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## Sexual Aggression as the Violation of the Dignity of Women. “The worst tyrants are those who know how to be loved”.

### Spinoza

#### 1 Forward

In preparing this presentation, I asked myself a question. Does a victim of sexual aggression in a cult have a gender? Does a guru predator limit his harmful acts to women? If we refer to the cases we have examined concerning sexual practices within certain movements, we note that the humiliation suffered also affects men, who suffer just as much. Unfortunately, we cannot forget to examine minors, and they will be cited in several cases.

In the same vein, we have to recognise that a guru that subjects their followers to sexual abuse is not always a man. Women have also played a strong role in the development of degrading practices for individuals. And if we continue our observations, we must recognise the guru's companion, who often goes unnoticed by the public. Yet victim testimonies relating their experiences place them at the same level as their mentor in terms of responsibility, whether they were the initiator or actor in the forced sexual practices or not.

This latter group rarely faces justice, slipping through the net, the evil genius who accompanies the defendant, supporting and leading the circle of the latest followers convinced of their innocence. The most perverse, feeling that they may end up charged, try to pass themselves off as victims. They cause confusion in the “perpetrator and victim” debate, where the person often serves as the “assistant perpetrator” who escapes punishment.

I should clarify so that there is no confusion about my statement I just made, that I am describing the attitude of a guru's companion and not that of their closet followers who were persuaded at the start of the construction of the group or movement. We must accept seeing them as victims of their manipulation and the subsequent consequences.

Finally, we can't leave out the case of predators who, within these cultic movements involving sexual domination, a nest that satisfies their depravity. Certain had already been sentenced for sexual abuse. Thus, during the Masset case, at the Albertville court, we heard witnesses defend the guru, comfortable with the idea that all the women that were delivered were perfectly consenting. We are no longer dealing with followers. Rather, they are consumers, clients of a pimp.

#### 2 Sexual Abuse

In the 1990s, many texts highlighted the problem of sexual abuse in sects. I would cite one by Marie Genève (Bulletin de liaison du CCMM, 1995), which argued that the subject is an object of manipulation: attraction by seduction for the guru or a theory; control of sexuality via abstinence or unbridled sexuality; diversion of sexuality in the interest of the master of thought control.

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The legal definition of sexual aggression highlights all the constitutive elements of manipulation:

*“Sexual assault is a act of a sexual character, with or without physical contact, committed by an individual without the consent of the targeted person, or, in certain cases, especially with regards to children, by affective manipulation or blackmail. It is an act that aims at subjecting another person to their own desires through an abuse of power, by the use of force or constraint, explicitly or implicitly implied. Sexual assault violates fundamental rights, specifically physical and psychological integrity and the security of person.*

*This definition applies irrespective of age, sex, culture, origins, civil status, religion and sexual orientation of the victim or sexual aggressor; the type of sexual act; the location or living environment in which it takes place; the links that exist between the victim and sexual aggressor.”*

The control of sexuality is subject to subservience, a state of subjection, restricting followers with interdictions, bullying, bodily punishment, controlling their behaviour in a closed location that is cultic society.

### **3 Case Study**

I will illustrate my discussion with several cases that have occurred over the past two years. Many share similarities in how future victims are approached and the construction of theories based on yoga or meditation, magnetism sessions, offers of alternative medicine, psychotherapy or prayer;

- the self-proclaimed Swiss Solera yoga instructor who selected women between 25-45 from his group, all in a fragile state, emotionally unstable, to better convince them of the usefulness of certain practices that would increase their self-confidence. The “master” would give his “sacred sperm” to the chosen ones.

- former mechanic from Bourg dans l’Ain, who became a magnetizer to make ends meet, sentenced for sexual fondling as a pretext for curing their feminine pain of his visitors. It was noted during the hearing that certain of them had already been raped, information removed by the guru.

- the pseudo-therapist from Niort, found guilty of rape, who targeted women who wanted to lose weight or stop smoking.

- the one from Lannion (Bretagne) who offered liberating therapies “to avoid the end of the world”, making these women “bait for swingers” suffering torture. The smutty guru having raped his 14 year old step daughter, he would serve her to his friends.

- the guru from Savoie, a former parking attendant, who would use the technique of inducing false memories to convince his men and women patients, abuse them one after another, forcing some women to become prostitutes, forbidding any form of protection and threatening the risk of uterine cancer in case of disobedience.

- the guru from Gironde, healer-philosopher, who organised orgies and sadomasochistic practices within a community bringing together socially isolated persons, who believed they were helping to

save the planet. One of his victims, stricken by cancer, stopped their treatments. The master was helped by his wife, who demeaned the future sexual and domestic slaves.

- finally, the guru from La Réunion welcoming as roommates single women with children, with the help of his wife, for the purposes of a prayer community, who would commit fraud, rape and abuse two children in the group.

This list highlights the surge in sexual aggression as a motor for cultic abuses, in the service of a guru, with the help of their companion, for the use of their family members, friends or clients.

“Divine woman”, “chosen from the chosen”, “celestial meetings”, “impulse meetings”; “hug therapy”, manipulative propositions with nice attractive names, yet only a trivial way of saying orgy, sadomasochism, incest and rape.

#### **4 The Question of Consent**

There is no doubt that these crimes that we just described were committed and recognised. All the gurus named were sentenced for fraudulent abuse of a state of weakness and/or for sexual aggression or rape. This indicates progress and a better understanding of this plague by our judges. Yet questions still remain concerning the role of the victims, specifically their consent and their responsibility.

The notion of consent is difficult to pinpoint. The debate divides jurists that grant priority to individual freedom and to autonomy of individuals, and philosophers, such as Michela Marzano, for who “consent to acts that call into question human dignity can never serve as a justifying principle.” According to J.S. Mill: “The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.”

When we speak of enlightened consent, one must ensure that the person has all the necessary elements to make their choice. What about consent obtain via threats, manipulation or blackmail? What is their consent worth if there are in a state of weakness or being manipulated?

According to the principle outlined in article 1109 of the Civil Code, “There is no valid consent if the consent was given in error, or if it was extracted by violence or ensnared.” Here we are talking about a defect of consent. As such, we consider that the victim did not decide their outcome and that, while they agreed with the arguments of the manipulator, she did not choose the consequences.

Sexual aggression is defined by a default or defect of consent, as violence, constraint, threat or surprise, limiting freedom and hindering the exercise of will, of consent. However, it is not easy to prove a defect of consent and the different courts do not always agree on its recognition:

What is a consenting victim? It is a person who is dominated or someone using a survival strategy?

When we speak about free consent, it is not only the freedom that precedes all external pressure, but also that which corresponds to the control of ones’ self and their emotions. We are

conditioned in our choices, even the most difficult, by our history, influenced by our emotions and elements associated with the situation itself. Everything that comes from our personal history, the fact that our unconscious self sometimes leads us to choices that are contrary to our conscious interest, also count.

When we judge an act or decision, many of the details about the surrounding context remain unknown. As such, a judge doesn't make a decision based on the significance that act's consent can have, but simply on its lawful or unlawful character.

## 5 The Question of Violation of Dignity

The notion of freedom sometimes runs up against the **dignity of person**. In 1963, H. L. Hart wrote: "Harming someone is something we have to continue to prevent using criminal law, even when the victims consent to or participate in acts that are harmful for themselves." Marzano reaffirmed this by stating that "a just society is always the one that protects the weakest, where the State intervenes to limit the strength of oppressors."

The protection of human dignity is a principle reinforced by all international treaties and conventions; the UN, UNESCO and the ILO.

It has become a central principle of the European constitutional order, source of all fundamental rights, basis for democracy. These texts have, for fifty years, tried to eliminate all forms of discrimination against women.

This notion has become part of French doctrine and positive law. No less than fifty current legislative texts refer to the dignity, domestic law relying on diversified foundations, often in association with discrimination. Equality between men and women is, in particular, seen as an expression of human dignity. There can be no discussion of domination of one over the other without impacting the dignity of both.

However, across the globe women suffer violations of their rights, because they are women. This violence is found everywhere, within the family and in the smallest community. The cult constitutes a micro-society that does not accept any faith or law that is not its own. Like any totalitarian structure, by controlling the body and sexuality of followers, women and sometimes their children, the cult enslaves by destroying the most intimate parts of the person, their will, their desire to live and the ability to love.

Humiliated, diminished to the role of sexual object, devalued, they must face their return to society, yet find their identity and dignity scorned. This is when we must welcome them, work with them and defend them. In conclusion, I would like to cite someone who never gave up, N. Mandela.

"Any man or institution that will try to rob me of my dignity will lose."