

# Sexual Violence and the Memory of the French-Algerian War (1954–1962): Mohammed Garne and the “Intimate and Violent Union” of Empire\*

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## キーワード

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In the late 1990s an Algerian man named Mohammed Garne began to petition the French Ministry of Defense, and the Secretary of State for War Veterans and Victims (*Secrétariat d'Etat aux Anciens Combattants et Victimes de Guerre*), demanding compensation for his physical and psychological infirmities. Garne explained that his mother Kheira was gang-raped by French soldiers in the Teniet-el-Haad detention center in Western Algeria in 1959, where she remained imprisoned for nearly a year during the war for Algerian independence. When her pregnancy began to show, soldiers brutally beat her with the intent of inducing a miscarriage. Their efforts were unsuccessful and in April 1960, sixteen year-old Kheira Garne gave birth to her son, Mohammed.<sup>1</sup>

A French appeals court declared Garne a “victim” of the war in 2001, granting him disability benefits and a partial military pension for three years, although denying his request for lifetime benefits. The court claimed that its decision was not meant to “rewrite history.”<sup>2</sup> But Garne’s testimony, along with the legal recognition of his victimhood, cannot be disentangled from the making of history. His story of intergenerational trauma, violence, remembering, and forgetting is located in the present as much as in 1962, when the armistice ending the war erased the crimes of the French state, including those French soldiers committed against his mother.

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<sup>1</sup> Details of Mohammed Garne’s life and his appeals to the French state are drawn from Garne’s personal account in *Lettre à ce père qui pourraient être vous*, Paris 2005. I first learned of the Garne case in Joshua Cole, “Intimate Acts and Unspeakable Relations: Remembering Torture and the War for Algerian Independence”, in *Memory, Empire, and Postcolonialism*, ed. Alec G. Hargreaves, Lanham, MD 2005, pp.125–141.

<sup>2</sup> Verena Von Derschau, “Algerian War Victim Awarded Pension”, *Associated Press*, 22 November 2001.



## Sexual Violence and the Memory of the French-Algerian War (1954–1962)

The French-Algerian War claimed the lives of between 500,000 and 1.5 million Algerians and of up to 100,000 French. The eight-year conflict resulted in Algerian independence and after the armistice, the hurried exodus to mainland France of former French settlers of European descent ( *pieds-noirs*) and Algerians who had collaborated with the French Army ( *harkis*). The war is especially known for the ruthless use of force by the French military and police, including acts of torture: beatings, waterboarding, and electricity to sensitive parts of the body like the eyeballs and genitals. It is also singled out for the systematic use of terror by Algerian combatants against both military and civilian targets. The French army command insisted that conventional forms of warfare would not work against guerilla tactics, an idea employed to justify the use of torture on Algerian soldiers and civilians. In addition, French faith in its “civilizing mission”—the perceived right to rule over Muslims in North Africa in order to uplift them politically, culturally, and morally—provided the grounds for rationalizing the use of state violence against colonized people, “perceived to be at a primitive stage of historical evolution or racially inferior.”<sup>3</sup>

But of course, the use of torture, reprisals, execution without trial of suspects, and rape is the stark opposite of “civilized” behavior. As the sociologist Marnia Lazreg explains, these practices demonstrated instead the barbarism of colonial rule and delegitimized its pretensions of benevolence. In Lazreg’s account, the widespread use of torture during the conflict sank “below the level of consciousness” of French historical memory. In psychological terms, such repression was necessary to avoid confronting the fraudulent ideal of a civilizing mission.<sup>4</sup> The notion of French “collective amnesia” regarding the events of the French-Algerian War first appeared in the groundbreaking work of the historian Benjamin Stora, who further suggested that the repression of wartime memories has led to social and political dysfunction in both Algeria and France.<sup>5</sup> A number of scholarly studies have followed in this vein, describing the war and its brutal excesses in terms of trauma, repressed memory, and a deleterious exercise in forgetting.<sup>6</sup>

Through the example of Mohammed Garne, this article examines the silence surrounding wartime sexual violence as part of France’s collective amnesia regarding the war. Garne’s case reopened the discussion about wartime rape while complicating French ideas about victimhood and rightful compensation. The article also places Garne’s testimony in a broader international context. Following the 1994 conflict in Rwanda and the war in the former Yugoslavia (1991–2001), international organizations characterized rape as a war crime and a human rights violation. Thus at the time of Garne’s petitions to the French state—on the eve of the twentieth century and at the turn of the twenty-first—a momentous global debate on adjudicating crimes against humanity, including wartime sexual violence, was underway. The reintroduction of the “torture controversy” into French society in the early 2000s, catalyzed by a number of powerful testimonies on the atrocities committed by French soldiers, must be considered against this

<sup>3</sup> Neil MacMaster, “Torture: from Algiers to Abu Ghraib”, *Race & Class*, XLVI, 2004, p.5.

<sup>4</sup> Marnia Lazreg, *Torture and Twilight of Empire: From Algiers to Baghdad*, Princeton 2008, p.112.

<sup>5</sup> Benjamin Stora, *La gangrène et l’oubli. La mémoire de la guerre d’Algérie*, Paris 1991.

<sup>6</sup> See, for example, Martin Evans, *The Memory of Resistance: The French Opposition to the Algerian War*, Oxford 1997; Jo McCormack, *Collective Memory: France and the Algerian War (1954–1962)*, Lanham, MD 2007; Patrick Ratman and Bertrand Tavernier, *La guerre sans nom. Les appelés d’Algérie 54–62*, Paris 1992. See also Stora’s subsequent publications, including *Le transfert d’une mémoire—de «l’Algérie française» au racisme anti-Arabe*, Paris 1999; and Benjamin Stora and Mohammed Harbi, eds., *La guerre d’Algérie, 1959–2004, la fin d’amnésie*, Paris 2004. For an analysis of gendered and racialized embodiment in the memory of the war, see Christine Lisa Quinan, *Remembering Bodies: Gender, Race, and Nationality in the French-Algerian War*, PhD Dissertation, University of California, Berkeley 2010.

backdrop.<sup>7</sup> So too must the statements of Garne and others describing wartime torture that included rape.

## 1. War, Torture, and Collective Amnesia

In spite of government censorship during the war, testimonials and journalistic reporting provided ample evidence of the horrors of torture and the French state's complicity in its practice.<sup>8</sup> But when the 1962 armistice pardoned French war criminals, released all Muslim prisoners, and dismantled the colonial empire in North Africa, the "legalized forgetting" of multiple atrocities began, at least with regard to the official memory created by the state.<sup>9</sup> A series of subsequent amnesty laws were approved in 1966, 1968, and 1982 that also violated French commitments to international law. No police or military officials were brought to trial for torture, thus normalizing the erasure of war crimes.<sup>10</sup>

In the early 2000s, however, a series of public testimonies described the wartime use of torture, reigniting public debate.<sup>11</sup> The first came from Louise Ighilahriz, a female member of the Algerian independence movement (*Front de la Libération Nationale*, or FLN) who was captured during an ambush in 1957 and detained for three months. In a 2000 cover story in the newspaper *Le Monde*, Ighilahriz described the torture she suffered at the hands of French paratroopers, including rape.<sup>12</sup> Her claim that General Jacques Massu, the victor of the 1957 Battle of Algiers and one of the highest ranking military officials in Algeria during the war, was present while she was tortured set off a storm of controversy among the French public. *Le Monde* also published interviews with the officials in question. While Massu did not remember being in attendance for Ighilahriz's torture, he expressed regret that torture had been "part of a certain ambiance" during the war.<sup>13</sup> Another bomb was dropped less than a year later by General Paul Aussaresses, Massu's right-hand man. In his 2001 memoir and subsequent interviews in *Le Monde*, Aussaresses unrepentingly described and defended the army's use of torture against its opponents.<sup>14</sup> Although this amounted to his participation in crimes that violated the Geneva Convention, Aussaresses could not be tried due to the terms of the armistice of 1962.

Thus Mohammed Garne began to tell his story in the context of renewed public debate on the French-Algerian War in the early 2000s. "For thirteen years I have been saying that my mother was raped, that I am a child of rape. Everybody hid, everybody pretended not to hear."<sup>15</sup> But Garne did not only break the silence regarding torture and sexual violence. He also demanded that the French state recognize its responsibility for the trauma imparted on him by his mother's wartime experiences.

<sup>7</sup> Neil MacMaster, "The Torture Controversy (1998–2002): Towards a 'New History' of the Algerian War?", *Modern & Contemporary France*, X, pp.453–454.

<sup>8</sup> Some well-known wartime accounts include Henri Alleg, *La Question*, Paris 1958; Paul-Henri Simone, *Contre la torture*, Paris 1957; and Simone de Beauvoir and Gisèle Halimi, *Djamila Boupacha*, Paris 1962. See William B. Cohen, "The Sudden Memory of Torture: The Algerian War in French Discourse, 2000–2001", *French Politics, Culture, & Society*, XIX, 2001, pp.82–94.

<sup>9</sup> William B. Cohen, "The Algerian War and French Memory", *Contemporary European History*, IX, 2000, especially pp.492–493. See also Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France*, Ithaca, NY, 2008.

<sup>10</sup> Stina Löytömäki, "Legislation of the Memory of the Algerian War in France", *Journal of the History of International Law*, VII, 2005, p.168.

<sup>11</sup> MacMaster, "The Torture Controversy", *op.cit.*, pp.449–459.

<sup>12</sup> Ighilahriz later published the full account in Louise Ighilahriz with Anne Nivat, *Algérienne*, Paris 2001.

<sup>13</sup> Cohen, "The Sudden Memory of Torture", *op.cit.*, p.86.

<sup>14</sup> Paul Aussaresses, *Services Spéciaux. Algérie, 1955–1957*, Paris 2001.

<sup>15</sup> John Henley, "Algeria: Son of Raped Girl Recognised as a Victim of War", *The Guardian*, 23 November 2001.

## 2. Mohammed Garne and the Intergenerational Trauma of Decolonization

Garne published his account in 2005, following his victory in the appeals court, with a second edition of the book appearing in 2011 and its Arabic translation in 2012. Louisette Ighilahriz provided the preface and described Garne's efforts as a "titanic battle against colonial amnesia."<sup>16</sup> If the antidote to suffering with repressed memories of the past is remembrance and reconciliation, Garne understood the voicing of his story as a way to move forward and heal: "With this book I wash myself of hate and the desire for revenge. I can finally make peace with the part of myself that I considered foreign, an intimate intrusion that I had named 'France' and wanted to get rid of."<sup>17</sup> According to his account, military authorities separated him from his mother immediately after his birth, placing him in foster care with twelve other children. He spent five abusive years there, locked in a cramped storage room without windows, light, or human interaction. In 1965 he was adopted by a pair of middle-class Algerian intellectuals who brought him to Paris, where his life continued to be marked by parental neglect and a dearth of familial affection. When the couple separated a decade later, they sent the fourteen year-old Garne to an orphanage in Algiers where he would spend the next ten years. At this point Garne's life took an especially despairing turn, including suicide attempts, petty crime, and jail time.

In his twenties, Garne became obsessed with determining his lineage. Information on his birth certificate led him in 1988 to his mother, Kheira, nicknamed the "She-Wolf" (*la Louve*) by villagers because she lived alone in a cave in the Sidi Yahia cemetery and purportedly suffered from mental illness. While Garne described the process of meeting and establishing a relationship with his mother as "traumatic," through patience and determination he was successful. This left Garne's quest only half fulfilled, namely he had located his birth mother but not his father. Subsequent questions about his paternity would unearth his mother's trauma while amplifying his own. With great reluctance Kheira responded to her son's queries about his father, beginning metaphorically and ending mendaciously. She explained to Mohammed that he was a "child of the revolution" and "a child of Algeria." Pointing to the flag, she added: "Your father is Algeria."<sup>18</sup> Finally she named her deceased husband, Abdelkader Bengoucha, a war hero martyred in 1959, as his father. During Mohammed's 1991 paternity suit to claim the use of Bengoucha's name, however, his mother confessed that Bengoucha was infertile. In a subsequent case before the Algerian Supreme Court, the judge pressed Kheira to name Mohammed's father. In 1994 she admitted that she had become pregnant during her incarceration in the Theniet el-Haad camp, where French soldiers had repeatedly raped, waterboarded, and beaten her.

Thus a new crisis of paternity presented itself to Mohammed Garne. Due to the circumstances of his conception he would never be able to identify his father. He moreover had learned that his biological father was a Frenchman defending colonial rule rather than an Algerian freedom fighter. Thus he provocatively titled his 2005 book "Letter to the Father Who Could be You" ("*Lettre à ce père qui pourraient être vous*"), gesturing to the anonymity of his conception, the multiple instances of masculine colonial violence that undergirded the empire, and the collective guilt of a generation of French men for his mother's rape.

<sup>16</sup> Mohammed Garne, *Français par le crime. J'accuse! Algérie, 1954–1962*, Paris 2011, p.3.

<sup>17</sup> Garne, *Lettre*, *op.cit.*, p.10.

<sup>18</sup> Garne, *Lettre*, *op.cit.*, pp.75, 77.

Garne described himself in its pages as “French by crime” (*français par le crime*), a play on the expression “French by birth” (*français par filiation*), reminding readers that his blood was both French and Algerian even if his nationality did not match that claim.<sup>19</sup> Garne’s family history reveals the contradictory ideas that shaped colonial métissage (race mixing). The mixed-race subject (*métis*) embodies the paradox of colonial domination, simultaneously based on incorporation and distancing.<sup>20</sup> Garne was, in effect, a *métis par le crime*: half French and half Algerian through rape. In his words, “I am the child of Algeria and France, of their intimate and violent union.”<sup>21</sup> But he also understood that French blood entitled him to petition the state for recognition and compensation.

The second edition of the book, released in 2011, followed the revelations of Ighilahriz, Massu, Aussaresses, and others by about a decade. Its title and preface drew from the lexicon of the Dreyfus Affair of the late nineteenth and early twentieth centuries, a deeply symbolic historical landmark for the French that pitted individual freedom and freedom of the press against state injustice and the army’s duplicity. For this reason the book’s title began with the phrase “*J’accuse!*” (“I accuse!”), recalling the open letter penned in 1898 by the author Emile Zola in support of the Jewish army captain Albert Dreyfus, wrongly convicted of treason by the army. Garne’s preface also copies Zola’s formula, boldly enumerating its indictments against the French state one by one: “I accuse the French state of torturing, raping, and killing innocent Algerian men and women. I accuse the French state of burning and destroying the villages and fields of Algeria. I accuse the French state of displacing nearly a million men, women, and children and placing them in concentration camps. I accuse the successive governments between 1954 and 1962 of encouraging and covering up torture, and giving power to the Army to detain, torture, and execute Algerians without trial.” Garne further signaled French violations of the Geneva Convention, granting amnesty to torturers, and initiating political assassinations.<sup>22</sup>

Embodiment is fundamental to Garne’s intergenerational narrative of decolonization and potential liberation. He depicts himself as a “living memory” of the crimes of war, carrying the “stigma of a history marked by pain, things unspoken, crimes, and injustices.”<sup>23</sup> In times of crisis Garne returned to the body with the hope of assuaging his pain, whether through self-mutilating behavior like cutting or with tattooing, which he understood as a way to “inscribe” his “suffering” directly on the flesh.<sup>24</sup> Dr. Louis Crocq, a military psychiatrist and specialist in shell shock who had served in Algeria, referred to Garne as a “living stigmata.”<sup>25</sup> As an expert witness at Garne’s appeal in 2000, Crocq explained that Garne was a victim of torture, transmitted in utero and postpartum from mother to son. Crocq further argued that the physical abuse Kheira Garne suffered during the last months of her pregnancy were transmitted ipso facto to the fetus, and the child’s early separation from his mother, particularly during the traumatic circumstances of

<sup>19</sup> Garne, *Lettre, op.cit.*, p.140. Garne eventually received French nationality in another protracted process that skirted the issue of sexual violence by suggesting that his mother may have been a prostitute who became pregnant while selling sex to French soldiers.

<sup>20</sup> Ann Laura Stoler, “Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Colonial Southeast Asia”, *Comparative Studies in Society and History*, XXXIV, 1992, pp.514–551.

<sup>21</sup> Garne, *Lettre, op.cit.*, p.11.

<sup>22</sup> Garne, *Français par le crime, op.cit.*, pp.5–6.

<sup>23</sup> Garne, *Lettre, op.cit.*, p.154.

<sup>24</sup> Garne, *Lettre, op.cit.*, pp.53, 55.

<sup>25</sup> Garne, *Lettre, op.cit.*, p.154.

the war, were the cause of his psychological and physical disorders. Crocq concluded by unequivocally identifying the French state as responsible for Garne's infirmities. His deposition was considered central to the outcome of the appeal: the formal recognition of Mohammed Garne as a victim of the French-Algerian War.<sup>26</sup>

### 3. Rape as Colonial Violence

In the midst of the war, the twenty-three year old Djamila Boupacha's highly publicized account of her torture, including rape, by French paratroopers circulated through the efforts of the esteemed feminist Simone de Beauvoir.<sup>27</sup> Boupacha, affiliated with the FLN, had been arrested in 1960 for attempting to bomb a café in Algiers. Her confession was obtained through torture of various sorts, including sexual violence. Hers was among the wartime testimonies that mobilized key sectors of French public opinion against the war. With the help of Gisèle Halimi, her Tunisian-born French attorney, Boupacha brought suit against her torturers. Four decades later, in a striking and symbolic parallel, Halimi's son Jean-Yves would serve as legal counsel for Garne.

With the important exception of Boupacha, however, silence generally prevailed regarding sexual violence committed during the war, until Ighilahriz's 2000 interview which revealed how rape was part of a larger French repertoire of torture. At about the same time, the groundbreaking work of the historian Raphaëlle Branche addressed the French state's complicity in wartime torture, its practice by the army, and how interrogators committed a range of acts of sexual violence against women and men, such as rape with objects and electricity applied to the genitals. Unlike other forms of torture, however, the army command did not sanction rape.<sup>28</sup>

As for the now independent nation of Algeria, while commemorative tracts appearing the 1980s increasingly foregrounded "gender-specific brutality," they described rape with euphemisms and focused on victims who were either anonymous or dead.<sup>29</sup> The FLN also contributed to this reticence. Members of the revolutionary independence movement construed rape as an attack on the honor of the Algerian family and in some cases, families ostracized female victims and men repudiated their wives.<sup>30</sup> Ighilahriz lamented the "shame" of Algerian women like Garne's mother, who felt that they could not go public with their stories: "When will they finally break this taboo? When will they name the unnamable?"<sup>31</sup>

Different sources suggest that Algerians chose to forget sexual violations and move forward with their lives rather than disavow the victims, thereby perpetuating the silence through the repression of painful memories. In a 1969 study of Kabyle villages, a French ethnographer observed: "They have chosen to forget. Not only did husbands not divorce, not only were young girls quickly married, but villagers

<sup>26</sup> Gilles Gaetner, "L'honneur retrouvé de M. Garne", *L'Express*, 29 November 2001.

<sup>27</sup> Simone de Beauvoir and Gisèle Halimi, *Djamila Boupacha*, Paris 1962. On this scandal see Judith Surkis, "Ethics and Violence: Simone de Beauvoir, Djamila Boupacha, and the Algerian War", *French Politics, Culture, & Society*, XXVIII, 2010, pp.38–55.

<sup>28</sup> Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie, 1954–1962*, Paris 2001.

<sup>29</sup> Natalya Vince, *Our Fighting Sisters: Nation, Memory, and Gender in Algeria, 1954–2012*, Manchester 2015, pp.216, 241–42.

<sup>30</sup> Vincent Gaget and Pierre Jasselin, *Viol, le dernier tabou de la guerre d'Algérie*, aired by *Envoyé Spécial de France 2*, 7 February 2002. See also Raphaëlle Branche, "Sexual Violence in the Algerian War", in Dagmar Herzog (ed.), *Brutality and Desire: War and Sexuality in Europe's Twentieth Century*, London 2009, pp.253–255.

<sup>31</sup> Louisa Ighilahriz, "Preface", in Mohammed Garne, *Français par le crime*, *op.cit.*, p.4.

tried hard to make the victims abort, so no child would be born of these rapes.”<sup>32</sup> In the wartime journal of the Algerian writer Mouloud Feraoun, published posthumously after his 1962 murder by the French paramilitary Organisation Armée Secrète, he notes that while Kabyle men once “jealously safeguard[ed] the sex of their women,” rape had become so commonplace during the war that their mores seemingly had changed: “So when the soldiers take the men from their homes and confine them outside the villages while they ransack their houses, they know that their wives and their daughters will be violated as well. Once the operation is over the men are allowed to return home. Then they pretend not to understand and merely talk impassively about hard times and the brutality of the soldiers who broke down their doors...”<sup>33</sup>

No official text exists that authorized French soldiers to rape. No justifications for rape appear in the documentation that has been available to researchers up to this point. Moreover, the sexual violence committed during the French-Algerian War was not premeditated and systematic, as in the former Yugoslavia, nor was it deployed as an agent of ethnic cleansing or of genocide.<sup>34</sup> And yet we know from the scattered sources and testimonies that rape and other forms of sexual violence frequently occurred. The more Muslim Algerian women became involved with the independence movement, the more French soldiers treated them as potential combatants upon whom violence could be inflicted. Initially, the French assumption that Muslim women were passive and apolitical meant that the military did not construe them as suspects. For this reason the independence movement recruited women as liaisons, as in the infamous scene from Gillo Pontecorvo’s 1966 film *The Battle of Algiers*, which depicts Algerian women easily making their way through checkpoints with explosives hidden on their person. As the French became cognizant of this tactic the game changed for Algerian women: they too were stopped, frisked, questioned, tortured, and imprisoned.<sup>35</sup> The army infiltrated women’s organizations and as a result, the prisons and camps filled with female prisoners made more vulnerable by their confinement.<sup>36</sup>

Because sexual violence varies in form and extent across war settings, what general observations can be made about the French-Algerian War?<sup>37</sup> Rapes occurred in detention centers as part of more generalized forms of torture, particularly during interrogations.<sup>38</sup> This was the case for Mohammed Garne’s mother, Kheira, imprisoned at the Teniet-el-Haad facility. Because she was the wife of Bengoucha, a celebrated Algerian freedom fighter, it is likely that French soldiers treated her with added cruelty. Soldiers also raped women and girls throughout the “rural villages and scattered hamlets.”<sup>39</sup> The army’s search operations (*ratissage*) and village raids facilitated the occurrence of rape; women found themselves at risk when French soldiers forced their way into Algerian homes. Rape also served as a perverse retaliatory tactic following successful ambushes of French soldiers by the independence movement.<sup>40</sup>

<sup>32</sup> Cited by Natalya Vince, “Transgressing Boundaries: Gender, Race, Religion, and ‘Françaises Musulmanes’ during the Algerian War of Independence”, *French Historical Studies*, XXXIII, 2010, p.461.

<sup>33</sup> Mouloud Feraoun, *Journal, 1955–1962: Reflections on the French-Algerian War*, trans. Mary Ellen Wolf and Claude Fouillade, Lincoln, NE 2000 [1962], p.262.

<sup>34</sup> Branche, *op.cit.*, p.255.

<sup>35</sup> Branche, *op.cit.*, p.250.

<sup>36</sup> Feraoun, *op.cit.*, p.261.

<sup>37</sup> Elisabeth Jean Wood, “Variation in Sexual Violence during War”, *Politics & Society*, XXXIV, 2006, pp.307–341.

<sup>38</sup> Frédéric Rousseau, “Sexes en guerre et guerre des sexes. Les viols durant la guerre d’Algérie (1954–1962)”, *Deportate, esuli, profughe. Rivista telematica di studi sulla memoria femminile*, X, 2009, pp.33–34.

<sup>39</sup> Lazreg, *op.cit.*, p.155.

<sup>40</sup> Rousseau, *op.cit.*, pp.34–35.

## Sexual Violence and the Memory of the French-Algerian War (1954–1962)

Where possible, historians have provided specific examples. Branche suggests that rape was used to demoralize civilians during the particularly brutal military operations led by General Challe in the summer of 1959.<sup>41</sup> Claire Mauss-Copeaux's extraordinary oral history project reveals how the 11 May 1956 Massacre of Beni Oudjehane, during which 79 women and men from the village were murdered by members of a single French infantry unit, stemmed in part from a French soldier's rape of a young Algerian girl and the attempted retaliation of her father.<sup>42</sup> Feraoun's numerous entries on wartime rape conveys that in the Algerian countryside, sexual violence was part of the fabric of war between 1956 and 1959.<sup>43</sup> Through a reading of French veterans' memoirs, Frédéric Rousseau notes the influence of military leaders on the ground in determining how their troops treated Algerian women. For example, one captain demanded respect for such Muslim customs as women's modesty while another unequivocally encouraged rape.<sup>44</sup> Kheira Garne, after being reunited with her son, relayed to him that "everyone knew the French were raping." Algerians tattooed their daughters to protect them from assault, believing that French men found tattooed women unattractive. Mothers went even further in zones where rape was prevalent, she claimed, covering their daughters with excrement.<sup>45</sup>

The amnesty negotiated at the 1962 Evian Accords erased any sentence handed down before May 1962. Thus in theory, official investigations of rapes committed by French soldiers before 1962 also would have been expunged.<sup>46</sup> Purportedly, a new set of military justice files will be made accessible to researchers in 2022, including substantial information on acts of torture committed by the French military. Whether they will include information on sexual violence remains an open question.

### 4. Violence Against Women and Human Rights

In the 1990s and early 2000s, a transnational discourse on violence against women, rooted in grassroots feminist organizing and operationalized through international organizations like the United Nations, provided new structure for the debate on sexual violence in conflict zones. The United Nations created two ad hoc criminal tribunals to address the atrocities committed during the 1994 conflict in Rwanda and the war in the former Yugoslavia that lasted from 1991 to 2001. The deliberations of these two International Criminal Tribunals opened up the space for interpreting sexual violence as torture, genocide, and a crime against humanity.<sup>47</sup> Although international humanitarian law had condemned wartime rape since the early twentieth century, generally speaking, only in the 1990s did international organizations characterize sexual violence as a human rights violation and a crime of war.<sup>48</sup> The atrocities committed

<sup>41</sup> Branche, *op.cit.*, p.252.

<sup>42</sup> Claire Mauss-Copeaux, *La source, mémoires d'un massacre. Oudjehane 11 mai 1956*, Paris 2013.

<sup>43</sup> Feraoun, *op.cit.*, pp.28, 34, 41, 166–167, 169, 182, 186, 189, 227, 261–263, 265.

<sup>44</sup> Rousseau, *op.cit.*, p.37.

<sup>45</sup> Garne, *op.cit.*, p.133. General Aussaresses is a rare voice denying that French soldiers committed rape in Algeria. While he admitted that both women and men were tortured in detention centers, in exactly the same manner, he claimed that women were not raped. See Aussaresses's interview on the documentary by Vincent Gaget and Pierre Jasselin, *Viol, le dernier tabou de la guerre d'Algérie*, aired by *Envoyé Spécial de France 2*, 7 February 2002.

<sup>46</sup> Branche, *op.cit.*, p.248.

<sup>47</sup> Angela M. Banks, "Sexual Violence and International Criminal Law: An Analysis of the Ad Hoc Tribunal's Jurisprudence and the International Criminal Court's Elements of Crimes", in *William and Mary Law School Scholarship Repository*, 2005, <https://scholarship.law.wm.edu/facpubs/305>, accessed 2 December 2018.

<sup>48</sup> Elizabeth D. Heineman, "Introduction: The History of Sexual Violence in Conflict Zones", in Elizabeth D. Heineman (ed.), *Sexual Violence in Conflict Zones from the Ancient World to the Era of Human Rights*, Philadelphia 2011, p.1. Article 27 of the 1949 Geneva Convention prohibits attacks on women's honor, including rape, so it cannot be argued that legal documents entirely

in conflict zones in the 1990s also generated provocative new scholarship on these questions. According to the historian Dagmar Herzog, the mass rapes in Bosnia-Herzegovina and the acts of “genocidal rape” committed in Rwanda “gave intellectual legitimacy and ethical urgency” to the study of sexual violence in other wars.<sup>49</sup>

Violence against women was also a theme in the postcolonial French context of the early 2000s. Remember that Garne’s account inverted colonial and postcolonial stereotypes of the dangerous sexuality of Arab men.<sup>50</sup> The harrowing circumstances his mother endured drew attention to the way French men of European descent had violated female honor or, according to a different and more modern rhetoric, women’s human rights. And yet, at the same time the debate on wartime torture reemerged in France, in the early 2000s, the French media circulated numerous stories on gang rapes (*tournantes*) that ostensibly occurred with some frequency in economically disadvantaged, French-Muslim communities (*les banlieues*).<sup>51</sup> Despite research suggesting that rape cuts across all social classes in France—and that gang rapes had been recorded since the 1960s and appeared to be on the decline—the press described these crimes as primarily the work of young Arab men, committed against Arab women. According to the anthropologist Miriam Ticktin, this framing of the phenomenon was intelligible to the French public because it relied on two familiar representations of colonial provenance: the sexually violent Arab man and the oppressed Muslim woman who needed saving.<sup>52</sup> In contrast, Garne’s account centered on the sexual misconduct of French men of European descent during an already contentious war for decolonization. He offered a new and troubling interpretation of the intimate violence that accompanied the “family romance of decolonization.”<sup>53</sup>

Finally, Garne’s case posed another question with intergenerational and humanitarian resonance: what are the rights of children born of wartime rape and how might such abuses be adjudicated? A report of the War and Children Identity Project in Bergen, Norway claims that “tens of thousands” of infants have been born of wartime rape or sexual exploitation in the past fifteen years alone. If we added children born to women held captive as “sexual slaves” or “wives” of military troops, this number would be even higher. This is, of course, a human rights issue, as children born of rape often face abuse, neglect, abandonment, and discrimination. Research on children born of rape in Bosnia corroborates Garne’s claim that children conceived in such traumatic conditions may need particular medical and psychological care.<sup>54</sup> For Garne, however, healing did not only entail state recognition of his victimhood and modest financial

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ignored sexual violence before the 1990s. See Raphaëlle Branche and François Virgili, “Introduction: Writing the History of Rape in Wartime”, in Raphaëlle Branche and François Virgili (eds.), *Rape in Wartime*, London 2012, p.5. In the case of the French-Algerian War, French defiance regarding the terms of the Geneva Convention in general may help to explain its lack of adherence to Article 27.

<sup>49</sup> Herzog, “Introduction: War and Sexuality in Europe’s Twentieth Century”, in Herzog, *op.cit.*, p.3.

<sup>50</sup> See especially Todd Shepard, *Sex, France, and Arab Men, 1962–1979*, Chicago 2017.

<sup>51</sup> Miriam Ticktin, “Sexual Violence as the Language of Border Control: Where French Feminist and Anti-Immigrant Rhetoric Meet”, *Signs: Journal of Women in Culture and Society*, XXXIII, 2008, pp.863–889. The most noted account of this phenomenon in the early 2000s is Samira Bellil, *Dans l’enfer des tournantes*, Paris 2002. On the association of rape and Algerian men in 1970s France, see Shepard, *Sex, France, and Arab Men*, *op.cit.*

<sup>52</sup> Ticktin, *op.cit.*, pp.872, 883. See also Lila Abu-Lughod, *Do Muslim Women Need Saving?* Cambridge, MA 2015. On the fine line between “unveiling” Muslim women in order to “save” them, and unveiling as a form of sexual violence, see Frantz Fanon, “Algeria Unveiled,” in *A Dying Colonialism*, New York 1965, pp.35–67.

<sup>53</sup> See Cole, *op.cit.*

<sup>54</sup> See R. Charli Carpenter, *Forgetting the Children of War: Setting the Human Rights Agenda in Bosnia and Beyond*, New York 2010, pp.24, 28.

## Sexual Violence and the Memory of the French-Algerian War (1954–1962)

compensation. It also required the public articulation of his trauma, the violence committed against his mother, and French crimes against his country. He described himself as a “living memory,” carrying within him the “stigma of a history marked by pain, crime, injustice, and words that were left unspoken.” By voicing his testimony, Mohammed Garne was able to “wash himself of hate and the desire for revenge” and “make peace with” the French side of his personhood.<sup>55</sup> “I am the first [official] victim of the French-Algerian War and the first to challenge the French state. I dedicate this victory to the people of Algeria and France, both of whom have suffered” from the brutality of this war.<sup>56</sup>

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<sup>55</sup> Garne, *Lettre, op.cit.*, pp.9–10.

<sup>56</sup> K. Selim, “Mohammed Garne a gagné son combat. Une petite ouverture dans le béton de la loi «d’amnésie»”, *Le Quotidien d’Oran*, 24 November 2001.