



The Mazan Case and the Logic of Masculinist Protection Underlying Patriarchal Legal Systems

Sophie Duroy¹ 

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Abstract

This article offers a feminist socio-legal analysis of the Mazan case—the 2024 trial of 51 men for the rape of Gisèle Pelicot in France—and the 2025 consent law reform it inspired. Combining feminist legal theory, critical legal analysis, and situated reflection, it examines how patriarchal societies and legal systems convert gendered violence into narratives of protection and progress. Drawing on Iris Marion Young’s analysis of the logic of masculinist protection, the article shows how law, politics, and public discourse surrounding the case reproduced the patriarchal bargain that casts men and the state as protectors while shielding them from accountability. Through analysis of the myth of the “good man”, judicial responses to sexual violence, hierarchies of victims, and the structural affinities between patriarchal and security logics, the article argues that the Mazan case offered only the illusion of remedy, confirming the patriarchal system it appeared to challenge.

Keywords Consent · Feminist legal theory · France · Masculinist protection · Patriarchy · Pelicot · Sexual violence

“All laws seem to have been passed simply to maintain men’s possessions of what they currently have.”

(Poulain and de la Barre 1673)

“The husband owes protection to his wife, the wife obedience to her husband.”

(French civil code, Article 213, in force 1804–1938)

✉ Sophie Duroy
sophie.duroy@essex.ac.uk

¹ Essex Law School, University of Essex, Colchester, UK

Introduction

Most people have heard of Mazan. It is a small, unremarkable village in Vaucluse, South-east France, whose name is now associated with one of the most famous rape cases worldwide.¹ Between September and December 2024, 51 men were tried before the *cour criminelle départementale de Vaucluse*, in Avignon, for the sexual assault, rape, and aggravated rape of Gisèle Pelicot.² Proclaiming that “shame must change sides” (Le Parisien 2024a),³ on the first day of the trial, Gisèle Pelicot refused a closed hearing. The unprecedented media attention that the trial subsequently attracted speaks to the importance of her choice. While, in the last decade, sexual violence had been increasingly documented and debated in France, the Mazan trial suddenly made it impossible for anyone to ignore. Yet, despite this visibility, French society has avoided confronting the pervasive and ordinary nature of the sexual violence on trial.

Gisèle Pelicot was the victim of repeated sexual violence orchestrated by her husband, Dominique Pelicot, over a period of at least nine years (2011–2020) in their Mazan home. Dominique Pelicot repeatedly drugged his wife unconscious and organised gang rapes involving men recruited through public advertisements on a chatroom entitled “without her knowledge” (*à son insu*). The case came to light when he was arrested for upskirting in a supermarket and the police found videos of more than 200 assaults on his devices.⁴ Based on the video evidence, around 83 men were suspected to have assaulted Gisèle Pelicot, though only 54 could be identified. Ultimately, 51 men were tried and all were found guilty, with Dominique Pelicot receiving the maximum sentence of 20 years imprisonment for aggravated rape.

From a prosecutor’s perspective, the Mazan case was exceptionally straightforward. There were hundreds of videos of the assaults and extensive written exchanges between Dominique Pelicot and the other defendants to evidence the facts, the defendants’ knowledge, and their intentions. At the same time, Gisèle Pelicot appeared as an ideal victim (Christie 1986) for contemporary French society: white, middle-class, married, over seventy, and with no expectation of self-defence as she was unconscious during the assaults. Her refusal of anonymity transformed her into a feminist figure and briefly opened space for public discussion about rape culture, drug-facilitated sexual violence, and the systemic nature of sexual violence in France. As the trial became a national and international media event, daily reporting focused on the shocking scale of the assaults, the videos shown in court, and the social ordinariness of the defendants (Robert-Diard and Seckel 2024; Le Monde 2024a; Souvan-

¹ As is frequently the case with first-instance judgments in criminal proceedings in France, no official judgment is published, and there is neither an official case name nor a publicly accessible case number.

² While not the only victim in this case (see discussion below), Gisèle Pelicot was the only victim to request *partie civile* status, providing her with procedural rights.

³ All quotes related to the case were originally reported in trustworthy media sources and translated by the author.

⁴ Although upskirting is a misdemeanour (*délit*) under French law, Dominique Pelicot’s devices were seized and a wider criminal inquiry was launched because, during the initial search of the two phones and camcorder he was carrying, police officers discovered suspicious elements indicating possible sexual assaults.

lasy 2024). Combined with Gisèle Pelicot's insistence on a public trial (Le Parisien 2024a; Le Monde 2024b), this unusual convergence of evidentiary, social, and symbolic factors meant that the case had the potential to serve as a catalyst for societal reflection on the pervasiveness of sexual violence. That this potential did not materialise reveals just how deeply patriarchal norms continue to shape both French society and its legal system.

This entrenchment was underscored by the state's response in the months that followed. In late 2025, the French Parliament voted to introduce a statutory definition of consent in the law of rape and sexual assault and to make its absence a central element of the offenses.⁵ Lawmakers explicitly invoked the Mazan trial as evidence that reform was needed, presenting the measure as a historic advance. Yet, this reform illustrates the exact dynamics this article interrogates: it is a costless gesture of symbolic protection that allows the state to appear to act without addressing its structural complicity in sustaining sexual violence. By rewriting the legal definition of rape and sexual assault, Parliament and the government can claim moral renewal even though the patriarchal logics that made possible the facts of the Mazan case remain intact.

Statistically, the most exceptional feature of the Mazan case is the fact that it was prosecuted – and that convictions followed. These feats are achieved, respectively, by less than 10% and 1% of rape complaints in France (Stricot 2024; Sénat 2025). This outcome owed less to the gravity of the crimes than to a series of contingencies, even sheer luck. It is easy to forget that Dominique Pelicot was arrested for upskirting, a misdemeanour, and that his crimes only came to the attention of the police because he dutifully recorded and organised them in explicitly labelled folders on his computer. Dominique Pelicot was never reported by anyone for any of the crimes he committed and facilitated. These crimes themselves were not unusual (Lemaître 2024; CNN 2026), and the extraordinarily high number of men involved, rather than being a mark of the case's extraordinariness, reveals instead just how deeply sexual violence is normalised (Froidevaux-Metterie 2024). Dozens of men felt entitled to participate in raping Gisèle Pelicot while she was drugged unconscious and her husband was filming, confident that their actions would remain invisible or unpunished. In fact, despite the video evidence, 35 pleaded not guilty. Many argued that they were victims themselves, dupped or manipulated by Dominique Pelicot (Garcia 2025, 152), while others argued that Gisèle Pelicot's lack of consent was irrelevant because "it's his wife, he does what he wants with her" (de Foucher 2023). These men's confidence in their impunity was far from unfounded. It was sustained by what feminist theorists describe as the logic of masculinist protection (Young 2003): the patriarchal bargain through which men are cast as protectors of women, a role that simultaneously grants them power over women and immunity from collective scrutiny. In effect, this logic ensures that state institutions protect men from accountability more reliably than they protect women from harm.

⁵ LOI n° 2025-1057 du 6 novembre 2025 visant à modifier la définition pénale du viol et des agressions sexuelles. Prior to that reform, the absence of consent was, in itself, not sufficient to establish the offense; it could only be proven by reference to an act of "violence, coercion, threat or surprise" by the defendant. However, the term "surprise" has long been interpreted by courts to include circumstances in which the victim is asleep, semi-conscious, or significantly affected by drugs and alcohol, thus covering the facts of the Mazan case.

I spent part of my childhood in a hamlet 10 km from Mazan, and this is still where I go home. The 83 men who raped Gisèle Pelicot were, therefore, my neighbours. Like most women,⁶ I have experienced sexual violence, with some of it perpetrated by local men. This geographical proximity makes it more difficult to consider the case as an aberration, something that happens elsewhere and to other people. Having co-existed with these men also makes it harder to other them. After all, until their names were revealed halfway through the trial, most of them still lived ordinary lives. I could, like most people, have distanced myself using factors such as class, education, or occupation, or reduced them to the category of sexual perverts. That would have been easier. In a patriarchal society, denial is a form of self-preservation. Yet, society's refusal to recognise the Mazan case as a mirror of French patriarchal structures rather than merely a sensationalist *fait divers*⁷ is disturbing. If this case, with its exceptional scale, overwhelming evidence, ideal victim profile, unprecedented publicity, and 100% conviction rate cannot convince society that sexual violence is systemic, perpetrated by ordinary men, and that all women are potential victims, then no other case will. What ingrained mechanisms allow society to avoid confronting the reality exposed by Mazan?

In March 2025, French philosopher Manon Garcia published a collection of her reflections attending the trial. The central argument of Garcia's book is that the Mazan trial shows that trials will never be enough, that no prison administration will ever be large, powerful or effective enough to stop men from raping (Garcia 2025, 17–18). I share Garcia's assessment. Approaching the case from a socio-legal perspective allows me to demonstrate how the logic of masculinist protection shapes both law and society's response to sexual violence. Writing in the context of post-9/11 security politics, Iris Marion Young demonstrated in a foundational piece on the logic of masculinist protection how both patriarchal and state forms of protection rely upon the construction of external threats to obscure and justify the violence exercised by protectors themselves (Young 2003). Drawing on Young's reflections, I treat the Mazan case as a lens through which to examine how the logic of masculinist protection enables French society to maintain a cognitive dissonance around sexual violence. Facilitated by the legal system's patriarchal assumptions, this dissonance persists even in the face of overwhelming evidence that sexual violence is systemic. In this context, Young's framework is particularly useful in highlighting the continuities between intimate, legal, and social forms of patriarchal domination.

Drawing on feminist theory, I examine four dimensions of societal reactions to the case that obscured the systemic realities of sexual violence and forestalled any meaningful societal reckoning. First, despite repeated emphasis on the accused men's ordinariness, society still managed to other them by reinstating the patriarchal myth of "bad men" versus "good men", thereby transforming systemic male violence into

⁶ Throughout this article, I use the categories "men" and "women" to describe social positions within patriarchal systems rather than fixed and biologically determined categories. My analysis does not rest on biological determinism, but on the feminist insight that vulnerability to sexual violence is socially and politically produced through patriarchal structures that disproportionately target those perceived as women.

⁷ "Fait divers" is a French term that translates roughly to "miscellaneous event" and refers to a news item that is often sensational, lurid, or offbeat.

individual pathology and preserving the illusion of collective innocence. Second, the seemingly smooth functioning of the judicial system in this case has been presented as proof that sexual violence is adequately addressed, thus rendering moot any need for cultural or legal reform. Third, Gisèle Pelicot's sacralisation as a feminist icon has narrowed the public's sympathy to a single ideal victim, obscuring the experiences of other, non-ideal, victims. Finally, politicians' deafening silence about the case re-privatised sexual violence precisely when the public nature of the trial demanded political reckoning. The contrast with terrorism, first articulated by Young (2003) and developed in the final section of this article, makes this silence especially revealing. Both terrorism and sexual violence constitute threats to security, and both enable the maintenance of domination systems. Yet, while terrorism triggers moral panics, sexual violence is normalised by the state. The comparison with terrorism underscores the need to recognise the political stakes of sexual violence and confront the social and institutional conditions that sustain it. The article addresses these four dynamics in turn – the myth of the good man; justice in a patriarchal legal system; hierarchies of victims; and the political stakes of sexual violence – to show how they enable society's collective denial of the ordinariness and pervasiveness of sexual violence.

This article offers a sustained feminist legal analysis of the Mazan case and the legal reform it inspired, demonstrating how both expose the persistence of patriarchal power beneath the appearance of progress. Rather than treating Mazan as an exceptional *fait divers* or a moment of institutional renewal, the article situates it within broader structures through which French society and legal institutions continue to protect men collectively while claiming to protect women. By combining legal critique, feminist theory, and situated reflection, it uncovers the mechanisms through which law and culture co-produce the denial of systemic sexual violence. In exposing the fallacies that underpin this system's engagement with gendered violence, the article argues that the Mazan case offered only the illusion of remedy, confirming the patriarchal system it appeared to challenge.

The Myth of the Good Man

Patriarchal societies reproduce and legitimise male violence through the logic of masculinist protection (Young 2003). In this ideological framework, women are positioned as passive subjects of care dependent on benevolent men to shield them from violent ones. The protector earns obedience and trust because he is “not like those other men”. He is supposed to be different: a “good man”. In patriarchal societies, therefore, women are taught that their safety depends upon their submission to the guardianship of good men – father and then husband – who will shield them from the predations of bad men. As Article 213 of the French *code civil* of 1804, also known as the Napoleonic Code, stated plainly: “The husband owes protection to his wife, the wife obedience to her husband”. The logic of masculinist protection thus structures law, politics, and intimate life, offering protection in exchange for obedience, submission, and gratitude. This myth allows patriarchy to persist culturally and legally because, at first sight, rapists are always the others, the bad men.

Feminist theorists have long argued that rape is not an aberration but a central mechanism through which male dominance is sustained. In her treatise on rape, Susan Brownmiller traces how, from prehistoric times, rape functioned both as an instrument of male bonding – through the gang rape of women by groups of men – and as the foundation for the subjugation of women under patriarchal order. Rape has been the “conscious process of intimidation by which all men keep all women in a state of fear” (Brownmiller 1993, 15). As such, the bargain of protection was struck not out of love but from women’s fear of perpetual sexual assault (Brownmiller 1993, 14–17).

Modern patriarchal societies rely on a distinction between “good” and “bad” men that preserves the innocence of ordinary masculinity by presenting sexual violence as exceptional – through the construction of the rapist as a monstrous, deviant figure – rather than systemic (MacKinnon 1989; Brownmiller 1993; Young 2003). Criminal law reinforces this logic by treating rape primarily as individual deviance rather than as an expression of structural gendered power (Chartron 2025, 241). In doing so, it stabilises the category of the good man while isolating violence within a deviant minority.

The Mazan trial stripped bare the fiction of the bad man as deviant monster. The 51 defendants were ordinary men of all ages, drawn from varied professional and social backgrounds. Many, including Dominique Pelicot himself, were deemed to be “great guys” by their wives, girlfriends, families (de Foucher 2023). In short, most were not social outcasts, but individuals embedded within everyday family and community life. This is unsurprising. A 1971 study already found that men convicted of rape had “a normal sexual personality”, differing only in a somewhat greater tendency to express violence and rage (Amir 1971). The Mazan case momentarily pierced the bubble of denial that characterises French society by revealing that the bad men could be our fathers, brothers, neighbours, or sons. However, many French men quickly found ways to distance themselves from the defendants, either through geography, class or education, or by invoking the defendants’ supposed paraphilia and perversion, thus maintaining the illusion that these were exceptional bad men (Radenne 2024a, b). Many women, too, reached similar conclusions, preferring denial over the vertiginous realisation that one’s partner, father, brother, or son might be capable of raping an unconscious woman (Seckel 2024b).

In contrast, as many other women with local ties, my one recurring thought was that *maybe I know one of these men*. For months, I unsuccessfully looked for their names. When they were finally released, a few weeks into the trial, none was familiar. But what about the 30-or-so men who could not be identified? And what about the thousands who saw the advertisements placed by Dominique Pelicot offering sexual services with his unconscious wife and did not protest or report them? Maybe I know one of *these* men. Statistically, I probably know some of them. You likely do, too, even if you have never been near Mazan, or at least you know someone like them. What the case taught us is that men who do not consider it wrong to rape a comatose woman are all around us, and men who will enable them are even more numerous. As Garcia (2025, 116) noted, Mazan was not a “trial of masculinity” in the abstract, but a confrontation with the ordinariness of male violence.

Rape serves a political function. As Young (2003, 13) writes, “the logic of masculinist protection works to elevate the protector to a position of superior authority and

to demote the rest of us to a position of grateful dependency”. Through the threat that rape represents for women, it allows their maintenance in a situation of dependency toward men because of their need for protection. In patriarchy, marriage is therefore conceived (of) as a protection against rape (Chartron 2025, 47). The political function of rape explains why, whether they rape or not, all men benefit from rape and the fear of rape (Brownmiller 1993).

That marriage could be conceived of as the main protection against rape has never seemed more ironic than when faced with the facts of the Mazan case. Dominique Pelicot drugged his wife Gisèle for years so that he and other men could rape her while he filmed. The Mazan case thus showed once again that marriage offers no protection against rape, whether committed by a husband or by other men (Pateman 1988). On the contrary, it can heighten women’s vulnerability, as intimacy is turned into threat and trust is weaponised against them. It is bone-chilling to imagine that the person closest to you, the person you vowed to love and support, with whom you have children, share a bed, and whom you *trust*, may be doing this to you. But it is not as rare as we may think.

Drug-facilitated sexual assault, or chemical submission,⁸ as it has come to be known in France, “is not uncommon; it is not the *modus operandi* of a sick mind, but rather a rational means for some men to obtain what they believe they are entitled to and what women deny them”, namely submission (Garcia 2025, 106). While bars and nightclubs are usually considered high-risk environments, a recent investigation showed that 42% of assaults and rapes involving chemical submission take place in a private setting (Lemaître 2024). Within the logic of masculinist protection, this violence is structurally coherent: women who refuse to submit to the governance of the protector are threatened with the withdrawal of protection and with direct aggression from the protector turned attacker (Young 2003, 14). Dominique Pelicot’s own justification for his crimes illustrates well this logic (Garcia 2025, 97–98). He explained that Gisèle Pelicot refused to comply with his sexual demands, including anal penetration, and generally behaved too independently. His desire to make her submit is evident in the photographs he took of her, drugged and unconscious, holding a sign that read “submissive bitch” (*salope soumise*). In short, he punished her refusal to fully submit to him by transforming himself into her predator and by inviting other men to participate in that submissive punishment.

While he has been portrayed as “the monster of Mazan” in the media, Dominique Pelicot is far from alone in enacting his desires for domination in this manner. On the last days of the Mazan trial, a German investigation exposed the existence of dozens of Telegram chat groups, totalling more than 70,000 members, providing suggestions and encouragements on how to drug and abuse women (STRG_F 2024). In these chats, users exchanged instructions on how to surreptitiously sedate women for sexual assaults, including rape. They incited each other and offered their partners to other users for rape. Rapes were announced and corresponding recordings shared. In March 2026, a CNN investigation exposed yet another “global rape academy” on

⁸ Chemical submission refers to the administration of a psychoactive substance that will change the state of consciousness of the victim without their knowledge or under threat, with the aim of taking advantage of this altered state (Lemaître 2024).

the same model (CNN 2026). In this context, the title of Garcia's essay – *Living with Men* – captures with brutal clarity what it means for women to inhabit patriarchy: to live daily with the constant possibility of sexual violence, including from those we trust most.

The myth of the good man is both dangerous and convenient. It allows men to excuse themselves from scrutiny and women to locate the threat somewhere else while continuing to live with men. It is comforting for everyone to believe that rapists are monsters. But the men of Mazan are not monsters. A psychiatrist responsible for evaluating several of the defendants concluded for each of them that “the individual does not have the profile of a sexual offender” (Guillemot 2024). And yet, they are on video raping Gisèle Pelicot. Rapists rarely are evil. This is the disturbing thing to many of us – we probably know and love rapists because, given the frequency of rape, it is statistically very likely that some of the men we love have raped. Indeed, data consistently evidence both the high lifetime frequency of rape and the fact that most sexual violence is perpetrated by partners, ex-partners, family members or acquaintances rather than strangers (European Union Agency for Fundamental Rights 2014; ONS Centre for Crime and Justice 2025). As such, sexual violence cannot be understood as exceptional or external to ordinary social and intimate relations. Does it mean that the men we know who have once raped are not good men? Is it worse to rape Gisèle Pelicot while she's drugged unconscious than it is to rape one's girlfriend (maybe while she sleeps, but also maybe while she's conscious)? What makes the Mazan men bad men when we can consider the men in our lives good men even though some of them are also, probably, rapists?

In my search for the list of accused men, my obvious purpose was to check whether some of the good men in my life were actually bad men. I did have a secondary motivation, however. I also wanted to know whether the bad men I knew would finally be exposed as such. In short, I was hoping that this trial would avenge me, too. But, as it turns out, there are more than 51 rapists around Mazan.

Bad men rarely act alone. If all men who have raped once are to be deemed bad, what of those who have not raped but did not report, who laughed, looked away, or remained silent? The insistence on the existence of good men enables both women and men to sustain the comforting illusion that rapists are aberrant, monstrous figures. From this perspective, all men who do not rape are good men. In reality, however, the silence of those who do not rape yet fail to intervene or report is not innocence but connivance. Their inaction exposes a first fallacy of the logic of masculinist protection: that women are kept safe by men. Statistically, we all know men who have raped and, perhaps, we even love them. We also know men who do not consider it their responsibility to report an advertisement to rape, to stop a friend from assaulting a woman, or to call out sexual harassment. This recognition unsettles the neat binary between the bad man who rapes and the good man who protects. That Dominique Pelicot's advertisements remained online for nearly a decade without a single report to the police reveals how these categories of good and bad men are not opposites but mutually reinforcing myths, designed to shield patriarchal structures from critique.

I have often thought about how much luck was involved in this case even coming to trial. It was lucky that a supermarket security guard in Carpentras (a small town 6 km from Mazan) caught Dominique Pelicot upskirting and insisted on calling the

police.⁹ It was also lucky that the local police took the case seriously and dedicated an officer to it once the extent of Pelicot's crimes was discovered. This is, in my opinion, the most exceptional aspect of this case. Had the upskirting happened in Mazan itself, where there is also a supermarket, Dominique Pelicot may not have been caught. But even if he had been and the police had been called (another big if), Mazan comes under the remit of the local *gendarmerie*, i.e., the rural law enforcement force. Given my prior experience with them in the handling of gendered violence (in which they unlawfully refused to register my complaint, as is the case nationwide for a fifth of complaints),¹⁰ the chances of upskirting leading to an investigation appear faint, at best. The sheer contingency that allowed this case to come to trial raises uncomfortable questions. What does it reveal about our society that so much luck was needed for a case like this to be investigated, when it involved dozens of men and advertisements that were public for years and were seen by thousands? How many more cases just like Mazan would surface if even one man decided to speak up instead of protecting other men? This reliance on luck reveals not merely individual failures but a structural unwillingness to hold men accountable, even in the face of overwhelming evidence.

Patriarchal society functions as a boys' club for men. The Mazan case exposed how men protect one another, rather than women, sustaining a culture in which silence, complicity, and peer validation normalise sexual violence. As Susan Griffin observed decades earlier, society itself "teaches men the rudiments of rape" and reinforces these lessons through male peer support (1971, 4; see also Dekeseredy and Schwartz 1993). In the patriarchal boys' club, *men protect each other*. Not women, not girls, not boys, nor anyone else.

Justice in a Patriarchal Legal System

Criminal law, like the myth of the good man, is both convenient and dangerous. Criminal justice is oriented toward sanctioning individual deviance, while sexual violence is in fact woven into the norm (Chartron 2025, 241). As the lawyer Catharine MacKinnon (2006, 3) explains, "law often collaborates by making an unusual or extreme form of a common violation illegal, so that what is illegal almost never happens, yet the law appears to stand against the violation". The existence of a law prohibiting sexual violence and of a few annual condemnations on its basis allows society to dispense with the cultural reckoning and action needed to adequately address the problem. In consequence, "rather than deterring or avenging rape, the state, in many victims' experiences, perpetuates it" (MacKinnon 1989, 179). Even when women "win" through the justice system, as less than 1% of rape victims in France do, victory is hollow. Punishment cannot heal the violence or compensate for

⁹ In the video of the arrest (Le Parisien 2024b), the supermarket security guard's status as a "good man" appears in his readiness to chastise and to insist that the victim file a complaint, yet his threat to Dominique Pelicot ("you're a disgusting man; if it had been my mother, I'd have pulled your head off") also reveals protection's violent underside.

¹⁰ See discussion in the next section and data from Défenseur des Droits 2025.

the financial (Fondation des Femmes 2022), moral, and social costs of speaking out (CIIVISE 2023; Sinno 2023). The legal system is built not to protect women, but to preserve the illusion of order while sustaining male dominance. Indeed, as Chartron (2025, 14) underlines, if all men who had raped once were imprisoned, society would grind to a halt.

The reality exposed by Mazan is that, not only are protectors and predators often indistinguishable, but the very system promising safety produces the conditions of danger (Stiehm 1982, 589). By bringing these dynamics into public view, the trial challenges the comforting myth that sexual violence is the work of isolated “monsters”, revealing instead a social system that normalises male possession and control (Naffine 1994). Yet, this reality remains obscured by the cultural and legal perpetuation of the logic of masculinist protection, despite most women being at least subconsciously aware of their vulnerability in patriarchal family structures and heterosexual relationships (Chollet 2021). As Catharine MacKinnon (1989, 172, 179) has argued, the state itself reflects the structure of male dominance and legitimises sexual violence by distinguishing rape only when it ceases to resemble sex, making it virtually unenforceable.

The Mazan case highlights how patriarchy erases the distinction between sex and rape from women’s perspective, while preserving it for men’s benefit. Many of the men of Mazan used Gisèle Pelicot as a substitute for the sex they could not get elsewhere. They justified going to the Pelicots’ by referring to a less active sex life with their partner – because she had just given birth, or the relationship was deteriorating (Garcia 2025, 82). Naturally, their justification does not mean that their motives were singular. Rape is as much about domination and opportunity as it is about the sexual desire some men invoke to justify it (Brownmiller 1993; Théry 2024). But, as Garcia observed, these men did not perceive their acts as extraordinary: for them, women are interchangeable, as sex and rape are (Garcia 2025, 82, 202). As such, many pleaded their “lack of intention to rape” (Seckel 2024a). The case forces us to confront the fact that sexual violence is not an aberration outside sexuality, but integral to how heterosexuality is constructed under patriarchy (Griffin 1971, 3; Millett 2016; Chollet 2021).

In exposing this continuum between sex and rape, Mazan unmasks a second fallacy of masculinist protection: that the law protects women’s sexual dignity or intimate integrity. Historically, the bargain of protection reduced women’s status to chattel, where crimes against their bodies were legally reframed as crimes against the male estate (Millett 2016, 44). From Hammurabi’s Code to English common law, rape was defined as theft of virginity, adultery, or a violation of patrilineal inheritance, but not as an assault against a woman’s intimate integrity (Brownmiller 1993, 17–20). These historical dynamics long underpinned modern rape laws (Griffin 1971, 6; MacKinnon 1989, 172; Naffine 1994) and continue to influence cultural norms and legal practice. Patriarchal culture and law thus treat sex and rape not as opposites, but as points along a continuum of male entitlement. In this worldview, men alone define what counts as sex, and rape is only recognised when it deviates too far from male norms of sexuality (MacKinnon 1989). This is not incidental. Male desire (rather than female autonomy) structures cultural and legal understandings of sex (Naffine 1994; Chollet 2021).

In France, the cultural and legal conflation of sex and rape emerges in how the law and courts evaluate sexual harm. The French *code pénal* now defines rape as “any act of sexual penetration, of whatever nature, or any oral-genital or oral-anal act committed on another person or on the perpetrator by means of violence, coercion, threat or surprise” (Article 222-23). Before the 2025 reform, French law did not treat lack of consent as a standalone element. Unless the prosecution could evidence violence, constraint, threat or surprise, the act of sexual penetration was legally *sex*, not *rape*. In October 2025, the French Parliament amended Article 222-22 of the *code pénal* to make the absence of consent a central element of sexual assault and rape.¹¹ The new law specifies that consent must be free, informed, specific, prior, and revocable, and cannot be inferred from silence or passivity. Lawmakers presented the reform as a historic advance, explicitly linking it to the Mazan case. Yet, as feminist legal scholars have long shown, rewriting legal definitions rarely transforms the interpretive hierarchies through which sexual harm is assessed (MacKinnon 1989, 176–80; Finch and Munro 2006). Unless judicial reasoning itself shifts away from a framework organised around penetration and violence, the reform is unlikely to transform this reality. The experience of jurisdictions such as England and Wales, where a more far-reaching consent-based reform¹² preceded significant declines in rape prosecutions and convictions (Crown Prosecution Service Inspectorate 2007; Crown Prosecution Service 2020), illustrates that legal definitions alone cannot dismantle patriarchal practices entrenched within the criminal justice system (Munro 2008; Russell 2016; Smith and Skinner 2017). In practice, French courts often assess sexual acts through an implicit hierarchy that mirrors the perspective of perpetrators rather than victims (Darley 2024; Chifflet 2025; Lafourcade 2025, 164). A striking example is a 2020 ruling by the *Cour de cassation*,¹³ which upheld a lower court’s decision to dismiss charges of rape on the grounds that the victim’s account lacked “precision as to the intensity, depth, duration, or movement” of the penetration. This reasoning effectively reintroduced a patriarchal metric into the evaluation of sexual violence by making the reality of rape contingent on the extent of penetration, rather than on the experience of coercion or violation.

The same logic still structures the legal distinction between rape and sexual assault, which treats penetration as the defining threshold of gravity, with major consequences in terms of procedure and sentencing. This emphasis reflects a patriarchal conception of sexuality in which male penetration is the organising principle of both sexual activity and sexual harm (MacKinnon 1989, 172; Brownmiller 1993, 378). In this way, the law reproduces a hierarchy of sexual acts shaped by male experience, in which the gravity of the crime is measured by the imagined transgression of male desire. Legally, the range of penalties is tied not to the degree of harm inflicted on victims – which cannot be determined simplistically from the form of sexual violence experienced (Kelly 1987, 49) – but to the hierarchy of acts as men understand them. This hierarchy was visible in the Mazan case, where two men escaped charges altogether because they turned down Dominique Pelicot’s explicit invitations to rape

¹¹ *Supra* n 5.

¹² Sexual Offences Act 2003, s 1(1), 1(2) and 74–76.

¹³ Cour de cassation, chambre criminelle, 14 octobre 2020, 20-83.273, Inédit.

Gisèle while she would be drugged (Robert-Diard 2024a) – though they neither intervened nor reported the assaults – while two others were convicted of sexual assault “only” and received markedly lighter sentences that allowed them to walk free from court because they had not penetrated her. The court thus reaffirmed that what truly counts, both sexually and legally, is penetration, confirming male desire as the measure of harm.

This logic extends beyond courtroom reasoning into everyday judicial practice, where the minimisation of sexual violence is institutionalised at every stage of the process. French police officers (unlawfully) refuse to register 21% of all complaints, sexual violence included (Défenseur des Droits 2025). It is not sufficient for a sexual violence complaint to be registered, however, as 86% are then “filed” (i.e., closed) without charges being brought (Stricot 2024; Cordier 2024). In the remaining cases – now down to about 11% of all complaints thanks to non-registration and filing – prosecutors “*correctionnalise*” rape into sexual assault in another 60 to 80% of cases (Cromer et al. 2017; Boutboul 2017), reclassifying the offense so the case can be tried more quickly in a lower court (*tribunal correctionnel*) with lighter sentences.

The practice of *correctionnalisation* exposes a structural contradiction: the same legal system that constructs rape around a male-centric notion of penetration also refuses, in practice, to name most acts of sexual violence involving penetration as rape. What is lost is not only the symbolic weight of naming rape as rape, but also the legal and societal acknowledgment of the profound harm inflicted by sexual violence as, by being “downgraded” to sexual assaults, most acts now escape the qualification of crimes. For the justice system, however, *correctionnalisation* offers a convenient solution: it preserves the appearance of efficiency while avoiding the political and institutional costs of confronting the magnitude of sexual violence. What appears as technical expediency thus functions as structural denial.

Even when rape is formally prosecuted, as in the Mazan case, minimisation of charges for reasons of procedural efficiency and cost-saving remains common. Although one of the few instances in which rape was tried as rape, Mazan nevertheless exemplified this institutional tendency to downgrade charges for administrative convenience. Dominique Pelicot was tried only for rape so that the case could be handled by a *cour criminelle départementale*¹⁴ rather than a *cour d'assises* with a jury. Despite overwhelming evidence of systematic abuse, degrading treatment, reckless endangerment of Gisèle Pelicot's life, deliberate exposure to multiple STIs (including HIV), and recordings documenting hundreds of assaults, the charges were restricted to rape – carrying a maximum penalty of twenty years – while other pos-

¹⁴ Constituted by five judges and sitting without a jury, these courts were established in 2023 to take over the first instance jurisdiction of the *cour d'assises* in relation to all intermediate criminal offenses punishable by 15 to 20 years' imprisonment (except in cases of recidivism). Ironically, whereas one of the aims of these new courts was to reduce the rate of *correctionnalisation* by dispensing with the need for a jury in most cases of rape, a new practice of under-qualifying rape cases has emerged alongside near-constant rates of *correctionnalisation* (Fiorini 2024).

sible offences, such as acts of torture and barbarity,¹⁵ were excluded. The architecture of the French legal system ensured that the full gravity of his crimes was minimised. In this context, men's frequent insistence on "letting the justice system do its job" and rejecting "people's courts" – a backlash that peaked during the #MeToo movement but surfaces in nearly every mediated sexual violence case – reveals its self-serving nature. It refers women back toward state institutions that overwhelmingly protect men, reinforcing the logic of masculinist protection under the guise of neutrality.

Male violence or the threat of violence, combined with women's silence, maintain the patriarchal order. Silence is, first and foremost, culturally expected. We all grow up in what French anthropologist Dorothée Dussy (2021) calls a "culture of incest", which dictates that we do not talk about sexual violence in the (para-)familial context. Male anthropologists once described an incest "taboo", but what they were really describing was a social and legal order that suited them. Empirical reality is starkly different: in France, around 10% of children are victims of incest (CIIVISE 2023). As Dussy argues, the real taboo is speaking about it, not doing it. Incest, in this context, appears to the anthropologist as the root of all dominations, the foundation of patriarchal domination and of sexual violence itself (Dussy 2021). Silence about incest permeated the Mazan trial. In addition to being accused of orchestrating gang rapes on his wife, Dominique Pelicot has also been accused of sexually assaulting his daughter and grandchildren (Le Monde 2025a; Garcia 2025, 43–45). These charges were not tried in 2024, and they receded into the background, barely addressed in the courtroom or in public commentary. During the debates, the court likewise overlooked both some defendants' accounts of having been victims of incest and evidence of other defendant's attempted or actual acts of incest (Garcia 2025, 51–56). As Garcia (2025, 41–42) observed, incest was everywhere in the trial and nowhere at the same time. In this sense, Mazan was a perfect mirror of society: a society saturated with incest but organised around its denial. Instead of being understood as a central mechanism of patriarchal domination, incest is displaced, treated as an aberration rather than a structuring fact. Yet, as Chartron (2025, 198) explains, incest is central: it is the hidden architecture of patriarchal society, the model through which sexual violence is normalised and silence enforced. And, as Garcia (2025, 51) highlighted, "the awkward silence surrounding incest in this trial and in society as a whole contributes to the endless reproduction of rape and sexual violence".

For those who transgress the cultural expectation of silence, the legal system reasserts that redress may only be obtained through the criminal justice system, and speech about sexual violence must remain private (Wegerstad and Andersson 2024). Men accused of sexual violence frequently sue women for defamation, and these cases are often tried faster and earlier than the sexual violence complaints themselves. Defamation lawsuits in the context of sexual violence accusations further expose the patriarchal logic underlying the legal system. The good faith or truth defence, which in theory should protect women against defamation accusations, is routinely lim-

¹⁵ Under French law, torture can be committed by private individuals (see Articles 222-1 to 222-6-4 of the *code pénal*). The material element of the offense is not defined in the code, leaving courts to decide what counts as "acts of torture and barbarity". Article 222-26 provides that rape is punishable by life imprisonment when it is preceded, accompanied, or followed by acts of torture or barbarity. As such, it must be tried by a *cour d'assises* with a jury.

ited in scope, forcing victims to prove allegations that have not (yet) been processed and investigated by the justice system. Sometimes, as in Sweden, the truth defence is simply unavailable in this context (Wegerstad and Andersson 2024). The French practice of strictly applying defamation laws, originally adopted to regulate freedom of the press, functions similarly. In 2024, France was condemned for a violation of Article 10 ECHR on freedom of expression, with the European Court of Human Rights underlining that a strict application of defamation laws to a denunciation of sexual violence imposed an undue burden of proof on the victim and that her condemnation had chilling effects.¹⁶ On its face, the serious judicial treatment afforded to defamation claims looks gender-neutral: courts are simply defending reputation. In effect, however, this practice perpetuates male violence and women's silence by discouraging accusations and rewarding male honour over female integrity (Kahn 2021, para 22).

Gisèle Pelicot showed immense courage in refusing to have the trial held behind closed doors and in attending the hearings, though the emotional strain she had to endure was substantial. The Mazan case was extraordinary in the availability of evidence, which emerged before any complaint had been filed and should have neutralised the usual patriarchal suspicion that women fabricate rape allegations out of vindictiveness or self-interest. Its unprecedented publicity further distinguished it. The French public was able to closely follow a sexual violence trial, normally held behind closed doors to protect the victim. This allowed them to witness not only the violence itself but also the gendered assumptions embedded in the pursuit of justice. Indeed, neither the overwhelming evidence nor Gisèle Pelicot's profile prevented the trial itself from being rife with victim-blaming, himpathy,¹⁷ and patriarchal assumptions. Both defence attorneys and the court portrayed many of the defendants as misguided or immature men, irresponsible boys whose moral weakness, difficult childhoods, or supposed fear of Dominique Pelicot diminished their culpability – at least morally, if not legally (Robert-Diard 2024b; Seckel 2024a, c). Meanwhile, Dominique Pelicot was depicted as the “monster of Mazan”, the aberrant pervert whose depravity conveniently absorbed the collective guilt of the others (Garcia 2025, 154–155). This narrative allowed the court to reaffirm its own humanity and compassion toward the defendants while displacing systemic accountability onto a single deviant figure.

At the same time, the case's seemingly smooth judicial process was mobilised by the wider public to deflect criticism of the French legal system's structural failures in addressing sexual violence. Calls to trust the justice system proliferated in an attempt to silence feminist voices. Yet, in France as elsewhere, sexual violence remains overwhelmingly under-reported, under-investigated, under-prosecuted, and under-sanctioned. For the vast majority of victims – those without recordings, wit-

¹⁶ ECtHR, *Allée v. France*, App. No. 20,725/20, 18 January 2024.

¹⁷ Coined by philosopher Kate Manne (2018), himpathy describes the “excessive or misplaced sympathy” society often shows toward male perpetrators of sexual violence. It manifests through public narratives that excuse, minimise, or humanise men's actions by portraying them as “good guys”, victims of circumstance, or men whose futures should not be ruined by a single mistake. Himpathy sustains gendered power structures by shifting moral attention and sympathy away from those harmed and toward those who cause harm.

nesses, or socially perfect profiles – the justice system is not only inaccessible but actively hostile, re-victimising and protecting aggressors through its procedures. In this context, the perfection of the Mazan case combined with its media visibility became paradoxically counterproductive: it served as proof that the system worked, providing a convenient excuse to avoid any cultural and legal reckoning.

This illusion of judicial efficiency, however, coexisted with glaring institutional dysfunction. The same system that processed the Mazan case so smoothly had, fifteen years earlier, failed to arrest Dominique Pelicot when his DNA (collected after a separate upskirting offence) was matched to a cold case of violent rape and linked, through an identical *modus operandi*, to a rape and murder investigation whose biological samples had been lost (Le Monde 2025b).¹⁸ Had the justice system functioned as intended then, Gisèle Pelicot would never have endured years of sexual violence. The Mazan case thus stands as both a rare instance of apparent judicial success and a tragic testament to the state's chronic neglect of sexual violence.

Hierarchies of Victims

In the logic of masculinist protection, because men are the ones who take risks and organise the agency of the state, it is their prerogative to determine the objectives of protective action and its means (Young 2003, 5). This is why the victim's perspective is never decisive in assessing sexual harm – except in the perverse way that (male) abusers of male victims often receive higher sentences (Rolfe et al. 2025). This disparity does not reflect greater concern for victims, but the entrenchment of both homophobia and misogyny. When boys or men are abused, the crime is perceived as a profound injury to masculinity itself, threatening the patriarchal order by feminising its subjects (Gooch 2005; Mulder et al. 2020). By contrast, when women or girls are abused, the act is normalised as part of their “natural” vulnerability, and the abuse will often be reframed as consensual or as the result of their own behaviour (Brownmiller 1993; Smith and Skinner 2017). The legal system thus punishes more harshly the violation of male status and integrity than the violation of women's status and integrity, and this is the only time it takes the victim's perspective into account. As MacKinnon (1989, 180) explains,

The problem is that the injury of rape lies in the meaning of the act to its victim, but the standard for its criminality lies in the meaning of the act to the assailant. Rape is only an injury from women's point of view. It is only a crime from the male point of view, explicitly including that of the accused.

In its modern form, the legal system still operates less as a safeguard of women's dignity than as a regulatory mechanism managing the conditions under which men may exercise sexual power. The men who raped Gisèle Pelicot clearly understood this when they justified their actions by appealing to the consent of her husband (“the husband gave me permission, for me, that was enough” (franceinfo 2024)). In their

¹⁸ Dominique Pelicot has now been charged in both cases.

view, what made their actions acceptable and akin to ordinary sexual encounters was not her will – obviously lacking, though several tried to argue otherwise – but Dominique Pelicot’s authorisation as husband (Lafourcade 2025, 159). This cultural understanding of patriarchal norms echoes French law, which considered the wife as a legal minor subject to the authority of her husband until 1938¹⁹ and prevented her financial autonomy until 1965.²⁰ Late into the twentieth century, marital rape was deemed impossible in most countries because wives were considered to have permanently consented to sexual access by their husbands (Pateman 1988, 123–124; Brownmiller 1993, 29). In France, it was only recognised as a possibility in 1990, almost two decades into the Pelicots’ marriage.²¹ Yet, whereas marital rape constitutes the most common form of rape, in 90% of cases, no charges are brought (Driguez 2016). The legal fiction of permanent consent exemplifies how patriarchal states assign men the authority to regulate women’s access to protection, concealing coercion and domination under the guise of consent (Young 2003, 14; MacKinnon 2006, 4).

In this context, women live as pre-victims, perceiving themselves as rapable at any moment (Cahill 2001, 158). Yet, this does not mean that they will be recognised as victims when they are raped (Garcia 2025, 197). Women are taught they need good men to shield them from bad ones, but protection is never guaranteed, and when it fails, women are blamed for their own victimisation. In this context, their silence is hardly surprising. As women, we grow up and live in a patriarchal society that forces us to internalise the perpetrator’s perspective and is rife with himpathy and victim-blaming. So, we keep silent, we self-censor, we normalise and diminish the importance of sexual violence in our lives. Above all else, we learn to avoid making things worse for ourselves by speaking. At the same time, the burden of responsibility – to speak in order to protect others – is heavily shouldered by victims.²² When we remain silent, we are accused of complicity; when we speak, we are punished through disbelief, defamation suits, renewed attacks on our character, or revengeful acts. Either way, we cannot win.

Even Gisèle Pelicot, who was the ideal victim from a legal and social standpoint (elderly, white, married, and beyond reproach in her behaviour), saw her sincerity and motives relentlessly questioned throughout the trial. Defence attorneys attempted to recast her as sexually deviant, conscious, or even complicit. During hearings, they projected photographs of her naked body, arguing that her open eyes or poses proved awareness or consent (Seckel 2024c; Garcia 2025, 171–173). One lawyer claimed that the pictures showed “a request from the husband that the wife was perfectly aware of”, suggesting that the Pelicot couple merely “played a sexual game of their own” (Seckel 2024c). Other lawyers went further, insinuating she might have “exhibitionist tendencies” (Seckel 2024c). Such attacks exemplify how even the most ideal

¹⁹ Loi du 18 février 1938 portant modification des textes du code civil relatifs à la capacité de la femme mariée.

²⁰ Loi n° 65-570 du 13 juillet 1965 portant réforme des régimes matrimoniaux.

²¹ Cour de cassation, chambre criminelle, 5 septembre 1990, 90-83.786, Publié au bulletin.

²² As the Carpentras supermarket security guard heavily impresses on Dominique Pelicot’s upskirting victim in the video of the arrest (Le Parisien 2024b), it is not enough that he was caught in the act: only she can “stop” Dominique Pelicot, by agreeing to file a complaint with the police, and she therefore shoulders that responsibility.

victim is forced to defend her respectability, sexuality, and capacity for victimhood. Who, after witnessing what Gisèle Pelicot was subjected to in court despite the evidence available and her sociological profile, will want to file a complaint for sexual violence? Because “an unprotected protectee is the clearest possible evidence of a protector’s failure” (Stiehm 1982, 590), rather than admitting failure, men and society alike reframe the victim as a “bad woman” whose behaviour, dress, or past sexual choices void her claim to protection. The dichotomy of good versus bad women thus mirrors the myth of good versus bad men, both serving to sustain patriarchal authority (Young 2003, 14).

As a feminist, I am uneasy with the sacralisation of Gisèle Pelicot as a feminist icon. My discomfort does not stem from any lack of admiration: her courage in demanding a public trial, in a society where victims of sexual violence are routinely disbelieved and shamed, deserves nothing but respect. Nor should her sociological profile be held against her. If anything, it underscores how deeply ingrained victim-blaming remains, since even the ideal victim, backed by overwhelming evidence, was not spared attempts to discredit her. Yet, the process of transforming Gisèle Pelicot into a sanctified figure of feminine virtue also narrows the scope of empathy. It reaffirms the hierarchies that feminism seeks to dismantle by implying that only some women, those who are respectable, selfless, and sexually irreproachable, deserve justice.

Moreover, the sacralisation of Gisèle Pelicot has obscured other victims of the case. Her daughter Caroline accused Dominique Pelicot of drug-facilitated sexual assault after photographs of her asleep and partially undressed were found on his devices, and at least one of the grandchildren has reported sexual assault.²³ The wife of one of the defendants was repeatedly drugged and abused by her husband and Dominique Pelicot,²⁴ while the partners and ex-partners of the other defendants, many of whom suffered gendered violence, were never properly asked about it nor recognised as victims.

My discomfort is particularly acute in relation to Caroline’s testimony.²⁵ Acknowledging Gisèle Pelicot’s problematic silence or denial regarding the incestuous abuse allegedly committed against her daughter means, without necessarily blaming her, recognising that victimhood and complicity can coexist within the same patriarchal structure. Highlighting her role as a mother in an incestuous family is, of course, fraught. It risks aligning me with those who question her victim-worthiness. Yet, not highlighting it means erasing the suffering of another alleged victim, whose judicial process has been a lot less smooth than that of her mother and who has not received anywhere close to the support offered to her mother. To ignore this dimension, for fear of tarnishing a feminist symbol, is to erase another woman’s suffering and to reproduce the hierarchy of good and bad victims that the Mazan case laid bare.

²³ Both have filed complaints against Dominique Pelicot in 2025.

²⁴ The husband, Jean-Pierre M., has been condemned to 12 years’ imprisonment. The wife has not filed a complaint, and they remain married.

²⁵ Caroline has published two books about the impact of her father’s crimes on the family (Darian 2023) and about her experience of the trial (Darian 2025).

The Political Stakes of Sexual Violence

Besides being local to Mazan, I am also a legal scholar. Most of my academic work has focused on showing the fallacies of states' counterterrorism policies after 9/11. These policies rest on the "liberty-security conundrum", i.e., the assumption that security and liberty are balanced against each other, so that the protection of security requires the sacrifice of the rule of law and human rights. As Iris Marion Young demonstrated in 2003, the ideological framework governing national security after 9/11 is very similar to the logic of masculinist protection, i.e., the patriarchal idea that, in exchange for women's obedience, gratitude, and submission, good men will protect women against bad men (Young 2003). Just as counterterrorism relies on the narrative of exceptional danger posed by a few bad actors to justify an increase in state power, masculinist protection depends on the fiction of the deviant predatory bad man to justify men's dominative power. In both cases, authority is legitimated through fear of an external enemy (terrorists; predatory bad men), and protection is made dependent on unconditional obedience (by citizens to the state; by women to good men).

If their underlying logics align, the comparison with counterterrorism also underscores the political stakes of sexual violence. In the aftermath of 9/11, states reorganised vast resources to prevent attacks that are, statistically, extremely rare (Sageman 2021). Surveillance infrastructure, emergency laws, international coalitions, and billions in funding were justified by the imperative to protect citizens from terrorism (de Londras 2022). By contrast, gender-based violence – one of the most common crimes, with far more victims and deaths annually than terrorism (UN Women 2024) – is simultaneously normalised and treated as exceptional. The state treats the cases of sexual violence that make it to trial as unfortunate incidents, deviations from the norm rather than systemic features of social life. The result is a striking asymmetry: while terrorism is met with maximal response despite its low incidence, sexual violence is met with minimal state response despite its pervasiveness. Legal texts and procedures further highlight this discrepancy. Terrorism is prosecuted with special procedures, exceptional courts, a litany of inchoate offenses, and an expansive definition of threat. Sexual violence, by contrast, is minimised through restrictive definitions, downgrading of charges so cases can be tried in lower courts, chronic underfunding of victim services, and procedural hurdles that force victims to repeatedly demand recognition. Where the state frames terrorism as an assault on the social order, it frames sexual violence as private harm, thereby preserving male dominance as the hidden architecture of law.

The reluctance of French politicians to comment on the Mazan case, despite its extensive media coverage and their usual eagerness to politicise news events, is no coincidence. Whereas a few female politicians whose commitment to combating sexual violence was already public spoke out during the trial, public comments by male politicians were virtually non-existent (Lefilliâtre 2024). Their silence, contrasted with their vocal reactions to contemporary cases of sexual violence committed by foreigners, exposes how the political sphere tends to instrumentalise sexual violence when it serves xenophobic or punitive narratives while denying its structural and societal dimensions when the perpetrators are ordinary French men (Lafourcade

2025, 162). This denial returned in legislative form when, invoking Mazan, Parliament adopted a private members' bill introducing consent into the law of rape and sexual assault. By doing so, politicians converted their earlier silence into performative virtue, enacting a cost-free reform that signalled care while leaving patriarchal structures untouched.

The political sphere is not exempt from the social logics that shape broader society, and male politicians are acutely aware that individuals within their own ranks have faced accusations of sexual violence (including through chemical submission).²⁶ In this sense, their implication – as men – in the issues raised by the trial created a powerful incentive to remain silent. Yet this silence also re-privatises sexual violence precisely when the public nature of the trial was meant to foreground its political stakes. It perpetuates denial about the pervasiveness of sexual violence and prevents the mobilisation of resources to prevent and address it.

Conclusion

In this article, drawing on radical feminist scholarship, I have argued that French society remains deeply patriarchal. My analysis has focused on the dynamics that operate across four dimensions: the myth of the good man; justice in a patriarchal legal system; hierarchies of victims; and the political stakes of sexual violence. These dynamics explain why, despite the exceptional publicity surrounding the Mazan trial, neither the case nor the legal reform it inspired fundamentally challenged the logic of masculinist protection that structures French society and its legal system.

Two decades after Young wrote her foundational article on the patriarchal logic underlying post-9/11 security policies (Young 2003), the Mazan case compels me to further confront the structural affinities between patriarchal and security states.²⁷ Where terrorism has been framed as a moral panic in the post-9/11 world (Gross 2014, 51; Duroy 2023), sexual violence represents the opposite phenomenon: a systematic, collective denial. Gendered violence exposes the state's profound failure to secure the safety of its most vulnerable members in a patriarchal society (Chartron 2025, 247). But, more than failure, the societal and institutional reactions triggered by the Mazan case suggest unwillingness: a patriarchal state does not seek to protect women, because it is structured to protect men.

To call rape a form of terrorism, as Susan Griffin and Angela Davis did decades ago (Griffin 1971, 7–8; Davis 1972), is to reframe it as political violence – systematic, coercive, and central to patriarchy's survival. The facts of Mazan demonstrate

²⁶ In 2023, French MP Sandrine Josso filed a complaint against Senator Joël Guerriau, alleging that he used MDMA to spike her drink, with the intention of sexually assaulting her. He was found guilty and sentenced in January 2026.

²⁷ Young (2003, 8) defines the security state as “one whose rulers subordinate citizens to ad hoc surveillance, search, or detention and repress criticism of such arbitrary power, justifying such measures as within the prerogative of those authorities whose primary duty is to maintain security and protect the people”. As she highlights (10), “In a nonideal world of would-be aggressors and states having imperfect procedural justice, transparency, accountability, and lax rights enforcement, every state exhibits features of a security state to some extent”.

that this is not metaphorical. Like terrorism, sexual violence disciplines populations through fear. But unlike terrorism, it is not treated as an existential threat. To the contrary, its normalisation ensures the endurance of patriarchal power.

The Mazan case further illustrates that patriarchy operates not simply as a cultural order but also as a legal protection racket. As Judith Stiehm (1982, 589) noted, in a classic protection racket, the same actor both creates the threat and sells protection from it. Likewise, in patriarchy as in the system of chivalry that preceded it, the greatest danger to women is not an external enemy but the men who are supposed to protect them. Both operate as protection rackets that depend, for their continued existence, on rape (Griffin 1971, 4). If patriarchy is a protection racket, then the Mazan case shows us the cost of believing in its promises. Women's safety remains conditional, dependent on luck and the benevolence of men who may themselves be perpetrators. Justice, if and when it comes, is partial and belated. To live with men under these conditions is to live in a permanent state of low-intensity terror. Recognising this truth demands not only that we reform the legal system in non-patriarchal ways but also, and mostly, a profound cultural reckoning: dismantling the myths of good men, of legal protection, and of state neutrality.

States claim to combat terrorism through surveillance and exceptional laws, yet they rarely confront the structural injustices – discrimination, deprivation, and the violation of rights – that produce it (Duroy 2023, ch. 8). The same logic governs responses to sexual violence. Criminal law and incarceration are presented as remedies, but legal procedures leave untouched, and often aggravate, the conditions that make sexual violence possible: patriarchal norms, gender inequality, economic dependence, and cultural silence. In both counter-terrorism and sexual violence, repression functions as displacement. It punishes selected individual acts without dismantling the structures that sustain them. The Mazan case epitomises this logic: the spectacular prosecution of 51 men served as proof of justice precisely because it left the patriarchal order intact. The 2025 reform introducing consent into the law of rape and sexual assault exemplifies the same logic of symbolic protection by the state, leaving untouched the cultural, procedural, and institutional structures that sustain sexual violence. Until the state is willing to confront these root causes, both terrorism and sexual violence will remain pretexts for maintaining systems of control. As Young (2003, 21) wrote of both the patriarchal state and the security state, “We should insist that government do its job to promote security without issuing guarantees it cannot redeem or requiring subordination from the people it promises to protect.” Only then can we begin to imagine a society in which women's security is not hostage to patriarchal bargains but grounded in genuine equality and autonomy.

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