

# "We Must Shout the Truth to the Rooftops:" Gisèle Halimi, Djamila Boupacha, and Sexual Politics in the Algerian War of Independence

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# “We Must Shout the Truth to the Rooftops:” Gisèle Halimi, Djamila Boupacha, and Sexual Politics in the Algerian War of Independence

Ryan Kunkle

On 3<sup>rd</sup> June, 1960, Simone de Beauvoir, a prominent French feminist, published an article in the newspaper *Le Monde*, which “aroused the most extraordinary storm, not only in France but all over the world.”<sup>1</sup> In the article, she detailed the story of Djamila Boupacha, a female Algerian nationalist, seeking Algerian independence from France, who was arrested for allegedly bombing a café and was subsequently tortured by French military forces. De Beauvoir emphasized certain aspects of Boupacha’s torture, particularly how she was “deflowered” with an empty beer bottle. The editor replaced the phrase “rammed the neck of a bottle into my vagina” with “belly,” but the “readers still understood,” since that sentence served as the focal point of the article.<sup>2</sup> The underlying sexual and racial aspects of Boupacha’s torture served as the crux of her entire trial, as well as the public opinion campaign on her behalf.

This paper deals with sexual politics. More specifically, it analyzes discursively the place of gender and sexuality as political tools during the French Algerian War (1954-1962) in general, and Djamila Boupacha’s trial (1960-1961) in particular. My paper will focus on the 1962 book *Djamila Boupacha*, written by Gisèle Halimi, the French lawyer who served as Boupacha’s legal counsel. Since this text presents one of the most detailed

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<sup>1</sup> Simone de Beauvoir and Gisèle Halimi, *Djamila Boupacha, the Story of a Young Algerian Girl Which Shocked Liberal French Opinion* (New York: MacMillan, 1962), 194.

<sup>2</sup> De Beauvoir and Halimi, *Djamila Boupacha*, 65.

accounts of French sexual torture in the Algerian War, it is significant as a case study for discursive analysis. Halimi's account of the Boupacha case illuminates the French Algerian military and legal perspectives on race and gender during the trial, as well as Boupacha's preoccupation with the Algerian social and symbolic ramifications of losing her virginity due to torture. Ultimately, Halimi's own perspective as a French feminist shapes how the overall narrative is presented. I argue that sexuality is crucial to the political and legal articulation of the Algerian conflict itself, and that it informs racial and class categories and prejudices. The Boupacha case study illuminates the sexualization of the Algerian conflict as a whole.

There are four major types of sources that illuminate sexual violence and sexual politics in the Algerian War. First, many books and articles provide theoretical explanations for why wartime rape and sexual torture occur, often based upon transnational comparisons and drawing from political science and anthropological fields of research. Second, some sources detail sexual politics in Algeria, female participation in the Algerian War, and these women's experiences with rape and torture. Third, a few sources directly address the Boupacha trial, focusing on the political ramifications of Gisèle Halimi's and Simone de Beauvoir's involvement, as well as the sexual aspects of the case. Lastly, a number of sources detail Halimi and de Beauvoir's political endeavors as feminists in France. Although all of these sources provide insight into ways in which sexuality and race become enmeshed in wartime conflicts, my study provides an in-depth analysis of sexual politics regarding the Boupacha trial, and the ways in which all institutions involved (e.g. French Algerian legal and military officials, Algerian nationalists, and feminists) articulated the case in sexual and racial terms.

The Algerian Revolution, fought between Algerian nationalists against French colonialists, officially began in November, 1954 and was spearheaded by the *Front de Libération Nationale* (FLN), with the goal of attaining Algerian independence from France. The FLN's military arm, the *Armée de Libération Nationale* (ALN), avoided set-piece battles against the French military and focused on broad, decentralized, and lengthy guerrilla campaigns, despite logistical difficulties. The fighting ended with the signing of the Evian Accords,

a cease-fire agreement, in March, 1962, thus allowing Algeria her independence.<sup>3</sup>

Women played a major role in the Algerian War. New tactical strategies employed by the FLN required a wider array of combatants for the Algerian cause. Within the FLN, more than 10,000 female militants served several functions in fighting French authorities, both directly and indirectly.<sup>4</sup> Although less commonly than in other roles, women often personally committed acts of violence, especially in the case of planting explosives in public areas. This was accomplished by the female's unique role as an infiltrator; militants were often able to inconspicuously bypass security and leave timed bombs in cafés and transportation facilities.<sup>5</sup> Along with direct handling of weapons and sabotage, women also provided vital support roles in the execution of FLN missions. Most women did not become involved in planting bombs but instead transported and delivered weapons to FLN assassins. Due to their inconspicuous appearance as non-combatants, the FLN often relied upon female militants to enable attacks against French authorities.<sup>6</sup> Along with arming militants, women played other important auxiliary roles on behalf of the FLN, such as giving first aid care for the wounded, providing food and shelter for combatants, and contributing intelligence on French activities. In all of these ways, women were truly in the center of the Algerian conflict, utilizing multiple roles to complement the FLN's insurgent strategy of guerrilla warfare.<sup>7</sup>

As the recognition of female participation in the FLN grew, French military policy shifted to target suspicious Algerian women. Originally, the French military viewed women as passive accomplices in the resistance and thus conducted routine frisks as early as 1956. These checks typically involved

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3 Phillip C. Naylor, *Historical Dictionary of Algeria* (Lanham, Maryland: Scarecrow Press, 2006), 83, 245-246, 451.

4 Mildred Mortimer, "Tortured Bodies, Resilient Souls: Algeria's Women Combatants Depicted by Daniele Djamila Amrane-Minne, Louise Ighilahriz, and Assia Djebar," *Research in African Literatures* 43, No. 1 (2012): 103, doi: 10.2979/reseafritelite.43.1.101.

5 Mortimer, "Tortured Bodies, Resilient Souls," 104; *Algeria: Women at War*, VHS, directed by Parminder Vir (Great Britain: Channel Four Television, 1992)

6 Mortimer, "Tortured Bodies, Resilient Souls," 108.

7 Raphaëlle Branche, "Sexual Violence in the Algerian War," in *Brutality and Desire: War and Sexuality in Europe's Twentieth Century*, ed. Dagmar Herzog (Basingstone, Hampshire: Palgrave Macmillan, 2008), 250; Mortimer, "Tortured Bodies, Resilient Souls," 104; *Algeria: Women at War*.

inspecting a woman's pubic mound in order to determine whether they had likely had sex with a male militant (a "shaved pubis" meant they were guilty, based on French assumptions about Algerian culture).<sup>8</sup> Over time, however, the army recognized that female militants were becoming more actively involved in supporting FLN activities, and resorted to more violent tactics for interrogation and intimidation. From 1957 onwards, Algerian women were increasingly arrested and tortured in ways specific to their female anatomy; electric conductors were often applied to one's breasts and vagina.<sup>9</sup> Additionally, rape became a common weapon as part of torture and subjugation, often collectively conducted by small groups of soldiers in raids. Although rape was officially forbidden in the army, very few soldiers were punished and officers often condoned rape as an unofficial policy.<sup>10</sup>

Why did members of the French military use sexual violence in the Algerian War? There are a number of motives. Desire was a component; however, subjugation and humiliation of the female victim, who became sexualized and objectified by virtue of her gender, were crucial objectives.<sup>11</sup> Race was also a primary component in the justification of torture, the pacification of "Arabs."<sup>12</sup> In military camps, sexual torture was often conducted as part of interrogation, with the goal to collect intelligence on revolutionary activities from the female captives.<sup>13</sup> The military's use of rape had broader goals as well. Rape was used as a weapon to subvert the assumed values of sexuality in Algerian communities, in which men were supposed to uphold women's virginity and

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8 Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton, New Jersey: Princeton University Press, 2008), 164; Branche, "Sexual Violence in the Algerian War," 248-249.

9 Judith Surkis, "Ethics and Violence: Simone de Beauvoir, Djamila Boupacha, and the Algerian War," *French Politics, Culture & Society* 28, No. 2 (2010): 39-42, doi: 10.3167/fpcs.2010.280204; Lazreg, *Torture and the Twilight of Empire*, 160; Branche, "Sexual Violence in the Algerian War," 250

10 Natalya Vince, "Transgressing Boundaries: Gender, Race, Religion, and 'Françaises Musulmanes' during the Algerian War of Independence," *French Historical Studies* 33, No. 3 (2010): 460-461, doi: 10.1215/00161071-2010-005; Surkis, "Ethics and Violence," 41-42; Branche, "Sexual Violence in the Algerian War," 250-255; Lazreg, *Torture and the Twilight of Empire*, 160, 166.

11 Branche, "Sexual Violence in the Algerian War," 252; Lazreg, *Torture and the Twilight of Empire*, 161.

12 Lee Whitfield, "The French Military Under Female Fire: The Public Opinion Campaign and Justice in the Case of Djamila Boupacha, 1960-62," *Contemporary French Civilization* 20, No. 1 (1996): 86-87.

13 Lazreg, *Torture and the Twilight of Empire*, 161.

purity.<sup>14</sup> Through this logic, rape not only psychologically harmed an Algerian woman through physical and mental trauma, but also turned her into a pariah in her community due to the loss of her virginity. Furthermore, this loss of purity tarnished the reputation and masculinity of Algerian men, who were unable to guard their women from sexual transgression.<sup>15</sup> Thus, through sexual torture and rape, French military officers were able to inflict physical and psychological harm against many female Algerian nationalists as well as their communities.

Djamila Boupacha was one such militant, who unlike many of her peers became an international symbol due to public awareness of her victimization from French military torture practices and the French Algerian legal system. Born 9 February, 1938 in Algiers, Boupacha was just twenty-two years old at the time of her arrest by French authorities due to her alleged activities with the FLN. Initially “sympathetic towards the aims of the FLN” though not an active participant, Boupacha worked as a trainee at the Beni Messous Hospital.<sup>16</sup> Despite her skills, however, she was notified that due to her race as a “Moslem”—an ethnic distinction used by French colonials to distinguish “native Algerians” as opposed to “European Algerians”<sup>17</sup>—she would be prevented from taking a certificate of training. After this point, she joined the FLN and began stealing medical supplies from the hospital. Later on, her tasks included “liaison work,” intelligence gathering, and sheltering “members of the Resistance.”<sup>18</sup>

On 10 February, 1960, a large number of French troops raided the Boupacha household and arrested Boupacha, along with the rest of her family. She was taken to El Biar, a military barracks, and underwent extensive interrogations, punctuated by beatings and a severe kick in her ribs, which caused a “hemithoracic displacement.”<sup>19</sup> On 17 February, Boupacha was transferred to the prison Hussein Dey, where she was repeatedly tortured in a variety of ways, including electroshock on her face, nipples, and genitals, water torture in a bathtub, and lit cigarettes ground in her skin. Although this extreme

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14 Branche, “Sexual Violence in the Algerian War,” 253.

15 Branche, “Sexual Violence in the Algerian War,” 253; Surkis, “Ethics and Violence,” 45.

16 De Beauvoir and Halimi, *Djamila Boupacha*, 53-54.

17 Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, New York: Cornell University Press, 2006), 48-49.

18 De Beauvoir and Halimi, *Djamila Boupacha*, 53-54.

19 De Beauvoir and Halimi, *Djamila Boupacha*, 33-35.

and humiliating torture was intended to force Boupacha to forsake the FLN, she remained resolute in her loyalty.<sup>20</sup> Eventually, a group of French officers penetrated her vagina with an empty beer bottle, leaving her “passed out in a pool of her own blood...she was a virgin.” Her torture came to an end on 15 March, 1960, when she testified before the Palais de Justice in Algiers, accused of planting a bomb at a University restaurant on 27 September, 1959. Although during her testimony she confessed to the bombing, she claimed that under detainment, she had been tortured by military authorities, concluding, “I insist on being examined by a doctor.”<sup>21</sup> Her allegation of torture by French officials kept the Boupacha case open. At this point, the French lawyer Gisèle Halimi took on her defense.

Born 27 July, 1927 in French Tunisia, Gisèle Halimi, known as a prominent feminist lawyer and politician, had studied law in Paris and begun practice in 1949.<sup>22</sup> During both her childhood and early career, she was discriminated against due to her Tunisian background; these experiences of colonial prejudice influenced her to pursue law with the aim of combatting injustice and inequality within French legal and political institutions.<sup>23</sup> She gained fame in France for taking high-profile cases, defending numerous FLN militants and Algerian nationalists from 1954 to 1962, focusing on revealing the French military’s use of torture for interrogation.<sup>24</sup> Her most famous case, however, was the defense of Djamila Boupacha in 1960. Halimi sought to break the usual cycle of trial and execution, which was common for many Algerian nationalists, by bringing Boupacha’s case to the public sphere and denouncing the use of French torture, especially against Algerian women.<sup>25</sup> Using public opinion as a political

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20 Whitfield, “French Military Under Female Fire,” 77.

21 De Beauvoir and Halimi, *Djamila Boupacha*, 35-40, 43-44.

22 Kelly Oliver, ed., *Contemporary French Feminism* (New York: Oxford University Press, 2004), 31; Raylene Ramsay, *French Women in Politics* (New York: Berghahn Books, 2003), 135.

23 Imogen Long, “Ecrire Pour me Parcourir: Gisèle Halimi’s Parcours and the Role of her Autobiography,” in *Parcours de Femmes: Twenty Years of Women in French*, ed. Maggie Allison et al. (Bern, Switzerland: International Academic Publishers, 2011), 97; Ramsay, *French Women in Politics*, 135.

24 Mireille Rosello, *The Reparative in Narratives: Works of Mourning in Progress* (Liverpool, England: Liverpool University Press, 2010), 144; Natalie Edwards, *Shifting Subjects: Plural Subjectivity in Contemporary Francophone Women’s Autobiography* (Newark, New Jersey: University of Delaware Press, 2011), 34; Long, “Ecrire Pour me Parcourir,” 99; Ramsay, *French Women in Politics*, 135.

25 Rosello, *The Reparative in Narratives*, 144; Whitfield, “French Military Under Female Fire,” 78.

tool, Halimi sought to bring Boupacha's case to the French public eye and prevent her disappearance and eventual execution by military authorities. From her first day on the case, Halimi worked to adjourn Boupacha's trial in Algeria, which was managed by the military, and relocate the trial to the French mainland, where the trial would become a civilian case.<sup>26</sup>

To accomplish this, Halimi worked with Simone de Beauvoir, the prominent French feminist writer and author of *The Second Sex* (1949), to publicize Boupacha's case in France.<sup>27</sup> De Beauvoir began by writing an article for the newspaper *Le Monde* in June, 1960; her direct and shocking account of Boupacha's ordeal attracted massive responses in France and abroad.<sup>28</sup> The success of de Beauvoir's article led to the formation of the "Djamila Boupacha Committee" in the same month to publicize and "condemn the practice of torture," defend Boupacha from her criminal charges, and effectively punish her torturers.<sup>29</sup> Along with deploring Boupacha's illegal torture, Halimi and de Beauvoir sought to extend the issue's significance to all women, advocating for greater protection of women's rights.<sup>30</sup> In an additional effort to rally public opinion, the Committee decided in June, 1961 to publish a book to serve as a narrative testimony of the Boupacha case for public awareness and as "a weapon" for "disseminating the truth as widely as possible."<sup>31</sup> In 1962, Halimi wrote *Djamila Boupacha: The Story of the Torture of a Young Algerian Girl Which Shocked Liberal French Opinion*, with an introduction by Simone de Beauvoir.<sup>32</sup> The book's preface expressed ambivalence about the outcome of Boupacha's case. Under the Evian Peace Accords of March, 1962, which officially ended the Algerian War, Boupacha was released along with all other prisoners of war. However, through this agreement, her torturers also gained immunity from prosecution. Although Boupacha would no longer be tried for supporting the Algerian independence movement, she also would no longer be able to "bring her torturers to justice."<sup>33</sup>

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26 De Beauvoir and Halimi, *Djamila Boupacha*, 68; Whitfield, "French Military Under Female Fire," 78.

27 De Beauvoir and Halimi, *Djamila Boupacha*, 68; Whitfield, "French Military Under Female Fire," 80.

28 De Beauvoir and Halimi, *Djamila Boupacha*, 65-67, 194.

29 De Beauvoir and Halimi, *Djamila Boupacha*, 68-69.

30 Whitfield, "French Military Under Female Fire," 80.

31 De Beauvoir and Halimi, *Djamila Boupacha*, 170.

32 Rosello, *Reparative in Narratives*, 144.

33 De Beauvoir and Halimi, *Djamila Boupacha*, 7; Whitfield, "French Military Under Female Fire," 86.



## The Perspectives of Boupacha's Prosecutors

At the time of Djamila Boupacha's trial, the French Algerian legal system was structured to the military's specifications, in order to efficiently convict suspected Algerian militants and cover up accusations of torture. The Committee of Public Safety in French Algeria, created in May, 1958 and headed by both civilians and military officials, served as an important authority in the Algerian legal system, though its power served more as a tool for the judiciary rather than a check.<sup>34</sup> Just two years later, another major change was made in the legal system which placed greater juridical authority in military hands. In February, 1960, the military tribunal system was restructured, with the result that civilian magistrates became entrusted to handle cases concerning the security of the state. Despite their status as French citizens, all Algerian nationalists under trial were now tried in military rather than civilian courts.<sup>35</sup> This system made it very difficult for Gisèle Halimi to adhere to traditional legal procedures in the Boupacha trial. It appears that the purpose of these judicial reforms was twofold: this system allowed the military to quickly and effectively torture and convict suspected militants, while absolving the perpetrators of torture from legal prosecution. Halimi's memoir demonstrates that the French Algerian military, working in conjunction with the judicial system, defended this system by overlooking the actions of Boupacha's torturers while simultaneously discrediting Boupacha's claim of torture.

Officials within the French Algerian military and judiciary consistently tried to absolve Boupacha's torturers from any blame. M. Patin, the President of the Committee of Public Safety and the presiding magistrate over Boupacha's case, justified the torturers' actions to Halimi and de Beauvoir.<sup>36</sup> First, he implied that the perpetrators' inexperience and indiscipline called for the 'boys will be boys' adage, calling them "a lot of inexperienced youngsters...hardly more than *recruits*, really, you know how it is."<sup>37</sup> Next, he said, "[de Beauvoir's *Le Monde* article] has distressed the officers out there considerably...They're all real gentlemen...Well-bred fellows...absolutely out of the top drawer...One of the ones I saw is an agricultural engineer."<sup>38</sup> Patin thus implied that Boupacha's torture at El Biar and Hussein Dey was insignificant because the French male

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34 De Beauvoir and Halimi, *Djamila Boupacha*, 62-64; Shepard, *Invention of Decolonization*, 74.

35 Surkis, "Ethics and Violence," 42.

36 De Beauvoir and Halimi, *Djamila Boupacha*, 45.

37 De Beauvoir and Halimi, *Djamila Boupacha*, 96. Emphasis in original.

38 De Beauvoir and Halimi, *Djamila Boupacha*, 96.

torturers came from superior economic and educational backgrounds, compared to Algerian women. He argued that these officers should be pardoned due to their class and social status as European Frenchmen. Even the accused openly denied torturing Boupacha; according to their testimonies, “they were all highly astonished, almost hurt” that they were being implicated, even claiming that Boupacha’s confession was “interspersed with friendly chit-chat and jokes between her and her captors.”<sup>39</sup> The military and judicial system in French Algeria crafted a system of lies to deny all accusations of torture, using social class distinctions to defend Boupacha’s torturers.

M. Patin also denied Boupacha’s accusation of torture by comparing her ordeal to torture practices in other French colonial struggles. After hearing about Boupacha’s “deflowering” from a bottle, Patin cheerfully said, “We’re not concerned with *real* torture, then – the kind of thing they used to do in Indo-China...Penetration *per anum*, very violent...generally fatal.”<sup>40</sup> Disregarding French laws against torture, Patin discredited Boupacha’s ordeal because as a woman, rape was not “*real* torture” and was not fatal. Demonstrating a gender hierarchy regarding sexual torture, he argued that violence inflicted upon women was insignificant compared to similar practices against men.<sup>41</sup> Additionally, Patin openly admitted to French torture being conducted in another colonial conflict in an attempt to deny torture in Algeria. According to Patin, the French military’s extreme torture practices in Indo-China overshadowed any transgressions committed in Algeria

Along with legal officials, the doctors who medically examined Boupacha—as instructed by the Algerian magistrate M. Berard—went to great lengths to complicate her defense, denying that torture was the cause of the loss of her virginity. The first doctor, Dr. Levy-Leroy, wrote that he examined Boupacha “completely naked” on 15 March, 1960, stating that he observed a number of scars possibly related to torture, including “certain menstrual troubles of a constitutional nature,” which correlate with the effects of Boupacha’s bottle-torture. However, he contradicted his testimony in a June hearing by claiming that she “remained in her shift” and that she “did not tell him about the sexual aspect of her ordeal,” clearly covering his tracks.<sup>42</sup> That same month, Boupacha

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39 De Beauvoir and Halimi, *Djamila Boupacha*, 107.

40 De Beauvoir and Halimi, *Djamila Boupacha*, 97.

41 De Beauvoir and Halimi, *Djamila Boupacha*, 158-159; Whitfield, “French Military Under Female Fire,” 82.

42 De Beauvoir and Halimi, *Djamila Boupacha*, 105-106.

was examined once more by three new doctors, who were left to determine whether she had been forcibly penetrated with a bottle, along with suffering other tortures. They curtly concluded that “her hymen has been ruptured by the insertion of some hard, blunt body, eg an erect penis.”<sup>43</sup> Although the doctors did not deny the possibility of torture, they nevertheless assumed that Boupacha had lost her virginity due to intercourse. These examiners implied that Boupacha lied about her account of torture, focusing on sexual aspects of the case. Boupacha’s claims of torture, consistently denied by the French Algerian legal and military system, made it difficult for her to seek justice. Furthermore, Boupacha’s immense struggle to prove she had been sexually tortured indicates the power of these institutions to cover up the military’s torture practices and simultaneously damage her credibility in the process.<sup>44</sup>

Along with defending Djamila’s torturers and covering up their actions, the French military and judiciary accused Boupacha of murder, among other crimes, based on gender and racial stereotypes. While torturing Boupacha through submersion in a bathtub of water, they “upbraided her for planting bombs in cafes and causing the deaths of women and children.”<sup>45</sup> This suggests that the torturers’ assumption of her guilt was based on the stereotype that Algerian women planted bombs in public places. These officials thus used Boupacha’s race and gender to accuse her of guilt by association with the FLN. Moreover, their rhetoric intended to imply that Boupacha betrayed her own gender by killing innocent non-combatants. M. Patin, when talking with Halimi, additionally reproached Boupacha of betraying the French state, saying, “This Djamila Boupacha of yours is *not* a pleasant character...not a nice girl at all...Girl thinks she’s Joan of Arc...She wants *independence* for Algeria!”<sup>46</sup> Patin’s accusation of Boupacha’s guilt is based not upon the specific crime for which she is accused, but upon her violation of gender norms and her struggle to dismantle French colonial domination over Algeria. Using gender, racial, and class distinctions, officials in the French Algerian legal and military institutions accused Boupacha of treachery, despite the fact that she had not been convicted. At the same time, they defended her torturers as being emblematic of true “Frenchmen.”

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43 De Beauvoir and Halimi, *Djamila Boupacha*, 104.

44 Lazreg, *Torture and the Twilight of Empire*, 163.

45 De Beauvoir and Halimi, *Djamila Boupacha*, 40.

46 De Beauvoir and Halimi, *Djamila Boupacha*, 99. Emphasis in original.

French legal officials not only sought to discredit Boupacha's legal claims but also accused Gisèle Halimi of purposefully sensationalizing the case for public attention. Halimi was both a lawyer and a political activist. By openly pursuing a public campaign against sexual torture, she stepped beyond the boundaries of a dispassionate attorney. This contradiction was acknowledged by a number of French Algerian legal officials. M. Schmelk, the Attorney-General in Algiers, warned her "not to make a public scandal about this." His comment suggests that French Algerian judicial officials sought to keep torture cases low-profile in order to protect their legal reputation and allow the military to autonomously exercise their will in Algeria, away from French public scrutiny. Schmelk's sentiment was shared by Leader of the Bar M. Laquiere, who derisively equated Halimi and other "Parisian lawyers" with "FLN lawyers," due to their supposed propensity to warp legal cases into political controversies by purposely defending notorious Algerian militants. In the early days of the case when Halimi pled for adjournment so that Boupacha's case could be transferred to the French mainland, police and journalists disparaged her as an "FLN lawyer," accusing her of using stalling tactics to defend "terrorists."<sup>47</sup> These comments suggest that mainland France and French Algeria were regarded as having mutually exclusive legal spheres, in which lawyers from one jurisdiction were discouraged from meddling in the other.

Additionally, M. Patin, the President of the Committee of Public Safety and the presiding magistrate over the Boupacha case, accused Halimi of breaking the law due to her involvement with Simone de Beauvoir's June, 1960 *Le Monde* article, which made Boupacha's case public. He warned, "you are guilty of a misdemeanor...you have published details of a civil action, and that is forbidden by law." Halimi responded by arguing that the rules applying to an "ordinary police-court case could not possibly hold good for one involving torture."<sup>48</sup> Later in the memoir, she cites "Article 344 of the Penal Code", which forbade torture by punishment of death.<sup>49</sup> These disputes between Patin and Halimi demonstrate how the legal issues surrounding the Boupacha case became obscured by political maneuverings between the French metropolitan lawyer and the French Algerian judiciary.

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47 De Beauvoir and Halimi, *Djamila Boupacha*, 45, 49, 58.

48 De Beauvoir and Halimi, *Djamila Boupacha*, 96.

49 De Beauvoir and Halimi, *Djamila Boupacha*, 158-159; Whitfield, "French Military Under Female Fire," 78.

Along with the military and judiciary, the French Algerian press built the Boupacha trial's publicity around sexual taboos to "prove" her guilt. When Boupacha's case was publicly presented in the Military Court on 17 June, 1960, her defense was primarily based on her claim of losing her virginity due to the forceful penetration of a bottle. The press attacked this claim by insinuating that she was sexually promiscuous; they remarked how she dressed "coquettishly" with the "effrontery to do her hair a la cretoise."<sup>50</sup> The press also capitalized on Boupacha's confession of sheltering FLN militants in her bedroom, suggesting that the "supposedly straitlaced and orthodox Muslim girl...used her bedroom to entertain men," adding, "why should Djamilia complain about having a bottle shoved up her after sheltering Algerian *maquisards* - possibly even in her bedroom?" The French Algerian press' underlying intent was to demonstrate that Boupacha's virginity was questionable. By accusing Boupacha of being unchaste in her past actions, the press argued that her claim of suffering vaginal penetration under torture was unfounded and irrelevant. They hoped to establish that Boupacha lied about her torture and disobeyed the strict values of chastity expected of unmarried Muslim women in Algeria.<sup>51</sup>

Gisèle Halimi herself was not spared from the press' misogyny. The French Algerian newspaper *Aux Ecoutes* published an article on 22<sup>nd</sup> July, criticizing Halimi's involvement in the case, stating "our charming companions of the weaker sex'...oblivious of their 'gentleness and feminine grace', had treacherously committed themselves to active participation in the nationalist cause."<sup>52</sup> According to the article cited in her memoir, Halimi violated French gender roles by intruding into the politics of Algerian War, defined as men's business. Due to this transgression, the article asserted that Halimi's actions made her less of a woman. Furthermore, the article accused her of imperiling efforts to maintain French Algeria. By aiding Boupacha, vehemently named "the imprisoned hand-grenade terrorist" and "bomb-dropper," Halimi was betraying the French Colonial Empire.<sup>53</sup>

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50 De Beauvoir and Halimi, *Djamila Boupacha*, 84.

51 De Beauvoir and Halimi, *Djamila Boupacha*, 75-76, 88; Whitfield, "French Military Under Female Fire," 78.

52 De Beauvoir and Halimi, *Djamila Boupacha*, 87.

53 De Beauvoir and Halimi, *Djamila Boupacha*, 84.

## Djamila Boupacha's Perspective

In her memoir *Djamila Boupacha*, Gisèle Halimi not only depicts the perspectives of French military/legal authorities and the French Algerian press, but also focuses on Boupacha's own perceptions regarding sexual purity and racial prejudice in colonial Algeria. Through Boupacha's words, Halimi offers a window, however shaped by her background as a French feminist, into Algerian sexual politics. A consistent theme throughout Halimi's encounters with Boupacha was Boupacha's preoccupation with the crisis of her virginity. Halimi remarks how when they first met, Boupacha "asked me a question she must have asked a hundred times before: 'What do you think? That I'm no longer a virgin?'"<sup>54</sup> Her anxiety was evident in later meetings. Boupacha's fear of losing her virginity led her to make excuses based on how she was sexually tortured, asking, "Do you think I'm still a virgin? I haven't been raped by a *man*, after all."<sup>55</sup> The instrument used to violate Boupacha became more important to her than the violation itself, a common perception held by similar women raped during the war.<sup>56</sup>

Gisèle Halimi offers an explanation for why Boupacha was so worried about maintaining her virginity, based on French assumptions of Algerian sexuality. Halimi remarks how, due to her childhood experience in Tunisia, she understood that "virginity assumed utmost importance, and for Djamila it was clearly a matter of life and death."<sup>57</sup> Halimi claims that "marriage is normally the inevitable lot of every Moslem girl," describing the "marriage-customs obtaining in her country," in which "the moment the union is consummated, [the husband] goes out to show her bloodstained nightdress to the other men in the village" while the women "hasten into the bridal chamber" to verify the wife's "deflowering." If the wife lost her virginity prior to this consummation, the tradition is broken and she is rejected. Boupacha expresses her fear of rejection due to her torture, saying, "Do you think any man would want me after I've been ruined by that bottle? ...A young bride must be a virgin."<sup>58</sup> Boupacha's fears reflect the requirements of the bridal ritual; the French

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54 De Beauvoir and Halimi, *Djamila Boupacha*, 31.

55 De Beauvoir and Halimi, *Djamila Boupacha*, 54. Emphasis in original.

56 Lazreg, *Torture and the Twilight of Empire*, 162.

57 De Beauvoir and Halimi, *Djamila Boupacha*, 54.

58 De Beauvoir and Halimi, *Djamila Boupacha*, 75-76.

military's penetration-torture barred her from participation in this important tradition.<sup>59</sup>

Throughout her memoir, Halimi consistently scrutinized Djamilia Boupacha's psychological well-being, charging that she suffered trauma from her sexual torture, which was the most crucial aspect of Boupacha's legal defense. This is shown by Halimi's appeal for a professional psychological examination of Boupacha, arguing that "because of the profound importance which Djamilia places upon her virginity, and the symbolic value it had for her, the bottle-torture must have given her a most terrible traumatic shock; and a searching psychological examination might reveal this."<sup>60</sup> Through this, Halimi presupposed that Boupacha was suffering from mental anguish due to the implications her "deflowering" would have on her conception of purity. Corroborating this assumption with a professional psychological examination would bolster Boupacha's credibility for claiming she had been tortured. Dr. Michel-Wolfrom, the examining psychologist, remarked how Boupacha "gave absolute and uncompromising answers" regarding the "value of virginity," emphasizing the importance of "Moslem nuptial ritual." In her report, she concluded that Boupacha suffered from "post-traumatic anxiety neurosis" and despite her likely traumatic physical defloration, she had "a mentality corresponding to that of a virgin."<sup>61</sup> The analysis of Boupacha's psychological well-being, however vague and presumed, was viewed by Halimi as a crucial component to her legal argument that Boupacha had genuinely been sexually tortured.

To defend her views regarding premarital chastity and argue in favor of Algerian independence from France, Boupacha asserted that the French and Algerians differed in terms of both ethnicity and sexuality. She often stated this directly to counter Halimi's apparent incredulity about Algerian sexuality, saying "Our customs are very different."<sup>62</sup> At one point, while discussing her participation in the FLN, Djamilia Boupacha admitted to previously sheltering men in her bedroom. Wishing to "clear up any doubts" Halimi may have, Boupacha explained, "You know, things are not the same here as in France. Men and women in the movement can share a room without molesting each

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59 Whitfield, "French Military Under Female Fire," 78; Mortimer, "Tortured Bodies, Resilient Souls," 110.

60 De Beauvoir and Halimi, *Djamila Boupacha*, 117.

61 De Beauvoir and Halimi, *Djamila Boupacha*, 126-127.

62 De Beauvoir and Halimi, *Djamila Boupacha*, 75.

other in any way.”<sup>63</sup> This suggests that Boupacha intended to demonstrate the allegiance she and her male companions had toward the nationalist cause, implying that she regarded her associates with chastity and comradeship. Her platonic association with male Algerian militants contrasted with the sexual torture she suffered at the hands of French authorities. Like Halimi’s perception of Algerian marriage customs, Boupacha’s assumptions of French and Algerian differences were based upon sexuality and gender relations.

Djamila Boupacha’s own recognition of her limited opportunities as an Algerian woman, filtered through Halimi’s feminist perspective, emphasizes the racial and gender discrimination present in colonial French Algeria. When working at the Beni Messous Hospital prior to her involvement in the FLN, Boupacha explains she “learnt that all Moslems among the girls were to be debarred from taking their certificates... This is *our country*, but all the plums go to the French.”<sup>64</sup> Despite her skills and training, Boupacha’s race—defined by French colonial authorities with the religious category “Moslem”<sup>65</sup>—was instrumental to her rejection in the French Algerian colonial system.<sup>66</sup> Halimi remarks about Boupacha’s formerly optimistic outlook on her future, narrating, “It was only lately she had realized that ‘to study hard, make a decent career’ for oneself, in her own words, was no longer possible in this anachronistic society.”<sup>67</sup> According to Halimi, the French Algerian colonial system was senselessly outdated due to its pervasive restrictions on Algerian women opportunities. These passages suggest that Halimi, using Boupacha’s words, sought to oppose not only the French Algerian military/judicial institutions involved in the Boupacha case, but the entire French Algerian colonial structure, which was based upon racial and gender oppression.

## The Perspectives of Boupacha’s Defenders

As a female French lawyer, Halimi intended to present an objective account of the Boupacha case, outlining a historical narrative of the aspects of Boupacha’s torture and Halimi’s burdens in confronting the French Algerian legal system. However, Halimi’s account is subjective at the same time, often moving away from a strictly legal perspective to that of a political activist, a

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63 De Beauvoir and Halimi, *Djamila Boupacha*, 54.

64 De Beauvoir and Halimi, *Djamila Boupacha*, 53. Emphasis in original.

65 Shepard, *Invention of Decolonization*, 49.

66 Whitfield, “French Military Under Female Fire,” 78.

67 De Beauvoir and Halimi, *Djamila Boupacha*, 53.



feminist, and even a personal friend of Djamila Boupacha. Halimi's testimony is complex and contradictory for many reasons. Despite Boupacha's possible guilt in an attempted FLN bombing, Halimi acknowledges and implies that she is forming an emotional bond with Boupacha.<sup>68</sup> After first hearing Boupacha recount her torture, Halimi admits that "anger and shame flooded through me...the whole of France should know what was afoot...to break our cowardly silence and passivity, to save our honour." She even exclaims to Boupacha, "We must shout the truth to the rooftops."<sup>69</sup> These passages indicate that along with becoming emotionally invested in Boupacha's case, Halimi intends to enter the political realm, fighting for broad issues like ending the practice of torture and preserving French "honour." Through her political endeavors, Halimi paradoxically detaches herself from Boupacha by turning her into a "symbol" on behalf of all tortured Algerian women.

De Beauvoir and Halimi's involvement in the "Djamila Boupacha Committee," formed in June, 1960, demonstrates their use of the Boupacha case as a shocking example to raise public opinion against French torture practices, with political goals. Working with de Beauvoir, Halimi reflects in her memoir about how they began to work on the "most effective method by which public sympathy could be aroused," to make the public "be shocked out of comfortable indifference." Their strategy had two stated goals: obtain Boupacha's acquittal, and use the "weapon of public opinion" against French torture practices.<sup>70</sup> Despite her clear political goals in the Committee, Halimi had a reason to publicize Boupacha's case: raising public awareness about Boupacha's detainment, though technically stepping outside of legal boundaries, would save her from "disappearance" by the French military. Due to Boupacha's newfound notoriety, the military could no longer harm her.<sup>71</sup>

The Committee succeeded in its goal of stirring public opinion, and Halimi describes a variety of letters from abroad that showed support toward their cause.<sup>72</sup> Halimi even acknowledges that Boupacha "had become a well-known public figure, even a symbol," demonstrating how Boupacha had become an icon for tortured Algerian women.<sup>73</sup> In this way, Halimi went beyond her legal duties and manipulated Boupacha's case to promote a broad feminist political

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68 De Beauvoir and Halimi, *Djamila Boupacha*, 32, 55, 115, 120, 122, 163.

69 De Beauvoir and Halimi, *Djamila Boupacha*, 29-30.

70 De Beauvoir and Halimi, *Djamila Boupacha*, 65, 68, 94.

71 Whitfield, "French Military Under Female Fire," 81, 83.

72 Whitfield, "French Military Under Female Fire," 76-81.

73 De Beauvoir and Halimi, *Djamila Boupacha*, 65.

agenda with Simone de Beauvoir. By transforming Boupacha's legal case to embody the broad issues of gendered sexual violence and racialized colonial violence, the Djamila Boupacha Committee linked her torture with the political fight for women's liberation as well as Algerian independence.<sup>74</sup> Indeed, the purpose of the *Djamila Boupacha* memoir's creation is explained toward the end of the book. On 12 July, 1961, the Committee decided to launch a vigorous "press campaign" to further "stir public opinion" against torture, unanimously consenting to produce a "book — this book" to serve as "a weapon for disseminating the truth as widely as possible."<sup>75</sup> In this respect, Halimi and de Beauvoir's efforts were successful and due to their involvement in the Boupacha trial, they became leading figures in the rising feminist movement.<sup>76</sup>

Simone de Beauvoir's involvement in Halimi's memoir illustrates the persistence of feminist rhetoric regarding Boupacha's case. This is clear in the first sentence of her introduction to the book: "An Algerian girl of twenty-three, an FLN liaison agent, illegally imprisoned by French military forces, who subjected her to torture and deflowered her with a bottle: it is a common enough story." She emphasized the way in which Boupacha was sexually tortured, connecting this crime to the general French offences of "racial extermination" and conducting a "propaganda machine" to cover up torture.<sup>77</sup> Using the Boupacha case as a specific though "not uncommon" example of sexual torture, de Beauvoir sought public outcry against the entire French Algerian military and judicial system as a whole.

Throughout the memoir, both Gisèle Halimi and Simone de Beauvoir use feminist rhetoric to rally the reader against French torture practices. This is demonstrated by the strong words that Halimi and de Beauvoir use, as well as their characterization of the Algerian conflict in terms of French male oppression of colonized women. Citing the French Algerian judicial system's failure to bring torturers to justice, Halimi remarks how Boupacha, when first arrested, "had been turned over to a group of men whose monstrous behavior increased from certain knowledge of immunity," pointing out the irony that "from time to time one of them would be decorated with the Legion of Honour."<sup>78</sup> Highlighting the contrast between the "monstrous" actions of

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74 Whitfield, "French Military Under Female Fire," 77-87.

75 De Beauvoir and Halimi, *Djamila Boupacha*, 170.

76 Whitfield, "French Military Under Female Fire," 87-88.

77 De Beauvoir and Halimi, *Djamila Boupacha*, 9-10.

78 De Beauvoir and Halimi, *Djamila Boupacha*, 31.

Boupacha's torturers and the subsequent decorations for their service, Halimi emphasized how French legal and political authorities kept secret the military's use of torture and concealed French military actions in Algeria through public awards and honorable recognition of officers.

One of the members of this judicial system, M. Patin, the President of the Committee of Public Safety, questioned Boupacha's right to a French trial because she has "no love for France," to which de Beauvoir replied, "How can one love France when girls like Djamila have bottles rammed up them?"<sup>79</sup> De Beauvoir assumed that this torture technique was prevalent in Algeria to emphasize the contrast between French male nationalists and colonized Algerian women, who were systematically tortured in sexualized ways specific to their gender. De Beauvoir remarked how earlier, when Patin cheerfully denied Boupacha's ordeal as "real torture" compared to the "per anum" technique in Indo-China, that he was comforted by the fact that "clearly nothing of the sort could ever happen to *him*."<sup>80</sup> She implies that Patin, a French male, could easily disconnect himself from violence committed against colonial women; his acknowledgement of sexual violence was based on gendered and racial prejudice. Halimi and de Beauvoir make the point that men disregard sexual violence as torture because it is so commonplace in wartime and because it is primarily inflicted upon women, not men.

As Gisèle Halimi's memoir demonstrates, the issues of race, gender, and sexuality were crucial to the articulation of the arguments surrounding the Boupacha trial. As it demonstrates too, the French use of sexual torture and rape against Algerian women was intended to maintain colonial oppression through gendered subjugation and humiliation. To defend these torture practices and the overall distorted structure of the French Algerian military-judicial system, French officials and journalists in Algeria relied upon sexual and racialized language. Even Djamila Boupacha's perceptions of gender roles in Algerian society rested upon her explanation of mores and expectations of sexual conduct. As well, Gisèle Halimi and Simone de Beauvoir rallied public opinion against the French use of torture with an emphasis on the sexual violence Boupacha suffered, transforming Boupacha's trial from a closeted legal issue into a political espousal of women's rights. Although the various actors and issues in *Djamila Boupacha* are presented and filtered through Halimi's perspective as author, the text reveals much about the immersion of

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79 De Beauvoir and Halimi, *Djamila Boupacha*, 99.

80 De Beauvoir and Halimi, *Djamila Boupacha*, 9. Emphasis in original.

sexual politics in the Algerian War, as well as the colonial dynamic between France and Algeria.

This case underlines how controversies of sexuality and race can underpin legal and political discourses situated within larger issues, such as colonialism and torture. The Algerian War was just one example of numerous colonial conflicts where sexual violence was conducted as a form of military policy. For instance, wartime sexual violence was prevalent in the Indonesian, Bosnian, and Rwandan conflicts of the 1980s and 1990s, among many other wars in recent history.<sup>81</sup> Moreover, the significance of this case extends beyond war to illuminate how legal institutions in general can become entangled in sexual politics. Although often overlooked, the issues of gender, race, and sexuality are often at the center of contemporary political controversies.

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