

“La Banalité du Mâle”

A plumber. A supermarket worker and father of three. A retired firefighter and father of two. A construction worker. An unemployed alcoholic. A soldier and father of one. A tiler. A construction worker. A baker. A homeless father of four. A roof mechanic. Her next door neighbor. A nurse. A pedophile and zoophile. A carpenter. A retired truck driver. An IT worker. A former DJ and club manager. A truck driver. A forklift operator. A plumber. An electrician. A plasterer. A man with seven previous convictions. An HIV-positive pensioner. A restaurant manager. A cleaner. A married man. A warehouse worker. Another truck driver. A man with 13 previous convictions. A freelance journalist. A man claiming “I’m not a rapist.”¹ Her husband.²

A national reckoning came to France this year in the figure of Gisèle Pelicot, a 72-year-old French pensioner, sporting a short red bob and John-Lennon-esque sunglasses, who for over 15 years had been drugged by her husband, Dominique Pelicot, and raped by over 50 men whom he had invited to their bedroom after dinner³.

Though French rape trials are traditionally held in private to preserve the anonymity of the victim, Mme. Pelicot requested that her trial be public, allowing France and the rest of the world to bear witness to her story, as well as the extensive photographic and video archive of the rapes captured by M. Pelicot and stored in a computer folder entitled “Abuses.”⁴ The trial became a massive focal point for the French public. Early in the morning last fall, citizens, including female victims of rape, lined up outside of the courthouse in Avignon to secure a seat

¹ Catherine Porter and Ségolène Le Stradic, “The 50 Others Accused in France’s Pelicot Rape Trial,” *The New York Times*, November 27, 2024, <https://www.nytimes.com/2024/11/27/france-mass-rape-pelicot.html>.

² Sarah Shamim, “Who Are the 51 Men in Gisele Pelicot Rape Case; Will Old Cases Be Reopened?,” *Al Jazeera*, December 20, 2024, <https://www.aljazeera.com/news/2024/12/20/who-are-the-51-men-in-gisele-pelicot-rape-case-will-old-cases-be-reopened>.

³ Vanessa Friedman, “Gisèle Pelicot: What Courage Looks Like,” *The New York Times*, December 19, 2024, <https://www.nytimes.com/2024/12/19/style/gisele-pelicot-rape-trial-verdict-image.html>.

⁴ Camille Robcis, “The Rape Trial That Could Change France,” *The Wall Street Journal*, October 26, 2024.

in the courtrooms in solidarity with Mme. Pelicot.⁵ The trial was seen, according to a report from the New York Times, as a “collective turning point” in which Mme. Pelicot urged the shame of rape to “switch sides,” belonging not to the victim but to the rapist.⁶

That the trial served as an amplification of the French national discussion surrounding sexual violence is obvious. But in viewing the trial as a “collective turning point”, I find more doubt. Seeing the trial as a “collective turning point,” to me, implies that the questions about societal problems invoked by the proceedings have been identified and reached a conclusion in some way— national reckoning leading to some answer or change. Mme. Pelicot certainly hoped for this to be the case— as she said from the stand, “a rapist is not just someone you meet in a dark parking lot late at night. He can also be found in the family, among friends...”⁷ It cannot be known, at this point, whether the trial sparked a meaningful and long-lasting shift in the public conversation around sexual assault. An analysis of the trial, however, may spark important discourse around law, sex, violence, and the norms encompassing all factors.

Gisèle Pelicot was certainly the central figure in the popular consumption of the trial. Her grandmotherly, “very French” look was featured on the online cover of German Vogue, on protest signs, and plastered across buildings around France⁸. It is the unique dimensions of the trial— the video evidence, the discourse around shame, and the demonstration of the banality of evil— that make the event a special case to interrogate in terms of how law, sex, and violence interact in the modern world.

Sex and the Law

⁵ Katie Ebner-Landy, “The Chat Room behind the Pelicot Rape Trial,” *The New Yorker*, February 22, 2025, https://www.newyorker.com/news/the-weekend-essay/coco-the-chat-room-behind-the-dominique-pelicot-rape-trial?_sp=bd4c2ec0-9d3d-4118-a2c5-d0d114d3e319.1745156477366.

⁶ Friedman, “Gisèle Pelicot: What Courage Looks Like.”

⁷ Robcis, “The Rape Trial That Could Change France.”

⁸ Friedman, “Gisèle Pelicot: What Courage Looks Like.”

French legal culture surrounding sexual violence differs from that of America. In a piece reacting to the Pelicot trial, Katie Ebner-Landy argues that the Pelicot trial demonstrates that, in France, “sex stretches beyond what the law is capable of regulating.”⁹ Camille Robcis reflects that, historically, “France's enlightened sexual politics supposedly inoculated the country against sexual violence.”¹⁰ Given this “enlightenment,” the French definition of rape has never been truly ruled upon, beyond a landmark 1978 trial which defined rape as “any act of sexual penetration committed by “violence, coercion, threat or surprise.””¹¹ Whereas the American definition of rape— an act of penetration “without the consent of the victim”— is centered around the consent, the law in France makes no mention of the idea.¹² France doesn’t need consent— according to a defendant’s lawyer, “We are not in American law.”¹³ American law or not, Mme. Pelicot, her unconscious body violated on tape by fifty-one men over the course of a decade and a half, became an ordinary figure subjected to extraordinary levels of violence.

It was not a question in the trial that Mme. Pelicot had been violated— extensive video evidence implicated each of the defendants. Even still, many defendants denied their role. Lawyers from the defense argued for the defendants’ blamelessness; even victimhood. Some lawyers described the rapes as a “libertine game,” orchestrated by M. Pelicot, who controlled the recruitment of participants just as he controlled his wife’s state of consciousness¹⁴. Fifty perpetrators thus became fifty victims of M. Pelicot’s perversion. Some claimed they were drugged by him, as well. Some were said to be under the impression that Mme. Pelicot had

⁹ Ebner-Landy, “The Chat Room behind the Pelicot Rape Trial,” *The New Yorker*, February 22, 2025, https://www.newyorker.com/news/the-weekend-essay/coco-the-chat-room-behind-the-dominique-pelicot-rape-trial?_sp=bd4c2ec0-9d3d-4118-a2c5-d0d114d3e319.1745156477366.

¹⁰ Robcis, “The Rape Trial That Could Change France.”

¹¹ Ibid.

¹² Federal Bureau of Investigation - , “Rape,” FBI, 2013, <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape>.

¹³ Robcis, “The Rape Trial That Could Change France.”

¹⁴ Ibid.

consented to pretend to be asleep. Some argued that M. Pelicot's consent extended to Mme. Pelicot. In the words of one defendant, Christian Lescole, "it was my body, not my brain."¹⁵ But does the stated intent of the rapist truly matter in the adjudication of a rape trial? I think the defense is dubious, at best.

The defense honed in on the defendant's personal histories, not only their experience with M. Pelicot. Defense lawyers asked the wives and girlfriends of the defendants about the sexuality of their partners. "Was it 'normal?'"¹⁶ Were they able to satisfy him? Defendants with a history of sexual abuse or addiction argued that such a history could provide some explanation for their seemingly inexplicable crime.¹⁷ Implied in these justifications, of course, is the suggestion that the men's guilt was not solely their own— that the people (women) and situations in their lives could have done something to push them to rape. Ravit Reichman writes about how "reasonableness becomes a fig leaf, covering an unsettling, inarticulate affective knot" in the law.¹⁸ In the Pelicot trial, lawyers attempt to enhance the reasonability of the defendants' acts. While their participation in the rape is undoubtable, justifying their reasons for doing so could provide some level of understanding for the jury. In the end, six defendants were given suspended sentences, which they had already served before the trial— leaving the court as free men.¹⁹

Shifting Shame

Beyond the results of the trial for the defendants, there is the question of the public reception. The concept of "shame" often arises in the public discourse surrounding the trial. One

¹⁵ Porter and Le Stradic, "The 50 Others Accused in France's Pelicot Rape Trial," *The New York Times*, November 27, 2024, <https://www.nytimes.com/2024/11/27/france-mass-rape-pelicot.html>.

¹⁶ Ebner-Landy, "The Chat Room behind the Pelicot Rape Trial."

¹⁷ Porter and Le Stradic, "The 50 Others Accused in France's Pelicot Rape Trial."

¹⁸ Ravit Reichman, "Law's Affective Thickets," in *New Directions in Law and Literature* (Oxford: Oxford University Press, 2017), 113.

¹⁹ Ebner-Landy, "The Chat Room behind the Pelicot Rape Trial."

of the major slogans attached to the Pelicot trial was that “shame must change sides.”²⁰ Though it is nice to imagine the shame of rape being immediately tied to the rapist, we find in the tone of the defense evidence that, in the words of Ebner-Landy, “shame sticks.”²¹ How does society take it upon itself to shift the burden of shame to the perpetrator while, at the same time, seeking to understand those perpetrators as the “men on the Clapham omnibus?”²² One of the most salient defenses of the defendants was the method by which M. Pelicot found and invited them— through an online messaging platform called Coco, allowing anonymous profiles to “operat[e] behind a screen masks moral limits, and...[overcome] the hurdle of reality”.²³ The introduction of the chat room as a place to let desires be known, free from scrutiny, from reality itself. What is normal in the realm of the chat room, becomes violent when those norms are imposed in the “real world”— including that of the Pelicot’s bedroom after dinner. “I don’t have the heart of a rapist,” one defendant was quoted saying.²⁴ But in the collision of the virtual and the real worlds, shame that can be easily shifted away from the anonymous online profile is now tied to a real person— prompting a 72-year old woman to feel the need to do the work of shifting shame back herself.

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The “normalcy” of the 51 defendants in the Pelicot trial has been a focus of commentary in the media coverage of the trial. Dubbed “*Monsieur Tout-le-monde*,” or Mr. Every-Man, by the French media, the group was made up of seemingly innocuous men, reflecting a broad host of blue- and white-collar workers in France.²⁵ As Mme. Pelicot’s lawyer, Antoine Camus, stated, “the profile of a rapist does not exist.”²⁶ At the same time, Mme. Pelicot cuts a similar profile of

²⁰ Ibid.

²¹ Ibid.

²² Reichman, “Law’s Affective Thickets,” 113.

²³ Ebner-Landy, “The Chat Room behind the Pelicot Rape Trial.”

²⁴ Robcis, “The Rape Trial That Could Change France.”

²⁵ Porter and Le Stradic. “The 50 Others Accused in France’s Pelicot Rape Trial.”

²⁶ Ibid.

normalcy— seen as an average, grandmotherly figure. The normalcy of all of the actors, contradicting the horrific abnormality of the actions themselves, has led some to connect Hannah Arendt’s notion of the banality of evil. In France, *la banalité du mal* became “*la banalité du mâle*” in conversations troubling the truth that the trial displays— that such evil persists in the ordinary.²⁷ Through “a Movement that always kept moving,” men like Adolf Eichmann are swept into the fold of history and atrocity— the machine of the Nazi Party.²⁸ Likewise in the unsupervised space of a chat room. Evil exists in the most banal of environments, in the “everyday” actions of those who commit evil. The Pelicot trial shows that at the same time there is no profile of a rapist, there is also no profile of a rape victim. We learn, as Mme. Pelicot wants us to learn, that a rapist can be anyone; that rape can happen to anyone.

A “Collective Turning Point?”

In a reflection on the Pelicot trial, Madeline Kennedy-Macfoy asserts that in her courage not to look away from the atrocity she experienced, and her invitation to the public to see it, Gisèle Pelicot “becomes fully human.” To me, this means that despite the brutality of her story, the “abnormality” of it, Mme. Pelicot stands up as a figure of strength in a world where, despite what we often tell ourselves, is overrun with sexual violence. She stands up to say that anyone can be a victim of rape, no matter their age or status, and anyone can be a rapist, no matter how they feel about it. Her story could do so much— teach, shift blame, even change the law— but before it can accomplish those goals, maybe the most important “collective turning point” is for all to see themselves in this trial.

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²⁷ Ebner-Landy, “The Chat Room behind the Pelicot Rape Trial.”

²⁸ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 5th ed. (1963; repr., New York: Penguin Books, 1977), 33.

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