

## CHAPTER 7. “ESCAPING FROM HELL IS A RIGHT!”: THE CASE OF FRANCE’S “Q.H.S.” (1975-1982)

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Introduction: when the conventional perception of prison escapes was turned upside down

*“Conclusion: If it is the prison that creates danger, then wanting to escape from it is fair and legitimate. It is a necessity, anyway, if one doesn’t want to become dangerous oneself. No one wants to be in collusion with those who deliberately expose yourself to become dangerous. Escape, in this case, is a duty.” (Comité d’action des prisonniers (CAP), 1978, p. 4).*

So concludes a short text entitled, “statement from Michel Foucault before the Lisieux trial”, under the headline “Caution: danger”. Dating from 1978, the text appeared in a booklet released by the *Comité d’action des prisonniers* (CAP). It is a critique of the very notion of “dangerousness”, as conveyed at that time in the public debate, and even more so, within the judicial administration. For a reader who would have no clue whatsoever of the historical background, this “conclusion” might be taken one more provocative turn of phrase from the French thinker<sup>145</sup>, following his deep involvement in the *Groupe d’information sur les prisons* (GIP) in the early 1970s<sup>146</sup>, and then his so-called “German moment” (see Hannah 2012). And yet, this statement arguably goes well beyond

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<sup>145</sup> See e.g. Merquior (1985, p. 13): “... Foucault was a polite professor who relished scandalizing the Parisian establishment which lionized him by solemnly stating that the first duty of prisoners was to try to escape...” One of the former co-founders of the daily newspaper *Libération*, Philippe Gavi (1998, p. 218), has even mentioned an epic scene in which Foucault himself, wearing a wig, supposedly fomented an escape...

<sup>146</sup> The existing literature about the GIP has now become significant, even when limited to English-language scholarship. See e.g. Brich 2008; Welch 2011; Salle 2014; Dilts and Zurn 2016. The *Comité d’action des prisonniers* (CAP) took over the cause of prisoners at the end of 1972, after the GIP was disbanded (see Soulié 1999).

mere rhetoric. It is the radical expression of a broader shift of perspective that, in those days, garnered significant echo in the French far-left, and beyond. Nor was Foucault a lone voice. His assumption was in line with the slogan that the CAP was putting forth at the same time: “escaping from hell is a right!” Certainly, only a minority group shared this idea of prison escape as a “right”, even a “duty”, especially in a time of revival in conservative views among intellectuals and within French society at large thereafter (see e.g. Christofferson 2004). It is noteworthy enough, however, that this notion subsequently succeeded in becoming a sensible, if highly debatable, line of reasoning.

This was anything but obvious at the time, for any such claim turned the conventional representation regarding prison, and prison escapes in particular, upside down. Prison escape was and remains usually associated with danger, with the idea of a major threat to society. And if prison—more broadly confinement—has a primary goal or essential aim, it is to prevent escapes. As noted by Gilles Chantraine and Tomas Martin in this book’s introduction, preventing escape is ultimately prison’s entire *raison d’être*. What would a prison mean if it gave up the objective of ensuring custody? It is not fortuitous that escape, potential or actual, is at the core of Antoinette Chauvenet’s definition of prison as a “defensive warlike apparatus” (Chauvenet 1998).

This latter definition was developed on the basis of the French prison system, and the fact is that, until the aftermath of the “1968 years” (covering by and large the first half of the 1970s), prevention of escapes was, in practice, the first—if not the only—matter of concern for prison authorities under the French Ministry of Justice’s supervision<sup>147</sup>. Prison was generally considered as a paramilitary institution, so that escapes were the main target around which the system revolved, especially in a time when the issue of “political confinement”, following the repercussions of the Algerian War of

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<sup>147</sup> For overviews of prison policies and practices during this period, see Faugeron (2002), Bellanger (2007, pp. 195-210).

Independence on French prisons, was still a major concern. This narrow concern guiding the French prison policy was, in fact, nothing but official. In September 1964, the French Minister of Justice Jean Foyer—a devout conservative lawyer embodying the priority given to coercion—made it clear in a speech addressed to all prison administration’s managers, in which he stressed that the prison staff should be overwhelmed by a “true dread of escapes” [*une véritable angoisse de l’évasion*]:

*“Above all, each and every member of the prison administration should remember any time that the chief mission of his administration is to supervise the inmates that the judiciary consigns to its care. As far as the prison service is concerned, escape is the most serious fault. It is a factor of demoralization and a cause for scandal. Should it happen, it means that the prison authorities have failed in their duties. Every official must stand in a true dread of escapes [...]. Let me repeat myself: this is the first and most necessary duty of the prison staff.”* (quoted in Syndicat de la Magistrature 1974, p. 3).

In this way, a time when inmates were supposed to have rights—to say nothing about exercising them—had not yet come. Prison order—in other words the absence of disturbances of any kind—mattered entirely. The fact that even the number of releases on parole was decreasing since the mid-1950s was symptomatic of the prevalent logic of captivity. The same goes with the creation, in July 1967, of a new category called “DPS” (for *détenus particulièrement surveillés*, “specially supervised inmates”, overtly designed to keep watch over potential escapers. Furthermore, deadly escape attempts had left a definite mark on public opinion, most especially when in September 1971 two inmates killed a prison officer and a nurse in the grim prison of Clairvaux (they were executed in 1972<sup>148</sup>). Such events led to a campaign smearing all inmates without much distinction. Against this background, the portrayal of prison escape as a “right”, and even a “duty”, became arguably the most disorienting, subversive idea conceivable. The fact that such an idea could not only be publicly

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<sup>148</sup> A few years later, in January 1978 (i.e. just before Foucault took his aforementioned stand), three officers were held hostages in the same prison by two inmates trying to escape, and were eventually killed by police elite troops.

expressed, but also made sense to reasonable people reveals an upheaval of the prison order, at the least of the symbolic foundations of this order.

How could this improbable reversal happen? Based on written sources including archival research<sup>149</sup>, this chapter answers that question. To telegraph ahead, let us say that answer can be summed up in just three letters: Q.H.S. The acronym stands for “*Quartiers de Haute Sécurité*” (“high/maximum security units”), a designation that soon became widespread, even when it was unofficial. As we show, these units were widely criticized—beyond far-left activist circles—for being horrific sites. Commonly considered as “prisons within prisons”, the QHS were compared by inmates to tombs or torture chambers, and even occasionally to the Russian Gulag and Nazis concentration camps. In this way, they became a focal point of prison struggles in France during the second half of the 1970s. The contentious issue of escape started resonating in a rather unusual way, in the sense that some prison spokesmen supported escape as a legitimate, justifiable option within this evolving context. The next section returns to the QHS controversy. We then move on to the Lisieux trial in which the issue of escape was central, and more generally, was the acme of the protest movement against the high security units.

## Portrait of high security units as deadly places: the QHS controversy

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<sup>149</sup> This article [chapter??] relies on documents derived from two archival sources (the French National Archives and a collection hold by the *Institut d’Histoire du Temps Présent*, a research unit in contemporary history). It was not possible of course to carry out a full and systematic work on the voluminous material). A thorough, cross-checked and comprehensive historical study of the French prison system during this period (around the issue of “Q.H.S.” in particular, but also with respect to the “1968 years”) is still to be written.

France's high security units were officially created in 1975, a year that is of symbolic importance in the French history of prisons, deemed as it has been to mark the end of the "1968 years" (see Salle, 2011 for a discussion). Several points need to be emphasized, given that no scholarly contribution is to be found on this topic since the pioneering study from Michel Fize (1984).

First, the designation "Q.H.S." (or QHS) has never been official. Formally, two kinds of units were created: units of "strengthened security" ["*quartiers de sécurité renforcée*", Q.S.R.] for convicts and especially for long-time inmates, and "units of higher security" ["*quartiers de plus grande sécurité*", Q.P.G.S.] for pre-trial detention within *maisons d'arrêt* (jails). The unofficial designation, "Q.H.S.", gained instant success, however, though it is difficult to determine retrospectively who coined the term in the first place. At any rate, this rapid adoption was a symbolic victory for activists, at least to the extent that the expression was widely recognized and used pejoratively.

Second, this ready adoption of this term does not mean that units of this kind, devoted to a strict solitary confinement, did not exist before in one way or another prior to the term. Convict testimonies in particular (one of the most famous being that of Bauer 2004<sup>150</sup>) suggest that they did, if only in a crude and unofficial way. Each prison already had special austere cells for solitary confinement that French slang calls "*mitard*"; besides, it was common knowledge that the harsh *maison centrale* of Mende in the south of France, was the place where refractory inmates were locked up. In other words, the new units created in 1975—about of dozen of them would rapidly be counted across the country—rendered long-time practices official; they also rendered them more systematic. The new units were characterized by drastic control everywhere, from visits to correspondence to day walks. Equipped

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<sup>150</sup> Charlie Bauer (1943-2011) was first convicted at the age of 19 for armed robberies he justified as politically motivated. He would later be associated to felon Jacques Mesrine (see *infra*). A far-left activist, who earned a PhD in anthropology within the walls, he spent about twenty-five in different prisons, including almost a decade in solitary confinement.

with cameras and metal detectors, they were specially designed to prevent escapes as well as transgressions by inmates said to be especially dangerous. In a book combining autobiographical account and investigation, one co-founder of the CAP, Serge Livrozet (1976, p. 206), described them as “a world dramatically apart from the prison world”. This too is confirmed by other testimony, such as one by Philippe Maurice (2001, pp. 87 *sq.*), now a medievalist historian.

Third, these units were—paradoxically enough—created within the framework of a supposedly “liberal” reform of the conditions of detention. Whereas the new units were devoted to the surveillance of a small minority of inmates that were considered dangerous (whether due to their behavior, their administrative record, or even their “personality”<sup>151</sup>), the reform was as a whole officially aimed at improving the appalling situation of French prisons and producing a more flexible regime for the major part of the inmates.

During the 1960s years, the French prison system had been unveiled as an antiquated institution, the quintessence of archaism, brutality, and opacity. According to a government decree dating from May 1975, the French prison system was restructured in a tripartite way, roughly corresponding to a division between minimum, medium and maximum security. In the minimum regime, that of *centres de détention*, inmates were supposed to have the right to wear their own clothes or to write without censorship, and even to benefit from furloughs. In short, the rehabilitation of convicts was then the watchword, while the case of high security units was presented as an exception to the (new) rule. The apparent break between the past and the present was expressed in a statement from the prison administration’s director of the time. “The fear of escape shall not be the sole and obsessive concern

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<sup>151</sup> This is precisely what Foucault criticized in his earlier quoted statement, considering that the criminal justice system is, at least formally, not supposed to judge personal dispositions, but only illegal actions.

of prisons' head wardens and their staff", he insisted, notably in direct opposition to the aforementioned statement of Jean Foyer.

In this respect, an escape attempt supposedly did not in itself justify solitary confinement into a high security unit, provided that it was not accompanied by violence<sup>152</sup>. (Official instructions to this effect are found in the archives.) More specifically, a non-violent escape attempt could justify a placement in a QGPS, not in a QSR. And yet, according to Michel Fize (1984, p. 126), escape-related incidents in 1977 accounted for more than 40% of the placements in a QSR, including planning a non-violent escape. A search of files confirms this estimation<sup>153</sup>. It suggests that escape-related criteria—such as “escape”, “escape attempt”, “escape plan”, “aiding and abetting an escape attempt,” and other related terms—are to be found in almost a half of the inmates confined into a QSR, though with variations across the different places concerned, e.g., 0% in Évreux (0 out of 5 inmates), 38,5% in Tulle (5 out of 13), and 66% in Mende (10 out of 15). Escape-related events are as such a main reason for being confined in a QSR, along with attacks against staff and instigation of a protest movement. Also as suggested earlier, having been labeled a “DPS” was almost always to do with an escape-related event (“spectacular escape attempt with outside complicity”, “escape from the judge office”, “seriousness of the committed facts and his particular dangerousness, especially regarding escape with aggression and hostage-taking”).

To return now to the body of reform mentioned earlier, one should also note that the era of turmoil that had been shaking French prisons since the early 1970s was not just among “political prisoners” (i.e. inmates demanding this privileged status) *but also* among common law criminals (see Bérard

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<sup>152</sup> Letter from the French Minister Justice Jean Lecanuet to all authorities concerned, « Instructions about the running of prisons or units of strengthened security », 15 May 1975. [IHTP Archives, series ARC 3017-16, file IV-35].

<sup>153</sup> French National Archives, Series 20010085, file 351.

2010; Guérin 2013). Discontent reached its peak in the summer of 1974, when prison riots by the dozens broke out across the country, not to mention about 150 protest movements (according official figures) within the walls of a great number of prisons. Several prisons were severely damaged, some even partly destroyed. At least six prisoners<sup>154</sup> were found dead, a number more than during the overall social revolt of May-June 1968. In a book published ten years later, the former junior minister for prison issue [*Secrétaire d'État à la condition pénitentiaire*, an office that will prove to be a short-lived one] testified that these riots left the authorities panic-stricken (Dorlhac de Borne 1984). Modernizing the prison conditions therefore appeared necessity for several reasons.

A major reform, nevertheless, was not on the agenda, let alone enacted into law, even though substantial modifications were being made to the code of criminal procedure. Some unpublished documents make it clear that preventing a new prison uprising was the ultimate, albeit unofficial goal. At the end of March 1975, the French Prime Minister wrote to all competent services within the criminal justice system as well as within the Civil Service prompting the officials to extreme vigilance: “no lateness, no hesitation, no confusion shall be tolerated in this matter, for the good running of the state as much as in the eyes of the public.”<sup>155</sup> Another document, called “The prison authorities in 1975”, outlined the prison policy decided by the government following on the prison mutinies of July-August 1974. This policy, the document explains by deft indirection, “can apparently be summed up in a quite simple way: put an end to the under-development into which [...] the prison service has gradually sunk.” The distinctive feature of the reform is “its scale and global nature,” however. The text further underlines that reforming is not about being soft; far from it:

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<sup>154</sup> A range from six to nine is to be found in the existing literature. This uncertain figure tells us a good deal about the exceptional character of the situation.

<sup>155</sup> Letter from Prime Minister Jacques Chirac to all authorities concerned, « Maintenance of law and order » [*stamp « secret »*], 28 March 1975 [IHTP archives, series ARC 3017-13, file IV-4].



“In any case, it would be completely erroneous to draw [...] the conclusion that the reform of the prison situation is about laxness and renunciation. It is just the reverse. This reform can only bear fruit with order and discipline. It is closely linked with wardens and staff’s authority being restored over the prison population.”<sup>156</sup>

As a result, the QHS were blamed at the outset by left protest groups not only because of the cruelty of the life inside, but also for other reasons. The first is legal. The reform was not discussed and ratified by the French Parliament; it was a decree exercised through executive powers only. For many lawyers, its normative value was therefore weak, inconsistent with the requirements of a rule of law worthy of the name. For that very reason, four progressive unions and associations—namely the *Syndicat de la magistrature* (SM), the *Syndicat des avocats de France* (SAF), the *Mouvement d’action judiciaire* (MAJ), and the CAP—filed a lawsuit in the Council of State [*Conseil d’État*], the highest administrative court in the land<sup>157</sup>.

A second, and related factor was that the reform was blamed on a procedural and institutional ground, i.e. as a disruption of the balance of power between the administrative and the judicial bodies at the expense of the latter. Indeed, the decree gave the administration itself the right to confine an inmate into a high security unit, a legal notice to do so being unnecessary. Third, given the general reform framework we have already mentioned, prison authorities were accused of using the carrot and stick approach, and the reform to be not only ambivalent, but also deceptive. From this perspective, criticisms against high security units led to a far-reaching social critique about the illusion of security,

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<sup>156</sup> “L’administration pénitentiaire en 1975” [IHTP, ARC 3017-13, file IV-2].

<sup>157</sup> It happens that, at least on paper, this legal action would turn out a partial success. The decree was partly canceled by the *Conseil d’État*, considering that entrusting the administration with the task of placing inmates was illegal. This decision did not change much on the ground, though; therefore, it appeared to some as a “fake victory” (see e.g. Colcombet 1977).

guided by the idea that the politics of law and order was an excuse for criminalizing opposition and immoderately expanding the penal scope (e.g. *Actes* 1977, p. 10<sup>158</sup>). In detail, two versions of the same argument can be distinguished. For the soft-liners, the creation of the QHS is the shameful part, the dark side of the reform. For the hard-liners, it is on the contrary the core of the reform, its true nature.

Understandably, the cruelty of the life inside remained the major critique of the QHS. This was clearly expressed in a call to the public opinion that appeared in November 1977 under the title: “Our detention is no longer humanly bearable.”<sup>159</sup> The text was signed by six inmates confined in the “QHS” of Fresnes, wanting to shed light on what they called a monstrosity worthy of concentration camps [“*monstruosité concentrationnaire*”]. Apart from those who soon became more famous inmates, prisoner testimonies describing the terrible conditions in the special units increased in the print press, especially in the French left-wing newspaper *Libération*<sup>160</sup>. The repetition of these reports increased their credibility and the denunciation of prison brutality resonated in with more of the public. Further, allegations of prison torture was reported by Amnesty International in 1976.

Still, such testimony and other accounts, reporting “torture units” and “sensory deprivation”, differed greatly from the official narratives—so much so that they were likely to be disregarded by the lay reader as exaggerations, if not lies. Such dismissal was especially likely when parallels were drawn with death camps during World War II by invoking treatments similar to those within concentration camps (e.g. in CAP 1978, #52). Therefore, the increasing accumulation and coherence of these

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<sup>158</sup> Also see: Elizabeth Vieux, « Au nom de la sécurité », *Libération*, 11 January 1978; Jean-Paul Lévy, « Quartier de haute surveillance », *Libération*, 12 January 1978.

<sup>159</sup> « "Notre détention n'est plus humainement supportable" », *Libération*, 3 November 1977.

<sup>160</sup> See « La vie en QSR », *Libération*, 8-9 July 1978; « La chair à bâton des QHS », *Libération*, 5 August 1978; « QHS », *Libération*, 26-27 May 1979; « Yves Maupetit et les QHS », *Libération*, 6 August 1979. On the newspaper itself, see e.g. Christofferson 2004, p. 72 sq.).

accounts were of crucial importance in building up public opinion support for the cause of prisoners, especially among the left working class.

The protest against “QHS” was not merely verbal. As noted, it was accompanied by legal action; in addition, protest actions took place outside prison walls, not just within. On January 9, 1978 a “strike notice within the QHS” was signed by a handful of inmates (among which Jacques Mesrine and Roger Knobelspiess<sup>161</sup>), denouncing the denial of basic rights and “totalitarian methods” in “French Gulags”<sup>162</sup>. Soon, hundreds of inmates joined in a hunger strike, while on the outside and at the same time a demonstration bringing together hundreds of people took place in front of the French Ministry of Justice.

All in all, this conflict can be encapsulated as an “affair”, in the sociological sense of the “affair form” elaborated by Luc Boltanski since the early 1990s (e.g. Boltanski 2012, p. 169 *sq.*)<sup>163</sup>. In this sense, one required element is a reversal by which the respective positions of “accusation” and “defense” are blurred, even flipped in some cases. In this case, the reversal of roles is total. Convicts—and what is more, people convicted as armed gangsters or killers—became those denouncing injustice, putting prison authorities—and the state itself—in the hot seat. As we will now see, the “Debrielle case”, which soon became the “Lisieux affair”, was emblematic of this logic.

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<sup>161</sup> Jacques Mesrine (1936-1979), nicknamed “public enemy n° 1”, is known as one of the most famous gangsters in France’s contemporary history. Roger Knobelspiess (1947-2017) is known for his book *Q.H.S.*, published in 1980 (more than 300 000 copies sold). He always claimed his innocence concerning the small offence he was first convicted for, before turning into a “real” felon. A writer of several books, essays and fictions, he spent more than twenty-five years in prison.

<sup>162</sup> “Préavis de grève dans les QHS”, 9 January 1978 [IHTP, ARC 3017-16/ IV-35].

<sup>163</sup> “We use the term ‘affair’ to designate processes of mobilization in the public sphere that revolve around the case of a person or persons constituting the object of an accusation and potentially subject to legal charges. In this sense an affair is defined first of all by a system of slots that include a victim (unjustly accused), an offender, an accuser, a denouncer (the person who takes it upon himself or herself to exonerate the accused), a judge (whose role is played most often today by the sovereign people, public opinion, or humanity in general). An affair constitutes a moment of uncertainty as to the identity of the empirical persons who are to occupy the various slots in this system.” (Boltanski and Thévenot 2006, p. 359).

## Escaping from Q.H.S.: the Lisieux trial and affair

The issue of escape stood at the center of the Lisieux criminal trial, commonly referred to as the trial “of the Lisieux’ escapees”, that began in March 1978 before the *Cour d’Assises*, in which the decision belongs to a popular jury. The case was unusual. The defendants were not only charged with escape attempt (as well as holding and violence against officials); they tried to escape from a high security unit, i.e. precisely the place no one is supposed to escape from. In addition, their escape attempt led to a hostage-taking incident encouraging the police (more exactly the French *gendarmes*) to intervene in a way that ended in an uproar.

The events began almost two years before the trial began. In July 1976, an inmate named Daniel Debrielle and three associates (one sentenced to life imprisonment) were arrested after an escape attempt from the “Q.H.S.” of Lisieux, a small town located in rural France. The four were then confined in different high security units, where they quickly went on hunger strikes. Debrielle recounted these hunger strikes in vivid terms in the journal of the CAP as a way of speaking out for his fellow inmates. A former baker, he had been arrested in September 1975 for armed robbery and proclaimed his innocence from that point on<sup>164</sup>. He was also involved in the hunger strikes. Almost three months before the beginning of the trial, in early January 1978, he also co-signed the public call initiated by the CAP, criticizing the QHS as a sentence similar to death penalty, less spectacular than the famous *guillotine*, but not less cruel.

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<sup>164</sup> « La détention depuis mon arrestation, le 5 septembre 1975 » [IHTP, ARC 3017-16, file IV-35].

The trial opened in this turbulent context. Outside of the court, a committee (in fact a grouping of local committees) was set up to support the defendants, while a motion was signed by left-wing political parties, trade unions, and legal associations created in the aftermath of “1968” (on these French movements, see Israël 2014). Inside the court, judges rejected the request that the members of the popular jury visit QHS and, even more so, the possibility that the (in)famous Jacques Mesrine testify in person. Several adjournments were ordered before the trial was postponed for a couple of months for further information. When the trial reopened at the end of June 1978, one of the defendants, Carman Rives, was missing. He had been killed in May when trying to escape the Paris’ QHS of the famous prison of La Santé along with Jacques Mesrine and François Besse—who themselves succeeded in a way that resonated in other prisons<sup>165</sup>.

During the trial break, the CAP published a leaflet under the title “Escaping from hell is a right!” It contains statements such as: “these men refused to become wild beasts”, or “these inmates wanted to fly from torture”<sup>166</sup>. Moreover, the group took the initiative of publishing a pamphlet collecting together all type of critiques related to QHS, including the text of Foucault mentioned earlier. Under a purple cover, the pamphlet is divided into several parts: “discourse of the administration” (I), containing excerpts of official documents or speeches; “words from the ones dying inside” (II), containing inmates’ testimonies; and “words from the outraged ones” (III), composed of viewpoints from progressive unions and associations such as the *Groupe multiprofessionnel des prisons*, the

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<sup>165</sup> In a tribute to Jacques Mesrine, author Alèssi Dell’Umbria (2014) recently noted: “The escape from the Santé, on May 8, 1978, would have been magnificent had it not been for the death of Carman Rives, who followed Jacques Mesrine and François Besse at the last minute and was shot down by the police at the wall of the prison. (...) An escape is above all a great cause for celebration among all the other prisoners, those who remained behind and who on that day witnessed a flash of light that illuminated the monotony of prison: the prison colony is not invincible (Jocelyn Deraiche, then incarcerated in Fleury-Mérogis, recounted that the prisoners organized an extraordinary disturbance to celebrate the good news; the same thing happened in most of the prisons in France).” It should be no surprise that it appears in Paul Buck’s “True Stories of the World’s Greatest Escapes” (2012, p. 195 *sq.*). The fact is that this escape also contributed to harden prison and penal policies, contributing to make the year 1978 a turning point toward a neoconservative backlash.

<sup>166</sup> CAP, « S’évader de l’enfer est un droit ! », n.d. [1978].

*Ligue des droits de l'homme*, or the *Association française des juristes démocrates*. All of them condemn QHS as a violation of human rights and dignity.

Holding again the idea that “escaping from hell is a right”, the CAP demands a dismissal [“*excuse absolutoire*”]. According to a trade union’ spokesman, escaping from a QHS should be considered “self-defense”. A radical critique, according to which the QHS is not merely incidental but on the face of it completely contrary to the reform of 1975, was not an undertaking of the CAP or others radical movements. The initiative was shared, for instance, by a progressive judge, Étienne Bloch, also a prominent figure of the judicial left. He characterized these units as “the shame of the French prison system”: “Q.H.S. have today become the foundation upon which the prison system is built. (...) Changing them or improving them is excluded. (...) One cannot consider reforming an institution similar to torture.”<sup>167</sup> Even moderate, if not conservative lawyers, stated that the way the French penal code was then written implicitly recognized the right to escape, provided that any material damage, and all the more so physical violence, occurs. When so, escape itself is not punishable in principle (Sériaux 1979).

In the short term, however, social mobilization around the case failed. The judges rejected the plea for the case’s dismissal. Debrielle was condemned to a four-year prison sentence for his escape attempt, plus a seven-year sentence for the hostage taking. Despite the efforts of CAP and coverage by France’s newspaper of record *Le Monde*, collective action was limited. Other events were more visible in media coverage, especially an abduction attempt of the President of Paris’ *Cour d’Assises* by an escaped prisoner, who justified his act in a letter to the press wherein he demanded the abolition

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<sup>167</sup> « La réforme pénitentiaire », n.d. [1975] [IHTP, ARC 3017-15, file IV-23].

of the QHS. Even here thought his stance could easily be dismissed as the act of a lunatic, thereby discrediting his demands. Importantly, the high security units were not shut down at that time.

Overall, the antiprison activism was running out of steam towards the end of the 1970s. It is true that one finds in the archives a “Political Platform from the struggle group against high security unit”, dating from October 1978, which called for, e.g., setting up a special inspection committee with respect to the daily life within the QHS, and which framed a wide-ranging critique of a deceitful “*démocratie bourgeoise*”, that is, a tedious way of living, oppression, constraint, consumerism, propaganda, imperialism, private property, and so on. But that too quickly left no lasting mark. From the opposite direction, 1978 witnessed several new decrees [*circulaires*] and administrative notes dealing with the prevention of escapes, indicating that it remained a matter of high concern.

Yet, the Lisieux trial proved not the ending point of the controversy. In November 1978, for instance, the recently escapee Jacques Mesrine would send a letter to the press demanding the abolition of the “QHS”. Other episodes would follow including, in 1980, the suicide of an inmate, Taleb Hadjadj, who was among the most involved prisoners engaged against “QHS”. The same year, the controversy was also reopened after the publication of Roger Knobelspiess’ book, *Q.H.S.*, with a foreword from Michel Foucault calling for re-thinking the whole system of punishment. In May of the same year, a short-lived committee organized a press conference to recall the recent 1978 episode: “high security units, prison brutality, reign of the arbitrary: all this is involved in the “Debrielle affair””.<sup>168</sup> During that period, a few prisoners still tried to use trials as a forum for protest against the QHS<sup>169</sup>. Some cases, moreover, indicate that things were imperceptibly moving: in December 1979, five inmates

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<sup>168</sup> IHTP, ARC 3017-16, file IV-35.

<sup>169</sup> See e.g. « Le plaidoyer du détenu Roubal contre les QHS », *Libération*, 14 March 1980; « Le procès de *Libération* dans les Quartiers Hautement Silencieux », *Libération*, 16 December 1980.

who tried to escape from a QHS were sentenced to a symbolic sentence of one day<sup>170</sup>. In the end, it is the changeover of political power between parties that made a substantial difference. France's high security units were officially shut down by decree from in February 1982 by the new "socialist" rule—the first left government for decades—that had come to power the year before.

## Conclusion: from the escape issue to the prison issue

Over the second half of the 1970s, an intense debate took place among American lawyers relating to legal defenses in escape cases. Following several judicial cases (e.g. *People v. Lovercamp* 1974, *People v. Unger* 1977, *United States v. Bailey* 1979), numerous scholarly comments were then produced (e.g. Thompson 1976; Michael 1978; Gold 1979; Anon. 1979). As one author then put it (Fletcher 1979), the controversial question was: "Should intolerable prison conditions generate a justification or excuse for escape?"

A sharp dispute ensued, dealing with distinctions between "duress" and "necessity", "justification" and "excuse", and so on. It was a jurisprudential issue, and an issue regarding judicial intervention in prison matters as well as the recognition of prisoners' rights. Debate over the issue became a means by which "courts reformed America's prison", to quote Malcolm Feeley and Edward Rubin (2000) in a book more focused on other matters. The situation could appear analogous in France, where prison escape became a public issue in the same period. In contrast, as we have seen, contextually the French situation offered a quite different picture, where protest movements' activism was in the

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<sup>170</sup> « Les QHS condamnés par un tribunal », *Libération*, 17 December 1979.



frontline rather than courts, and so within the context of a large public debate about law and order in general.

Quantitatively France's "QHS" were marginal: there were no more than 250 inmates confined within these units at the most, the occupation rate approximately ranging from one third to a half. Qualitatively their seven-year existence was rather short—as long as we leave aside the idea that they actually endured up to now in a sort of disguised way under the name of "QI" ("*quartiers d'isolement*"). This could lead to a conclusion that on balance, they were somewhat negligible.

On the contrary, we have argued here that their very existence—as well as the wide criticism they aroused—did put the whole prison system on trial. They offered a penetrating look into the escape issue, as an exceptional moment when escape could be considered as not only justifiable, but as a "right" of sorts. This contributed to the paradoxical shift pointed out by Julian Bourg (although I would not describe it as an "ethical turn" like he does), namely the fact that, following the action of the Groupe d'information sur les prisons, "a new leftist emphasis on rights was born within the framework of revolutionary militancy" (Bourg 2007, p. 72). The case of the QHS illustrates this idea: the rhetoric was more radical, but it did contribute to the success of a human rights discourse that, eventually, would overshadow that of revolution and class struggle.

This retrospective view is therefore of interest to shed new light on the current situation, where, as a general rule, the languages of rights and revolution are no longer combined. As regards critical discourse, the two periods dramatically diverge. In the late 1970s, the creation of France's high security units prompted a new step in the critique of prison in which escape itself was legitimated, whereas these units, and by extension the prison system as a whole, were more or less discredited. So

much so that, after their closure, these units would be quickly discredited even in official publications, for moral reasons but also because they increased the number of dangerous prisoners while the supposed improvement of the general prison regime did not really take place (e.g. French Ministry of Justice 1985, p. 9). As we noted, the radical critique of the “QHS” over the course of the second half of the 1970s was encapsulated in a total critique; especially, the critique of prison resulted in a blend of the critique of capitalism and that of the state. Things have dramatically changed from then on: a shift has occurred towards the theme of social exclusion combined with that of human rights, as supposedly opposed to raw coercion. From this perspective, attempts to give any political significance to prison escape may have lost their conditions of possibility, due to a neoconservative trend that far exceeds the prison field.

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