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France

# Gisèle Halimi: A courageous anti-colonialist and feminist lawyer

- Features - In Memoriam - Obituaries and appreciations -

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**It was in 2017, so very late in the day, that I truly discovered the extent of the struggles waged by Gisèle Halimi. Having started to campaign on the eve of May 1968, I have always attached a great deal of interest to the leaders of major social movements. I knew that Gisèle Halimi had defended FLN activists during the Algerian war, nothing more. I had followed with enthusiasm the progress of the Bobigny trials in 1972 where young Marie-Claire, accused of having an abortion, was acquitted and that in Aix in 1978 where three rapists of two young Belgian campers, feminists and lesbians, were sentenced by the Court of Assizes of the Bouches du Rhône. For me, Gisèle Halimi, this beautiful “bon chic, bon genre” woman was an excellent advocate for the cause of women, but she was not one of those remarkable feminist activists who inspired me. But after having immersed myself in the book she wrote with Simone de Beauvoir on the case of Djamilia Boupacha and the account of the multiple obstacles that she had had to overcome for two years to ensure her defence, I grasped the determination of this woman to denounce torture alongside other intellectuals, in disregard of her safety and that of her family, and more generally the radical nature of her commitment to the fight against all injustices.**

## **In revolt against her “destiny” as a woman**

Gisèle Halimi was born in 1927, in Tunisia, into a Jewish family of very modest means. [1] Her father was a courier in a law firm before becoming a clerk after many years, and her mother looked after her four children. Her mother, a rabbi's daughter, was very pious. For her, “Everything was sin”. For her mother and father alike, the birth of a daughter was “a curse”. Her father waited three weeks before announcing to his family and neighbours that his wife had just given birth to a girl. A girl was considered a “burden” for whom a husband had to be found as quickly as possible. Thus, at 16, Gisèle was introduced to a suitor twenty years her senior. But Gisèle did not want to get married and wished to continue her studies to satisfy her thirst for knowledge, obtain qualifications and earn a living to be economically independent and thus escape the fate reserved for her mother and all other women.

Gisèle Halimi won her freedom as a girl and woman through great struggle. She kept recalling that she went on a hunger strike when she was 10-11 years old, refusing to serve her brothers at the table or to do the dishes when they themselves were exempt. It seemed all the more unfair to her since her older brother was a real “dunce” at school and she was a fine student. All her parents' hopes were for their eldest son's future, while she was “inessential”, but she forced them to back down: “I won my first piece of freedom” she said. At 19, she underwent an abortion “performed by a sadistic young doctor”: “I cried a lot that night, feeling like I had been tortured, to sanction my freedom as a woman and to remind myself that I depended on men. But I was not sorry. Biology had set a trap for me. I had foiled it. I wanted to live in harmony with my body, not under its dictate”. [2] For her, the right to abortion was a “basic” freedom. Simone de Beauvoir had said that “the first freedom is that of the belly”.

## **Support for pro-independence activists**

She left for Paris with her two baccalaureates in her pocket in 1945 to continue her studies in law and philosophy. After graduating, she returned to Tunis and was sworn in at the Tunis bar in 1949. Her father was finally very proud. At first she defended Tunisian trade unionists and pro-independence activists. She successfully demanded a pardon from President Coty for one of her clients who had been sentenced to death. She reproduced this type of approach

with De Gaulle, to save Algerian activists arrested in their homes, tortured and sentenced to death without proof, after the trial of Algerians arrested following the massacre of around thirty Europeans in the village of El Halia. Halimi's two clients were pardoned, but this "success" did not prevent her from denouncing this arbitrary practice.

But even more, her work as a lawyer and as a "committed witness" defending the Algerian people's right to independence, led her to draw a catastrophic balance sheet of so-called French justice: "From 1956 to the Evian Accords of 1962, I kept going back and forth between Algiers and Paris, where I was now based to ensure the defence of Algerians who had been arrested, insurgents, pro-independence activists. It was obvious to me. But the special powers voted through in 1956 had taken the law hostage. Justice was often a sham. I discovered, horrified, the extent of the abuses committed by the French army, torture established as a system, the systematic rapes of arrested female activists, the convictions on extorted confessions, not to mention the disappearances and summary executions. I was stunned".

Halimi was one of the few lawyers to participate in the defence of Algerian activists. This earned her multiple threats, from the military in particular, as she explained to Annick Cojean: "For a long time I saw only posturing, attempted intimidation, until the assassination in Algiers, of two very close colleagues, then the receipt, in 1961, of a paper from the OAS which announced my death sentence". She was never afraid, she said "except for one night when I was thrown in the torture centre of the Casino de la Corniche, in Algiers, where I thought guiltily of my 3 and 6 year old sons, waiting for me to be executed."

Her commitment had brought her closer to all those who denounced torture, primarily the Sartre-de Beauvoir duo and many others. With Simone de Beauvoir she organized support for Djamila Boupacha, a young Algerian active in the FLN suspected of having planted a bomb in a cafe in Algiers in September 1959. The bomb had not exploded. It was defused but Djamila was arrested in February 1960 with her father and her brother-in-law and remained in the hands of the military for five weeks. She underwent multiple tortures. In particular, her breasts were burned with cigarettes and she was raped with a bottle neck pushed into her vagina. Finally she confessed, incurring a possible sentence of death. It was Djamila's brother who, from Morocco, wrote to Halimi asking her to defend his sister, which she agreed to do. Halimi wanted to indict the highest army officials and convinced Djamila to file a complaint against the army minister, P. Messmer and General Ailleret, senior commander of the Armed Forces in Algeria. Simone de Beauvoir signed a column in *Le Monde* on 3 June, 1960 "For Djamila Boupacha" and this had an international impact helping to set up a very broad support committee with prestigious and very diverse personalities from the literary, artistic, political and associative worlds. The trial took place in June 1961 and Boupacha was sentenced to death but nevertheless released from prison in April 1962, following the Evian Accords.

Attached to the right of peoples to self-determination, Halimi then went to Vietnam in 1967 for the Russell Tribunal against the crimes of the US army in Vietnam, created on the initiative of the philosopher Bertrand Russell and chaired by Jean Paul Sartre. In all these trials, Halimi had experienced the weight of public opinion: "In a political trial, she declared in 2005... we must speak above the heads of the judges, to public opinion as a whole, obliging the public authorities to assume their responsibilities". Which she did brilliantly during the Bobigny trial in 1972 or that of Aix in 1978.

## **"Women, never resign yourselves"**

Halimi's "feminist" commitment went back a long way, as we have seen. But the signing of the "Manifesto of 343 Women" having had an abortion in April 1971, was the start of a new phase of her engagement. This manifesto, published in the *Nouvel Observateur* of 5 April, 1971, signed by 343 women including figures such as Simone de Beauvoir, Catherine Deneuve, Françoise Sagan and Delphine Seyrig, was a major political event. In a few lines, it put on trial the law passed in 1920 criminalising abortion which condemned hundreds of thousands of women to

clandestine abortion, endangering their health and their lives. These hundreds of women simply demanded the freedom to have an abortion, following that of contraception. The signatories thus challenged the government and public opinion and took risks under the law. Gisèle Halimi was the only lawyer among the signatories. De Beauvoir advised her not to sign but she did and immediately helped create "Association Choisir" to defend the signatories and the right in general for women to choose whether or not to have children.

Halimi was then approached by Michèle Chevalier to defend her daughter, Marie-Claire, who had an abortion after being raped. Four women faced jail for helping Marie Claire, 17 at the time of trial. Michèle Chevalier, a trade unionist and Communist Party activist, was raising her three daughters alone. Halimi agreed to take on the case and made the trial in October-November 1972 an "exemplary" one. During the trial, the four accused did not apologize for their actions and at the opening of her plea dared to speak of her own abortion, undergone at 19, to the chagrin of the court president. Three women including Marie-Claire were acquitted, with a fourth receiving a suspended sentence. A victory that paved the way for new legislation introduced by Simone Veil in the National Assembly. Nevertheless, we must not forget that another association was born in 1973, the MLAC (Mouvement pour la liberté de l'avortement et de la contraception), a mixed and unitary movement which for two years, thanks to a network of collectives throughout the country, would openly carry out illegal abortions under the noses of the police to create a relationship of forces and obtain the decriminalization of abortion, by supporting women abroad, by organizing massive demonstrations or showings of the film "Histoire d'A". As Halimi herself says, if it had not been for this "formidable force" of women who "shifted public opinion", nothing would have changed in the governmental sphere, nor in the National Assembly, despite the "courage" of her friend Simone Veil.

The second major trial that marked these years was that of the three rapists of Anne Tonglet and Aracelli Castellano. In 1974, these two young Belgian lesbians who were camping in the creeks of Marseille had repelled the advances of a "gang of thugs" who had harassed them during the day and were the victims of a punitive expedition at night: "a night of horror", according to their lawyer, Halimi. But whereas the usual procedure tended to treat the crime of rape as a simple misdemeanour within the framework of a criminal court, Halimi fought to obtain a trial in the Court of Assizes. It finally took place in Aix in 1978, in a highly charged atmosphere, with Halimi and her clients being insulted and threatened. She invited personalities of all stripes to testify to "change the law and society", including Arlette Laguiller, leader of Lutte Ouvrière and Gisèle Moreau, a member of the PCF political bureau. This trial was a triple success. It gave a voice to women who were victims of rape before a jury. It resulted in the conviction of the rapists, questioning, in this case at least, the impunity of rapists, and paved the way for new rape legislation in 1980 that provided a broader definition of rape. However, as we can see today, the issue of violence against women and rape has still not been resolved and cannot be resolved on a purely legal level. This requires upheavals in social relations between the sexes which affect all spheres of society and in particular the question of education.

After May 1968 and years of mass mobilization of feminists, François Mitterrand was elected as France's President in 1981. The left became the majority in the National Assembly and Halimi was elected as a deputy supporting the Socialist Party. In this context, she was far from inactive: she voted for the reimbursement of abortion despite the opposition of Mitterrand and Pierre Bérégovoy, who claimed to "respect all the spiritual families of France". In 1982, she also defended the law decriminalizing homosexuality before the National Assembly. From all the evidence, she did not have fond memories of those years as a deputy supporting the PS. And we understand this. As for us, we will keep the memory of Gisèle Halimi, as a courageous and tireless fighter against colonialism and for the emancipation of women. Let us not forget either that she was also one of the co-founders of Attac in 1998, aware of the dangers posed by capitalist globalization. Halimi's commitment was admirable in more ways than one. She deserves all our respect.

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[1] Her name at birth was Zeiza Gisele Elise Taieb. Halimi was the name of her first husband, which she kept after her divorce as she had become known as a lawyer under this name.

[2] The quotes from Halimi in this article are taken from three main sources: an interview with Tania Angeloff and Margaret Maruani, "Travail, genre et société", 2005/2, number 14, p. 5 to 25, an interview with Annick Cojean, *Le Monde*, 22-23 September 2019, and an interview with Virginie Bloch-Lainé, *France-Culture*, 2011.