What ultimately makes a civilization advance or retreat is the spirit acting in the circle of fire where it is free: in personal consciences.1

INTRODUCTION

In March 1957, the Catholic literary historian Pierre-Henri Simon published a short but passionate book condemning what he called ‘certain facts that obsess my Frenchman’s conscience’.2 This book, Contre la torture, revealed for a wide audience the French army’s institutionalized use of torture against men, women and children in its repression of Algeria’s nationalist insurrection. Contre la torture contained powerful excerpts from the personal journals of Catholic soldiers deployed in Algeria who were first-hand witnesses to torture. In condemning the army’s actions, Simon reflected on France’s ‘humanist and Christian’ heritage and drew parallels between Nazism and torture.3 He

* This article has benefitted from the insights of many people, but I should like to express my particular gratitude to Martin Conway for his incisive and generous comments on the first draft of this piece. I should also like to thank Tom Buchanan and Martin Conway for the invitation to present a first version of this article at the Oxford Modern European History Seminar, Michaelmas 2019, as well as Paul Betts for his expert advice during the session. I am grateful for the camaraderie and thoughtful engagement of my colleagues at the University of Groningen, who gave feedback on a version of this article at the Research Centre for the Study of Democratic Cultures and Politics colloquium in 2020.

1 ‘Ce qui fait en fin de compte une avance ou un recul de la civilisation, c’est l’esprit agissant dans le cercle de feu où il est libre: dans les consciences personnelles’.

—Pierre-Henri Simon, Contre la torture (Paris, 1957)

2 Pierre-Henri Simon, Contre la torture (Paris, 1957), 11.

3 Ibid., 23.
invoked the 1789 Declaration of the Rights of Man, French law, and hundreds of years of papal proclamations. Yet nowhere did Simon, a devout Catholic with ties to both the late Emmanuel Mounier and philosopher Jacques Maritain, refer to the 1948 Universal Declaration of Human Rights (UDHR) as a reason for rejecting torture, despite its clear prohibition in Article 5. Instead, Simon decried torture because it inflicted irreparable damage on ‘the integrity of [France’s] conscience’.4

In protesting torture during the Algerian War (1954–62), Simon enjoyed the company of such eminent Christian figures as the Nobel laureate and Catholic intellectual François Mauriac; Catholic editor of Esprit Jean-Marie Domenach; Protestant economist and socialist politician André Philip; Catholic historian Henri-Irénée Marrou; and Jesuit priest and founder of the celebrated resistance journal Cahiers du Témoignage chrétien Pierre Chaillot. For these Christian intellectuals, France’s legal and moral tradition of the ‘rights of man’ figured far more prominently in their rejection of torture than did nascent international human rights norms based upon the 1948 Universal Declaration of Human Rights. All, however, used the language of conscience to denounce torture and critique the state.

Their preference for ‘conscience’ reflects broader patterns in how Christians engaged with ideas about rights in the mid twentieth century, as Sarah Shortall and Daniel Steinmetz-Jenkins have argued.5 Within and beyond France, Christians — especially Catholics — often eschewed using secular ‘rights talk’, instead favouring ‘cognate concepts’ drawn from theology, such as personhood, dignity, natural law, the common good and, I suggest, conscience.6 It was through these theologically oriented frameworks that Christians interrogated the central problem of how to relate to the state, hierarchies and power, as well as what

4 Ibid.
5 See the introduction to Sarah Shortall and Daniel Steinmetz-Jenkins (eds.), Christianity and Human Rights Reconsidered (Cambridge, 2020).
6 Ibid., 7, 10. On dignity, see especially chapter 1 of Samuel Moyn, Christian Human Rights (Philadelphia, 2015). On natural law and the Vatican’s understanding of human rights as originating in divine law, see Giuliana Chamedes, A Twentieth-Century Crusade: The Vatican’s Battle to Remake Christian Europe (Cambridge, Mass., 2019), 171, 212–13, 237–40. On rights talk, see, among others, Benjamin Nathans, ‘Soviet Rights-Talk in the Post-Stalin Era’, in Stefan-Ludwig Hoffmann (ed.), Human Rights in the Twentieth Century (Cambridge, 2011), and Dan Edelstein, ‘Enlightenment Rights Talk’, Journal of Modern History, lxxxvi (2014).
kinds of protections individuals could or should expect. Some Catholics, including all the popes from Pius XII onwards, did embrace the language of human rights and the international mechanisms by which they were articulated. Yet, as Giuliana Chamedes, James Chappel, Udi Greenberg, Marco Duranti, Samuel Moyn, Carlo Invernizzi Accetti and others have argued, the theological underpinnings of these interpretations of rights made them quite distinct from liberal, secular understandings of rights.\(^7\) With the exception of Maritain, dissident Catholics have been largely overlooked in these accounts, which have been dominated by conservative actors like the Vatican, the Church hierarchy, and right-wing Catholic political figures.\(^8\) Likewise, little attention has been given to the collision between competing Catholic understandings of rights and the uses of the kinds of

\(^7\) Excellent recent work on the political dimensions of Catholicism in twentieth-century Europe has demonstrated the sharp divide — in many cases — between Christian, especially Catholic, understandings of rights, their scope and their origins, and those of secular advocates of rights. These accounts privilege conservative Catholic actors, with less attention to dissentid Catholicism. See, especially, Chamedes, \textit{Twentieth-Century Crusade}; Giuliana Chamedes, ‘Pope Pius XII, Rights Talk and the Dawn of the Religious Cold War’, in Devin Pendas (ed.), \textit{Religion and Human Rights} (Oxford, 2013); James Chappel, \textit{Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church} (Cambridge, Mass., 2018); Udi Greenberg, ‘Militant Democracy and Human Rights’, \textit{New German Critique}, xlii, no. 3 (126) (2015); Udi Greenberg and Daniel Steinmetz-Jenkins, ‘Introduction: Special Forum on Christianity and Human Rights’, \textit{Journal of the History of Ideas}, lxix, no. 3 (2018); Marco Duranti, \textit{The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention} (New York, 2017); Moyn, \textit{Christian Human Rights}; Carlo Invernizzi Accetti, ‘Catholic Social Doctrine and Human Rights: From Rejection to Endorsement?’, \textit{Humanity}, ix (2018). On Catholic opposition to human rights, see Udi Greenberg, ‘Radical Orthodoxy and the Rebirth of Christian Opposition to Human Rights’, in Shortall and Steinmetz-Jenkins (eds.), \textit{Christianity and Human Rights Reconsidered}.

\(^8\) An important exception to the general Catholic distaste for secular rights language is Jacques Maritain, whose contributions to ideas about rights are discussed in Moyn, \textit{Christian Human Rights}; Chamedes, \textit{Twentieth Century Crusade}, 216; Chappel, \textit{Catholic Modern}, 170–7, and James Chappel, ‘Explaining the Catholic Turn to Rights in the 1930s’, in Shortall and Steinmetz-Jenkins (eds.), \textit{Christianity and Human Rights Reconsidered}. In the last-mentioned, Chappel also discusses Mounier’s views on rights. Chappel offers a useful distinction between ‘paternal’ and ‘fraternal’ Catholics; both moved towards embracing human rights over the course of the twentieth century, although they ascribed different meaning to rights and had divergent views on whether the state or other sub- or supranational institutions should enforce those rights. For Chappel, Maritain is the primary example of a ‘fraternal’ Catholic advocate of rights.
theological ideas — such as conscience — that underpinned them.9

This article investigates how conscience emerged as a battleground within the French Catholic Church and as a politicized concept with implications for ideas about rights. While the language of conscience has a longer history, it was the problem of state-sponsored torture during the Algerian War that prompted dissident Christians to pioneer the use of ‘individual conscience’ as a political tool of resistance. The language of conscience served to articulate objections to both the French state’s actions and the perceived complicity of the mainstream Catholic Church with those actions. Crucially, intra-Catholic debates about conscience also reveal the political and theological diversity within mid-twentieth-century Christianity, long assumed to have been dominated by actors on the political right, as well as the lack of consensus about the meaning of human rights in this period.10

II

THE CHRISTIAN ANTI-TORTURE MOVEMENT DURING THE ALGERIAN WAR

The Roman Catholic Church emerged from the end of the German occupation of France somewhat tarnished by its long and largely unwavering association with the collaborationist Vichy regime. Yet the war years also saw the rise of a dissident faction that departed from the Catholic hierarchy on myriad issues in the post-war years, from how to respond to the onset of the Cold War and the renewed ‘main tendue’ offered by the French Communist Party, to the anti-nuclear peace movement and the decolonization of European empires.11 This was the

9 On Protestant contributions to Catholic ideas about conscience, see Rachel M. Johnston-White, ‘A New Primacy of Conscience?: Conscientious Objection, French Catholicism and the State during the Algerian War’, Journal of Contemporary History, liv (2019).

10 Sarah Shortall, ‘Theology and the Politics of Christian Human Rights’, Journal of the History of Ideas, lxxix (2018).

11 On dissident Christians, including ‘left’ Catholics and Christians who engaged in what historians François and Renée Bédarida have called ‘spiritual resistance’, see Gerd-Rainer Horn, ‘Left Catholicism in Western Europe in the 1940s’, in Gerd-Rainer Horn and Emmanuel Gerard (eds.), Left Catholicism, 1943–1955: Catholics and Society in Western Europe at the Point of Liberation (Leuven, 2001); Piotr Kosicki, Catholics on the Barricades: Poland, France, and Revolution, 1891–1956 (New Haven, Conn., 2018); Denis Pelletier and Jean-Louis Schlegel (eds.), À la gauche du Christ: les chrétiens de gauche en France de 1945 à nos jours (cont. on p. 5)
heyday of lay Catholic youth activism in the Church-sponsored Catholic Action, as well as a golden age of Catholic public intellectuals and progressive theologians. Nevertheless, efforts by these groups to enact change within the Church or claim greater freedom of action and conscience were met with repression from the French Catholic hierarchy, and sometimes—as in the case of the worker-priests and the Dominicans Yves Congar and Marie-Dominique Chenu—from the Vatican itself. Meanwhile, lay intellectuals like Emmanuel Mounier and, to a lesser extent, his younger colleague in Esprit Jean-Marie Domenach drifted far to the left of the Church leadership in their sympathies for Communism.

Conscience remained the subtext of these dramas. Yet it was not until the outbreak of the Algerian War, France’s bloodiest and most divisive colonial conflict, that the language of conscience became a matter of public debate well beyond the confines of the Church or the Catholic community. The Algerian War mobilized Christian intellectuals, students, soldiers and humanitarian volunteers on a scale unseen since the Second World War, particularly in relation to debates surrounding the problem of torture. Christian activists correctly perceived torture as a problem connected to state policy and France’s

\[n. 11 \text{cont.}\]

(Paris, 2012); and François and Renée Bédarida (eds.), La résistance spirituelle, 1941–1944: les cahiers clandestins du Témoinage chrétien (Paris, 2001). On ‘spiritual resistance’, see also Étienne Fouilloux, Les chrétiens français entre crise et libération (Paris, 1997), 14. On the resistance of Christians in France during the Second World War, see, among others: Renée Bédarida, Les armes de l’esprit: Témoinage chrétien, 1941–1944 (Paris, 1977); Fouilloux, Les chrétiens français entre crise et libération; Maurice Patin and Abel Dumergue, De trop longs silences: des Chrétiens dans la Résistance (Roanne, 1989); Étienne Fouilloux, ‘La Résistance spirituelle: approche comparée’, in Jacqueline Sainclivier and Christian Bougeard (eds.), La Résistance et les Français: enjeux stratégiques et environnement social. Actes du colloque international: La Résistance et les Français: le poids de la stratégie, résistance et société, 29–30 septembre–1 octobre 1994 (Rennes, 1995); Bernard Comte, L’honneur et la conscience: Catholiques français en résistance (Paris, 1998); Jacques Duquesne, Les catholiques français sous l’occupation (Paris, 1966); Renée Bédarida, Pierre Chaillet: Témoin de la résistance spirituelle (Paris, 1988); Limore Yagil, Chrétiens et juifs sous Vichy, 1940–1944: sauvetage et désobéissance civil (Paris, 2005).

12 Martin Conway, Western Europe’s Democratic Age, 1945–1968 (Princeton, 2020), 172–6, 277.

13 Kosicki, Catholics on the Barricades, 142. See also John Hellman, Emmanuel Mounier and the New Catholic Left, 1930–1950 (Toronto, 1981).

14 See François Bédarida and Étienne Fouilloux (eds.), ‘La guerre d’Algérie et les chrétiens’, Les Cahiers de l’IHTP, no. 9 (1988).
hypocrisy on human rights ideals, rather than the actions of rogue individuals, as its apologists liked to claim. Christian dissidents linked their opposition to violations of rights with the problem of conscience. In fact, the name that both government officials and Christians themselves gave to the Christian anti-torture movement was ‘Operation Conscience’.15

Ultimately, Christian protests failed to inspire sufficient popular outrage to bring about an end to torture; on the contrary, the French army and police forces used torture in both Algeria and mainland France, and against all manner of people, from Algerian nationalists and European communists, to Christian humanitarians and innocent civilians, for the entire duration of the war. Since 1945, torture had become so deeply embedded in the maintenance of French colonial control that the forces of order claimed they could not perform their work without it.16 Just as importantly, the French state continued to deny the existence of torture, despite the evidence to the contrary, limiting the effectiveness of even the most persuasive condemnations of torture.17 As a result, while acknowledging the good intentions of Christian anti-torture activists, historians have criticized both their failure to effect policy changes and what they see as a disproportionate focus on France’s national standing in place of concern for the overwhelmingly non-

15 Pierre Vidal-Naquet, ‘Préface’, in Robert Bonnaud, Itinéraire (Paris, 1962), 10. See, for example, Henri Marrou’s comment inviting a ‘second phase of that which the government authorities call “operation conscience” ’, in Le Monde, 23 Jan. 1958; and Pierre Vidal-Naquet’s lament: ‘We didn’t know that to “operation conscience” would reply “operation silence” ’.

16 James McDougall, ‘The Impossible Republic: The Reconquest of Algeria and the Decolonization of France, 1945–1962’, Journal of Modern History, lxxxix (2017), 776.

17 On the reasons for the police and army’s use of torture, see Martin Evans, Algeria: France’s Undeclared War (Oxford, 2011), 210; James McDougall, A History of Algeria (Cambridge, 2017), 216; Marnia Lazreg, Torture and the Twilight of Empire: From Algiers to Baghdad (Princeton, 2008); Raphaëlle Branche, La torture et l’armée pendant la guerre d’Algérie, 1954–1962 (Paris, 2001); Raphaëlle Branche and Sylvie Thénault, ‘Le secret sur la torture pendant la guerre d’Algérie’, Matériaux pour l’histoire de notre temps, Ivii (2000); Sylvie Thénault, Une drôle de justice: les Magistrats dans la guerre d’Algérie (Paris, 2001); Malika El Korso, Algérie, 1954–1962: la torture en question. Témoignage chrétien: le Dossier Jean Muller (Algiers, 2013); and James D. Le Sueur, Uncivil War: Intellectuals and Identity Politics during the Decolonization of Algeria (Philadelphia, 2001).
European victims of torture and the cause of Algerian independence. Likewise, although excellent recent research by Mathilde von Bulow, Jennifer Johnson and Matthew Connelly has explored the Algerian War’s impact well beyond the French Empire, French protests against the conduct of that war have so far been examined only within the national-imperial context, with little interest in their connections to broader movements or ideologies. Christian denunciations of torture have been no exception.

In what follows, I argue that the anti-torture movement popularized — and politicized — the language of conscience in an unprecedented way. Through a close reading of anti-torture publications, I investigate how Christian activists articulated an anti-authoritarian politics of conscience. This politicization of conscience fuelled a vigorous backlash from the hierarchical Church and the French army, who both — sometimes in concert — attempted to wrest control of Christian believers and the language of conscience from anti-torture dissidents. This conflict at the heart of the Church and the military reveals the stakes of the battle for conscience, which the Algerian War did not fully resolve.

Torture was institutional policy within the French army during the Algerian War, its use condoned by the state. Evidence also exists of the use of torture by French police forces in Algeria prior to 1954, in the wake of the May 1945 massacres at Sétif and elsewhere. The architects of this policy enjoyed the support of government ministers and magistrates at the highest

18 See, for example, Darcie Fontaine, Decolonizing Christianity: Religion and the End of Empire in France and Algeria (Cambridge, 2016), especially the chapter ‘The Metropolitans Respond’.
19 See Jennifer Johnson, The Battle for Algeria: Sovereignty, Health Care, and Humanitarianism (Philadelphia, 2015); Mathilde von Bulow, West Germany, Cold War Europe and the Algerian War (Cambridge, 2016); Matthew Connelly, A Diplomatic Revolution: Algeria’s Fight for Independence and the Origins of the Post-Cold War Era (Oxford, 2002).
20 See Branche, La torture et l’armée pendant la guerre d’Algérie; Raphaëlle Branche and Sylvie Thénault, La France en guerre, 1954–1962: expériences métropolitaines de la guerre d’indépendance algérienne (Paris, 2008); Branche and Thénault, ‘Le secret sur la torture pendant la guerre d’Algérie’; Thénault, Une droïle de justice; El Korso, Algérie, 1954–1962; and Le Sueur, Uncivil War.
21 Claude Bourdet, ‘Y a-t-il une gestapo algérienne?’, L’Observateur, 6 Dec. 1951. See also Alistair Horne, A Savage War of Peace: Algeria, 1954–1962 (London, 1977), 196. Horne cites evidence from François Mitterrand and Ben Khedda.
level, as well as the tacit or enthusiastic co-operation of the bulk of the armed forces and police units. All involved understood that torture contravened French law and the Geneva Conventions, though the army persistently denied the applicability of the latter to colonial conflicts. Likewise, neither the state of emergency declared on 3 April 1955 nor the ‘Special Powers’ voted by the National Assembly in 1956 legalized torture, although as Marnia Lazreg has shown, ‘the suspension of civil liberties at home paved the way for torture at home and abroad and made its use inevitable’.

Recourse to torture was justified on the basis that this was a new kind of warfare: revolutionary warfare. Torture had been the army’s policy during the First Indochina War, before the French were forced to withdraw after the catastrophic defeat at Dien Bien Phu in 1954. Only months later, the same career officers were redeployed to Algeria, where they faced a new enemy in the form of the Algerian Front de Libération National (FLN). The lessons from Indochina, transposed to Algeria, reflected the tensions of the Cold War, with military strategists such as Colonel Roger Trinquier, one of the leading French army theorists on revolutionary warfare, incorrectly assuming that the Algerian uprising conformed to the model of a Soviet–Western proxy war.

22 Thénault, Une drôle de justice, 302.
23 Horne, Savage War of Peace, 196; Yves Beigbeder, Judging War Crimes and Torture: French Justice and International Criminal Tribunals and Commissions, 1940–2005 (Leiden, 2006), 103–4. The law of 8 October 1789 abolished torture; likewise, Article 303 of the French Penal Code prescribed the death penalty for anyone found guilty of torture. Regarding the Geneva Conventions, the Algerian War’s official status as a non-international conflict made most international regulations unenforceable. Until 22 June 1956, France did not recognize the applicability of Article 3 of the Third Geneva Convention, which guaranteed the protection of non-combatants in an internal conflict. Even after June 1956, the terms of Article 3 were never enforced.
24 Lazreg, Torture and the Twilight of Empire, 266.
25 Trinquier was the author of Modern Warfare (published 1964). See La Bibliothèque de la Société de l’Histoire du Protestantisme Français (henceforth SHPF), Fonds Eric Westphal, 038 Y 14 (boîte 4), Dossier Gestion générale: ‘Colonel Trinquier des Troupes Aéroportées, Pour vaincre la guérilla et le terrorisme’, Algiers, 20 Nov. 1958. See also Horne, Savage War of Peace, 198. Trinquier developed a system known as the Dispositif de Protection Urbaine, it assigned a military-appointed responsable to each section of the city, which was divided into sectors, subsectors, blocks and buildings, in a manner reminiscent of the Nazi occupation.
Torture quickly emerged as a consensus issue for Christian intellectuals and activists of the centre-left, broadly construed. Some Christian journalists and intellectuals were already attuned to violence in the colonial sphere prior to 1954 through their work on conflicts in Indochina, Morocco and Madagascar. These vanguard figures included the journalist Robert Barrat, who reported on French repression in Morocco, and the former editor of Témoignage chrétien André Mandouze, who lived in Algeria and wrote widely on the social inequalities and economic problems that the indigenous population faced. They were joined by political moderates such as François Mauriac, who condemned torture in Algeria as early as November 1954. Torture also galvanized clergy and youth activists who feared the spiritual damage to Christian soldiers drafted into the French army; testimonies from soldiers themselves — most commonly seminarians, soldier-priests, and Christian youth activists — formed the bulk of the evidence that Christian intellectuals used to substantiate their protests. These soldiers faced serious danger when they reported on torture or refused to perform acts ordered by their superiors. Some, like the Catholic seminarians Xavier Jacquey and Stanislas Hutin, lived in fear of a ‘stray bullet’ from one of their comrades.

26 Barrat published his account in Justice pour le Maroc (Paris, 1953). See also Sabine Rousseau, La colombe et le napalm: des chrétiens français contre les guerres d’Indochine et du Vietnam, 1945–1975 (Paris, 2002); Renée Bédarida, ‘Les chrétiens de gauche et la guerre d’Algérie’, in Bédarida and Fouilloux (eds.), ‘La guerre d’Algérie et les chrétiens’.

27 Centre d’Histoire de la Résistance et de la Déportation (hereafter CHRD), Lyon, Fonds André Mandouze, Carton NXVI, Dossier 48, and NI Carton 5. André Mandouze predicted the explosion of the nationalist movement in Algeria in the late 1940s and early 1950s. See especially Mandouze’s two articles on Algeria in Esprit, ‘Impossibilités algériennes ou le mythe des trois départements’, July 1947, and ‘Le dilemme algérien: suicide ou salut public?’, October 1948. Robert Barrat, too, quickly perceived the true stakes of the Algerian conflict. Barrat published a major piece on Algeria in Témoignage chrétien, ‘Où va l’Algérie?’ on 17 December 1954, only six weeks after the outbreak of war. See also Robert Barrat, Un journaliste au cœur de la guerre d’Algérie, 1954–1962 (La Tour d’Aigues, 2001).

28 Pierre Vidal-Naquet, ‘Une fidélité têtue: la résistance française à la guerre d’Algérie’, Vingtième Siècle. Revue d’histoire, x (1986). Vidal-Naquet used the term ‘Dreyfusard’ to describe a subset of Christian activists who saw themselves in the same lineage as those patriotic Republicans who supported Jewish army officer Alfred Dreyfus against accusations of treason in a climate of rabid nationalism and anti-Semitism. See also Tramor Quemeneur, ‘Refuser l’autorité? Étude des désobéissances de soldats français pendant la guerre d’Algérie, 1954–1962’, Outre-mers, xcvi (2011).
military comrades for acting as ‘good Samaritans’. Most at risk, of course, were Algerian nationalists and even European dissidents on Algerian soil; two of the most infamous, and widely reported, cases of torture concerned Communist activists of European descent, Maurice Audin and Henri Alleg. Both were arrested and tortured by the Tenth Parachutist Division in 1957. Audin was executed on the orders of the French state, while Alleg was released and subsequently wrote the short book *La Question* recounting his experiences of torture by the forces of order.

Christian intellectuals who denounced torture in the press generally ran fewer risks, although André Mandouze and Robert Barrat both endured brief stints in prison. Far more common was censorship of articles on torture, as well as threats of legal action against individuals or publications. Nevertheless, as we shall see later, for the leadership of the French army in Algeria, the Christian press campaign against torture represented a ‘vast enterprise of subversion’ that sought to discredit the armed forces of order.

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29 Letter from Jacquey to his parents, 15 Feb. 1959 [originally marked 15 Jan. 1959], in Xavier Jacquey, *Ces appelés qui ont dit non à la torture: lettre d’un infirmier dans le Sud-Oranais, 1959–1960* (Paris, 2012), 56–7; Stanislas Hutin, *Journal de bord: Algérie novembre 1955–mars 1956* (Toulouse, 2012), 83.

30 ‘Maurice Audin, la torture et les deux rives’, *L’Humanité*, 27 May 2004. The Algerian Communist Party was banned on 13 September 1955, having sided with the FLN in its demands for Algerian independence.

31 ‘Disparition d’un mathématicien à Alger en 1957’. Oral question no. 1265S by Mme Nicole Borvo Cohen-Seat (Paris – CRC-SPG). Published in the Senate OJ of 24 Mar. 2011, p. 684, <http://www.senat.fr/questions/base/2011/qSEQ110312655.html> (accessed 27 Jan. 2020); Beigbeder, *Judging War Crimes and Torture*, 108. No one was ever convicted of Audin’s death; his case ended with a ‘non-lieu’ in 1962 and again in 2001. Josette Audin and her children were also never granted indemnity; her claim was rejected in 1978.

32 SHPF, Fonds Elisabeth Schmidt, 014 Y (boîte 3): Publication (format journal), ‘Texte intégral du livre *La Question*, par Henri Alleg paru aux Éditions de Minuit’.

33 Archives de la Préfecture de Police, Boîte H1B13: Force de police auxiliaire, plaintes, compagnes diffamatoires, Dossier de la plainte concernant l’article de Claude Bourdet, Plainte contre *France Observateur* N. 522, Thursday, 5 May 1960, unsigned article entitled ‘Le plan de la police’, 7. Bourdet claimed that two young Algerian children had died because of the forcible police transfer of their families from France to Algeria in early January 1960. Papon brought *France Observateur* to court for defamation in May 1960. *L’Humanité* was charged, among other instances, for the publication of the article ‘Au dossier de l’affaire des Harkis, deux Algériens témoignent …’ published on 7 March 1961.
forces in the eyes of the nation.\textsuperscript{34} The highly public role of Christians in this movement was deeply problematic for the army,\textsuperscript{35} because the two sides were fighting to control the same territory: the ‘souls and consciences’ of the nation.\textsuperscript{36} General Jacques Massu, architect of torture in the Battle of Algiers, even considered ‘certain’ Christians to have been the army’s ‘gravest’ opponents during the war.\textsuperscript{37}

Prior to 1957, a number of Christian intellectuals and priests had published what they knew about torture; most prominent among them were François Mauriac, writing in \textit{L’Express} in January 1955, and the Jesuit priest Pierre Chaillot, founder of the clandestine resistance journal \textit{Cahiers du Témoignage chrétien}.\textsuperscript{38} In January 1942, Chaillot had explained how \textit{Témoignage chrétien} sought to alert France to the spiritual dangers of collaboration with Nazi Germany: ‘Our combat is that of the Christian conscience, of conscience full stop’.\textsuperscript{39} More than a decade later, in September 1955, Chaillot cited a famous passage from the war years to make clear his opposition to torture in Algeria. It is forbidden ‘in conscience’, he wrote, ‘to order and authorize such measures, even more to carry them out, even if they are commanded by the supreme authority … Obedience is of no comfort because it is never unconditional’.\textsuperscript{40} He also linked the journal’s resistance heritage to its enduring commitment to ‘the natural and primitive right of each human person to life’. In short, the journal’s \textit{raison d’être}, to ‘shed light on painful cases of conscience and to resolve them following the [exigences] of moral law’, remained unchanged more than ten years after the Occupation.\textsuperscript{41}

\begin{itemize}
\item[\textsuperscript{34}] CHRD, Fonds André Mandouze, Carton PIV, Boîte 11, Dossier 83: Le Secrétaire d’État aux Forces Armées ‘Terre’, Paris, 7 Mar. 1958, No. 4063/EMA/5. Signed by General Lorillot, Chef d’État-Major de l’Armée.
\item[\textsuperscript{35}] The ‘army’ here refers to the leadership of the French army in Algeria, composed of career military men who mostly shared the experience of defeat in Indochina.
\item[\textsuperscript{36}] Cited in Pierre Vidal-Naquet, \textit{La torture dans la République, 1954–1962} (Paris, 1972), 44–5.
\item[\textsuperscript{37}] Jacques Massu, \textit{La vraie bataille d’Alger} (Paris, 1971), 216.
\item[\textsuperscript{38}] F. and R. Bédarida (eds.), \textit{La résistance spirituelle}, 22.
\item[\textsuperscript{39}] Pierre Chaillot, ‘Notre combat’, Jan. 1942, cited in F. and R. Bédarida, \textit{La résistance spirituelle}, 80.
\item[\textsuperscript{40}] Pierre Chaillot, \textit{Témoignage chrétien}, 16 Sept. 1955.
\item[\textsuperscript{41}] \textit{Ibid.}
\end{itemize}
Echoing Chaillet, many of these early publications linked torture — and the conflict in Algeria more broadly — to conscience. Joseph Folliet, vice-president of the acclaimed annual Catholic ‘study weeks’ (Semaines sociales) in Lyon and a key figure among social Catholic activists, wrote on ‘Colonisation et conscience chrétienne’ for the journal of the Catholic Centre for French Intellectuals (CCIF) in 1953. Similar language appeared in a March 1956 brochure by the Franciscan Hervé Chaigne, L’Algérie devant la conscience chrétienne, and in an article in the left-wing Catholic activist journal Le Bulletin, ‘Une guerre injuste devant la conscience du chrétien’, published in May 1956. Catholic scholar of Islam Louis Massignon published as early as 1946 on ‘Le problème algérien et la conscience française’. With the exception of Mauriac and Chaillet, these publications reached only a small audience, generally of like-minded Christians.

However, three publications in early 1957 brought ‘Operation Conscience’ to wide public attention. Two were the testimonies of Christian soldiers serving in Algeria who had personally witnessed torture in their units. These were the ‘Dossier Muller’, the letters of a young Catholic scout leader called Jean Muller, which were posthumously published in a special issue of the Cahiers du Témoinage chrétien in February 1957, and Des rappelés témoignent . . ., a compilation of testimonies from other Catholic soldiers, mostly seminarians, soldier-priests, and youth activists. The latter was published by the so-called ‘Committee of Spiritual Resistance’, a group of some seventy Catholic and Protestant intellectuals, priests and pastors led by Denise and Robert Barrat.

42 Joseph Folliet and the CCIF, ‘Colonisation et conscience chrétienne’, Recherches et Débats, vi (1953).
43 Étienne Fouilloux, ‘Intelectuels catholiques’, in Jean-Pierre Rioux and Jean-François Sirinelli (eds.), La guerre d’Algérie et les intellectuels français (Paris, 1988), 96.
44 Jean-Pierre Gault, Histoire d’une fidélité: Témoinage chrétien, 1944–1956 (Paris, 1961), 228.
45 Testimony by Paul Templier, in Association des 4ACG, Guerre d’Algérie, guerre d’indépendance: paroles d’humanité (Paris, 2012), 424–5. The Dossier Jean Muller appeared in the Cahiers du Témoinage chrétien shortly thereafter. The head army chaplain, Father Vaugarni, issued a letter to priests who returned from military service in Algeria, ‘inviting’ them to keep silent; his replacement after 1957, Father de l’Espinay, also reminded them that they would be responsible for what they said upon their return.
46 Comité de Résistance Spirituelle, Des rappelés témoignent, March 1957.
The final publication was rather different in nature; *Contre la torture*, by Catholic intellectual Pierre-Henri Simon, cited excerpts of these first-hand testimonies, but went further, presenting a series of moral, legal and practical arguments for the French people to demand an end to torture. Conscience acted as a leitmotif throughout this short book, a clear homage to Jacques Maritain, the Catholic philosopher and Thomist theologian to whom so many Catholic intellectuals of the trans-war generation had personal connections. Although initially an avid supporter of the nationalist, monarchist *Action Française*, Maritain had renounced the political right after Pope Pius XI condemned the *Action Française* in 1926. The philosopher’s eventual acceptance of democracy in the early 1940s set in motion the conversion of a significant minority of France’s Catholic intellectual elite, including Pierre-Henri Simon, in favour of democracy and the political centre-left. Maritain also wrote widely on conscience in the context of his work on natural law, democracy and human rights. For Maritain, conscience was the bridge between citizens and authority, acting as the determining factor in whether or not a law or a government respected natural law. Maritain distinguished between conscience ‘with respect to God and truth’ and conscience ‘with respect to the State [and] temporal power’. No right to liberty of conscience existed for the former, but Maritain insisted that people retained the right to judge the state because ‘political life

47 Martin Evans considers Simon’s opposition to torture to be a ‘humanist’ stance, which Hubert Beuve-Méry, editor of *Le Monde*, took up in an editorial entitled ‘Are We the Winners over Hitler?’, published on 13 March 1957. The specifically Catholic dimensions of Simon’s argument have, however, been overlooked in the literature. See Evans, *Algeria: France’s Undeclared War*, 212.

48 Letter from Simon to Maritain, 23 Dec. 1970, cited in Michel Fourcade, *Jacques Maritain et Pierre-Henri Simon*, in Thérèse Boespflug and Jacotte Lucet (eds.), *Pierre-Henri Simon: Actes du colloque tenu à Rome le 12 décembre 1996* (Paris, 1999), 41.

49 *Ibid*.; René Rémond, ‘L’écrivain engagé’, in Boespflug and Lucet (eds.), *Pierre-Henri Simon*, 20–1. Simon, for whom Maritain's thought acted as ‘a light in [his] night’, is representative of this shift, having abandoned the traditional Catholicism of his origins after encountering Maritain’s work *Primauté du spirituel* in 1927.

50 As Maritain put it, ‘law . . . is not law if it is unjust’. See Jacques Maritain, *Christianity and Democracy: and, The Rights of Man and the Natural Law* (San Francisco, 2012), 28. The citation comes from *Christianity and Democracy*, pt. 4, ‘Evangelical Inspiration and the Secular Conscience’.

51 Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris C. Anson (New York, 1971), 81–2.
must conform to natural law’. Maritain established the ‘inviolability of consciences’ as a political principle, ‘an absolute barrier’ against abuses of power and violations of rights.

The centrality of conscience in Simon’s *Contre la torture* explains his choice to dedicate his treatise to Maritain. Explaining the purpose of the book to his erstwhile mentor, Simon saw it as raising ‘a humanist and Christian voice to denounce the scandal’. For Simon, torture represented a ‘perversion of the conscience’, a betrayal of what he called France’s ‘humanist and Christian’ tradition. Like Chaillet before him, Simon used the Second World War as a moral reference point; he related torture to his personal experience of discovering the ravages of Bergen-Belsen alongside his comrades in the French army. The soldiers were billeted with local Germans, and they asked their hosts how ‘a civilized people’ could have allowed such terrible crimes to be committed nearby without taking action. The Germans, he wrote, were ‘less embarrassed than we expected’, claiming that they could not have done anything about it, as civilians were forbidden to approach the camp and police were everywhere, and that ‘the German people also had its sufferings’ during the war.

This, for Simon, represented an utter abdication of ‘political and

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52 Maritain, *Christianity and Democracy*, 32. Maritain gradually concluded that democracy represented the best form of government for a new Christendom. On this, see Godeleine Dickès-Lafargue and Claude Rousseau, *Le dilemme de Jacques Maritain: l’évolution d’une pensée en philosophie politique* (Paris, 2005), 288; Robert K. Vischer, *Conscience and the Common Good: Reclaiming the Space between Person and State* (Cambridge, 2010), 103. See also Chappel, *Catholic Modern*, 133–4.

53 Maritain, *Christianity and Democracy*, 26.

54 John Witte Jr and Frank S. Alexander (eds.), *The Teachings of Modern Roman Catholicism on Law, Politics, and Human Nature* (New York, 2007), 132. Emphasis in the original.

55 The dedication reads, ‘in memory of [the left-wing 1930s journal] *Sept* and in fidelity of thought and heart’. Fourcade, ‘Jacques Maritain et Pierre-Henri Simon’, in Boespflug and Lucet (eds.), *Pierre-Henri Simon*, 40–1. Maritain responded to this dedication belatedly in his final work, *De l’Église du Christ: la personne de l’Église et son personnel* (Paris, 1970), praising Simon’s ‘courageous book’ as a testimony ‘for justice and ... for the honor of France’. Simon also dedicated his 1966 work *Ce que je crois* (What I believe) to Maritain, explaining his ‘profound gratitude for the spiritual “grands signaux” that I owe him’.

56 Cited in Jean-Dominique Durand, ‘Préface’, in Boespflug and Lucet (eds.), *Pierre-Henri Simon*, 7.

57 Simon, *Contre la torture*, 32, 23.

58 *Ibid.*, 21.
moral responsibility’, with ‘the total silence of an entire people’ allowing for the ‘abasement and annihilation of a whole people’.59

Torture presented an analogous moral problem for France. ‘If the French people ... commit acts against “the right of people and against humanity” ’, Simon argued, it would threaten the nation more than ‘the action of its enemies’, because it would represent ‘the ruin of its principles’.60 Ultimately, for Simon, combatting torture required protecting conscience: that of the potential victim, whose ‘personal dignity’ and ‘conscience’ must be recognized as integral to ‘the absolute value of the person’, but also that of the potential torturers and, especially, public bystanders.61 ‘I hear’, Simon wrote pointedly, that ‘these sudden fits [sursauts] of the individual conscience are dangerous for the State’.62 He warned that totalitarian regimes operate through ‘an abolition of the solitary conscience to the profit of the solidary conscience’.63 That is, when conscience becomes collective, something that can be dictated by the state or another authority, individual conscience vanishes, and with it law and morality.64 Such had been the outcome in Germany; Simon warned that this must not happen in France.

The two themes that Simon deployed in Contre la torture, conscience as central to the anti-torture combat and the moral lessons of the Second World War as instructive for France, defined the Christian anti-torture movement as a whole. Indeed, Christians who opposed torture made frequent reference to the crimes of Nazi Germany and, importantly, to those of Vichy France as well, often using the language of conscience. Protestant economist and socialist André Philip, writing in L’Express on 21 November 1957, explained the necessity of opposing torture through the lens of his opposition to Pétain in July 1940, along with eighty other deputies of the Third

59 Ibid., 21–2.
60 Ibid., 22–3, 49.
61 Ibid., 51.
62 Ibid., 111.
63 Ibid., 49.
64 Simon apparently hesitated to expose the problem of torture to the French public but explained that he was part of a group of people who had experienced simultaneous ‘prises de conscience’. See a compte-rendu of the debate held at the CCIF on his book in March 1957, published in Le Monde, 24 May 1957. Catholic intellectuals Georges Hourdin, Henri Marrou, Robert Barrat and André Mandouze all declared their solidarity with Simon, against an attack by pro-Algérie Française figure Louis Terrenoire.
Republic. ‘When a problem of conscience is posed’, he argued, ‘one must act honestly and take the necessary risks to this effect’. During the Occupation, he and other Christians had done so, ‘quite simply because there were prisoners to help escape, condemned people to save, sacrificed Jews to protect’.65

Joseph Folliet also addressed an open letter to Premier Ministre Guy Mollet in which he echoed this parallel between violations of the human person in Algeria and in France a decade earlier:

Our Christian honour ... forbids us to allow that ends, even good, could justify the use of intrinsically wrong means. From 1940 to 1944, we said this time and again to Hitlerian Germany, to Vichy, to the Resistance. Noblesse oblige: the same honour compels us [to speak] today.66

Days later, a group of prominent Christian former résistants joined Folliet and 351 others in signing a letter to the Élysée Palace, which was delivered alongside a dossier of testimonies — mostly from Catholic soldiers — on the army’s methods in Algeria.67

Likewise, Catholic historian and former résistant Henri-Irénée Marrou denounced the army’s use of ‘concentration camps, torture, and collective reprisals’ against the Algerian population. These Gestapo-like methods were especially shameful, he argued, because France had set an example to the world in abolishing judicial torture with the Declaration of the Rights of Man. Marrou also spoke of the special weight ‘upon our conscience’ that the Gurs concentration camp represented, as a French-run camp from which the Vichy State had deported many thousands of Jews to their deaths: ‘We know’, he wrote, ‘what abominations, what sufferings ... accompany’ the ‘abandonment [of so-called ‘suspect’ people] to the insanities of concentration camps’.68

65 André Philip, ‘Où est la résistance?’, *L’Express*, 21 Nov. 1957. Philip, a prominent lay member of the French Reformed Church, ran in many of the same political circles as the left-wing Catholics discussed here; their views aligned on the problem of torture and, eventually, on the necessity of decolonizing Algeria.

66 Joseph Folliet, ‘Lettre ouverte à M. Guy Mollet sur certaines conséquences du conflit algérien’, *Témoignage chrétien*, 22 Mar. 1957.

67 Renée Bédarida, ‘La gauche chrétienne et la guerre d’Algérie’, in Bédarida and Fouilloux (eds.), ‘La guerre d’Algérie et les chrétiens’, 97. They included Henri Marrou, François Mauriac, René Rémond, Louis Massignon and Abbé Pierre.

68 Henri Marrou, ‘France, ma patrie’, *Le Monde*, 5 Apr. 1956.
The consequences of state culpability were potentially extreme: Catholic editor of *Esprit* Jean-Marie Domenach argued in April 1960 that in certain circumstances, it would be legitimate to ‘separate oneself from one’s country, disavow one’s government, even fight against one’s Army, without being a traitor’. For Domenach, it had been the obligation of Germans under Hitler to repudiate their own state. Those who did, he said, ‘comported themselves as men of conscience and as German patriots’. Without supporting such a rupture during the Algerian War, Domenach nonetheless suggested that Christians should remain vigilant to the state’s actions and follow their conscience by crossing into more overt resistance if necessary.

III
OPPOSING THE ‘SOLITARY CONSCIENCE’: CATHOLIC BISHOPS AND THE MILITARY CHAPLAINCY RESPOND

The Christians of Operation Conscience advocated a model of conscience that was primarily individualist, with strong anti-authoritarian implications. However, this concept of the ‘solitary conscience’, which could oppose torture and even engage in anti-state resistance, encountered fierce opposition from the leaders of the French churches and the French army. The Church leadership, especially the Catholic bishops, pushed back against the autonomous model of conscience that Christian intellectuals were advocating in their public torture protests. Early in the war, when Christian soldiers sought advice from their spiritual leaders on how to respond to torture, nearly all of the leading bishops advised caution and warned the soldiers to keep silent. Even Monseigneur Léon-Étienne Duval, the Archbishop of Algiers renowned for embracing Algerian autodetermination and for his spiritual leadership during the war, advised seminarian Paul Templier to simply consult his ‘adult conscience’ and keep quiet when he presented the Archbishop with evidence of torture in his unit. When such testimonies

69 Centre National des Archives de l’Eglise de France, Paris, Fonds JEC, 12 LA 170, Dossier — Circulaires, notes, articles de la JEC et de la JECF (1956–1963): Jean-Marie Domenach, *Esprit*, Apr. 1960.
70 Ibid.
71 Testimony of Paul Templier, in Association des 4ACG, *Guerre d’Algérie, guerre d’indépendance*, 425.
were made public in early 1957, however, the churches could no longer simply deny the existence of torture.

Both the Catholic and Protestant churches responded, in March 1957, with declarations against what the Catholic Church coyly called ‘excesses contrary to natural law and to the law of God’, calling upon the forces of order to ‘respect and make others respect human dignity’. By contrast, the Protestant Federation of France spoke more forthrightly, denouncing ‘police practices’, especially ‘interrogations of prisoners or suspects’. Nevertheless, the problem of how individuals should respond to orders from their superiors persisted, especially for Catholics, who were also barred from conscientious objection according to Catholic doctrine.

It is therefore instructive to examine how the Church hierarchy — and the military establishment — continued to contest the meaning and politics of conscience. In response to continuing dissident behaviour from Catholic soldiers and activists, the Archbishop of Paris, Cardinal Maurice Feltin, issued a Pastoral Letter on All Saints’ Day, 1960. In it, he insisted that the faithful must be absolutely obedient to the Church leadership, who alone held the authority to interpret Church doctrine in ambiguous situations: ‘One must say: My loyally informed conscience is in accordance with the Law of God and with the teachings of the hierarchical Church; therefore I am in order and I act accordingly’. Feltin chided Catholic activists who attempted to draw their own conclusions on the Algerian War, declaring that ‘it is for the Church to teach the truth, not for the faithful to make the truth according to their inclination’.

Feltin also held the position of Vicar of the Armies, a role that brought him into close co-operation with the military leadership.

72 J. M. Mayeur, ‘Les évêques et la guerre d’Algérie’, in Bédarida and Fouilloux (eds.), ‘La guerre d’Algérie et les chrétiens’, 40. Declaration of 14 Mar. 1957.
73 Archives Nationales, Pierrefitte-sur-Seine (hereafter AN), 107AS/612, Fonds de l’Église Réformée de France, Dossier Algérie: Prises de position, Conseil de la Fédération Protestante de France, ‘Protestation contre les pratiques policières et la torture’, Paris, 12 Mar. 1957.
74 Centre National des Archives de l’Église de France, Fonds JEC, 12 LA 170, Dossier — Circulaires, notes, articles de la JEC et de la JE CF (1956–1963): ‘Une lettre pastorale de Son Excellence le Cardinal Feltin, Vicaire aux Armées’, 1 Nov. 1960. See also André Nozière, Algérie: les chrétiens dans la guerre (Paris, 1979), 140–1.
It is, perhaps, no coincidence that the language Feltin used to speak about conscience had its echo in that of the military leadership and the Catholic military chaplaincy. The army had even greater reasons to be concerned about the impact of Operation Conscience, fearing anarchy and disobedience in the ranks. Instead of ending torture, the military leadership redeployed the language of conscience to give a veneer of righteousness to the use of torture.

General Massu, a key advocate of torture, wrote in March 1957 that if France were to triumph against the FLN, torture must ‘be admitted, in our souls and consciences, as necessary and morally valid’. Yet concern remained that not all soldiers appeared to accept the morality of torture. General Lorillot complained in March 1958 that, because of ‘propaganda or … erroneous information’, the army had to ‘reassure [the soldiers’] conscience’ by explaining to them that ‘the values of the defended civilization’ — that of France — justified their actions in Algeria.

The army’s own propaganda organ, Le Bled, helped to deliver this message. French soldiers received copies of Le Bled on their pillows at night and obtained outside papers only with great difficulty. The journal’s editorials, under the personal supervision of Minister of Armies Pierre Guillaumat, claimed that the French army stringently observed the laws of war. One article, ‘The Army, conscience of the nation’, insisted that the FLN and ‘certain journalists’ had devised accusations of torture to create a ‘psychosis’ about France abroad and to lend the

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75 AN, F/60/3127, S.P. 87.189, Zone Nord Algérois, 10e Division Parachutiste, État-Major 2e Bureau, M. 1616/2: General Massu, ‘Note de Service’, 29 Mar. 1957, ‘La condition sine qua non de notre action en Algérie est que ces méthodes soient admises, en nos âmes et consciences, comme nécessaires et moralement valables. Le déchaînement d’une certaine presse métropolitaine ne doit pas nous émouvoir: il ne fait que confirmer la justesse de nos vues et l’efficacité de nos coups’.

76 CHRD, Fonds André Mandouze. Carton PIV, Boîte 11, Folder 83: Le Secrétaire d’État aux Forces Armées ‘Terre’, Paris, 7 Mar. 1958, No. 4063/EMA/5. Signed by General Lorillot, Chef d’État-Major de l’Armée.

77 Interview with Xavier Jacquey, Versailles, 14 Feb. 2014. See also Testimony of Bernard M., in Association des 4ACG, Guerre d’Algérie, guerre d’indépendance, 441–7. Jacquey and Bernard M. both wrote of receiving France Observateur and Témoignage chrétien only with the help of family members in metropolitan France who were able to procure these newspapers for them.
moral high ground to the FLN. The article asserted that the press wished to provoke outrage by dramatizing the ordinary ‘excesses’ and ‘brutalities’ of war under the label of ‘torture’, when in fact the army remained ‘loyal to its highest tradition: the respect of man’. As a result, Guillaumat concluded, ‘nothing justifies the shame that people have tried to make the nation feel’ about its actions in Algeria.

The military chaplaincy also proved to be a key weapon in this endeavour to mobilize conscience in favour of torture. At Massu’s invitation, the Catholic chaplain Father Louis Delarue drafted a treatise to support torture: given the choice between allowing the slaughter of innocents or torturing ‘briefly a bandit caught in the act, who deserves death’, Delarue maintained that ‘one must choose without hesitation ... an effective interrogation without sadism.

Other Catholic chaplains were less extreme, but the message on conscience remained unambiguous. The archives of the chaplaincy contain a document, circulated to the military leadership and to every Catholic chaplain serving in Algeria in February 1959, which discussed how to help soldiers with the ‘problems of conscience posed by subversive warfare’. The guide recognized the need to respond to Operation Conscience, but cautioned that ‘operation anaesthesia’, that is, ‘chasing away all scruples, closing one’s eyes to the excesses, putting conscience to sleep’ would be far more dangerous than simply allowing soldiers to think for themselves. Instead, the Chaplaincy proposed a ‘cautionnement de leur conscience’: in effect, the chaplains would step in to take responsibility — quite literally act as guarantor, as for a loan or rental contract — for soldiers’ consciences, thereby allowing soldiers to ‘know that they act in accordance’ with their conscience. This echoes the paternalistic model of conscience advocated by Cardinal Feltin in his All Saints’ Day letter.

78 SHPF, Fonds Eric Westphal, 038Y (boîte 4), Dossier coupures de presse: Le Monde, 5 Aug. 1959, quoting Le Bled.
79 See also Lazreg, Torture and the Twilight of Empire, 195–6.
80 AN, F/60/3127, S.P. 87.189, Zone Nord Algérios, 10e Division Parachutiste, État-Major 2e Bureau, M. 1616/2: Father Delarue, ‘Réflexions d’un Prêtre sur le terrorisme urbain’, 29 Mar. 1957. See also Témoignage chrétien, 21 June 1957.
81 Archives du Diocèse de Paris, Fonds Cardinal Feltin, 1 D 15, 8: Guerre d’Algérie, Direction de l’Aumônier Militaire Catholique, 17 février 1959, ‘Étude d’un Comportement Moral en face d’une Guerre Subversive’.
Conscience, then, defined the battle lines of both factions of the Catholic Church and of both sides on the debate about torture. While Christian activists emphasized that conscience must be an individual matter, protected from domination or manipulation by any temporal authority, the Church hierarchy and the army recognized that the ‘solitary’ conscience posed a threat not only to the war effort, but to the entire model that underpinned their own authority. It is for this reason that they appropriated and reframed the language of conscience, attempting to assuage troubled consciences by relieving their subordinates of sole responsibility for their actions.

Only a year after the end of the Algerian War, Vatican II brought a compromise on the question of conscience with the 1963 encyclical *Pacem in Terris*. The encyclical clarified the relationship between secular authority and the individual using the language of conscience. As the section ‘An Appeal to Conscience’ explained, ‘Authority is before all else a moral force. For this reason the appeal of rules should be to the individual conscience’; likewise, echoing the distinction Maritain made with regard to conscience, ‘laws and decrees passed in contravention of the moral order, and hence of the divine will, can have no binding force in conscience, since “it is right to obey God rather than men” ’.\(^{82}\) In the case of the state, then, individual Catholics enjoyed a right to disobedience under certain circumstances. However, the Catechism of the Catholic Church, a summary of Catholic doctrine issued in 1992 by Pope John Paul II, reveals enduring tensions around the problem of conscience in relation to spiritual authority. The Catechism indicates that ‘man has the right to act in conscience and in freedom so as personally to make moral decisions’.\(^{83}\) Yet far from endorsing complete obedience to one’s own conscience, the Catechism asserts that it is also a ‘sin’ to prefer ‘one’s own judgment’,\(^{84}\) warning that errors in moral conduct can proceed from ‘a mistaken notion of autonomy of conscience [or] rejection of the Church’s authority and her teaching’.\(^{85}\)

\(^{82}\) Pope John XXIII, *Pacem in Terris*, 11 Apr. 1963. See points 48, 51, at <http://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_en- c_11041963_pacem.html> (accessed 20 Feb. 2020).

\(^{83}\) Catechism of the Catholic Church (hereafter CCC), 1782.

\(^{84}\) CCC, 1783.

\(^{85}\) CCC, 1792.
CONCLUSION: CONSCIENCE AND HUMAN RIGHTS

At the height of the Algerian War, the concept of conscience and the broader Catholic culture that underpinned it unexpectedly acquired a wider resonance beyond the frontiers of France and Catholicism. Led by British lawyer Peter Benenson, the then newly founded Amnesty International launched its ‘Prisoner of Conscience’ appeal in 1961. Although Benenson converted to Catholicism in 1958 and saw Amnesty as an attempt to promote spiritual transformation, the new movement ‘subsumed [Christianity] into the generic concept of the “Prisoner of Conscience”’, making it compatible with ‘lay idealism’.86 Amnesty’s campaign placed the act of conscience itself — rather than the specific beliefs of the ‘Prisoner of Conscience’ — at the centre of its claims about rights, transforming violations of conscience into a potential catalyst for universal moral outrage.87 Amnesty also emphatically transcended Catholicism; Tom Buchanan contends that Catholicism deeply shaped Benenson’s personal spirituality, but the new movement made use of ecumenical influences rather than aligning with the institutional Church.88 The malleability of the language of conscience thus aligned well with the movement’s ethos.

Since the Amnesty campaign, the language of conscience has become a central dimension of the transnational human rights activism that began in earnest in the 1970s.89 The ideal of conscience that was articulated mainly within the confines of French Catholicism until the 1960s thus helped give voice to a broader shift in the relationship between individuals and authority, providing justification to disobey states in the name of higher ideals.

86 Tom Buchanan, ‘“The Truth Will Set You Free”: The Making of Amnesty International’, Journal of Contemporary History, xxxvii (2002), 591.
87 Ibid., 580–1, 585–6.
88 Tom Buchanan, Amnesty International and Human Rights Activism in Postwar Britain, 1945–1977 (Cambridge, 2020), 119–20.
89 Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge, Mass., 2010), 131. See also Ann Marie Clark, Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms (Princeton, 2001). Clark overlooks the religious associations of conscience, while Moyn largely emphasizes the earlier Protestant origins of ideas about freedom of conscience in relation to religious tolerance within states.
At the same time, the ubiquity of the concept of conscience in debates about torture and atrocities must necessarily relativize historiographical narratives of the rise of human rights as a uniform ideology from the 1940s to the 1960s. As recent literature has also contended,90 a more helpful way of thinking about human rights in this period is not as a single, universal, homogenously interpreted language of rights, but rather as a multiplicity of coexisting ways of speaking about and interpreting rights. The debates about conscience that emerged from the publications of Christian intellectuals and activists during the Algerian War show the salience of the kinds of ‘cognate’ terms that, for many Christians, better articulated claims about the relationship between the state and individuals than did the emerging international language of rights. Catholics were, in fact, divided on the issue of whether Christians should embrace secular human rights; Maritain famously insisted that rights derived from natural law and therefore from God, but that this spiritual origin of rights need not prevent secular and religious people from embracing the same, religiously neutral language of rights.91 Yet the dissident Catholics of the mid-century anti-torture movement clearly resisted adopting the ‘rights talk’ of the UDHR or the European Court of Human Rights (ECHR). Instead, as Marco Duranti has shown, it was conservative and even reactionary French Catholics who made use of new international rights mechanisms like the ECHR in order to claim protections for former Vichy collaborators and to ensure Catholic parents enjoyed the freedom to send their children to religious schools.92

Dissident Catholics like Pierre-Henri Simon and Henri-Irénée Marrou, by contrast, invoked a specifically French tradition of rights drawn from the 1789 Declaration of the Rights of Man and of the Citizen. For them, France’s legacy as the first country to abolish judicial torture held greater weight than the non-

90 See, especially, the introduction of Shortall and Steinmetz-Jenkins (eds.), Christianity and Human Rights Reconsidered.
91 See Jacques Maritain, Rights of Man and Natural Law; Jacques Maritain, Man and the State (Chicago, 1951); and Jacques Maritain, ‘Philosophical Examination of Human Rights’, in United Nations Educational, Scientific and Cultural Organization (ed.), Human Rights: Comments and Interpretations. A Symposium (London, 1949), 9.
92 See, especially, chapters 9 and 10 of Duranti, Conservative Human Rights Revolution.
binding UDHR or even the European Convention of Human Rights, which France failed to ratify until 1974, in part because of the incompatibility of respect for human rights with France’s ongoing imperial wars. At the same time, their adoption of ‘conscience’ reflected the uneasy relationship that dissident Catholics had with the French state in this period. Even as they sought to uphold a certain idea of the nation as the birthplace of the rights of man, a France that adhered to its own laws and ideals, these Catholics deployed conscience as a moral weapon to defend those with relatively less power against the state and, at times, their own powerful Church. Their vision of rights, then, transcended the secular-religious divide; while recognizing the legitimacy of a secular, liberal concept of rights coming out of the French Revolution, these Catholics also insisted upon the political and spiritual function of individual conscience as a check upon the state.

That these two ways of thinking about rights could coexist within the same individuals and movements does not imply that tensions between neutral, secular rights and a fundamentally religious conception of personal-political action had been resolved. Dissident Christians and secular rights activists found common ground during the wars of decolonization, but with the decline of left Christianity after the 1980s, the tension between the two concepts has once again become apparent. The emergence in recent times of a new mentality that uses the trope of ‘Christian conscience’ to oppose abortion, gay rights and other intimate or bioethical issues is good evidence of this. In France, this tendency is best exemplified by the movement La Manif pour tous, which, since 2013, has mobilized enormous crowds into the streets to oppose the legalization of gay marriage.

93 Jay Winter and Antoine Prost, René Cassin and Human Rights: From the Great War to the Universal Declaration (Cambridge, 2013), 255. The European Convention on Human Rights was drafted in 1949 by the newly created Council of Europe. Although France had signed the European Convention on Human Rights of 1950, the country declined to ratify the Convention until 1974, more than ten years after the end of the Algerian War.

94 See Samuel Moyn, Not Enough: Human Rights in an Unequal World (Cambridge, Mass., 2018).

95 On the religious-secular divide in human rights, see Greenberg and Steinmetz-Jenkins, ‘Introduction: Special Forum on Christianity and Human Rights’.
and adoption rights for gay couples. The movement explicitly claims to be acting out of obedience to Catholic values, even though Catholics themselves remain deeply divided on these questions. For this reason, conscience-based activism has been subject to critiques that it can facilitate discrimination in terms of whom, and whose convictions, human rights can protect. Yet if such inconsistencies are inherent to conscience, because it empowers individuals to act according to their beliefs rather than in line with an objective standard, human rights in both law and practice are no less subject to debate, interpretation and contestation. This history of the emergence of conscience as a political and moral instrument underscores the absence of consensus about the meaning of human rights to this day.

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96 Frédéric-Pierre Chanut and Laurent Ducerf, ‘La Manif pour tous: quand les questions sociétales mobilisent les catholiques’, in Bruno Béthouart and Michel Launay (eds.), ‘Les religions dans la rue’, Les Cahiers du Littoral, ii, no. 14 (2015), 299–350; Céline Béraud and Philippe Portier, Métamorphoses catholiques: acteurs, enjeux et mobilisations depuis le mariage pour tous (Paris, 2015).

97 Tobias Kelly, ‘A Divided Conscience: The Lost Convictions of Human Rights’, Public Culture, xxx (2018).
ABSTRACT

This article investigates how the concept of ‘conscience’ emerged as a battleground within the French Catholic Church and as a politicized concept with implications for ideas about human rights. State-sponsored torture during the Algerian War (1954–62) prompted dissident Christians to pioneer the use of ‘individual conscience’ as a tool of resistance. The Christians of the anti-torture movement embraced the theologically informed language of conscience alongside a French, secular tradition of rights drawn from the 1789 Declaration of the Rights of Man and of the Citizen. The way that Catholic dissidents thought about rights transcended the secular–religious divide; while recognizing a liberal concept of rights coming out of the French Revolution, these Catholics also insisted upon the spiritual function of individual conscience as a check upon the state. Intra-Catholic debates about conscience thus reveal the political and theological diversity within mid-twentieth-century Christianity, long assumed to have been dominated by actors on the political right, as well as the multiplicity of coexisting ways of speaking about and interpreting human rights.