeply intertwined in France, as I will now explain.

The national memory debate in France and the ‘positive role’ of colonialism

Since 1990, the French state has increasingly acted as the official guardian of historical truth in a number of important areas – an evolution made possible through the passage of memorial laws which establish an official version of history and codify this into law. Some examples include the 1990 law banning Holocaust denial, the 1995 law which officially recognized the responsibility of the French state in the deportation of the Jews during the Second World War, the law of 1999 which for the first time officially recognized that what had happened in Algeria between 1954 and 1962 constituted a ‘war’ as opposed to ‘operations to maintain order’ which had been the official position up to this point, and finally the 2001 laws in which the French government acknowledged the Armenian genocide of 1915, and officially recognized the slave trade as a crime against humanity.

The memorial law phenomenon, referred to by French historian Henry Rousso (2007) in terms of a ‘judicialization of history’, has had important implications with regard to the relationship of the French government to the past. Specifically, it has forced the government to engage more openly in certain debates in which they have traditionally remained silent. With, most notably, the recognition of the slave trade as a crime against humanity, it has become increasingly difficult for the government to deny that it has to respond to allegations about its colonial past.
In 2005, the French government finally broke its silence over colonialism, but not in ways which were well received by most historians and academics. What became known as the controversy over the ‘positive role of colonialism’ had its roots in 2003, at which time a group of UMP ministers had argued that the positive role of the French presence in Algeria during the colonial period should be publicly recognized (Vendart, 2006). This found expression in the memorial law of 23 February 2005 which stipulated that school programmes must adopt and teach precisely this interpretation of the past.

The passing of this law sparked off a heated polemic in France, particularly but not uniquely from the left, who argued that it was inspired by colonialist nostalgia and reflected a dangerous tendency towards revisionist/negationist history (Stasi, 2006; Grandmaison, 2007). Rather than acknowledge the crimes of colonialism, it now appeared as though the French government was attempting to rewrite this phase of history with a positive spin. Due to the public outcry caused by this law in France, and the outrage that it produced in Algeria (negotiations towards a Traité d’amitié between the two countries were suspended), President Chirac was forced to abrogate the law through an executive decree in January 2006.

The controversy surrounding the 2005 memorial law is important, as it provides a telling picture of the underlying mentality driving the French government in its engagement with questions of colonialism. Specifically, it reflects with unique clarity the state’s continuing refusal to fully condemn the colonial period, and the crimes committed under the colonial system. Given its attempts to highlight the alleged positive aspects of the French overseas presence, it is not surprising that the French government has avoided all discussion over parallels between the Algerian and Iraq Wars.

Franco-Algerian bilateral relations

An additional, and interconnected, factor which has strongly influenced the French government’s disengagement from the Algerian War/Iraq War debate relates to the overall Franco-Algerian bilateral relationship, which has unquestionably shaped the French government’s posture. Since the year 2000, there has been an intense effort to ‘recast’ relations between the two countries, and a series of diplomatic exchanges have taken place aimed at addressing important political, economic and social questions.

In 2003, which was hailed as the ‘Year of Algeria’ in France, negotiations were launched towards a formal treaty of friendship
between the two countries. The same year also marked President Chirac’s historic three-day visit to Algeria – the first fully fledged state visit by a French president since Algerian independence. The underlying spirit of statements issued by both President Chirac and Algerian President Bouteflika was one of renewal and of looking to the future, and so it was somewhat inevitable that each of them would go to great pains to avoid any direct references to the Algerian War and the abuses committed by each side.7

Chirac’s successor, Nicolas Sarkozy, has also placed emphasis on the Franco-Algerian bilateral relationship, and has persistently argued that dredging up memories of the past is counter-productive, detrimental to improved relations, and can only lead to new misunderstandings. He has also taken the view that revising the Algerian War period would erode France’s national pride. While it is true that Sarkozy has made some abstract statements condemning colonialism, such as one made in Senegal in July 2007 in which he described colonialism as ‘une grande faute’, he has also made some highly controversial statements, remarking for example following a meeting with Bouteflika: ‘Je ne viens ici ni pour blesser, ni pour m’excuser ... Les Algériens ont beaucoup souffert. Je respecte cette souffrance. Mais de l’autre côté aussi, il y a beaucoup de souffrance’ (Barluet, 2007). Sarkozy has also rejected the notion that Africa’s problems can be traced to colonialism (he attributes Africa’s problems to a lack of modernity), and he has openly stated that neither he nor the French state should be obligated to ‘repent’ for the colonial period (Moussaoui, 2007). As with the controversy over the 2005 memorial law, statements such as these have only served to exacerbate matters, and have had the adverse effect of attracting the very attention and criticisms that the government has wanted to avoid.

A strong consensus has grown within the French academic community that official acknowledgement and condemnation of the events of the Algerian War, and of the colonial period more generally, are necessary for a number of reasons: firstly, because sections of the colonial and postcolonial immigrant community in France continue to cite the Algerian War as a major source of tension and resentment; secondly, because reconciliation with Algeria can never truly take place until both sides fully come to terms with what happened half a century ago; and, thirdly, because France’s claims to represent human rights and universal values globally have limited credibility while this dark phase of its history remains unacknowledged at the official level. Historian Benjamin Stora has been the most persistent advocate of this viewpoint, and has called for a unifying discourse, able to
accommodate the memories and experiences of all actors involved in the war (Germon and Marchand, 2006). It remains unclear, however, whether this will happen any time soon.

The US ‘war on terror’ and the Algerian War model

Whereas the French government has avoided engaging in debates over comparisons between the Algerian and Iraq Wars, and has remained silent on the issue of torture for the reasons outlined above, the official US response has been quite different. With regard to the Algerian War, there is strong evidence to suggest that military strategists in the Bush administration were not only aware of the relevance of the Algerian War model as they analysed the urban insurgency developing in Iraq, but that they actively based their counter-insurgency tactics, at least in part, with reference to it, with an apparent disregard for the disastrous political lessons highlighted by many academic commentators. The Pentagon’s screening of Pontecorvo’s 1965 film *The Battle of Algiers*, the idea for which came from the Directorate for Special Operations and Low-Intensity Conflict, a civilian-led organization with military–industrial links (Macmaster, 2004: 10), demonstrates the extent to which the relevance of France’s experience had been observed.

As Neil MacMaster points out (2004: 7), it was not out of the blue that the Algerian War was being revisited by the Bush administration in 2003, as American low-intensity warfare techniques have for many years been strongly influenced by methods developed by the French – most notably by intelligence expert Colonel Roger Trinquier. A fascinating documentary by Marie-Monique Robin entitled *Escadrons de la mort: l’école française* (2003) shows the extent to which the French state exported its counter-insurgency methods globally, and the degree to which these were used by American intelligence officers and the CIA. French consultants skilled in torture and assassination (among them, General Aussaresses – one of ten military attachés sent by the French government to the United States special forces training centre at Fort Bragg in 1961) had helped prepare American intelligence officers who worked with the CIA as they geared themselves up for conflict in Vietnam, as well as governments in Israel and Latin America fighting leftist insurgencies (Le Sueur, 2006: 2–3).

The notable point about the revisiting of French counter-insurgency methods by the Pentagon and the Bush administration lies not so much in the fact that they were being re-examined, but for what purpose. Prior to the Abu Ghraib scandal, it would appear that sources such
as Pontecorvo’s film and Aussaresses’s memoir were being consulted in what can be described as an optimistic sense – i.e. as though they offered solutions to the insurgency problem, and a possible way of winning. As already stated, they were not read as lessons in political disaster – a fact that commentators such as MacMaster (2004), Horne (2006) and Wall (2006) were quick to point out.

**Torture: semantic reconfiguration by the Bush administration**

As outlined earlier, the political disaster which has haunted France for half a century stems from the issue of torture, and its widespread use during the Algeria War. An important aspect of the torture question from the perspective of the French state was that the government, in its discourse at the time and continuing up to the present, went to great lengths to deny that the practice was taking place, even though news of its use had filtered down into mainstream French society. Recent research has provided irrefutable proof that torture was part of a wide system of repression deriving from the highest levels of the French state (Branche, 2001; Vidal-Naquet, 2001). However, while it is true that the French government has recently attempted to put a positive spin on the colonial period, and has always tried to conceal the existence of torture, at no time has it sought to justify the brutal methods that were used during the Algerian War. Herein lies perhaps the most glaring contrast between the French and US governments in their respective engagement in the post-September 11 torture debate.

Throughout the post-September 11 period, the Bush administration’s stance with regard to detainee treatment and interrogation methods has attracted widespread criticism from academic and media commentators, and from human rights groups such as Amnesty International and the International Committee of the Red Cross (ICRC). The main charge laid out by such critics states that the methods employed by US interrogators contravene international and US domestic laws, and in many cases are tantamount to torture. The Abu Ghraib scandal in 2004 provided dramatic and concrete evidence of the abuses arising from official policy.

What is notable is the manner in which the Bush administration has responded to this crisis. Its response can be best characterized in terms of a semantic struggle, which has operated on two main levels. Firstly, there has been a process of denial; the administration has consistently stated that it does not condone the use of torture, and has claimed that it has not, at any point, resorted to such methods. But
accompanying this claim have come a series of discursive manipulations whereby the administration has, in effect, sought to restructure the concept of torture in new ways so as to justify and legitimate the methods which have been used by the CIA and the US military. In numerous cases, these methods fall into the category of torture under most standard definitions.

The October 2001 Patriot Act had set the groundwork for the proliferation of brutal interrogation techniques in the ‘war on terror’. Terrorist suspects, now designated ‘unlawful combatants’ (a new category of enemy which has no existence in international law), were effectively trapped in a legal no-man’s-land, whereby they were denied both the protection of the Geneva Conventions which apply to prisoners of war, and the rights of due process accorded to common law criminals. For all practical purposes, the US departments of Defense and Justice had opted to suspend the rule of law in both its domestic and international manifestations (Franck, 2004: 687). As Shane et al. (2007) highlight, from early 2002, prisoners had been held outside the scrutiny of the International Red Cross, and had been subjected to harrowing treatment including hours held naked in a frigid cell, sleep deprivation, long periods manacled in painful positions, and ‘waterboarding’ – a technique which involves strapping a prisoner down, covering his mouth with a cloth, and pouring water over his face inducing a sensation of drowning.

It is now known that investigations were taking place inside the administration with regard to coercive interrogation techniques shortly after the September 11 attacks. Beginning in early 2002, a series of memoranda, endorsed by White House legal counsel Alberto Gonzalez, were seeking loopholes that would allow torture and protect those involved from legal prosecution (MacMaster, 2004: 17). One such memo, issued by the Justice Department on 1 August 2002, concluded that the president could authorize a wide range of extreme interrogation methods in the campaign against terrorism without violating international treaties or federal torture law (Johnson and Risen, 2004). The memo, written largely by John Yoo, a Berkeley law professor serving in the Office of Legal Counsel, concluded that no interrogation practices were illegal unless they produced pain equivalent to organ failure or ‘even death’ (Shane et al., 2007). Officials commenting on the memo later stated that it had resulted from a series of exchanges between the CIA and the Justice Department over the legality of specific techniques used on detainees not long after the Bush administration had decided to keep them out of the American judicial system. Under the new designation
of ‘unlawful combatants’, detainees would not be protected by the Geneva Conventions, which bar harsh treatment of prisoners of war (Johnson and Risen, 2004). The 2002 memo, now widely referred to as ‘the torture memo’, provides a stark illustration of the willingness inside the Bush administration to redraw the boundaries of what was considered, at that time, to constitute acceptable conduct in its ‘war on terror’.

These internal debates over legal constraints with respect to interrogations went a step further in 2003, when the Walker Report – drawn up by a working group appointed by the Pentagon’s general counsel William J. Haynes – claimed that Bush, as commander-in-chief, had complete authority over the conduct of war, and could override international or federal laws that banned torture. In effect, it was argued that, in the context of the ‘war on terror’, the president could authorize any form of interrogation deemed necessary to protect national security (MacMaster, 2004: 17).

The photographic revelations of torture at the Abu Ghraib prison in Iraq caused an international sensation when they first became public on 28 April 2004, and both President Bush and Defense Secretary Donald Rumsfeld feigned surprise. However, the groundwork for such abuses had been laid long before. As the American Journal of International Law highlights (2004: 594), the International Red Cross had conducted inspections of US-run prisons in Iraq in 2003 and early 2004, and had expressed deep concern over detainee treatment. In response, Brigadier-General Janis L. Karpinski, commander of the 300th Military Police Brigade in Iraq, had written to the ICRC, maintaining that ‘military necessity’ required the isolation of prisoners of ‘significant intelligence value’, and that they were not entitled to obtain full Geneva Convention protection (American Journal of International Law, 2004). In February 2004, the ICRC released a report concluding that abuse of Iraqi detainees by US intelligence personnel as part of the interrogation process was widespread, harsh and brutal, and in some cases ‘tantamount to torture’ (American Journal of International Law, 2004). An internal investigation into the treatment of prisoners being held in US custody was subsequently ordered by Lieutenant-General Sanchez, which was conducted by Major-General Antonio Taguba. In late February 2004, the Taguba Report found that between October and December 2003 numerous incidents of ‘sadistic, blatant and wanton criminal abuses’ had been inflicted on several detainees – systematic and illegal abuse intentionally perpetrated by members of the military police and guard force, in breach of international law.10
In the years since the Abu Ghraib torture scandal, the Bush administration has continued to claim that the US has not violated its treaty obligations in its fight against terrorism, and the Defense Department has always maintained that the Abu Ghraib tortures constituted isolated incidents. However, serious questions remain over important features of the Bush administration’s overall policy in the ‘war on terror’. A 2006 UN panel convening in Geneva expressed concern that the US was still sending its prisoners to countries with poor human rights records for interrogation, prompting the international legal director for Human Rights First to remark that the American delegation had ‘failed to resolve serious questions about the US commitment to fully implement Congress’s recently enacted ban on cruel, inhuman and degrading treatment’ (Wright, 2006).

As this article was nearing completion in October 2007, the New York Times reported that a secret legal memorandum issued by the Justice Department in February 2005 – described by officials briefed on it as constituting an ‘expansive endorsement of the harshest interrogation techniques ever used by the CIA’ – remains in effect, demonstrating that the Bush administration has ‘succeeded in preserving the broadest possible legal latitude for harsh tactics’ (Shane et al., 2007). The 2005 memorandum provides explicit authorization for the same methods outlined in the infamous August 2002 ‘torture’ memo outlined above, notably exposure to frigid temperatures, and waterboarding – once euphemistically described by CIA director Porter Goss as a ‘professional interrogation technique’ (Jehl, 2005). In July 2007, President Bush signed a new executive order authorizing the use of what the administration describes as ‘enhanced interrogation techniques’, the details of which remain secret, but which are widely believed to be based on methods outlined in the August 2002 memo (Shane et al., 2007).

The discourse emanating from the Bush administration during the post-September 11 period has been one based on euphemisms and semantic reconfigurations, with new terms such as ‘professional’, ‘enhanced’, or ‘alternative’ interrogation techniques being deployed to camouflage what in the view of many amounts to a system of repression which includes torture. This system has been based on the notion that the exigencies of the ‘war on terror’ and the need to gain intelligence at any cost can be used to justify all excesses. Neil MacMaster has argued that torture has a long and deeply entrenched institutional basis within the American intelligence and military services, as well as in its colonial and postcolonial allies (2004: 16).
As events have unfolded over the last five years, this contention has been increasingly difficult to dismiss, and it remains unclear what the long-term ramifications of the types of human rights abuses perpetrated during the ‘war on terror’ will be.

Conclusion

In her 1989 investigation into the use of torture by the French army during the Algerian War, Rita Maran argued that the torture paradox could only be understood by examining the French national security dilemma and the ideology of the civilizing mission side by side. In the French case, a paradoxical contortion took place through which the French government suspended the rule of law in order to save it, destroyed human rights in order to defend them, and employed torture as a legitimate instrument of defence. I would argue that Maran’s analysis of the French context has taken on a heightened salience in today’s ‘war on terror’.

The issues raised by the US-led invasion of Iraq – and most notably the question of torture – interfaced with a series of ongoing introspective debates taking place in France at the same moment over its colonial past. The official position of silence exhibited by the French state with respect to ongoing debates over torture in Algeria has contrasted sharply with the attempts of the Bush administration to justify, by any means possible, the methods that have been employed in its ‘war on terror’. Indeed, of the two governments examined in this article, the US government has been the most willing to engage in the parallel between the Algerian and Iraq Wars, and to talk about torture. The reason for this seems to stem from the overall mentality which has driven the US ‘war on terror’. From the outset, the September 11 attacks were presented as an event of such historical magnitude that nothing short of a complete overhaul of the nation’s moral and strategic framework could combat the new terrorist threat. Underscored by what Neil MacMaster has described as an ‘apocalyptic rhetoric of moral absolutism’ (2004: 2), the conduct of the United States in its ‘war on terror’ risks culminating in the same political catastrophe as that experienced by France in the aftermath of the Algerian War – a catastrophe which has profoundly and durably marked France’s national memory. The effect of this wave of denial, evasion and manipulation has been a serious erosion in the status of both nations as champions of universal values and human rights.
Notes

1. For an excellent discussion of the paradoxical intersection of official French universalist ideology and the use of torture, see Maran (1989).

2. Algeria possessed a unique status within the French empire, as it was considered to be an integral part of the French state as opposed to a ‘colony’. The presence of French and other European settlers was extensive. Of a population of around 10 million, around 1 million were of European descent. Europeans possessed the bulk of the economic wealth and political power in Algeria, which caused deep resentment among the indigenous population.

3. The designation of this phase of the war as a ‘battle’ is not universally accepted. As Irwin Wall (2007) points out (drawing on comments made by Henri Alleg at NYU’s Institute of French Studies in 2007), the cycle of isolated terrorist violence by the FLN and the unconventional counter-insurgency tactics employed by the French in response bear little resemblance to a military battle in the traditional sense.

4. For an analysis of the term ‘war on terror’, and its deployment by the Bush administration, see Kemp (2006).

5. Wall (2007) points out, for example, that the conflict in Iraq is not a ‘colonial’ war, and there is not, of course, the extensive foreign settler presence issue, which was an important factor in the Algerian War. Questions surrounding control of oil resources were also not overriding factors in the Algerian War, unlike the present case in Iraq.

6. Based on a keyword search conducted on 15 November 2007 at the Ministère des Affaires étrangères website (accessible at www.diplomatie.gouv.fr) for statements about Abu Ghraib made by presidents Chirac and Sarkozy. The statement in question is entitled ‘Point de presse conjoint de M. Jacques Chirac, Président de la République, et de M. Gerhard Schroeder, Chancelier de la République fédérale allemande, à l’issue du conseil des ministres franco-allemand’ (13 May 2004) and is accessible on the website.

7. The Algerian government has largely avoided making direct references to the question of torture in its recent pronouncements, although it has at times referred to the Algerian War, and glorified its role in it, as a way of rallying domestic support (the present government is an off-shoot of the FLN). While Bouteflika has called for recognition of the ‘fait colonial’ from the French government, it is likely that the Algerian government has avoided drawing attention to the issue of torture, as they themselves have come under attack from human rights groups for perpetrating what is widely viewed as a campaign of oppression directed against Islamist opponents. Since 1992, Algeria has been in a state of civil war, which began following the cancellation of parliamentary elections won by the Islamist party. In the violence which has ensued, 150,000 people are estimated to have been killed. Human rights groups have reported widespread incidents of arbitrary arrest, torture and the assassination of journalists.

9. As James Le Sueur (2006) points out in his review of Robin’s film, it remains unclear what the French government hoped to gain from this exportation of their counter-insurgency methods.

10. As the American Journal of International Law explains (2004: 594), the Taguba report was leaked to the Wall Street Journal and posted on their website on 7 May 2004 by David S. Cloud.

References


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