
AN EPISODE IN THE PARTISAN'S LONG WAR

Carl Schmitt's *Theory of the Partisan* and the Trial of Raoul Salan, 1962-1963

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Introduction

THE TICKING BOMB

A repeated trope of the popular television program *24* occurs when the heroic protagonist Jack Bauer must torture a captured terrorist in order to find out critical information about a bomb set to explode in a matter of hours. The clock is ticking. Torture is the only means to stop the bomb. This scenario first appeared in Jean Lartéguy's novel, the *Centurions* (1960), where the book's hero, in order to uncover an imminent bomb plot, beats up a female Algerian affiliated with the so-called rebel insurgents.¹ To stop the bomb, the hero must race against the clock.² Here, Lartéguy targets a hidden insecurity of liberal democracies: The fear that due process of law has made them weak and vulnerable, unable to deal with those who seek to destroy them. Exceptional times warrant exceptional, extralegal measures. Yet, Lartéguy's book is a work of fiction. He intuitively chronicles the feelings and experiences of his protagonists, a cadre of French military officers who spent their careers in France's colonies, who fought and lost to the Vietminh in Indochina, who wrote about and practiced the military doctrine of *guerre révolutionnaire*: a strategy predicated on their belief that France's decolonization struggles were part of an existential conflict against global Communism. The practitioners of *guerre révolutionnaire* believed that these conflicts demanded extraordinary, revolutionary tactics such as the violation of the Geneva Conventions and an increased political role for the military. Lartéguy captures the emotional narrative of the practitioners of *guerre révolutionnaire*, their thoughts, sentiments, and experiences. However, their perceptions were not and are not fact. There is no factual account of the ticking bomb

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¹ Jane Mayer, "Whatever it Takes: The Politics of the Man Behind *24*," *The New Yorker*. 19 February 2007.

² Jean Lartéguy, *The Centurions*. trans. Xan Fielding. (London: Hutchinson & Co. Press, 1961). pg. 469-470.

scenario.³ It did not happen during the Algerian War, nor has there been a publicized instance during the current Long War against Global Terrorism. Yet this myth informs justifications for the violation of law. And, in current discourse, the name that continues to come up as the progenitor of these justifications, of these legal exceptions, is Carl Schmitt.

CARL SCHMITT IN CONTEXT

Carl Schmitt (1888-1984) was a German legal scholar and political theorist who became most famous for his definition of “sovereign power” as that which determines the exception to the law⁴ and for his general critique of liberalism.⁵ Most recent English-language scholarship of Schmitt falls into four categories: hagiographic from the political right (as in the works of Paul Gottfried),⁶ fearfully suspicious from the political left (such as that by William Scheuerman),⁷ apolitically revisionist in order to generate controversy from the far left (such as the journal, *Telos*),⁸ and particularized, circumscribed, or restricted in scope in order to avoid those danger zones (Gopal Balakrishnan and Jan-Werner Müller).⁹ There are obvious reasons for these difficulties. Schmitt not only joined the Nazi party, but he also advocated the theory of *Großraum* – that Germany needed to expand its borders in order to achieve breathing space.¹⁰ He was an exponent of a German, Monroe Doctrine-inspired sphere of

³ Darius Rejali, *Torture and Democracy*. (Princeton: Princeton University Press, 2007). pp. 546-547.

⁴ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*. trans. George Schwab, (Chicago: University Press, 2005). pg. 5.

⁵ Schmitt’s critique: Liberalism submerges the friend-enemy distinction, which is the foundation of political actions. Schmitt, *The Concept of the Political*. trans. George Schwab. (Chicago: University of Chicago Press, 2007).

⁶ Paul Gottfried, *Carl Schmitt: Politics and Theory*. (New York: Greenwood Press, 1990).

⁷ William Scheuerman, *Carl Schmitt: The End of Law* (Oxford: Rowman & Littlefield, 1999).

⁸ *Telos* special issue: *Carl Schmitt: Friend or Foe?*, No. 72 (Summer 1987).

⁹ Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*. (London: Verso, 2000).

Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought*. (New Haven: Yale University Press, 2003).

¹⁰ Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht* (Berlin: Duncker & Humblot, 1941).

influence in Eastern Europe.¹¹ Certainly, Schmitt remains a controversial figure; it is easy to disavow his work because of his political context. Schmitt's trenchant critiques of international law, the League of Nations, and the concept of an international system rise out of his concern for "unjust" German political disenfranchisement following the First World War and the Treaty of Versailles. A critical analysis of Schmitt's thought must take this into consideration. The interwar years, when Schmitt wrote about the discriminatory concept of war embedded in the League of Nations system, was a time when he peppered his writings and speeches with anti-Semitic remarks. While the prescience of many of Schmitt's ideas rise above their repugnant background, ignoring their context whitewashes the past. However, the converse – closely identifying Schmitt's thought with Nazi ideology – slides into fear mongering, especially in the employment of Schmitt as the theoretical foundation of John Yoo's Torture Memos.¹² The aim of this discussion is not to denigrate all established Schmitt scholarship, much of which is quite excellent.¹³ It is rather to explain and contextualize the particular challenges and limitations involved in any use of Schmitt's thought.

The manipulation of Schmitt's theories in order to provide legal justification for torture, extraordinary rendition, etc., ignores key aspects of Schmitt's thought. For Schmitt, codifying the exception, the extraordinary moments when a state must violate its own legal code into law is theoretically unsound. It erodes the value of the law. Yes, authorities may

¹¹ Carl Schmitt, "Völkerrechtliche Formen des modernen Imperialismus" (1932) in *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles 1923-1939* (Berlin: Duncker & Humblot, 1988 [1940]). pp. 176-177.

¹² For torture memos, see David Cole, ed. *Torture Memos: Rationalizing the Unthinkable* (New York: New Press, 2009). For connections between Schmitt's thought and the Torture Memos, see Scheuerman, "Carl Schmitt and the Road to Abu Ghraib," *Constellations*. Vol. 13, No. 1 (2006). pp. 108-124; Tony Corn, 'Clausewitz in Wonderland', *Policy Review* Web Special, September 2006; For a general discussion of the topic, see Müller, "An Irregularity that Cannot be Regulated?: Carl Schmitt's Theory of the Partisan and the 'War on Terror'" first presented at the conference "Jurisprudence and the War on Terrorism" at Columbia Law School, 22 April 2006. Available at: <http://www.princeton.edu/~jmueller/Schmitt-WarTerror-JWMueller-March2007.pdf>

John Yoo is generally considered the principle author of most of the torture memos.

¹³ For example, Balakrishnan and Müller's books as well as Jean-François Kervégan, "Carl Schmitt and 'World Unity'" trans. Daniel Hahn, in *The Challenge of Carl Schmitt*, Chantal Mouffe, ed. (London: Verso, 1999). pp. 59-74. Also Kervégan, "Ami ou ennemi?" *La guerre des dieux*, *Le nouvel observateur*, January 2002.

have to violate their own codes in extraordinary circumstances. A case in point would be Abraham Lincoln's suspension of Habeas Corpus during the American Civil War. However, this necessity should not be made legal. Mark Danner draws attention to the care the United States Department of Justice took to detail the elements involved in certain "advanced interrogation techniques" and to parse their differences from illegal torture.¹⁴ For instance, the Department of Justice determined that "walling" a suspect – throwing him or her against a wall – was legal as long as there was a piece of plywood placed over the cinder block wall. If there was no plywood, it was torture; with a piece of plywood, it became an advanced interrogation technique.¹⁵ This deconstruction of torture, this codification of the exception into law, would have been anathema to Schmitt.¹⁶ Using Schmitt as the theoretical foundation of the torture memos misuses Schmitt.

While the employment of Schmitt's theories as justification for torture is a gross distortion, it is not accidental that Schmitt's thought has experienced resurgence since 11 September 2001. Less than a decade ago, few of Schmitt's works were translated into English and to a great extent he was forgotten and ignored. Now many of his theories – his critique of international law; definition of the legal exception and sovereignty; critique of liberalism; and, most central to this project, his conception of discriminatory war and discussion of the partisan/insurgent – have assumed tremendous contemporary relevance. For better or for worse, Schmittian language has become the vernacular of the Long War against Global Terrorism. Therefore, his term for the non-state actor who wages irregular war, "the partisan," is an appropriate and convenient moniker for a controversial entity who has had

¹⁴ Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror*. (New York: New York Review Books, 2004). Also mentioned in Mark Danner's lecture, "Escaping Bush's State of Exception: Torture and Truth, Obama and Us," City University of New York Graduate Center, 16 December 2009.

¹⁵ Danner, *ibid*.

¹⁶ For Schmitt, the whole point behind defining sovereign power as that which determines legal exception is that the exception remains just that – the exception, not the law. Schmitt, *Political Theology*.

almost as many names as he has had permutations. For Schmitt, the word “partisan” is neither celebratory nor pejorative; rather it embodies the political and spatial character of this figure. Consequently, throughout this work, non-state actors who violently challenge the international system are called partisans.¹⁷

In some of his writings from the interwar period, Schmitt identifies with the partisan. Livid at what he perceives as German exclusion from the international system following the First World War, Schmitt prods angrily at the logical inconsistencies in the so-called universal legal framework of the League of Nations. In his last book, *The Theory of the Partisan* (1963), Schmitt celebrates General Salan and the OAS (*Organisation de l'armée secrète*) as emblematic partisans, tragic heroes in a hopeless struggle against state power. This project intertwines Schmitt as a partisan thinker and Salan as his partisan archetype with the theme of the partisan across time and space. It does this in order to explore the relationship between the partisan as a theoretical concept and the partisan as a historic (and current) actor.

THE PARTISAN'S LONG WAR

This thesis looks at the construction of the figure of the partisan as a creation of the discriminatory concept of war embedded in an international system driven by the interests of the great powers. It grounds this construction of the partisan in a specific example, a case in which the partisan came from the political and military elite of a great power. The case of General Raoul Salan and the OAS embodies the dynamic of the partisan who traverses the line from soldier and state representative, to the nebulous arena of the partisan, and back again into the state's regulated legal space.

¹⁷ The most common usage of the term “partisan” in the context of irregular warfare is for the Russian partisans in the Second World War. However, Schmitt uses it in a much broader sense in order to look at the partisan as a historical theme, not just in specific instances. Here, the term “partisan” is used in this Schmittian sense.

The first chapter is a legal history, the backstory of the partisan. It lays the groundwork, defines, and outlines the construction of an international system created in the years between the First and Second World Wars. The unregulated space within the logical inconsistencies of this system became the home of the partisan. The second chapter is a thematic history of the theory of *guerre révolutionnaire* and the formation of the OAS. It details the experiences and beliefs of this case of the partisan through the actions of the OAS; the career of its leader, Salan; and the theory of *guerre révolutionnaire*. The third chapter is a French political history of the conflict between Salan the partisan and Charles de Gaulle the president and their differing constructions of French identity. This section exposes the hypocrisy entrenched in the conceptions of identity crafted by a liberal democratic Republic. The exclusion inherent in an inwardly focused national identity gains visibility through a comparison with that of the radically conservative proponents of *guerre révolutionnaire*. This project explores the theme of the partisan against the backdrop of the discriminatory concept of war, as a form carried by continuity and change, and as a literal construction in the example of the OAS.

Looking at the partisan from a thematic perspective allows for its isolation from a particular ideology or context. This thesis lies at an intersection between history and theory. While the use of Carl Schmitt's theories pushes the limits of historicization, grounding theory in a defined history concretizes an elusive theme. On the systematic level, this thesis outlines the problematic irregularity caused by irregular warfare. On the narrative level, it focuses on the progression from a doctrine designed to fight the partisan – *guerre révolutionnaire* – to a partisan movement – the OAS. And on a personal level, it tells the story of Raoul Salan.

Chapter 1: The Discriminatory Concept of War

THE CREATION OF AN INTERNATIONAL SYSTEM

The novelist and journalist Joseph Conrad reported on The Hague “Peace” Conventions of 1898 and 1907 in extensive detail. He dismissed their agenda for the regulation of warfare as the “solemnly official recognition of the Earth as a House of Strife.”¹⁸ According to Conrad, the legislation of the “appropriate” use of force made the quest for peace resemble a mirror-image of war – the pursuit of peace became a project to count weapons, calibrate technology, assess capabilities and intentions. This sort of peace project becomes “a martial, overbearing, war-lord sort of peace ... eloquent with allusions to glorious feats of arms.”¹⁹ Conrad diagnoses a cognitive fissure in the Hague project to limit and “humanize war.”²⁰ The peace process to regulate warfare formulates a blueprint of appropriate procedures and conduct for war. Legal definitions of “suitable” behavior in war create, in opposition, defined areas of inappropriate and illegal transgressions in war. The Hague Peace Conventions began the official codification of warfare and therefore its photographic negative, the creation of a category of illegal, illegitimate warfare.

During the years between the First and Second World Wars, The League of Nations moved beyond the project to limit warfare and instead sought to criminalize it. The League launched the concept or ideal of a “universal” international system of order that differentiated between justified intervention and illegal aggression. Inherent in any system established by law is the necessary creation of a category of people who fall outside of it. The

¹⁸ Joseph Conrad, “Autocracy and War,” *The North American Review*. Vol. 181, No. 584 (July 1905). pg. 52.

¹⁹ Conrad, pg. 52.

²⁰ James Brown Scott, “The Work of the Second Hague Peace Conference,” *The American Journal of International Law*. Vol. 2, No. 1 (January 1908) pg. 28. Scott was an American delegate at the Second Hague Convention.

international system of law and norms codified in the League of Nations Covenant created such a group of people, who, because of their status as outsiders, become categorized as “partisans” in a 20th century context or insurgents in current (as of 2010) parlance. This intervention/aggressive warfare differential, this “discriminatory concept of war”²¹ established by the League of Nations, made “irregular” warfare irregular.

This chapter examines three consecutive logical disconnects in the League of Nations system: 1) The introduction of a concept of self-determination, 2) “Universalism” under international law, and 3) The discriminatory concept of war. The first disconnect is universal human rights secured through national self-determination. While the League was founded on the aspiration for global cooperation predicated on a universal conception of humanity, the great powers and their interests operated this system. This inequity led to the conflation of power politics with the language of human rights under the guise of universalism. The second disconnect is that, contrary to its name, “universalism” under international law functions under a principle of exclusion. Those who challenge its structure are challenging the accepted norms of “humanity” as well. Those who perceive the League’s international-legal framework as unjust become criminal opponents of the international system, even existential foes. On the other hand, use of force, which is approved by the international system, becomes an authorized, even humanitarian endeavor in the service of the “universal” desire for peace. Rising from the conflation of human rights with power politics *and* the category of exclusion created by universalism, is a third logical disconnect in the League of Nations system: The criminalization or discriminatory conception of war. The great powers can use the façade of this international system to define their own aggressive violence as legal – which renders their adversary criminal and inhumane. The

²¹ Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*. [1938] (Berlin: Duncker & Humblot, 2003). trans: “the turn towards a discriminatory notion of war”

result is two kinds of warfare that are not understood as war: Justified intervention or police action that is sanctioned by the international system, versus illegitimate, irregular warfare carried out by the internationally disenfranchised against that system.

This causal chain of interrelated logical flaws in the international legal framework laid out by the League of Nations, provides the unregulated space for the irregular fighter – the partisan – to operate and challenge the international system. This section provides an international-legal history behind the situation of the partisan. The backstory of the partisan is illuminated textually through an examination of the black letter²² international law of the League of Nations Covenant and contemporary legal treatises on the subject; and thematically through the consequences of the misalignment of imperial power with a “universal” international-legal system. This misalignment created the unregulated space for the partisan, the international criminal, to reside. The logical inconsistencies discussed previously are extrapolated from the works of Carl Schmitt. They are by no means the entirety of Schmitt’s criticisms of the League of Nations, nor is their logical trajectory and sequence derived from Schmitt’s work.

DEFINING THE SOVEREIGNTY GAME

Since the League of Nations’ international-legal framework codified and justified a more nuanced, interrelated, and collective approach to global order, the definitions of the classic terms *war*, *intervention*, *sovereignty*, and *imperialism* assume great importance.

Conventional *War* is armed conflict between the armies of at least two states. If one side in a conflict is not a state, then it is not technically a war; it becomes irregular warfare.

Intervention is the justified armed interference by one nation within the borders of another. If

²² Black letter law is written law such as domestic legal codes and international treaties.

Poland could not or would not provide full rights and protections to its minority populations, then the League would have been justified to intervene.²³ On the bi-national level, if Mexico could not guarantee the safety of American nationals and business interests, then an intervention by the United States would be valid.²⁴ In the context of this thesis, *sovereignty* is defined in space as literally territorial (the control of a specific piece of territory) and in shape as what that control actually involves – be it economic, political, or military involvement. The League of Nations codified divisible sovereignty. As a result, the great powers were anxious that the League might hamper their actions (this was the main reason the United States Senate refused to ratify the Covenant). However, the great powers did not need to be concerned. By disguising “might makes right” with international-legal morality, the League facilitated state interference. It also further strengthened the reach of imperial relationships by allowing them to be more amorphous and less direct. The League of Nations Mandate system facilitated one of the quickest, largest and most extensive expansions of colonialism.

Imperialism is the control of territory by a state outside of its own borders. *Empire*²⁵ is the more amorphous projection of a state’s power beyond the home of its citizens. The League’s attempt to formalize imperial relationships while leaving enough wiggle room for the great (imperial) powers to go their own way created a structure riddled with gaping logistical holes in the areas of enforcement, consensus, and self-determination. Enforcement by whom? Consensus of whom? And most crucially, self-determination for

²³ World Court ruling related to the rights of minorities in Upper Silesia. *Publications of the Permanent Court of International Justice*, Series A, No. 15. 15 May 1931. Microfilm.

²⁴ Bucareli Accords (1923)

²⁵ Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000). The authors capitalize “Empire” throughout; I have chosen not to give the term quite as much emphasis.

whom?²⁶ Replacing these blanks with the nebulous concepts of “humanity,” “mankind,” or “civilization” makes those who are uninvolved in these decisions “inhuman” and uncivilized by default. While it extended imperialism, the League of Nations also articulated the idea that imperialism was of finite duration and that colonies had something of the status of states-in-waiting. The League’s ambivalence in regard to imperialism facilitated the development of empire as a more imprecise and therefore less morally problematic method of power projection. The partisan (the international criminal) came to reside in the space created by the transition from direct imperialism to nebulous empire. Imperial domination, whether through a great power’s empire or an international system, was not just political or economic. It was also theoretical – it defined what constituted “war,” “peace,” “security” and “disarmament” and controlled weaker states by patrolling the legality of intervention.²⁷ Therefore, the definitions of these terms are more than technical concepts; they become permissions for political action.

BLACK LETTER INTERNATIONAL LAW

Under League of Nations Covenant, its signatories are obliged “to promote international cooperation” in order to “achieve international peace and security” by agreeing to “accept” the “obligation not to resort to war” and by “firm[ly] establish[ing] ... the understanding of international law as the actual rule of conduct among governments.”²⁸ The substantive articles that relate to the discriminatory concept of war are Articles 10 and 16 of the League Covenant. Article 10 states that “the Members of the League undertake to

²⁶ Erez Manela, *The Wilsonian Moment: Self-determination and the International Origins of Anti-Colonial Nationalism*. (Oxford: Oxford University Press, 2007). Chapter 1.

²⁷ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*. (Cambridge: Cambridge University Press, 2001) pg. 238.

²⁸ *The Covenant of the League of Nations*, Preamble.

respect and preserve” the “territorial integrity and existing political independence of all Members of the League” “against external aggression” as determined by “the Council [who] shall advise upon the means by which this obligation shall be fulfilled.”²⁹ The League generally did not use Article 10 in its deliberations, preferring to act under the more mechanistic and procedural rules of Articles 11-17.³⁰ However, Article 10 states definitively that aggression, *as determined by the League of Nations*, is unlawful. This is the founding principle of discriminatory war.

Article 16 establishes the League as a mutual deterrence pact:

Should any member ... *resort to war* in disregard of its covenants ... it shall ipso facto be deemed to have committed an act of war against all Members of the League ... [Who] shall sever ... all trade or financial relations, ... commercial or personal intercourse between nationals. ... The members of the League agree that they will mutually support one another ... Any member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council.³¹

It is the League that decides what constitutes aggression and how to respond. The phrase “resort to war” (repeated from the preamble) took on a meaning both restrictive and interpretive. As the League began to have enforcement problems, it “connived in maintaining the fiction that war did not exist” in order to avoid an obligation that it could not fulfill.³² The League’s non-response to the Japanese invasion of Manchuria (China) in 1937 is an example of this sort of head-in-the-sand collusion. If the League did not call something war, then (legally) it was not; therefore the League was not obliged to intervene.

While the characterization of war as “aggression” was a part of pre-First World War bilateral treaties, “the Covenant derogated from customary law [of the period] in restricting

²⁹ *The Covenant of the League of Nations*, Article 10.

³⁰ Ian Brownlie, *International Law and the Use of Force by States*. (Oxford: Clarendon Press, 1963). pg. 65.

³¹ *The Covenant of the League of Nations*, Article 16. Emphasis added.

³² Brownlie, pg. 60.

resort to war ... [It] created a presumption against the legality of war as a means of self-help; and as time went by various instruments and legal developments ... were to reinforce that presumption.”³³ Under the League Covenant, the decision to go to war was no longer solely subject to the unitary authority of the state; in Weberian terms, the state no longer had the monopoly on the legitimate use of force. It was up to the League to legitimize (or not) violent action. Schmitt wondered if the League of Nations would use the Kellogg-Briand Pact to decide unilaterally whether a war was a justified intervention or an act of wanton, destabilizing aggression.³⁴ However, despite his fears of dangerous League interference, the organization found itself straightjacketed without an adequate enforcement mechanism. After the failure of the sanctions directed against Italy for invading Ethiopia, the League was not in a position to wield its moral authority either justifiably or wantonly.

LEGAL COMMENTARY BY LAUTERPACHT & SCELLE

Responding to the revolution in black letter international law of the League of Nations Covenant, legal theorists of the inter-war years wrote about this new, revamped structure of international law and its application. Although most (with the obvious exception of Schmitt) were cautiously optimistic about the League legal regime, there was still a significant amount of warranted skepticism surrounding the symbiosis of international law and power politics, especially from British international lawyers who were historically dubious of international entanglements. In the edition of his international-legal text published during the League era, Frederick Birkenhead voiced these doubts:

International Law is at its weakest, and its writers are least convincing, on the subject of intervention; the main reason for this being perhaps because the

³³ Brownlie, pp. 56-57.

³⁴ Schmitt, “Völkerrechtliche Formen des modernen Imperialismus.” Schmitt’s charge of “unilateralism” against a multilateral organization is quite interesting.

question appertains more to the sphere of politics than to that of the law of nations ... Under these circumstances it is not surprising that the line between policy and law is slightly drawn, so that high-handed acts of aggression have been able to masquerade under the name of intervention.³⁵

Birkenhead's underlying fear is that treating sovereignty as dogma would present the right of self-preservation as primordial and leave the validity of a state's actions open to flexible interpretation. "The result is to make sovereignty itself unsafe."³⁶ Sovereignty as dogma opens the messy conundrums of nationalism and self-determination. The League of Nations' framework accepted the dogma of sovereignty as an existing precondition and then attempted to circumnavigate it in order to enforce world peace.

Hersch Lauterpacht, the Austrian-born British jurist, legal scholar, and eventually a judge for the International Court of Justice, discussed the problem of the dogma of sovereignty in detail. He was skeptical of the cult of unitary sovereignty – he felt that it could (and *did* in the run-ups to both world wars) lead to dangerous nationalism. Lauterpacht was an early and enthusiastic supporter of the League of Nations; he hoped that the League would be able to squelch the danger of unrestrained sovereignty.³⁷ For Lauterpacht, the existence of an international community was a prerequisite to the existence of international law³⁸ and the "defects of the international community necessarily constitute a defect of international law."³⁹ He viewed the demise of the League of Nations system as a great and terrible tragedy. In a lecture delivered in 1938 two months following *Anschluss*, a

³⁵ Frederick Birkenhead, *International Law*, 6th Edition. (London: J.M. Dent & Sons Ltd., 1927). pg. 78.

³⁶ C. Howard-Ellis, *The Origin, Structure and Working of the League of Nations*. (Boston: Houghton Mifflin, 1929). pg. 298.

³⁷ Hersch Lauterpacht, "The Mandate under International Law in the Covenant of the League of Nations" (1922) in *International Law, being the Collected Papers of Hersch Lauterpacht* (4 Volumes, Cambridge: Cambridge University Press, 1970-1978). Vol. 3, pg. 40.

³⁸ Philip Jessup, "A Review of *International Law, being the Collected Papers of Hersch Lauterpacht*," *American Journal of International Law*, Vol. 65, No. 1 (January 1971). pg. 215.

³⁹ Lauterpacht, "The Hague Lectures of 1937" in *International Law*, Vol. 1, pg. 267.

grieving Lauterpacht asked a series of devastating questions of both his own beliefs and those of his liberal internationalist audience at Cambridge University:

Ought we to abandon the League and start afresh as soon as the obstacles disappear? ... Ought we to pursue the ideal of universality by reforming the League so as to make it acceptable for everyone? Ought we to admit that if peace cannot be achieved by collective effort, there are other good things that can be achieved through it?⁴⁰

Lauterpacht's lecture addressed the development and necessity for an international system to ensure world peace and stability. Yet this system's internal compromises had proved unequal to its challenges; the chinks in its structure, between "universality" and "acceptability for whom?" allowed for too much latitude. Even a League supporter such as Lauterpacht believed that the problems of the 1930s resulted from an absence of legal constraint, from too many holes in the international system.⁴¹ Coming from opposite ends of the legal, ideological, and political spectrum with regard to the League of Nations, international law, and German aggression, both Lauterpacht and Schmitt diagnosed similar, dangerous fractures in the international system.

Though Lauterpacht and Schmitt were ideologically opposed, they still understood international law to be a system of global organization based on treaties. In contrast, their French contemporary George Scelle had a more objectivist perspective. Treaties did not make law; they announced its existence.⁴² Scelle saw no disconnect between international law, imperialism, and universal humanitarianism; the League of Nations system fit in with the humanist trajectory of Western civilization.⁴³ Along similar lines and in agreement with Lauterpacht (though in contrast to the League Covenant), Scelle did not find nationalism an adequate system of international organization. "Although it was necessary that the law

⁴⁰ Lauterpacht, "The League of Nations" in *International Law*, Vol. 3, pg. 583.

⁴¹ Koskenniemi, pg. 381.

⁴² George Scelle, *Théorie juridique de la revision*, (Paris: Recueil Sirey, 1936). pp. 44-45.

⁴³ Koskenniemi, pg. 270.

protect minorities, this was ultimately ‘artificial subjectivism’⁴⁴ – Who gets to be a minority and what are their protections/privileges? In Scelle’s conception of an international system, “humanity” becomes human solidarity with shared, collective interests. While these interests often seemed to align with the French foreign policy of the interwar years, this does not negate Scelle’s underlying contention that the foundation of an international system must be a sense of commonality with common goals (i.e. peace) and common values. However, these “common values” are impossible to define. The identification of one, such as “freedom” or another, such as “civilization” comes up against someone else’s “freedom” or “civilization” and thereby excludes his or hers as outside of the common interest – as unlawful. Those whose concerns are rejected as criminal, as illegitimate by an international system, have no place within that system.

THE INTERNATIONAL-LEGAL FORM OF IMPERIALISM

Under the League framework, wars validated by international law were no longer described as “wars” and wars that violated international law – and the territorial status quo of the imperial powers – became crimes of “inhumanity.” While the stated desired purpose of the League of Nations was world peace, the use of the language of universal human rights in order to justify great power politics could have dangerous consequences. Schmitt argued that “the Geneva League of Nations does not eliminate the possibility of wars. . . It introduces new possibilities for wars, permits wars to take place, sanctions coalition wars, and by legitimizing and even sanctioning certain wars it sweeps away many obstacles to war.”⁴⁵ Intervention justified under the aegis of international law, no matter how violent,

⁴⁴ Scelle, “Théorie du gouvernement international,” *Annuaire de l’Institut International de Droit Public* (1935). pg. 70. Quoted in Koskenniemi, pg. 334.

⁴⁵ Schmitt, *The Concept of the Political*, pg. 56

was “police action,” while nonviolent disobedience against the League became an international crime. In Schmitt’s aggrieved mind, the League Covenant could consider the hypothetical action of a German military band in the occupied Rhineland playing a military hymn on a Sunday afternoon, as an aggressive act against the League itself.⁴⁶ Schmitt expressed the anger of the colonized against Germany’s perceived “colonization” by the League of Nations, which he deemed a tool of British and American⁴⁷ interests and therefore, for all intents and purposes, a subtle form of imperialism.⁴⁸

Along with proscribing aggression, the League of Nations also institutionalized the colonial relationship in the League of Nations Mandate System, the “first effort to begin the radical project of transforming colonial territories into sovereign states”⁴⁹ – though not, of course, until these states were “ready.” The League articulated the universal normative goal that “all” nations should have their own state, yet simultaneously oversaw a tremendous expansion of colonialism. Schmitt did not have a fundamental problem with international law as a means to facilitate and regulate imperialism. It was a definitional constraint: “The meaning, the heart of the law ... can fundamentally be found precisely in the dividing up of new territories.”⁵⁰ His rage was against the “injustice” of the League’s “colonization” of Germany itself. As an outsider looking in on the rights and privileges of an international system that did not facilitate his own nation’s expansion, Schmitt began to sympathize with the internationally disenfranchised. Some of his writings strangely cross the line into anti-colonial rhetoric: “A people are beaten only when they bow down to foreign vocabulary, to

⁴⁶ Schmitt, *Nationalsozialismus und Völkerrecht*, (Berlin: Junker und Dünnhaupt, 1934). pg. 21

⁴⁷ Though the United States was not a member of the League of Nations, Schmitt’s statement that US imperialism within the League of Nations was “officially absent by effectively present” is a constant refrain in much of his work during the inter-war period, particularly in “Völkerrechtliche Formen des modernen Imperialismus” (1932).

⁴⁸ Kervégan, “Carl Schmitt and ‘World Unity,’” pg. 59.

⁴⁹ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law*. (Cambridge University Press, 2005) pg. 115.

⁵⁰ Schmitt, *Land und Meer*, (Leipzig: P. Reclam, 1942). pg. 43.

foreign ways of representing law, and international law in particular.”⁵¹ Disenfranchised by the “victor’s justice” of the Versailles Treaty and the international-legal framework of the League of Nations, Schmitt ironically speaks on behalf of anti-colonial movements. The discrimination hidden in universalist language makes them all outsiders.

Also evidence of the inconsistencies in sovereignty under the League framework is German Reparations and its ever-shifting, dollar defined, price affixed-to-war-guilt. As in the mandate system, a piece of territory was deprived of full exercise of its sovereignty until, at some later date, it was “ready.” The League of Nations gave France the power to restructure the German coal transportation and industry⁵² (coal was necessary to wage war and the speed of its transport determined the rate of mobilization), but did not make France take political responsibility for Germany, its people, or its defense. If France had been an occupying power under contemporary (and current) international law,⁵³ this would have been its responsibility. The partial control exercised by France over Germany eroded German sovereignty as a nation-state. This example underscores the porous nature of state sovereignty in the League of Nations system. It exposes the emergence of space both within the black letter international law itself, and within the differential between the intention of this legal framework and its actual practice in power politics.

The League created a seeming bond of common humanity between “lions” (that is, the great powers) and “mice” (second-class powers).⁵⁴ But these states had widely divergent interests; and the invocation of a common “humanity” hid and facilitated the imperial relationship – particularly “apolitical” economic imperialism – to the benefit of the empire

⁵¹ Schmitt, “Völkerrechtliche Formen des modernen Imperialismus,” pg. 179.

⁵² John Wheeler-Bennett and Hugh Latimer, *Information on the Reparation Settlement*. (London: George Allen & Unwin Ltd., 1930) pg. 52.

⁵³ 1907 Hague Convention, Article 46; 4th Geneva Convention, Article 27 (1949).

⁵⁴ Carl Schmitt, *Die Kernfrage des Völkerbundes* (Berlin, F. Dümmler: 1926) pg. 68.

and to the disadvantage of the weaker state. The non-intervention treaties of the inter-war years, like those between the United States and Cuba, Nicaragua, Haiti, etc. show the exploitation inherent in an alliance between unequal partners. “The nonintervention treaty is *in fact* an intervention treaty because the United States maintains the right to intervene if certain conditions — ‘public order,’ the ‘protection of life, liberty and property,’ ‘continued respect for international treaties’ — are not upheld.”⁵⁵ In addition, the treaty’s stated promise not to intervene in another state’s affairs is predicated on an implicit understanding that the greater power *could* if it wanted to. The non-intervention treaty, through its legal recognition of a weaker state’s sovereignty, makes that sovereignty contingent on its recognition by the greater power. Finally, it “makes a mockery of the idea of sovereignty by tying it to a series of typically open-ended, vague legal conditions that Central and South American countries are supposed to meet.”⁵⁶ The nonintervention treaty shows how a universal, international-legal system can provide the definitions and legal justifications for facilitating unequal political relationships.

A classic non-intervention treaty was the Montevideo Conventions of 1933 between the United States and eighteen Latin American states including Brazil, Cuba, and Mexico. It exemplified the doublespeak between formal recognition of sovereignty with its accompanying rights and privileges and the contention that state sovereignty is contingent on that same recognition. Article 3 of the Montevideo Conventions explicitly states that “the political existence of the state is independent of recognition by other states,” while Article 11 limits this application to states that are already considered sovereign, not to other nebulous political entities whose sovereignty is not recognized and therefore who are not

⁵⁵ Schmitt, “Völkerrechtliche Formen des modernen Imperialismus,” pp. 169-72. quoted in Scheuerman, pg. 149.

⁵⁶ Scheuerman, pg. 149.

entitled to their own territory.⁵⁷ This slicing and dicing of sovereignty in Article 11 of the Montevideo Conventions eventually made its way into the United Nations Charter.⁵⁸ The non-intervention treaty not only made state sovereignty contingent on outside recognition, but also outlined a political category deprived of the protections, entitlements, and responsibilities named in the treaty. The treaties drew a line between “sovereign” nation-states that can be justified in their violence (say, for reasons of self-determination or self-defense), and other undefined entities that cannot.

PHILOSOPHICAL CONSERVATISM, ANTI-COLONIALISM, & THE PARTISAN

Since Kellogg-Briand (1928), aggressive war has been defined and proscribed by international law.⁵⁹ War is no longer described as “just” or “unjust;” it is legal or illegal. The partisan, who resides outside of law, then becomes, by process of elimination, illegal. The justness, or lack thereof, of his cause is immaterial and he becomes someone without recourse who needs to be punished. The partisan’s “annihilation ... is no longer directed against an enemy, but serves [an] ... objective attainment of highest values [i.e. punishment of an international criminal] for which no price is too high to pay.”⁶⁰ Therefore, the partisan’s struggle “move[s] away from the conventional enmity of controlled and bracketed war and into the realm of another, real enmity which intensifies through terror and counter terror until it ends in extermination.”⁶¹ Overly dramatic language, yes; however, it is no more lurid than that used by nation-states to describe the partisan.

⁵⁷ Montevideo Conventions, 1933, Articles 3 and 11.

⁵⁸ United Nations Charter, Article 2, paragraph 11.

⁵⁹ Incorporated in the current regime of international law in the United Nations Charter, Article 39.

⁶⁰ Schmitt, *The Theory of the Partisan*, (New York: Telos, 2007), pg. 67.

⁶¹ Schmitt, *Partisan*, pg. 11.

As an agent opposed to the state and a resident of the uncontrolled space of an international-legal system ambivalent towards imperialism, the partisan came to take an anti-colonial form. When it became clear that the postwar League settlement would fall far short of the expectations and visions of international equality articulated by Woodrow Wilson in his 14 Points, mobilized nationalists launched revolts that convulsed the colonial world in the spring of 1919.⁶² The struggle of the partisan, “the violent conflict between East and West, between imperialism and self-determination,” between those possessing the rights and privileges of belonging to an international system and those dispossessed; this conflict “began on the day that the Great War ended,” and remains ongoing.⁶³ Following the Second World War, the international system (now titularly under the United Nations framework) eventually grew less ambivalent and more unwelcoming towards direct colonialism.⁶⁴ More room grew between the universalist ideas expressed in the United Nations Charter – the “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”⁶⁵ – and the actuality of (waning) direct imperialism and (ongoing) indirect empire. The realm of the partisan was expanded.

It may seem counterintuitive to read the radical conservative Schmitt as a supporter of anti-colonial national liberation movements, but his critique of the League of Nations is a critique and exposure of the logical inconsistencies in the conception of a benevolent

⁶² Manela, pg. 13. Examples of nationalist revolts in 1919: The beginning of the Irish War of Independence/Anglo-Irish War (January 1919), the Egypt Revolution (March/April 1919), and the Amritsar Massacre (13 April 1919).

⁶³ Muhammad Husayn Haykal (1924), quoted in Manela, pg. 215.

⁶⁴ Initially, the United Nations was quite friendly to colonialism. Also, while there are obvious differences between the League of Nations’ and the United Nations’ international-legal regimes, if anything, the structural inequalities hidden in universalist language increased under the United Nations. Mark Mazower, *No Enchanted Palace: the End of Empire and the Ideological Origins of the United Nations*. (Princeton: Princeton University Press, 2009).

⁶⁵ United Nations Charter, preamble.

empire. As Jan-Werner Müller notes, there is a “deeply hidden affinity between philosophical conservatism and anti-colonialism” – a shared belief in legitimacy derived from a romanticized, primeval tie to the land and its people coupled with a profoundly rooted distaste, fear, and suspicion of “universal” norms of state/imperial power.⁶⁶ During the interwar years, Schmitt feared that Germany had the political viability of a colony against the power of the United States, Britain, and France. He also compared the Italian invasion of Ethiopia with the French presence in Algeria and that of the British in India.⁶⁷ Why was one considered an aggressive war and the other, benevolent colonialism? Was it simply a matter of when these invasions occurred? Was there a certain “date” when these sorts of activities became aggression? Schmitt also justified German expansion into Eastern Europe: What was so different about this “colonialism?” Did not the German political relationship with, say, Czechoslovakia look similar to the United States’ with Cuba? These comparisons show a certain illogic in the international-legal rhetoric of the inter-war years. In his anger about German exclusion, Schmitt took on the persona of the disenfranchised outsider. His arguments in favor of German expansion can be rotated to invalidate the international-legal rationale for imperialism altogether.

As a “philosophical conservative,” Schmitt is uncomfortable with the abstraction of universalism and had an acute (if highly selective) appreciation for those it excludes.⁶⁸ These outsiders, these partisans, “marked another decisive stage in the destruction of the supposedly humane form of European interstate”⁶⁹ regulations. The false promise of universalism creates the partisan, who then became the greatest challenge to the international system. The international-legal “prohibition” against the partisan “function[ed] as much in

⁶⁶ Müller, pg. 149.

⁶⁷ Balakrishnan, pg. 230.

⁶⁸ Müller, pg 145.

⁶⁹ Müller, pg. 149.

its violation as in its observation ... Borders [do] not just close us in, but ... define areas of transgression. Imagining a border, we have already established the possibility of its transgression.”⁷⁰ The creation of the borders and limits of an international system produces that which will transgress its boundaries: The international trespasser, the partisan.

CONCLUSION

The regulation of war through the creation of normative rules transfers the determination of its legality or justification from the state to an international system which, while unable to control the great powers, still deprives the state of the moral authority to decide the legal necessity for war. Warfare then loses its conventional, Clausewitzian characterization as an extension of national politics and only assumes legitimacy when it is “righteous” and serves “humanity.” The League of Nations introduced a discriminatory concept of war by abolishing the “classical,” Clausewitzian definition without eliminating or even limiting actual violence. The conversion of war from a political tool to a righteous necessity does not reduce its occurrence or regulate its use. The opponent in the conceptual sense becomes the outsider. As an “evil,” destabilizing force, he does not have recourse to the privileges and protections of the international system as that system does not recognize his right to exist.

The huge discrepancies between proposed intention and action, definition and actuality, language and practice in the international-legal system outlined by the League of Nations created the space for the partisan to wander. Against the backdrop of imploding colonial relationships following the Second World War, the unregulated space within the international-legal system became the home of the partisan – the central challenge to this

⁷⁰ Paul Kahn, *The Cultural Study of Law*, (Chicago: University of Chicago Press, 1998), pg. 111.

system. The discriminatory concept of war established two types of warfare that are not “war” – authorized intervention or peace “keeping” and unregulated, partisan warfare. Codifying ideas of morality and universality into law turns the lawbreaker into the enemy and converts conventional war into “another kind of enmity” – something else altogether. Therefore, the partisan “enters into a world for which it is not made,” where since these rules do not apply, there are no recognized controls.⁷¹ This empty space is the realm of the partisan.

From the Spanish guerrillas during the Peninsular Wars to Al Qaeda today, the partisan has had many names and permutations. It is easy to categorize and dismiss the partisan as outside the state’s scope of reference – racially, economically, and politically disenfranchised – either emotionally celebrated as a freedom fighter or vilified as a terrorist. This dismissal can make it hard to see the partisan as a structural phenomenon across time and space, and as an entity with a pattern and a progression. A case where the partisan is emphatically not the outsider – when he comes from the military and political elite of a great power – highlights the spatial and thematic dimensions of the partisan. Raoul Salan and the French *Organisation de l’armée secrète* are such a case and are the subject of the next chapter. This case removes the partisan from the usual socio-economic dialogue that can distract from his status as denizen of an international-legal purgatory that is neither here nor there; a place that is, under law, nowhere.

⁷¹ Marguerite Yourcenar, *Memoirs of Hadrian*. trans. Yourcenar and Frick. (New York: Farrar, Straus and Young, 1954). pg. 11.

Chapter 2: The Formation of the OAS

THE OAS: LOOKING BACKWARD AND FORWARD

At the Hoover Institution, there is a collection of photographs of former OAS (*Organisation de l'armée secrète*) members taken by the researcher Alexander Harrison in the late 1970s. The pictures' subjects range from the ancient – not long for this world – generals Salan, Challe, and Jourhard, to the late middle aged cadre of former OAS members, self-described former leaders of delta commando units complete with seventies style sunglasses, orange argyle vests, and brown velour suits. Some have bandy-legs, protruding bellies and sheepish grins. Others have thousand-yard stares, slicked back hair, and wide ties. The collection of casually posed photographs looks like it could have come out of a family album. These men do not look like outsiders. They do not look like self-styled freedom fighters who chose to fight both the country of which they are citizens and the army in which they served by killing civilians in pursuit of an abstract, shifting, disputed, unrealizable goal. They look ordinary. But they are, by their own admission, terrorists.⁷² They carried out acts of lethal violence directed against civilians while *not* under a state's system of accountability. They left behind their state's protections and privileges. Their actions are, in the literal sense, extraordinary. Therefore, the ordinariness of these men is chilling.

This chapter examines the story of the OAS on three tracks: First, a straight narrative of events.⁷³ Second, a study of the career of General Salan as a point of

⁷² Alexander Harrison, *Challenging de Gaulle: The OAS and Counterrevolution in Algeria 1954-1962*. (Westport, C.T.: Praeger International, 1989). pp. 28-29.

⁷³ The only English-language, scholarly treatment of the OAS is Alexander Harrison, *Challenging de Gaulle*. There is also no comprehensive English-language biography of Salan. In French, most OAS-centric literature is memoir, historical fiction, or journalistic accounts, much of it sympathetic. This dearth may be a symptom of what Benjamin Stora diagnoses as *La Gangrène et l'Oubli: la mémoire de la guerre d'Algérie* (Paris: La Découverte, 1991.); as the Algerian War is reevaluated, the role of the OAS trails behind. For secondary literature, Remi

intersection for colonial military experience, counter-revolutionary warfare doctrine, and partisan activity. Third, an examination of a selection of *guerre révolutionnaire* literature, from military doctrine to popular novels – written by men who either participated in the Algiers Putsch⁷⁴ or were sympathetic to the OAS, or both. These three tracks – the events, the man, and the words – show the progression of ideas and experience that led the members of the OAS to traverse the line from representatives of empire to partisan insurgents. Their journey exposes the line between these two identities – imperial soldier and partisan – and puts it in sharp relief. The OAS is a special case, a terrorist organization led by insiders, former generals with political clout who went from fighting partisans to becoming them. These men are most significant not so much as individuals, but as symbols, as avatars of the Partisan. Their story provides an understanding of how men like them, movements like theirs, and ideas like those they professed, continue to challenge the international system today.

A partisan wages irregular war. Reflecting a nebulous, fluctuating identity, the terms for irregular war can be indistinct and variable. This makes it important to use precise language. Non-conventional warfare, warfare that falls outside of the League of Nations framework described in Chapter 1, has specific, time-sensitive definitions. *Irregular warfare* is a negative concept – it is warfare that is *not* waged between the recognized militaries of two or more nation-states. The term *partisan warfare* is irregular warfare within a 20th century context, in contrast to *insurgency*, which is the current (as of 2010) designation for irregular

Kauffer, *OAS: histoire de la guerre franco-française* (Paris: Seuil, 2002) is a recent general history. Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie: 1954-1962*. (Paris: Gallimard, 2001) discusses the institutional use of torture by the French Military. Tramor Quemeneur, "La discipline jusque dans l'indiscipline: La désobéissance de militaires français en faveur de l'Algérie française," in Stora and Harbi eds. *La guerre d'Algérie : 1954-2004, la fin de l'amnésie* (Paris: R. Laffont, 2004) examines the ideological ties between *guerre révolutionnaire* and the OAS. Alain Peyrefitte, *C'était de Gaulle, La France redevient la France* (Paris: Fayard, 1994) is a contextual account of de Gaulle's political life drawing from a series of interviews.

⁷⁴ The Algiers Putsch (December 1960) was an unsuccessful military coup against de Gaulle by Generals Maurice Challe, Edmond Journaud, Raoul Salan, and André Zeller.

warfare. *Guerre révolutionnaire* is counter-revolutionary warfare; it fits under the umbrella of partisan warfare. It is the method of “political” warfare “learned” by a cadre of French officers in Indochina.⁷⁵ It was used in some circumstances in Algeria, specifically the Battle of Algiers, and was absorbed by many of the OAS leaders who had served in Indochina and Algeria. The doctrine of *guerre révolutionnaire* functioned as a theoretical foundation for the OAS.⁷⁶ Both the OAS and the FLN (*Front Liberation Nationale*) were partisans. The term, partisan, expresses both the political nature of their aims and the time when they operated. *Terrorism* is a tactic of partisan warfare and insurgency. It is performative violence by a non-state actor targeting civilians in order to serve a political aim. In partisan war, terrorism and torture are related. While a partisan may not necessarily commit terrorist acts, the OAS and the FLN did. A defining characteristic of *guerre révolutionnaire* is the (implicit or explicit) understanding that terrorism legitimizes torture.⁷⁷ These terms and their specificity are important; but often, the goal of illuminating the complex of questions surrounding irregular warfare has “been thrown into utter confusion by such slogans as total war, psychological war, subversive war, insurrectional war, and covert war, and have occluded the problem of the ... partisan.”⁷⁸

This chapter aims to remove this obstruction by looking at the thought processes and leadership of the Algiers Putsch and the OAS, most particularly General Salan, a theorist and practitioner of *guerre révolutionnaire*, who is Carl Schmitt’s emblematic tragic hero in *The Theory of the Partisan*. Salan was a man for whom, in Schmitt’s description, the

⁷⁵ Peter Paret, *French Revolutionary Warfare from Indochina to Algeria: The Analysis of a Political and Military Doctrine*. (New York: Praeger Press, 1964).

⁷⁶ Quemeneur, pg. 178.

⁷⁷ Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*. trans Daniel Lee. (New York: Praeger Press, 1964).

⁷⁸ Schmitt, *Partisan*, pg. 66.

Experiences and effects of wars conducted by regular armies, of colonial war, civil war, and partisan battle intersect. [He,] in the coercive logic of the old saying that partisans can only be fought in a partisan way, thought all of this through to the conclusion ... The result was that he was transformed into a partisan himself, and that in the end, he declared civil war on his own commandant and regime.⁷⁹

A LINEAR HISTORY OF THE THIRTEEN-MONTH LIFE OF THE OAS

Despite the fame of its leadership, the OAS was really quite small: “What was the OAS? Nothing. A drop in the bucket. At most it represented 1500 pathetic figures that received no help from either inside or outside Algeria. It was a minority within a minority.”⁸⁰

While the OAS was marginal in impact, the peculiarity of its mission (waging two-front terrorist operations against both the FLN and metropolitan France) and its leadership (fighting to preserve empire even to the point of fighting its own state) accentuates the line between the partisan and international system. Since the OAS has become a footnote especially in English-language history, a brief linear breakdown of events from the Battle of Algiers to OAS’ disintegration is in order.

In 1957, the 10th Paratroop division under the command of General Jacques Massu destroyed the FLN’s *Zone Autonome d’Alger*, thus “winning” the battle of Algiers.⁸¹ The following year, through the support of a Committee of Public Safety organized by a cadre of

⁷⁹ Schmitt, *Partisan*, pg. 57.

⁸⁰ Oral Transcript of an interview with Jean Claude Perez, head of intelligence gathering operations for the OAS. Recorded in Paris, July 1978. Tape 13, The Alexander Harrison Papers, The Hoover Institution. Perez’s facts are erratic – the OAS had some army support and a solid base in the *pied noir* population, see Kauffer, *L’O.A.S., histoire d’une organisation*. Jean Thomazo (who testified at Salan’s trial) mentioned that during the Algerian War, the French Army organized the *pied noir* into paramilitary groups [Jean-Pierre Rioux, *The Fourth Republic, 1944-1958*. trans. Godfrey Rogers. (Cambridge: Cambridge University Press, 1987). pg. 311]. These militias were ideally situated to join the OAS. Despite Perez’ unreliability as a narrator, he articulates the small scale of the OAS.

⁸¹ While the French won a tactical victory in Algiers, eliminating the FLN presence there, they lost a tremendous amount of public support in France and internationally when the brutal, illegal tactics were publicized. The Battle of Algiers is a classic example of winning the battle and losing the war. Mathew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era*. (New York: Oxford University Press, 2002). pp. 131-132.

officers (including Massu and Salan) serving in Algeria, Charles de Gaulle returned to power as president and formed the Fifth Republic. Subsequently, in 1958, de Gaulle delivered a speech in which he maintained the importance of a French Algeria. Then, in 1959, he flipped; for the first time he used the term “self-determination” when discussing the future of Algeria. In response, the Barricades Uprising and student protests sprung up in January 1960 in Algiers. These activist groups quickly collapsed and were disbanded. Then, in November 1960, De Gaulle publically announced the necessity of an “Algeria run by the Algerians.”⁸² One month later, retired General Edmond Journaud lead an abortive putsch against de Gaulle, and Lieutenant Roger Degueudre deserted the first Foreign Legion Paratroop Regiment (1er REP), went underground, and created a chain of safe houses and contacts which would become the base for the OAS. Salan did not have an important role during the Putsch; he joined late and did not concern himself with its technical details. In February 1961, The OAS was officially born in Madrid under Salan’s leadership. In April, General Maurice Challe led a putsch against de Gaulle in order to maintain a French military presence in Algeria.⁸³ His putsch failed, and the OAS began to operate in Algeria. By December 1961, the OAS was at the height of its effectiveness and power; it controlled both the cities of Algiers and Oran.⁸⁴ However, by January 1962, its political clout had begun to diminish as a result of factionalization and infighting.

In March 1962, the French government signed the Evian Accords with the political arm of the FLN, the *Gouvernement Provisoire de la République Algérienne*. In response, The OAS

⁸² “France: The Three Stage Rocket,” *Time*. 28 November 1960.

⁸³ Challe’s demands included holding the French government accountable for what he considered its treason and lies. Pierre Abramovici and Gabriel Périès, *La Grande Manipulation*. (Paris, Hatchette. 2006). Challe stated that the Putsch reserved the “right to extend its actions to the metropole and to reconstitute a constitutional and republican order seriously compromised by a government whose illegality had burst onto the eyes of the nation.” “Un quarteron de généraux à la retraite,” Jean Planchais. *Le Monde*. 23 Avril 1966.

⁸⁴ The OAS had a strong regional power base since it was integrated within the *pied noir* population in Algiers and Oran. Alistair Horne, *Savage War of Peace*. (London: Macmillan, 1977). pg. 490.

became more violent. However, the arrests of former Generals Salan (leader of the OAS) and Jourhard (second-in-command) along with Degueldre (who provided much of the command of the OAS' field operations) created a void in leadership. In early May 1962, the OAS, under new leadership⁸⁵ set off a car bomb which killed over 60 Muslims in Algiers. Later that month in Paris, Salan was sentenced to life imprisonment for the crime of treason. By July 1962, nearly all of the OAS commando units had left Algeria and the organization had basically dissolved. That same month in Paris, Degueldre was tried for murder, found guilty, and executed. He was the only leader of the OAS to meet that fate; and many on the French political Right continue to view him as a martyr. Postscript: In 1968, de Gaulle granted amnesty to most former OAS members at the instigation of the French military and General Jacques Massu, whose political clout was necessary to de Gaulle in order to form a coalition government.⁸⁶ The disbanded OAS members were quietly reintegrated into French society. In 1982, President Mitterrand reinstated former OAS members into their previous military rankings. Salan died in 1984 and was buried with all his military honors and decorations. The OAS' rehabilitation was complete.

GENERAL SALAN AS THE PERSONIFICATION OF THE PARTISAN

According to Schmitt, in the context of colonial war, decolonization, and the Cold War, the question and the development of the partisan can be embodied in the fate of

⁸⁵ Jean-Jacques Susini a *piéd noir*, former medical student, and head of political action and propaganda for the OAS assumed leadership. Susini was one of many *piéd noir* who joined the OAS. Much of the OAS leadership was drawn from the French professional army, but the rank and file were mainly *piéd noir*. While elements within the French professional military (mainly officers) joined the OAS, the metropolitan French conscripted soldiers did not. Horne, *The French Army and Politics*, (London: Macmillan Press, 1984). pg. 82.

⁸⁶ While sympathetic to the aims of the Putsch, Massu did not participate. In 1968 he was commander of the French forces in West Germany. De Gaulle needed Massu's political clout in the elections of 1968. Kristin Ross, *May 1968 and its Afterlives*. (Chicago: University of Chicago Press, 2002). pg. 58.

General Salan.⁸⁷ Salan (1899- 1984) was a colonial officer; he spent most of his career in Indochina. As a military commander, he took on governing functions – first, during the Second World War when the central (Vichy) government lost touch with French colonies; second, during the first Indochinese War when he served as Commander-in-Chief of the French forces until 1953; and third, as Commander-in-Chief in Algeria (1956-1958) where he was instrumental in bringing de Gaulle back to power in 1958. Salan made political decisions and took actions that fell well outside traditional military purview – i.e. he refused to support Vichy or de Gaulle in the 1940s and he chose to help dismantle the “failed” French Fourth Republic (1958). Salan’s career and political choices show that his experiences and decisions were shaped not from the perspective of metropolitan France, but from a conception of a France whose colonies were not peripheral appendages but a locus of French political power and identity.

Salan’s character as a French colonial officer is depicted in another series of pictures at the Hoover Institution (from the collection of Colonel Jean Leroy). They show Salan reviewing Indochinese troops in Indochina. Salan is in Summer White uniform – white Bermuda shorts, white short-sleeved shirt – covered with medals. The Indochinese troops (*Garde Indochinoise*) stand at attention in salacco hats and blue and white drill clothing or tan fatigues. Salan and his staff acknowledge them with the same respectful appearance they showed French troops. In one picture, Salan places a wreath at a monument honoring fallen *Garde Indochinoise*. The photos illustrate the conundrum of the colonial officer who, on the one hand, wages war against the “native” population; and on the other, takes responsibility and forges a traditional military command structure with “native” troops. The photos also

⁸⁷ Schmitt, *Partisan*, pg. 62

function as *lieux de memoire*, sites of historical memorial and memory “where memory crystallizes and secretes itself.”⁸⁸ As a commanding officer, Salan incorporated the *Garde Indochinoise* into the French military and placed them within the confines and protections of empire.⁸⁹ He included the *Garde Indochinoise* in a French imperial identity, an identity quite different from that expressed by the Fourth Republic, which, after Dien Bien Phu, left the *Gardes Indochinoise* for the Vietminh to intern in concentration camps.⁹⁰

Salan was the Commander-in-Chief of the French Forces in Indochina until 1953. His successor left behind a significant number of pro-French Vietnamese following the French defeat at Dien Bien Phu. Seven years later, Salan himself was not willing to do the same thing in Algeria. In Salan’s own words: “[The OAS] was a battle for honor, to keep the commitment we had made to Muslims that France would remain in Algeria and protect them.”⁹¹ The Muslims who Salan cared about were the Harka, Algerian Muslims sympathetic to (and often the employees or serving in the military) of France. When the French army left Algeria, the Harka were slaughtered by the FLN.

The First World War shaped Salan. As a second lieutenant, he “learned how necessary it was for an officer to share the hardships of his men, to live as they lived. He

⁸⁸ Pierre Nora, *Les Lieux de Mémoire*, Vol.1. (Paris: Gallimard, 1984). For Nora, *lieux de memoire* need to be perceived by a (national) audience as sites of historical memory to fully achieve status as *lieux de memoire*. While the pictures of Salan were not published or distributed in France (and therefore do not completely fit the letter of Nora’s definition), they do capture the spirit of Nora’s concept of historical memory being located in specific places. Interestingly, Nora’s seven-volume work on sites of French historical memory does not take into consideration locations in former French colonies.

⁸⁹ According to Ted Morgan [former French soldier and journalist, author of *Valley of Death: The Tragedy of Dien Bien Phu that led America into the Vietnam War* (New York: Random House, 2010)], well over half of the French troops at Dien Bien Phu were not metropolitan French – they were from W. Africa, the Maghreb, and Indochina. Also, according to Morgan, nearly half of the soldiers in the elite paratroop units were Vietnamese. These imprecise numbers may be exaggerated, but Morgan’s memories express a sense of the diverse composition of the French colonial Army.

⁹⁰ Salan was also on the Catroux Commission, the inquiry into the defeat of Dien Bien Phu. Alexander Zervoudakis, “Nihil mirare, nihil contemptare, Omnia intelligere: Franco Vietnamese Intelligence in Indochina, 1950-1954.” *Intelligence and National Security*, Vol. 13, No. 1. pp. 195-229.

⁹¹ Oral Transcript of an interview Raoul Louis Albin Salan. Recorded in Paris, July 1978. Tape 45, The Alexander Harrison Papers, The Hoover Institution.

saw this relationship as something in the nature of a contract, similar to the feudal oath, which bound the suzerain to his vassals.”⁹² Missing from this narrative of selfless commanding officer is Salan’s record during the Second World War, which he sat out in West Africa and then Indochina. Politically, Salan remained an enigma – he joined the socialist party and, at one point, was a freemason. He never actively served Vichy France, and helped bring De Gaulle back to power in 1958. In his trial for treason (1963), Salan stated that, as the leader of the OAS, he took total responsibility for all its actions. Then he receded into silence and refused to answer all questions. An unqualified acceptance of guilt coupled with no explanation for his behavior makes him a compelling yet enigmatic figure.

In Indochina, Salan formed a vision of French power and responsibility that differed from that of metropolitan France. He considered himself engaged in an existential struggle against Communism where his nation’s traditional rules of engagement did not apply to him, just as they did not apply to his enemy. When his own government and army rejected his worldview, he rejected them and became a partisan.⁹³ In this example of the partisan, a so-called moral man, an officer in a conventional army, believes he must take on the role of the partisan and betray the law of his own nation in order to preserve his notion of justice. Since the identity of the enemy is obscured through the cloaking of the civilian population, the practitioner of *guerre révolutionnaire* feels that he is forced to become either impotent or criminal. Salan chose to become the criminal.

⁹² Oral Transcript of an Interview with Yves Gignac (described as a friend of Salan and a former aid) Recorded in Paris. Undated. Tape 63, The Alexander Harrison Papers, The Hoover Institution.

⁹³ Salan’s true motivations are murky. As a general, he was effective but political. The central legal justification for the importance of maintaining a French presence in Algeria was that Algeria *was* France. In this thinking, leaving Algeria would be like leaving, say, Lyon. Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France*. (Ithaca: Cornell University Press, 2006). Salan himself said that he was motivated by the demands of the “Algerian people” – the *pied noir* and the *Harka*, see fn. 91.

GUERRE REVOLUTIONNAIRE – THEME

The belief in an all-or-nothing struggle against global Communism and the French loss to this existential foe in Indochina led to the development of a counter-revolutionary military doctrine, *guerre révolutionnaire*. In *guerre révolutionnaire*, only no-holds-barred, “partisan” tactics can beat the partisan. This idea was considered radically new and revisionary: “The absorption of Mao’s theory by those French professional officers in fact had something abstract about it and, as was said once in Salan’s trial, had something of a ‘geometric spirit’”⁹⁴ of the excitement of scientific discovery.⁹⁵ *Guerre révolutionnaire*, like “the geometric spirit” had as its basis a collection of “axioms, definitions, postulates, and hypotheses, and concluding with experiments and proofs, was enshrined as the sole legitimate means” in the case of *guerre révolutionnaire*, of defeating the partisan.⁹⁶ The theoreticians of *guerre révolutionnaire* drew much of their authority from their practical experience. They were not armchair generals – they were colonels in the field who had fought and lost to the partisan in Indochina. Practical experience as a prerequisite for launching into more esoteric reasoning has its roots in the “geometric spirit:” Bernard de Fontenelle wrote that, “a work on morals, on politics and on criticism ... will be more elegant if it is written by a geometer.”⁹⁷ The writers of *guerre révolutionnaire* considered themselves, by virtue of their experience on the ground, to have the true measure of the situation of partisan warfare, to be the geometers of their profession. This separation – between “us” who have been there and “them” who have not – previewed the division between the practitioners of *guerre révolutionnaire* and the country they served.

⁹⁴ Schmitt, *Partisan*, pg. 82.

⁹⁵ Discussion of the Enlightenment conception of the “geometric spirit” is drawn from Raymond Birn, *Crisis, Absolutism, Revolution: Europe and the World, 1648-1789*. (Toronto : University of Toronto Press, 2005). pp. 258-262.

⁹⁶ Birn, pg. 259.

⁹⁷ Bernard de Fontenelle, “Preface sur l'utilité des mathématiques et de la physique.” *Oeuvres*, Vol. 5 (Amsterdam: François Changuion, 1764). pg. 11.

For Roger Trinquier,⁹⁸ *guerre révolutionnaire* had become (by the early 1960s) so pervasive that he terms it “modern warfare.” He discusses the subject in total, existential terms: War is no longer just an us vs. them situation; it is all of us against every last remnant of them. Trinquier’s doctrine becomes most unconditional in response to terrorism. Since “the terrorist claims the same honors [as the soldier] while rejecting the same obligations ... he must be made to realize that, when he is captured, he cannot be treated as an ordinary criminal, nor like a prisoner taken on the battlefield.”⁹⁹ Without getting defensive or providing external justification, Trinquier states that torture is the natural and necessary response to the existential threat posed by terrorism; he even cites Clausewitz in support:

What the forces of order who have arrested [the terrorist] are seeking is not to punish a crime ... but as in war, the destruction of the enemy army or its surrender. Therefore he is not asked details about himself ... but rather for precise information about his organization ... No lawyer is present for such an interrogation ... Specialists must force his secret from him ... According to Clausewitz: “War ... is an act of violence intended to compel an opponent to fulfill our will ... Violence ... is therefore the means; the compulsory submission of the enemy to our will is the ultimate object.”¹⁰⁰

Trinquier connects terrorism with anti-colonialism in Indochina and Algeria. He links those movements with the global Communist menace, which, in his opinion, has political outposts in France itself. “Terrorism ... has become a formidable weapon of war that we can no longer ... ignore. Tried out in Indochina and brought to perfection in Algeria, it can lead to any boldness, even a direct attack on metropolitan France ... [where] it would encounter no great difficulty.”¹⁰¹ The causal equivalence of terrorism, anti-colonialism, and Communism may be historically flawed, but it provided the theoretical

⁹⁸ Roger Trinquier (1908-1986) was the most prominent *guerre révolutionnaire* theorist. He served three tours in Indochina where he commanded *Garde Indochinoise*. In Algeria, he was second-in-command to Massu during the Battle of Algiers. Trinquier was on the Committee of Public Safety formed by Massu and Salan that helped bring de Gaulle to power in 1958. Trinquier did not participate in the Algiers Putsch, nor did he join the OAS.

⁹⁹ Trinquier, pg. 21.

¹⁰⁰ Trinquier, pp. 21-22.

¹⁰¹ Trinquier, pp. 23-24.

raison d'être for *guerre révolutionnaire*. Colonel Jean Gardes, a theorist and practitioner of *guerre révolutionnaire*, a putschist, and a leader of the OAS, put this viewpoint succinctly: “The struggle to hold Algeria as an integral part of France was part of a larger struggle against the forces of Communism.”¹⁰² *Guerre révolutionnaire* asserted a direct connection between local national liberation movements and Communism – even when there was no real evidence for this link – in order to justify the necessity for extralegal measures. “Consequently, it acquired all the trappings of a conspiracy theory” led by a cadre of insiders – ‘believers’ – against what they perceived as a willfully ignorant public and government.¹⁰³

In *guerre révolutionnaire*, because of the stakes involved in the existential struggle against global Communism, the enemy does not deserve the rights and protections of international law. Salan himself stated that the captured (alleged) members of the FLN “must not be regarded as prisoners of war. The Geneva Conventions do not apply to them.”¹⁰⁴ Salan supported and signed off on “the temporary surprise abduction and transportation ... of a few inhabitants selected at random or identified as suspects with a view to interrogating them about the rebel organization.”¹⁰⁵ These interrogations should be “as vigorous as possible.”¹⁰⁶ The (literally) extraordinary nature of *guerre révolutionnaire* changed the usual rules of engagement. Since civilians were purposely targeted at random, civilian casualties were no longer collateral damage. Torture and terror were no longer considered exceptional tactics; they were perceived as necessary actions and reactions.

¹⁰² Oral transcript from an interview with Jean Gardes, Paris, July 1978, Tape 38, The Alexander Harrison Papers, the Hoover Institution.

¹⁰³ Marnia Lazreg, *Torture and the Twilight of Empire*. (Princeton: Princeton University Press, 2008). pg. 20.

¹⁰⁴ Memorandum from the Sixth Bureau of the General Staff of Algiers 19 March 1958, IH 1100/1 (*Service Historique de la Défense*), quoted in Raphaëlle Branche, “Torture of terrorists? Use of torture in a ‘war against terrorism’: justifications, methods and effects: the case of France in Algeria, 1954-1962. *International Review of the Red Cross*. Vol. 89, No. 867 (September 2007). pg. 546.

¹⁰⁵ General Directive No. 3, 19 January 1957 (*Service Historique de la Défense*), op. cit., pg. 551.

¹⁰⁶ Memorandum from General Salan on 11 March 1957 (*Service Historique de la Défense*), op. cit.

GUERRE REVOLUTIONNAIRE – VARIATIONS

In his preface to the 1964 English edition of Trinquier's primer on *guerre révolutionnaire*, Bernard Fall connects the titular protagonists of Jean Lartéguy's novel, *The Centurions*, the theory and practice of *guerre révolutionnaire*, and the OAS: "In the case of France the centurion exists as a live human being; right at this moment [1964], he is either emerging from colonelcy to general's rank, or being placed on the compulsory retirement list ... or being sentenced to the jails of the French Republic for Secret Army activities."¹⁰⁷ A vacuum in leadership in the French government after the Second World War foisted political decision-making in its colonies into the purview of the French military. In Indochina, French officers raised local, "native" militias against the Vietminh and in return for their service, "those officers undertook political commitments of a far-reaching nature: They swore ... to protect either a given group from Communist reprisals or a given territory whose population had committed itself to them."¹⁰⁸ When the French left Indochina they abandoned these people and this abandonment left a lasting impression of personal dishonor on the practitioners of *guerre révolutionnaire* – in particular the leadership of the OAS. When the central government called for another pullout less than a decade later, this time in Algeria, elements within the French military saw history repeating itself. Once again they had a personal responsibility to their "native" supporters. For example, Gardes "felt a deep attachment to Algeria, the *piéd noirs*, and the pro-French Muslims, many of whom had been his comrades in arms in the Second World War."¹⁰⁹ And once again, the French military was ordered by the French government to abandon them.

¹⁰⁷ Bernard Fall, preface to Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*. (New York, Praeger Press: 1964). pg.vii.

¹⁰⁸ Fall, preface to *Modern Warfare*, pg. viii.

¹⁰⁹ Oral transcript of an Interview with Jean Gardes, Paris, July 1978, Tape 38, The Alexander Harrison Papers, the Hoover Institution.

Jean Pouget, a veteran of Indochina and Algeria, a theorist of *guerre révolutionnaire*, and a writer of popular fictionalized memoirs, described the mission of the French military in Algeria in terms that anticipated current nation-building rhetoric:

[We] had a taste for liberty, the sense of justice and the instinct for generosity. [We] wanted to create a multiracial, free, fraternal and prosperous society ... Opposite under the striking red and green banner of Islam, the enemy preached racial hatred and religious fanaticism, the arbitrary terrorism of a one-party dictatorship ... To win the hearts of the population, [we] turned [ourselves] into medical orderlies, administrators, water irrigation project managers, overseers of the rural economy ... To protect [the Algerians, we] became policemen, judges, and executioners.¹¹⁰

Pouget was a major and the commanding officer of the 584th Transport or Infantry Battalion in Algeria. He started his military career with the French Resistance in 1942, served two tours of duty in Indochina, the second as aide-de camp to General Navarre (Salan's successor). Pouget parachuted into Dien Bien Phu three days before its surrender in May 1954 and was subsequently imprisoned in a Vietminh POW camp. He tried to escape multiple times and was tortured repeatedly.¹¹¹ Jean Lartéguy dedicated *The Centurions* to Pouget and merged aspects of Pouget's story with that of Colonel Marcel Bigeard in the composite character of Colonel Raspéguy,¹¹² a "bemedalled beast, a perfect tactician, as crafty as a monkey, as publicity-conscious as a film star, yet at the same time with a leaning towards metaphysics,"¹¹³ an intuitive geometer of his profession. In one scene, an arm-chair general criticizes Raspéguy's method of command since it commits "one too deeply:"

¹¹⁰ Jean Pouget, 'L'honneur des capitaines' in *Algérie français, 1942-1962*, P. Héduy, ed. (Paris: Société de Production Littéraire, 1980) pg. 366.

¹¹¹ Pouget wrote loosely fictionalized accounts about his experiences in Indochina (*Le manifeste du Camp No. 1*, Paris: Fayard, 1969) and Algeria (*Bataillon RAS Algérie*, Paris: Presses del la Cité, 1981) which, though biased, are historically reliable (Alexander Zervoudakis, "The Case of Successful Pacification: The 584th Bataillon du Train at Bordj de l'Agha, 1956-57" in Martin Alexander and J.F.V. Keiger eds, *France and the Algerian War, 1954-1962* (London: Frank Cass, 2002). pp. 54-64.

¹¹² In the character of Raspéguy, Lartéguy combined Pouget's eleventh-hour "drop" into Dien Bien Phu and imprisonment experiences in Indochina with Bigeard's life story and role as operations commander during the Battle of Algiers.

¹¹³ Lartéguy, pp. 287-288.

“Units like the one commanded by Raspéguy are liable eventually to turn into sort of sects which will no longer fight for a country or ideal, but only for themselves.”¹¹⁴ The internal commitment necessary to fight the partisan on ideological grounds places the practitioner of *guerre révolutionnaire* beyond pure national identification.

In *The Centurions*, the French soldiers need to find a reason to fight that is greater than “only fighting for France.” The defense of “the Terres Rouges plantations or the Bank of Indo China” is not enough since these reasons “could not possibly seem valid to a Communist.” Instead, the “notions, as yet undefined ... of Europe, the West, [of] Christian civilization” flash through their minds like the “idea of a crusade.”¹¹⁵ Yet the protagonists have a love-hate relationship with the “civilization” of which they are self-proclaimed guardians. They feel alien and are alienated from the French domestic “civilization of the Frigidaire and the bidet.”¹¹⁶ “What gives the Communist armies their strength is that ... everyone is concerned with everything and with everyone else ... If we’re ever given a war which we look upon as ours, then we’ll win it ... Our only hope of getting the upper hand in Algeria ... is to have a revolutionary army which will wage revolutionary war.”¹¹⁷ By definition, *Guerre révolutionnaire* views warfare in the same existential, all-or-nothing terms that it perceives its Communist/Islamist¹¹⁸ opponents do. Therefore, the enemy, not France sets the terms of the French military’s “psychological battle.” By adopting the purported

¹¹⁴ Lartéguy, pg. 287.

¹¹⁵ Lartéguy, pg.36.

¹¹⁶ Lartéguy, pg. 100.

¹¹⁷ Lartéguy, pg. 289.

¹¹⁸The proponents of *guerre révolutionnaire* always described the FLN as Communist, in order place the Algerian War in the context of a global war against Communism. They also stressed the politically Islamic character of the FLN in order to better fit the Algerian War under the rubric of a holy war between (Catholic) Christian France and the Muslim FLN. This focus also helped deny the FLN any nationalist character. Alf Andrew Heggoy, *Insurgency and Counterinsurgency in Algeria* (Bloomington: Indiana University Press, 1972). pp. 176-77. *Guerre révolutionnaire* theorists added Pan-Islmism to Communism as existential threats in order to adapt the theory to the Algerian context. Trinquier, *Guerre, révolution, subversion* (Paris: R. Laffont, 1968). Chapter 12. Also, the term “Islamist” as a signifier for political Islam is a post 1979 (Iranian Revolution) term and was not used in *guerre révolutionnaire* literature.

ideological perspective of its enemy, the French military separated itself from its own government's perception of national interest.

After Indochina, elements within the French military had begun to elide the distinction between serving empire and becoming the partisan. In *guerre révolutionnaire*, the military, by necessity, takes on a political role. In the words of the putschist General Challe: “Within a revolutionary context, when you have a revolt on your hands, there can be no such thing as a strictly military war. We had to promise the Algerians that they had a political future if they remained in the French orbit. Thus, it was no longer a conventional war.”¹¹⁹ The colonial military leadership's feeling of responsibility and investment in the French empire (caused by the dissolution of the separation between military and political functions)¹²⁰ differed from that of the French metropolitan government.

The existential conflict of *guerre révolutionnaire* allowed its proponents to justify colonial empire as an expression of a broader French identity. “It implied that personal identity was grounded in the nation, and national identity embedded in the empire. Anyone objecting to this identity conflation was [the true] traitor.”¹²¹ The divide between national and imperial French identity created the space for proponents of *guerre révolutionnaire* to leave the concrete legal privileges and protections of empire and cross over into the nebulous “legitimacy” of the partisan. The combination of tactical participation with personal, political attachment changed the relationship between the soldier and the conflict from regular – that defined by the interests of a nation-state theoretically bound by the obligations

¹¹⁹ Oral transcript of an Interview with Maurice Challe, former Commander-in-Chief of French Forces in Algeria. Paris, July 1978, Tape 11, Side B, The Alexander Harrison Papers, the Hoover Institution.

¹²⁰ As noted previously, the French military made political commitments in Vietnam. Also, in Algeria after 1954, the colonial administration was placed under the control of the military.

¹²¹ Lazreg, pg. 21.

of the rule of law, to irregular – that which falls outside the “accepted” discourse and into the realm of the partisan.

CONCLUSION

Guerre révolutionnaire was derived from the French military’s experience in colonial war. Its practitioners considered Algeria a battleground in the existential struggle against global Communism; it was also the last frontier and most important expression of a larger French imperial identity. *Guerre révolutionnaire* used torture as equivalent retaliation in a struggle it considered literally extraordinary – that is, a struggle in which the rules of the international system did not apply – partisan war. Therefore, the practitioners of *guerre révolutionnaire* were not just fighting the partisan, but also the framework of an international system theoretically upheld by their own national government which they considered weak, dysfunctional, rudderless and decayed.¹²² From this perspective, the formation of the OAS as an anti-metropolitan France terrorist organization is a consistent progression.

The identity of the OAS resides in the space between opposites – important vs. inconsequential, normal vs. aberrant, French vs. colonial/imperial, the soldier vs. the partisan/terrorist. *Guerre révolutionnaire* provided a how-to manual for operating within the ambiguities of this space. The replacement of the “accepted” norms of “proper” behavior in warfare sanctioned by the international system, with those “learned” and absorbed from the partisan, propelled the theorists and practitioners of *guerre révolutionnaire* to assume the role of the partisan themselves. Enshrining an extreme version of “us vs. them” into a doctrine which takes its ideological parameters from “them” makes those of “us” who participate in

¹²² For the counter-argument on the effectiveness of the French Fourth Republic see William Hitchcock, *France Restored: Cold War Diplomacy and the Quest for Leadership in Europe, 1944-1954*. (Chapel Hill: University of North Carolina Press, 1998).

the conflict, look more like “them” than like the rest of “us” at home. There is cognitive dissonance involved in accepting the rules (or lack thereof) of the opponent against whom you are engaged in an existential struggle. Eventually the members of the OAS had more in common with “them” – they were dispossessed of the rights and privileges associated with membership in a powerful nation-state.

Distilled from their colonial experiences, the proponents of *guerre révolutionnaire*, sought to protect a notion of a greater French community (which included Indochina and Algeria) against an existential foe. This required a change in the role of the military vis-à-vis the political administration. Their vision of political necessity became at odds with the viewpoint of the French metropolitan government.¹²³ The story of the OAS, the career of General Salan, and the literature of *guerre révolutionnaire* show how a group of men crossed the ostensibly immutable line between soldier and partisan, between regular and irregular war.¹²⁴ As de Gaulle himself put it: These men became “an insurrectionary power ... [They may have] looked like a quartet of retired generals, yet in reality [they were] a group of officers, who are partisans, ambitious and fanatic ... They [could] only see and understand their Nation and the world deformed by their frenzy.”¹²⁵

¹²³ The French central government under de Gaulle sought to play a leadership role in Europe and maintain commercial interests in (former) colonies. This was best served by getting out of Algeria. Michael Sutton, *France and the Construction of Europe: 1944-2007, a Geographical Imperative*. (Oxford: Berghahn Books Ltd., 2007).

¹²⁴ Members of the French military who joined the Resistance are another example of the partisan who crossed the line between regular war and irregular warfare.

¹²⁵ Charles de Gaulle, Message radio télévisé du chef de l'Etat à la nation, 23 Avril 1961.

Chapter 3: The Trial of General Salan

WHOSE PATRIOT?

Chris Marker's personal essay as documentary film, *Le Joli Mai* (1963), shot in Paris in May 1962, contains a scene of a crowd outside *Le Palais de Justice* awaiting the verdict from Salan's trial. Marker interviews an old man who declares that, if French authorities intend to execute their own generals, then in response, all "guilty" Algerians deserve execution. A young paratrooper also publicly affirms his support for Salan. At the end of this scene, the crowd learns that Salan has been found guilty, but spared the death penalty. As the (ex)general emerges from the courthouse, he acknowledges the appreciation of the crowd which sings *La Marseillaise* in his honor. Through Marker's deliberately casual questions and narration, the Marxist filmmaker argues that the crowd's emotional advocacy for Salan is a grossly misplaced show of patriotism: Salan was a chief architect of an immoral and dysfunctional national policy. Marker is right in his assessment – Salan was no patriot. Salan traded defense of nation for defense of empire; he violently attacked the forces and decisions of his government, a government that he had helped install and to which he owed allegiance as both a citizen and as a soldier. His status as a patriot, one who defends one's country, became an awkward mischaracterization when Salan turned his gun against his own nation. Yet what is most significant in the scene from Marker's film is not whether or not Salan is a patriot; it is that the crowd, a French crowd in Paris, sees him as one. They claim him as their defender and therefore they give a kind of legitimacy to his actions.

In his trial, Salan assumed the symbolic role of the partisan. He barely spoke. His lawyer and witnesses spoke for him. They transferred a general sense of resentment, anger, and disillusionment with French policy on to him. Salan's trial became a stage on which the

“legitimacy” of the partisan came up against the legality of empire. The trial’s dénouement was poignant: Neither side could win. The partisan cannot muster even a fraction of the power – not just military might, but also the civil-legal institutions and infrastructure – of empire. Yet empire is not equipped to handle the partisan. This chapter explores the inconclusive showdown between the partisan and empire in an odd case where the *partisan* was the proponent of an older (imperial) idea of empire and the empire promoted the narrower conception of nation. The empire embraced this more narrow national identity so it could divest itself of an increasingly unpopular and archaic colonial past in order to project future power.¹²⁶ This section examines the conflict between nation and empire: Salan’s silence allowed his trial to become a platform for the expression of a broader imperial (French) identity. To counter Salan and the OAS, Charles de Gaulle called upon a particular conception of national Frenchness. The transcripts from General Salan’s trial are contrasted with one of de Gaulle’s radio addresses and the trial itself is viewed through contemporary news publications.

The spring of 1962 was an unstable time for France. While subsequently overshadowed by the riots of 1968, 1962 was a moment when many of France’s past, present, and future political problems – the political legacy of collaboration and the Vichy/Resistance split, the badly managed end of colonial empire coupled with a refusal to call the Algerian War a “war,” and distaste for secondary status within NATO – began to bubble to the surface. Also at this time, de Gaulle attempted to mold a French national identity that would counter the instability of decolonization and the imperial identity

¹²⁶ Part of de Gaulle’s over all strategy behind “allowing” Algeria independence was that he felt that French influence in the Maghreb was diminishing due to ill will in the region. He decided that if Algeria were independent, then France could better exercise her “natural” sphere of influence as the regional hegemon. Paul Balta, “French Policy in North Africa,” *Middle East Journal*. Vol. 40, No. 2. (Spring 1986). Ted Morgan also mentioned that French companies continued to control Algerian Oil after 1962 (“Valley of Death: The Tragedy of Dien Bien Phu that led America into the Vietnam War,” lecture at Columbia University, 2 March 2010).

propagated by Salan, the OAS, and the French political Right. Salan's trial became a symbolic moment for the formation of a modern French national identity which no longer derived its legitimacy and strength from its colonial status, but from an intangible (and narrower) conception of European "Frenchness" instead.¹²⁷

NATION VERSUS EMPIRE

Much of the large body of nationalism literature in general and French nationalism literature in particular, portrays the construction of a nation, specifically the French nation, as a colonial project.¹²⁸ Increased communications (such as the advent of railroads) or shared experience (such as mass conscription) or both (such as increased literacy) propelled nationalism outward, first to territorially contiguous provinces, then – in theory – to the colonies across the water. Yet there is another direction for this progression – from the colony to the metropole.¹²⁹ What happens in the colonies affects the center. It was the colonial generals who pulled the plug on the French Fourth Republic. They felt that the national government was not representing the interests of France the empire. French colonial subjects could not be ignored; they were part of France. While paternalistic would be a very kind way to describe the "multiculturalism" of the practitioners of *guerre révolutionnaire*, it is ironic that the central French government had a more racially and

¹²⁷ Michael Sutton, *France and the Construction of Europe: 1944-2007, a Geographical Imperative*. (Oxford: Berghahn Books Ltd., 2007).

¹²⁸ Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. (Stanford: Stanford University Press, 1971) is the classic text on French nationalism as a colonial project. Challenging Weber's placement of Paris at the center of a center/periphery conflict is Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees*. (Berkeley: University of California Press, 1989).

¹²⁹ On the impact of colonial expansion on French (metropolitan) political thought: Raymond Betts, *Assimilation and Association in French Colonial Theory 1890-1914* (New York: Columbia University Press, 1960). Martin Deming Lewis, "One Hundred Million Frenchmen: The 'Assimilation' Theory in French Colonial Policy," *Comparative Studies in Society and History*, Vol. 4, No. 2. (January, 1962) pp. 129-153. Alice Conklin, A "Mission to Civilize:" The Republican Idea of Empire in France and West Africa, 1895- 1930. (Stanford: Stanford University Press, 1997).

ethnically diverse composition between 1920-1962 then it did in the period immediately following.¹³⁰ The Fourth Republic's rhetoric of a French empire that was a "French Union" of "one hundred million citizens and free men" who were "enriched, ennobled, and expanded" by their association with France¹³¹ may have been disingenuous, but the counter-formulation of a Europeanized, non-imperial, French identity was actually more limited and exclusive.

The *guerre révolutionnaire* officers' ability to alter their home government to suit their own military agenda, as they did in 1958 by bringing de Gaulle back to power, created a dangerous precedent. At his trial, one of the few statements Salan made was that his great crime against France was his miscalculation in supporting de Gaulle in 1958. The rest – the Putsch, the OAS, the terrorist attacks on civilians – was all an attempt to rectify that grave error in judgment. Unhappy with how the Fourth Republic conducted colonial war, the *guerre révolutionnaire* officers engineered de Gaulle's ascension to power. They ventured into direct politics and acquired a taste for fixing bad strategy abroad with regime change at home. Salan's trial became a performance of the state's attempt to reaffirm civilian dominance over the military.

"Life without an empire meant a recomposition of identity."¹³² Embedded in what they considered an ideological struggle, the proponents of *guerre révolutionnaire* equated the preservation of a French empire with the maintenance of a French identity through the adherence to a French imperial ideology. A secure French Algeria was a secure French identity. For Roger Trinquier the "the defense of national territory is the *raison d'être* of an army ... however, the French Army has not been able to halt the collapse of [its] Empire."

¹³⁰ Shepard, pg. 14.

¹³¹ Herbert Luethy, *France Against Herself*, trans. Eric Mosbacher. (New York: Meriden Books, 1957). pg. 218.

¹³² Lazreg, pg. 177.

Therefore, “no French military man ought to rest until we have created an army capable of assuring the defense of our national territory.”¹³³ In this formulation, empire and “national territory” were one and the same; their preservation was the moral responsibility of the military. Salan himself closed his memoirs with the imperial soldier’s equivalence of self with empire: “To lose an empire is to lose one’s self; it is to remove all meaning from a man’s life, the life of a builder.”¹³⁴ He summoned Christian imagery with his use of the term “builder” (*bâtisseur*) as an analogy for the imperial soldier. God is the great builder,¹³⁵ Jesus was the son of a carpenter, and the cross is a level tool. In this conception, the broader French imperial identity was a broader (Catholic) Christian identity. The empire, the external, physical projection of French power, was constructed and secured by the military. The outward force of power had to be balanced with an opposite pull to the center/metropole from the colonies in order to maintain the equilibrium of a stable French identity. In the words of an anonymous French soldier, “France was France because it had a colonial empire.”¹³⁶

THE VOICE OF DE GAULLE

The territorial divestment and end of a colonial past built on political exclusion of “native” populations, led to the construction of a tightly defined, more ethnically restricted, and explicitly European conception of French national identity. Instead of looking outward towards an overseas empire, this post-colonial identity was inwardly focused towards Europe. By “remov[ing] virtually all of the men and women ‘of color’ from the French

¹³³ Trinquier, pg. 3.

¹³⁴ Raoul Salan, *Mémoires; fin d'un empire*. Vol. II. (Paris: Presses de la Cité, 1970). pg. 441.

¹³⁵ Hebrews 3:4 and 11:10; 1 Corinthians 3:10 (King James Version)

¹³⁶ Lazreg, pg. 174.

legislature” even the tiny French ethnic minority political voice was removed.¹³⁷ Citizenship became more specifically defined – “most people from Algeria who had French citizenship in March 1962 (some nine million) had it taken away by 1963.”¹³⁸ The means and procedures used by the French government to exclude French colonials from the French nation allowed de Gaulle to restructure republican legitimacy, civil liberties, the state and French identity.¹³⁹ This reshuffle, this focus on European Frenchness, was a form of damage control for de Gaulle in his successful effort to limit the domestic impact of the OAS’ propaganda. Once colonies became political liabilities, de Gaulle took the long view that the “restoration of the French state to a position of preeminence could take place only in the framework of a European society of states, whose leadership lay [in his opinion] effectively in the hands of France.”¹⁴⁰ France needed to wrap up costly distractions and turn inward towards Europe in order to project future power.

In response to the Barricades Uprising in January 1960 in Algiers, de Gaulle made a broadcast on French radio and television. He opened his speech by calling attention to the uniform he was wearing “in order to show that it is General de Gaulle who speaks, as well as the Chief of State.”¹⁴¹ De Gaulle was careful to assert his own, personal military clout as he announced his intention that “Algerians shall have free choice of their destiny.”¹⁴² He drew a distinction between the Muslims who will have the opportunity to decide their political affiliation and the (white, predominantly Catholic) European settlers, the *pied noir* , the “Frenchmen of Algeria” who would continue to be protected by the French military. In this

¹³⁷ Shepard, pg. 260.

¹³⁸ Shepard, pg. 2.

¹³⁹ Shepard, pg. 3.

¹⁴⁰ Sutton, pg. 5.

¹⁴¹ Address by President Charles de Gaulle on Algerian Policy Broadcast over French Radio and Television on 29 January 1960 from *Major Addresses, Statements and Press Conferences of General Charles de Gaulle*. (New York: French Embassy, Press and Information Division, 1967) pg. 71.

¹⁴² Ibid, pg. 71.

speech, de Gaulle made two subtle political gestures: First, he nationalized the Algerian, *pied noir* population into a French identity. Second, through the concept of self-determination, de Gaulle was able to cast out Muslim Algerians from this same identity. Even as he made a political statement guaranteed to anger the *pied noir*, de Gaulle brought them into the net of a distinctly European-French identity that excluded Muslim Algerians. The distinction between the *pied noir* and Algerian Muslims had always been omnipresent and implicit. However, de Gaulle's precision in defining who does and does not belong marked a change from the assimilationist gloss of the Fourth Republic in the articulation of a French national identity.¹⁴³

De Gaulle continued his speech, denouncing the French Army, which had become, through its absorption of the strategy of *guerre révolutionnaire*, “ an anarchic and absurd conglomeration of military feudalisms” which have made “their loyalty conditional.”¹⁴⁴ The taint of *guerre révolutionnaire* had given elements within the military the belief that they could force “their pretended claims” of imperial identity “on to the nation, on to the state, and on myself [Charles de Gaulle].”¹⁴⁵ Here, de Gaulle articulated not only the contrast between his own conception of French identity (that of nation) and that of the leadership of the OAS (that of empire); he also equated the French nation with the French state with his own leadership. He united national identity with state government in a single person, himself. De Gaulle acknowledged the division between the aims of the military and the state, that there are “some elements of this army [which] may be tempted to think that this war is their war, not France's war, and that they have a right to a policy which would not be France's

¹⁴³ There is a history of oscillation between inclusion and exclusion in French colonial policy. Conklin, *A Mission to Civilize*. For example, the Vichy period was remarkable for its coercive brand of colonialism. Eric T. Jennings, *Vichy in the Tropics: Pétain's National Revolution in Madagascar, Guadeloupe, and Indochina, 1940-1944*. (Stanford: Stanford University Press, 2001).

¹⁴⁴ Ibid, pg. 72.

¹⁴⁵ Ibid, pg. 73.

policy.”¹⁴⁶ However, “there is no room for equivocation or interpretation” – the state’s policy *is* French policy and to refuse to follow that policy is insurrection.¹⁴⁷

SALAN’S SILENCE

A curious aspect of Salan’s trial was that the man himself barely spoke. After he acknowledged that he was personally responsible for the OAS and all its actions, he refused to answer questions. Besides dramatic theatre, Salan’s silence provided the opportunity for his lawyer, the French right-wing ideologue Jean-Louis Tixier-Vignancour,¹⁴⁸ and the witnesses called by the defense to explain Salan’s motives and actions, to superimpose onto Salan their own feelings of anger at and disenfranchisement from the French government. Salan’s trial became not so much a referendum on his own treason, but a thorough discussion and analysis of the larger legitimacy of his cause. Once captured, Salan-the-partisan passed back under the authority of his own national government. As a citizen, even a treasonous one, Salan’s nation had legal mechanisms in place to deal with him. Because of his domestic political clout, his trial became one of the rare occasions¹⁴⁹ in which the nation-state has to deal openly with the partisan and give him the political recognition of a trial.

Salan’s witnesses told a story of a French military which had lost trust in the political reliability of its government. In their narrative, they traced the continuities between Indochina and Algeria. Colonel (Ret.) Jean Thomazo testified that in Indochina, following Salan’s orders, he negotiated agreements with Indochinese Catholic bishops, in, as he

¹⁴⁶ Ibid, pg. 74.

¹⁴⁷ Ibid, pg. 74-75.

¹⁴⁸ Tixier-Vignancour (d. 1989) was a French Rightist lawyer and politician. He had been a member of the Vichy government, represented Salan as well as other former OAS members, ran against de Gaulle in 1965, and was the campaign manager for Jean-Marie Le Pen.

¹⁴⁹ Khalid Sheikh Mohammed’s forthcoming trial will be another example, if it occurs.

emphasized, “the name of France.”¹⁵⁰ He pledged “that French troops would stay ... to protect the Catholic minorities against the raids of the Vietminh.” Thomazo addressed the court:

You know what happened [next]. On the orders of the government, on the orders from Paris, our troops had to leave ... These people, hooking onto the ships which were taking away our troops, tried to follow them in sampans and junks loaded with women and children ... these tortured people, lost by our fault.¹⁵¹

Here, Thomazo enumerated aspects of the *guerre révolutionnaire* conception of empire – paternal responsibility, shared religion, and thematic continuity from Indochina to Algeria. He made a claim for French responsibility to protect some Indochinese on the basis of a shared Catholic identity. His attitude contrasts with de Gaulle’s constitutional support for *laïcité*.¹⁵² Thomazo uses the term “tortured” (*ces populations angoissées*) to describe the Indochinese who were “lost” through the “fault” of the French government (*ces populations perdues par notre faute*). His salvation language echoes a metaphor used by French military interrogators in Algeria who imagined torture as an act to cleanse the prisoner of his anti-French beliefs and actions. Through torture, *guerre révolutionnaire* attempted to reanimate colonialism and “save” the “lost” Algerian, to (re)make him properly French.¹⁵³

Thomazo expressed the French military’s general distaste for the political policy of its government: “When one has seen and lived through these things, one cannot help holding in his heart a feeling of reprobation for the authorities who tolerated them.”¹⁵⁴ A sense of a group consciousness subsumed his own experience. He spoke for “this young army which fought for five years in Indochina.” “When it came back to Algeria to fight the

¹⁵⁰ Testimony of Colonel Jean Thomazo (Ret.). Transcript of the Trial of General Raoul Salan, 21 May 1962. *Le Procès de Raoul Salan*, (Paris: Compte Rendu Stenographique, 1962). pg. 372.

¹⁵¹ Thomazo Testimony, *Le Procès de Raoul Salan*, pg. 372.

¹⁵² *Laïcité*, French institutional secularism, made law in 1905, was first enshrined in the French constitution by the Fifth Republic in 1958.

¹⁵³ Lazreg, pg. 133.

¹⁵⁴ Thomazo Testimony, *Le Procès de Raoul Salan*, pg. 372.

same battle, the same *revolutionary war* with the same leader as commander in chief: General Salan,” it could not help “swearing to do all [it could] never to let [it] happen again.”¹⁵⁵ The refrain, “never again,” echoes through Thomazo’s testimony. Never again would the French military allow its civilian government to abandon its empire, its identity, and its so-called honor. Never again would they allow themselves to be placed in the position of sacrificing their responsibilities to political necessity.

When questioned about Salan’s possible motivations and intentions, General Jacques Allard looked even further back than Indochina:

One has to think of all that has been demanded of the French army for the last twenty years. When one thinks of the amount of self-denial, of sacrifice, of devotion, of responsibilities which have been demanded of us throughout the world for the honor of France and the French flag, and that the tombs of our sons, of our troops, and of our comrades, and of the victories we have won – that all that has been for naught, that we have been deprived of all that.¹⁵⁶

Like Thomazo, Allard also used the third person impersonal voice. He simultaneously distanced himself from his testimony, abdicated agency over his words, and spoke for a larger group. Allard assumed possession over the tangible (the flag) and the intangible (honor) symbols of the French nation. He located them in a specific place, the tombs of the fallen, reminiscent of Nora’s *lieux de memoire*. Allard also claimed for the military a greater share of sacrifice than the civilian government. If this sacrifice was for nothing, just a last-ditch effort to hold back the tide of history,¹⁵⁷ then the military had been deceived and dispossessed. According to Thomazo’s line of thought, the *guerre révolutionnaire* officers had no recourse but to take on the role of the partisan, to hold their own nation accountable for “dishonoring” them.

¹⁵⁵ Ibid, pg. 373. Emphasis added.

¹⁵⁶ Testimony of General Jacques Allard. Transcript of the Trial of General Raoul Salan, 17 May 1962. *Le Procès de Raoul Salan* (Paris: Compte Rendu Sténographique, 1962). pg. 189.

¹⁵⁷ Shepard, pg. 272.

GUERRE REVOLUTIONNAIRE ON TRIAL

The outcome of the trial stunned France. In the dimly lit courtroom of the Palais de Justice, ex-General Raoul Salan had openly accepted responsibility for armed rebellion against De Gaulle's government and for more than 400 documented killings committed by his Secret Army Organization.

...
After deliberating 2½ hours, the nine-man military tribunal found “extenuating circumstances” and sentenced Salan not to death but to life imprisonment.

...
The influential Paris newspaper *Le Monde* described it as “a trial for nothing, climaxing a war for nothing.”

...
De Gaulle [announced]: “There's no more state. There's no more democracy. It can't go on like this!” He bitterly contrasted his popular support among the mass of Frenchmen with the “resistance” on the part of the army and the judiciary.¹⁵⁸

At the opening of his trial, Salan briefly introduced himself at the judge's behest, gave his title as “ex-general,” and raised his voice as he listed his awards and decorations.¹⁵⁹ This was the first of only two occurrences when Salan spoke.

Throughout the proceedings, Salan's

Pessimistic mouth kept moving almost continuously, his thin lips active in silent nervousness. His pallid face had an emptied, impressive look of lost and dissipated energy, odd beneath his clown-like hair, grown freshly grey over his ears but still a mawkish henna color on top – a leftover from the dye he had been relying on as a disguise when arrested in Algiers.¹⁶⁰

While silent, the famously enigmatic General, nicknamed “the Mandarin” for his long tenure in Indochina, his habitual blank affect, and alleged opium addiction¹⁶¹ seemed to radiate restless unease. Whatever the true purpose behind his silence, Salan visibly (and uncharacteristically) showed his anxiety during his trial. Both the media and Salan himself

¹⁵⁸ “France: Sympathy for Salan,” *Time*, 1 June 1962.

¹⁵⁹ *Les Procès de Raoul Salan*, pg. 11.

¹⁶⁰ Janet Flanner, “Letter from Paris,” *The New Yorker*, (26 May 1962) pg. 147.

¹⁶¹ Morgan, 2 March 2010 lecture.

assigned full responsibility to him for the OAS and its actions.¹⁶² *The New Yorker* described the OAS as “the elaborate, irrational, and dangerous product of [Salan’s] imagination, sectarian patriotism, Army training, and egotism.”¹⁶³ This intentionally sensationalist language touches on aspects of the theory of *guerre révolutionnaire*: *Guerre révolutionnaire* conflated imagined Communism together with imagined Islamism and nationalism into an existential threat. The practitioners of *guerre révolutionnaire* used their on-the-ground military experience as justification for acts of “incredibly well-planned sanguinary lunacy.”¹⁶⁴ They held the presumption that their familiarity with deadly sacrifice gave them emotional ownership over the decision-making power of their nation’s foreign policy. And finally, they believed that they were “true” patriots, representative of an anti-Republican, counter-revolutionary strand of French political thought associated with the French ultra-conservative, monarchist intellectual and politician, Charles Maurras.

While Salan himself had never been a visible proponent of the French political Right, many of the *guerre révolutionnaire* theorists were. The French Right as a political force rallied behind Salan-the-symbol during his trial and would continue to use its clout within the French government to diminish his sentence and eventually reinstate his (and those of other former OAS members’) military rank and honors. Maurras (1868-1952) opposed democracy because he felt it led to an unstable, inefficient, and insecure foreign policy; it was a political regime without memory.¹⁶⁵ This claim resonated with the *guerre révolutionnaire* practitioners’ anger at a civilian government that forgot the so-called abandonment of Indochina. They also agreed with Maurras’ claim that civilian government “interfered” with the military to the

¹⁶² Salan’s words: I am the head of the OAS. Therefore, the responsibility is entirely mine. I owe an explanation only to those who suffered and died believing a broken promise and fulfilling a betrayed duty. Henceforth, I will remain silent. *Le Procès de Raoul Salan*, pg. 108.

¹⁶³ Ibid. pg. 146

¹⁶⁴ Ibid. pg. 146.

¹⁶⁵ Charles Maurras, *Keil et Angiers*, [1914] (Paris: Nouv. Libr. Nat., 1916).

detriment of the military's ability to wage war. Maurras admired the Catholic Church, not because he was particularly religious, but because he saw it as a unifying, stabilizing institutional force behind a strong French identity. Similarly, the practitioners of *guerre révolutionnaire* saw Catholicism as a marker between "us" and them (godless Communists/Muslims). Many of Maurras' and the French political Right's ideas – anti-Semitism, proto-fascism, and eventually Islamophobia – are particularly repellent. Yet, as seen in Thomazo's testimony, the exclusive, discriminatory identity marker of Catholicism allowed the *guerre révolutionnaire* officers to include some Catholics who were not "French" into the protective umbrella of a French imperial identity.

For de Gaulle, "it is all very well that there are yellow French, black French, brown French. They demonstrate that France is open to all races." However, it is crucial that "they stay a small minority. If not, France will no longer be France." The French are "above all a European people, racially white ... and religiously Christian."¹⁶⁶ France could not absorb over ten million Muslims (as it would have had to do if Algeria were to remain part of France) and stay French. The French imperial empire in general and Algeria in particular had to be abandoned in order to secure France the nation-state. De Gaulle embraced the inconsistency of republican legality with ethnic nationality in his conception of France.¹⁶⁷ The erratic tension and oscillation between extending a French identity based on universal, republican ideals while then (sometimes even simultaneously) pushing others away has been present in French imperial politics and political thought since 1789.¹⁶⁸ De Gaulle's speech following the Barricades Uprising encapsulated this tension. He coupled the extension of (theoretical in 1960) self-government for Algeria with the exclusion of Muslim Algerians and

¹⁶⁶ Alain Peyrefitte, *C'était de Gaulle, La France redevient la France*, Vol. 1 (Paris, Fayard: 1994). pg. 56.

¹⁶⁷ Dominique Colas, "Portrait de la République selon Charles de Gaulle," in *De Gaulle et son siècle Tome 1: Dans la mémoire des hommes et des peuples* (Paris: La Documentation Française, 1991). pp. 196-197.

¹⁶⁸ Conklin, *A Mission to Civilize*. Jennings, *Vichy in the Tropics*.

inclusion of the *piéd noir*, the “Frenchmen of Algeria,” into France. De Gaulle had an antagonistic yet interconnected relationship with Maurras and the French political Right. His family background was typical of those who supported Maurras: Deep attachment to the French monarchy, fervent Catholicism, and fierce patriotism.¹⁶⁹ While the French Right did not forgive de Gaulle for calling Maurras a traitor, “the ideologist of Anti-France,”¹⁷⁰ and for “abandoning Algeria;” Gaulle’s hyper-patriotism and consciously regal approach to the presidency were akin to Maurras’ ideal.

The identity de Gaulle articulated was compatible with the French national mythology of Republican ideals, secular nationalism, and European leadership. On a practical level, it acted as a tonic for a nation in trauma. However, in actuality, this identity was as exclusive in its own way as the archaic imperial paternalism perpetuated by *guerre révolutionnaire*. The belief system articulated by *guerre révolutionnaire* was flawed, outdated, violent, and illegal. Yet it pinpointed the problems in the ideological turn towards a European-oriented France. These treasonous, ultra-conservative officers gave voice, during Salan’s trial, to some of the casualties of French decolonization and many of the hypocrisies imbedded in a liberal republican identity. They did not just give a voice to the partisan within state-controlled legal space; they also targeted some of the same inconsistencies in French (post)colonial policy as Schmitt had in the international system.

¹⁶⁹ Stanley Hoffmann and Inge Hoffmann, “The Will to Grandeur: De Gaulle as Political Artist,” *Daedalus*, Vol. 97, No. 3, (Summer 1968). pp. 829-887

¹⁷⁰ Actual words of Maurice Schumann, de Gaulle’s spokesman and the radio voice of Free France. The Free French propaganda described the Vichy regime as Maurrasian; however, the ties between Maurras and Pétain were not close. Jean-Louis Clément, “The Birth of a Myth: Maurras and the Vichy Regime,” *French History*, Vol. 7, No. 4 (December 2003). pp. 440-454.

CONCLUSION

The trial of General Salan was snap-shot in the conflict between the unsanctioned, illegal activities of the partisan and the power of the nation to regulate them. It became a stage for the dispute between the dueling conceptions of imperial and national identity against the backdrop of their renegotiation required by decolonization. Salan, as a silent but anxious spectator, lost his personal significance as an officer who had committed treason. He became, instead, the screen on which his contemporaries could present their own narratives of alienation, anger, and disenfranchisement. The crowd outside the *Palais de Justice* also served as a voice for Salan. It claimed him as a French patriot. And the tribunal listened to them. Life in prison due to undisclosed extenuating circumstances is a political judgment *based* on those extenuating circumstances – not a ruling based on evidence and a legal code. In practical politics, the Fifth Republic wanted Salan the partisan to go away, not turn him into a martyr.

The message of de Gaulle, disembodied over radio waves and broadcast live with political imaging on television, sharply contrasted with Salan's refusal to explain his motivations and actions. Both de Gaulle's voice and Salan's silence were cunning political tools. De Gaulle, with the most to lose, had to make the case for his conception of France the nation and take it before his public. Salan could not defend the indefensible – he flouted orders, murdered co-nationals, and committed a clear, textbook case of treason. Far better to have others speak for him. The assemblage of support for Salan, from inside the courtroom (where witnesses, often serving officers in the military, saluted him with the same respect they showed the tribunal) and from the crowd outside, gave a kind of legitimacy to his cause. Salan's supporters gave his cause a voice that would have to be politically

placated. And it was. This case of the partisan was defused so that the nation could continue to function as an empire.

Empire is the post imperial projection of state power beyond the territorial boundaries of the nation-state. Hardt and Negri's polemic, *Empire*,¹⁷¹ argues that state sovereignty has become subservient to imperial, "immanent" sovereignty, the foundation of empire. Immanent sovereignty grew out of the universal, "assimilationist," republican ideals of nations like France (and the United States). It served as the operating mechanism for the empires made up of colonies. Following decolonization, it facilitated the expansive permeation of an international system operated by the great powers. Built into this system for Hardt and Negri (echoing Schmitt) is the hypocrisy of "just war," sanctioned by an international system:

The traditional concept of just war involves the banalization of war and the celebration of it as an ethical instrument. These two traditional characteristics have reappeared in our postmodern world . . . Today the enemy, just like war itself, comes to be at once banalized (reduced to an object of routine police suppression) and absolutized (as the Enemy, an absolute threat to the ethical order).¹⁷²

The invocation of a universal "ethical order" as just war's object of protection gives this international system, in Schmittian language, license to cheat. It provides a façade of universalism in order to maintain ingrained difference. The empire doesn't create difference; it includes difference, affirms difference, manages through difference, and finally controls through difference. This fundamental duplicity – between the recognition of and "respect for" cultural difference and self-determination, coupled with the exclusion of those who are

¹⁷¹ While notoriously opaque in places, Hardt and Negri's *Empire*, draws on Schmitt's discriminatory concept of war in their construction of empire, linking to Schmitt through Giorgio Agamben's conception of "bare life" – those who dwell in Schmitt's exception. Agamben, *Homo Sacer: Sovereign Power and Bare Life*. trans. Daniel Heller-Roazen. (Stanford: Stanford University Press, 1998). For linkage between Hardt and Negri, Agamben, and Schmitt, see Balakrishnan's review of *Empire*, "Vigilant Visions," *New Left Review*. Sept/Oct 2000.

¹⁷² Hardt and Negri, pg. 17.

“different” from the national (and on a level of systems, international) identity and therefore the levers of power – became a way to form and maintain an international system propelled by empire. It also served as a mechanism for the state to exclude former colonial subjects from the national identity. De Gaulle was a master at this manipulation and he preserved France the national empire from the degradations of Salan, the imperial partisan.

Conclusion

The partisan/insurgent has become the central challenge to an international system that discriminates between partisan/irregular warfare and justified intervention. The language of Carl Schmitt – of legal exception and absolute enmity – has become the vernacular of the Long War against Global Terrorism. Used and misused, Schmitt provides an opportunity to see the partisan as a historical theme with a form and a function, while he also exposes the inconsistencies within a “universal” international system. Raoul Salan is an example of the partisan who belonged to the political-military elite of a great power. He crossed the line from state representative/soldier, to partisan, and then back again to state controlled legal space and eventual reinstatement into state civil society. Since Salan traversed these boundaries, his case highlights the spatial dynamic of the partisan. This trajectory – from soldier fighting the partisan to taking on the role of the partisan itself – becomes particularly significant when the current Long War against Global Terrorism uses Algeria as a template for partisan/insurgent war.

MILITARY DOCTRINE AS POLITICAL POLICY

In December 2006, the United States Army and Marine Corps published a field manual for counterinsurgency (COIN FM 3-24) in order to provide a tactical guide for the two active fronts in the Long War against Global Terrorism, Iraq and Afghanistan.¹⁷³ This manual takes its definitions of insurgency and counterinsurgency (COIN) – the current designations for partisan war – from the work of a minor *guerre révolutionnaire* theorist, David

¹⁷³ *The United States Army/Marine Corps Counterinsurgency Field Manual 3-24*, with an introduction by Sarah Sewall and forwards by John Nagle and David Petraeus. (Chicago: University of Chicago Press, 2007). COIN FM 3-24 was released online on 15 December 2006.

Galula.¹⁷⁴ Galula's book, *Counterinsurgency Warfare: Theory and Practice* (1964), has two great benefits for current writers of US military doctrine: It was published in English and it does not advocate the use of torture. COIN FM 3-24 generated a surprising amount of publicity for a military operations manual. The brainchild of General David Petraeus, the manual's authors included civilian anthropologists, human rights scholars, as well as military historians. Once it was released online, it was downloaded more than 1.5 million times before it was published in print. Prominent politicians have listed the manual as bedtime reading and copies of it have been found in Taliban camps. COIN has become a political buzzword, spawning a slew of policy reports, articles, and books, many written by American soldier-scholars. Like the practitioner-theorists of *guerre révolutionnaire*, the COIN scholars draw upon their firsthand experience in Iraq and Afghanistan to lend credence to their work. Yet despite popularity and star-power, there is a central disconnect in COIN strategy: It advocates a military solution to what it diagnoses as a political problem.¹⁷⁵ This is a logical inconsistency it shares with its predecessor, *guerre révolutionnaire*.

Proponents of COIN FM 3-24 respond to this criticism, saying that the manual is a military operations manual, not a policy document.¹⁷⁶ They are correct. However, COIN FM 3-24 has been used as a policy document – as justification for increasing troop levels in Afghanistan. This use of military doctrine as political policy is not unique to COIN FM 3-24. When President Obama banned torture in January 2009, he did not personally renounce torture or instigate legislation through Congress to that effect. Instead, he pointed to a specific military manual on interrogation techniques – which denounced torture – and

¹⁷⁴ David Galula, *Counterinsurgency Warfare: Theory and Practice*. (Westport, C.T.: Praeger Security International: 2006).

¹⁷⁵ Lydia Walker, "Forging a Lock, Turning a Key: Counterinsurgency Theory in Iraq: 2006-2008," *Studies in Conflict and Terrorism* Vol. 32, No. 10 (October 2009). pp. 909-918.

¹⁷⁶ From a correspondence between the author and Col. Conrad Crane, an author of COIN FM-3-24, a professor of history at the United States Army War College and an advisor to Gen. Petraeus (2004-2005).

declared *that* to be United States policy.¹⁷⁷ His action is part of a pattern of making military doctrine political policy which is eerily reminiscent of *guerre révolutionnaire*. In liberal democratic Republics, it is not the role of the military to decide the policies which send them into other countries; it is not the role of the military to decide when to leave. Salan and other practitioners of *guerre révolutionnaire* who participated in the Algiers Putsch or the OAS or both, acted otherwise. Their example shows how easy it can be, in partisan war, to blur the lines between military doctrine and political policy. And how important it is to maintain the distinction.

ALGERIA AS A CASE STUDY FOR THE LONG WAR

In addition to the parallels between COIN theory and *guerre révolutionnaire*, the Algerian War as historical case has often been used in comparison with the current US engagements in Iraq and Afghanistan. US military/counterinsurgency strategy analysts mine the Algerian war for “lessons learned.”¹⁷⁸ Both Alistair Horne’s famous tome *Savage War of Peace* (1977) and Lartéguy’s *Centurions* are recommended as important reading for American soldiers in Iraq and Afghanistan.¹⁷⁹ The White House even hosted an internal viewing of Gillo Pontecorvo’s 1965 film, *The Battle of Algiers*, in the run up to the Second Iraq War in 2003.¹⁸⁰ For all this interest in the Algerian War as a template, the American policy community ignores how the existential mindset and extra-legal tactics of *guerre révolutionnaire*

¹⁷⁷ Barak Obama, *Executive Order Ensuring Lawful Interrogations*. 22 January 2009. Available at:

http://www.whitehouse.gov/the_press_office/EnsuringLawfulInterrogations/

The manual President Obama cites is *Army Field Manual 2 22-3, Human Intelligence Collector Operations*, issued by the Department of the Army on 6 September 2006.

¹⁷⁸ Frank Hoffman, “Neo Classical Counterinsurgency?” *Parameters*. (Summer 2007). Lou DiMarco, “Losing the Moral Compass, Torture and Guerre Révolutionnaire in the Algerian War,” *Parameters*. (Summer 2006).

¹⁷⁹ Counterinsurgency (COIN) Training Command, Recommended Reading List. Available at:

<http://www.cusnc.navy.mil/ctf-ia/documents/COIN%20Recommended%20Reading%20List.pdf>

¹⁸⁰ Michael T. Kaufman, “What does the Pentagon see in ‘The Battle of Algiers?’” *The New York Times*. 7 September 2003.

instigated and perpetuated the division between French civilian and military authority and objectives. Yet American military theorists continue to extract current strategy applications from Trinquier's *Modern Warfare*. According to one article,

Our employment of Trinquier's legitimate principles during our counterinsurgency operations [in Iraq] has brought significant improvements ... As the French did in Algeria, [we have] experienced some difficulties along the way. Nevertheless, by selectively applying the moral lessons of *Modern Warfare* ...we made good progress.¹⁸¹

This may be true in certain specific instances. However, in the use of *guerre révolutionnaire* as a larger strategic framework, its dangerous inconsistencies deserve greater attention.

For the state, the "partisan problem" occurs "when regular troops are fighting against ... an irregular foe, not only occasionally, but *continuously*."¹⁸² In Algeria (as in other partisan wars), the Algerian population suffered exponentially more casualties than the French Army, while France spent exponentially more money on weapons and materials. For Schmitt, this inverted calculus is both the strange paradox and insane logic of the partisan.¹⁸³ Rendered from this situation, the French military's bitter frustration created *guerre révolutionnaire*. Such resentful disappointment may be inherent in the perpetuation of continuous partisan war. While the American policy community may educate itself on the particulars of the Algerian War, it avoids the implications of the larger, overarching, repetitive pattern of partisan war.

¹⁸¹ David G. Fivecoat and Aaron T. Schwengler, "Revisiting *Modern Warfare*, Counterinsurgency in the Mada'in Qada. *Military Review* (November/December 2008). pg. 87.

¹⁸² Schmitt, *Partisan*, pg. 62. Emphasis added.

¹⁸³ Schmitt, *Partisan*, pg. 67. Schmitt takes these terms from Raymond Aron (*étrange paradoxe*) and Jan Coster (*Irrsinnslöge*). Aron, *Paix et Guerre entre les nations* (Paris: Calmann-Lévy, 1962) pg. 245. Coster, *Der Wächter an der Grenze* (Tübingen: Furche Verlag, 1948).

A LANDSCAPE OF TREASON

The intertwined elements between the Algerian War and the current Long War against Global Terrorism – *guerre révolutionnaire* with COIN theory, torture with violations of international law – return to the ticking bomb scenario; but this time to fact, not fiction. The episode that Lartéguy describes, the torture and rape of a female Algerian medical student, is not simply a figment of his imagination. The victim resembles Louise Ighilahriz, a member of the FLN, now a psychologist, who described her three month “advanced interrogation” and incarceration for *Le Monde* in the summer of 2000.¹⁸⁴ Her allegations launched a storm of attacks and counter-attacks in the French press, and some surviving *guerre révolutionnaire* officers responded. Massu expressed regret. General Marcel Bigeard, whose background and career are similar to Lartéguy’s central hero, called Ighilahriz a liar. However, General Paul Aussaresses, safe under the 1962 and 1968 amnesties, proudly owned his past. He published a memoir¹⁸⁵ detailing the French government’s complicity with the policy of torture and he appeared on CNN. For his public recalcitrance, Aussaresses was charged with “complicity in justifying war crimes” – war crimes from which he had already been granted official pardon.

At his recent trial, Aussaresses connected his past illegal acts to the necessities of irregular, partisan war. He explicitly linked the exceptional circumstances during the Algerian War to the Long War against Global Terrorism: He “would do it again today if it were against Osama bin Laden. These were not reprisals ... It was a case of stopping actions which were being prepared for deeds that would cause the deaths of French

¹⁸⁴ Louise Ighilahriz, as told to Anne Nivat, *Algérienne* (Paris: Fayard, 2001).

¹⁸⁵ Paul Aussaresses, *The Battle of the Casbah: Terrorism and Counter-Terrorism in Algeria, 1955-1957*. trans Robert L. Miller. (New York: Enigma, 2002).

citizens.”¹⁸⁶ There are two unknowns in Aussaresses’ rationale. First, the deeds may or may not occur. Second, they may or may not harm a state’s citizenry. A fearful state can act as if these questions have already been answered in the affirmative. The state is frightened and mistrustful in defense of hypothetical, future, even mythic threats like the ticking bomb – as well as the very real danger posed by the partisan. A few partisans, insurgents, terrorists “are able to threaten great masses. Wider spaces of insecurity, fear, and general mistrust are added to the narrower space of open terror, creating a landscape of treason.”¹⁸⁷ This landscape is the elision of the real, physical threat posed by the partisan *with* the fear of what the partisan could (perhaps at some point in the future) do. In this environment, the state can come to equate the potential with the actual. Blurring the line between “is” and “would” can justify the normalization of extra-legal behavior. The acceptance of the extra-legal as necessary and therefore legitimate was central to *guerre révolutionnaire*, which in its most extreme form led to literal treason.

The irregularity of the partisan depends on the international/state regulations that exclude (and therefore define) it. Yet to dissolve the boundaries of these regulations does not then regulate the partisan. Instead, the inclusion of the partisan’s extra-legality within a legal framework opens up opportunities for, in Schmitt’s language, “new types of enmity” in an “ever more intensified way.”¹⁸⁸ Vague and open-ended, Schmitt ends *Theory of the Partisan* with no attempt at a solution. His final, unanswered question – how can the state regulate the partisan? – continues to confound us today.

¹⁸⁶ Aussaresses, quoted in John Henly, “French General Would Torture and Kill Again.” *The Guardian*, 27 November 2001. Aussaresses’ eventual sentence was a mid-sized fine.

¹⁸⁷ Schmitt, *Partisan*, pg. 73. Schmitt takes the term “landscape of treason” from the German journalist Margret Boveri’s book, *Treason in the Twentieth Century*. trans. Jonathan Steinberg. (London: Macdonald & Co., 1961). For Boveri, “landscape of treason” is the spectrum of loyalty to the state which shifts as state policy changes. While Boveri’s main focus is treason during the Second World War and Communist sympathy in the West, she notes that “the right-wing extremists of the neo-Fascist, militarist or *Algerie Française* movements” are an “even more fantastic form” of the Landscape of Treason. pg. 25.

¹⁸⁸ Schmitt, *Partisan*, pg. 95.

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