

A RESEARCH ON GANG RAPE CASES : JUDICIAL DATA AND SOCIOLOGICAL ANALYSIS

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The present research project arose from questions elicited by media attention, in France, as intense as it was sudden, to what journalists, using the slang expression in currency, named “*tournantes*” (“revolving turns”). A yearly count of the number of times the expression “gang rape” was to be found in the headlines of the *Agence France Presse* press dispatches (one of the main sources of information for the other media) is eloquent. Whereas gang rape was only mentioned in 1 to 7 headlines between 1990 and 2000 (with an annual average of 4), in 2001 the expression “gang rape”, along with the new term, “*tournantes*”, appeared 50 times. The phenomenon receded in 2002, with 32 mentions, followed by only 23 in 2003, and practically disappeared in 2004. Analysis of the content of newspaper articles shows that most depicted the phenomenon as quite new, growing in importance and specific to a particular place and group : “youths from the ‘hoods’”, which is to say, youths “of immigrant origin”... This view should in fact be examined within the broader framework of the debate on “fear of crime” and “the suburbs”, further amplified by the theme of violence against women and fear of Islam. Moreover, this media publicity is to be viewed within the context of the 2001 and 2002 electoral campaigns, both axed on the theme of “fear of crime”. In many respects, we have a “moral panic” phenomenon here¹.

We then delved deeper into the matter. Alongside of a qualitative and quantitative analysis of how the media dealt with “*tournantes*”, we first collected historical documents, then analysed available statistics, and last, studied twentyodd judicial files for cases tried over the last ten years (1994-2003) in the Paris area, at *assises* court (under the accusation of “collective rapes”) and in *correctionnel* court² (under the charge of “collective sexual assault”)³. The outcome of these two analyses (on how the media dealt with the subject and on the phenomenon itself), as well as critical comments based on comparison of the two are the subject of a published book⁴. The present paper simply sets forth some data and elements of the sociological analysis.

1 – From One Moral Panic to the Next

Collective rapes perpetrated by groups of young men are a very longstanding fact. They are attested, for instance, among students in many European cities in the late Middle Ages⁵. A discussion of the context would exceed available space here. We will therefore focus on France in the contemporary period, more specifically on the last fifty

years. It is a fact that since the turn of the 1960s, gang rapes have been “discovered” in France, and have become an object of criminological study.

Let us quote one of the many newspaper articles: *The count for the first semester of 1966 – some sixty trials – shows another flare-up of the scourge.* Next comes a curt description of the phenomenon: *A boy picks up a girl. Usually at an amusement park or a youth club. He offers to drive her to some other entertainment place. Sometimes it's his own girlfriend who he offers to the group. In a public garden, in the woods. In a suburban vacation home. Most often in the basement of a new-town apartment house... The ensuing violence is staggering. Sometimes the act takes place in common, sometimes the gang leaves each partner alone with the victim. Voyeurs hide in the vicinity. The scenes are almost always tape-recorded. Often the “stupid geese”, the “pudgies”, as that young scum call them, are not only vilified but truly tortured”⁶.*

The magistracy shared that concern at the time. For instance, Paul Crespy, a judge at the Paris court wrote, *Faced with the rapid generalization of the epidemic of gang rapes in the Paris area, we judges do not understand what is going on. We are disconcerted, in search of the factors behind this new offence, we would like to know what population group is involved. What is that group's mentality, and how can it be approached?*⁷ The problem was rather massive, since according to his own calculations, Paris' juvenile court and the Paris court were handling some 70 gang rape cases a year at the time, involving about 250 indicted individuals, in addition to the gang rapes judged at *assises* courts, for which he unfortunately gave no figures.

So the problem of gang rapes is nothing less than new, in the history of juvenile delinquency and the representation thereof. In the 1960s these facts were also being studied, especially at the Vaucresson centre, headed by Henri Michard : this centre for research on juvenile delinquency was attached to the professional training school of the Justice Department Directorate then called *Éducation surveillée* (in charge with delinquent and endangered juveniles)⁸. In a book providing an overview, Michard summarizes what was known at the time. First he stresses the frequently collective nature of juvenile delinquency, *closely linked to urban concentration*⁹. He then discusses group life and the phenomenon of gangs, before going on to the details of some behaviour, including gang rapes: *in the last fifteen years, ‘rapes’ committed by groups have drawn attention, and the fact that special terms have been created to designate this type of behaviour is significant as to its specificity and its importance for the public: in Lyons they call it the ‘barlu’ or ‘mounting a venture’, in Toulouse there is the ‘rodeo’, in Bordeaux the ‘plot’.* Michard then attempts to describe the facts: *The script is relatively stereotyped. It takes place in two phases. First, there is a search for and catching of the victim, by various means (...). After that the girl is taken to an out-of-the-way place, the woods*

¹ GOODE E., BEN-YEHUDA N., 1994, *Moral Panics. The Social Construction of Deviance*, Cambridge-Oxford, Blackwell.

² French law divides offences into three categories, on the basis of increasing seriousness :

- *contraventions* (minor offences), judged by *tribunaux de police*;
- *délits* (moderately serious offences), judged by *tribunaux correctionnels* ;
- *crimes* (major offences), judged by *cours d'assises*, in which a jury sits.

³ Two of my students, Géraldine Blaise and Florence Dufée, to whom I am most grateful, helped me with this work.

⁴ MUCCHIELLI L., 2005, *Le scandale des « tournantes ». Dérives médiatiques, contre-enquête sociologique*, Paris, La Découverte.

⁵ GONTHIER N., 1992, *Cris de haine et rites d'unité. La violence dans les villes, XIII^{ème}-XV^{ème} siècles*, Brussels, Brépols.

⁶ ACCOCE P., 1966, Le syndrome du « barlu », *L'Express*, September 12.

⁷ CRESPIY P., 1965, L'aspect sociologique du viol commis en réunion, *Revue de Sciences Criminelles et de Droit Pénal Comparé*, 846.

⁸ See MUCCHIELLI L., 2004, L'impossible constitution d'une discipline criminologique en France. Cadres institutionnels, enjeux normatifs et développements de la recherche des années 1880 à nos jours, *Criminologie*, 37, 1, 13-42.

⁹ MICHARD H., 1973, *La délinquance des jeunes en France*, Paris, La Documentation Française, 22ff.

or a vacant lot, a garage, a basement or an empty apartment. She is forced to have intercourse with each boy in front of the entire gang.

Specifically, he says, these are usually groups of 3 to 6 boys generally aged 18 to 20, sometimes including some younger boys. Most are in school, in vocational training or employed.

Often, however, they have family problems. Lastly, some already have a criminal justice history, but no record of sexual violence. Apart from this, some of these youths have a girlfriend.

In other words, this is a *specific collective practice* to which none of the psychopathological explanations offered for other kinds of sexual violence apply. Michard mentions the initiatory dimension of these collective rapes, noting that they represented the first experience of intercourse for most of these youths. He even came to the conclusion that *in this perspective, gang rape may be viewed as a pathological process by which a normal socialization phase is achieved*. Drinking and especially the pressure to conform to the group (not “backing down”, or “losing face” in front of the others) do the rest. Another study, conducted by the *Service d'études pénales et criminologiques* (the ancestor of the CESDIP) arrived at comparable conclusions¹⁰.

II - Statistical Measurement at Issue

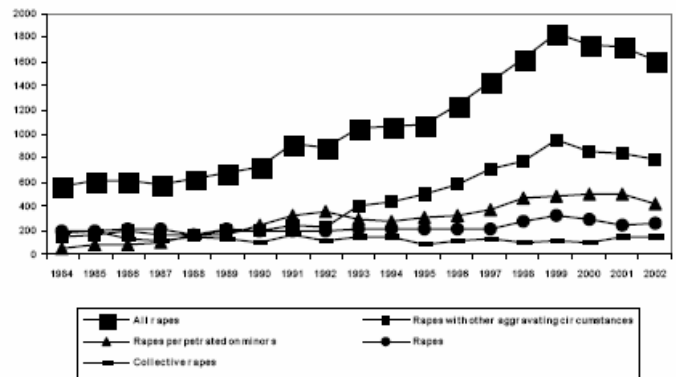
It is only since 1984 that judicial statistics distinguish group rapes from other rapes, so we unfortunately do not have a homogeneous series since the 1960s. Furthermore, judicial statistics do not specify the number of individuals sentenced for *délits* involving collective sexual violence¹¹. Now it is a wellknown fact that the distribution between *crimes* and *délits* (and the role of what is known as “*correctionnalisation*”—downgrading cases as *délits* rather than *crimes*) is particularly important where sexual offences are concerned¹². Last, generally speaking, major changes in social representations, judicial practices and the criminal code (the December 23, 1980 Act)¹³ took place in the 1970s and 80s with respect to rape cases. For all of these reasons, it is impossible to make strict comparisons over the last half-century.

What about today? What statistical sources can we muster? In public debate, the figures cited are usually official statistics, most often commented rashly. Actually, most journalists use police and *gendarmerie* statistics from the heading “rapes committed on juveniles”, which show, for example, that 1,044 minors were suspected of this offence in 2000. Now, police statistics do not specify whether the rapes were individual or collective.

It is wrong, then, to give this figure as measuring gang rapes, and this is all the more important since the logic behind individual rapes is very different from that of collective rapes, and often involves the victim's family¹⁴. Conversely, judicial statistics clearly differentiate gang rape and “(single) rape on minors under age 15”, showing a ratio of 1 to 3 (145 convictions in the first category as opposed to 427 – including 9 women – in the latter, in 2002). So for once, *the only usable statistic on gang rapes is the judicial statistic*, more specifically, the one giving the number and nature of sentences for “collective rape” (henceforth designated, in this series, as “rape committed by several persons”).

Graph 1 shows the evolution between 1984 and 2002 (the only years published so far) (see graph below).

Graph 1: Trend in the number of convictions for various rape categories: 1984-2002



Source: Ministère de la justice, *Statistique Annuelle: "Les condamnés"*.

What do these findings show? Article 222-24 of the criminal code defines 7 aggravating circumstances for rape, and judicial statistics only include 4 of these for the entire series (and 5 since 1997¹⁵). In the category “rape with aggravating circumstances”, then, there is a hidden plural which introduces an unavoidable unknown. The patent break in the series of gang rapes in 1995 is an indication of that unknown within the distribution of the different aggravating circumstances, which may in fact be cumulative and be variably distributed (within the *crime* category as well as between *crimes* and *délits*), depending on the juncture and the decisions taken by public prosecutors’ offices as to dispatching of cases¹⁶. The same reasoning actually suggests that we should be wary of the sudden increment recorded from 2001 on. Right in the middle of the mediafed moral panic over “*tournantes*”, and whereas the overall rape convictions figure was actually receding, this break could also point to transfers between legal – and ultimately, statistical – categories.

What tentative conclusions¹⁷ may be drawn, finally, from these findings and these elements of critical interpretation? The idea that gang rape is constantly on the rise within French society is not corroborated¹⁸. What we observe is stability. The latter is particularly remarkable since, at the same time, a genuine transformation has occurred in French society over the last thirty years regarding sexual violence, with the social and penal encouragement of the reporting of practices formerly viewed as much less serious, and as pertaining to parts of the social scene with which the justice system rarely interfered (the family, schools, youth clubs, the Church). This transformation is expressed in the soaring numbers of convictions for all types of sexual crimes in judicial statistics starting in the 1980s – with the exception, precisely, of gang rape. Last, the only indicator yielded by victimization surveys (in this case the national survey on violence exerted on women) also goes against the

¹⁵ The aggravating circumstance introduced here is rape “committed by a legitimate natural or foster parent or by any other person with authority over the victim”, obviously introduced to evaluate the proportion of incest cases.

¹⁶ In 1995, for instance (that is, the year after the new criminal code went into effect), judicial statistics show 74 convictions for collective rapes as against 153 the previous year, after which the figure gradually returned to its earlier level over the following years. Also, for that same year, 1995, statistics show a sudden rise in *délits* of sexual assaults with aggravating circumstances.

¹⁷ Given the very small number of cases, annual variations in the phenomenon are viewed as unimportant. Indeed, it only takes one or two local cases leading to the conviction of a dozen individuals to produce a strong upward swing in the national figure for the year.

¹⁸ Had there not been a sudden upturn since 2001, it might even have been claimed that the opposite is more probable, since the highest figures are to be found at the beginning of the period (see the table appended).

¹⁰ ROBERT Ph., LAMBERT R., FAUGERON C., 1976, *Image du viol collectif et reconstruction d'objet*, Paris-Geneva, Masson-Médecine & Hygiène.

¹¹ Judicial statistics present the number of individuals sentenced for *délits* of sexual violence with aggravating circumstances, but acting in a group is only one of a number of aggravating circumstances, and is unfortunately not reckoned separately.

¹² BORDEAUX M., HAZO B., LORVELLEC S., 1990, *Qualifié viol*, Paris-Geneva, Médiariens Klincksieck-Médecine et Hygiène.

¹³ VIGARELLO G., 1998, *Histoire du viol. XVI^{ème}-XX^{ème} siècles*, Paris, Seuil.

¹⁴ It should be remembered that this thousand or so minors reckoned as suspects in police statistics only represent 30 % of all male individuals suspected of having raped a juvenile. Seventy percent are adults.

idea of an increase over time¹⁹. With this in mind, *it is more reasonable to conclude with the hypothesis that the social weight of this phenomenon has been stable, on the whole, over the last twenty-year period.*

III - Various Psycho-social Processes at Work

Behind the legal categories of rape and sexual assault “committed by several persons”, what sorts of behaviour are actually being judged nowadays? Our empirical data (about twenty case files collected in two courts of one Paris area *département*, completed by a review of the press) does not constitute a representative sample of France in general (perhaps not even of the Greater Paris area), nor a sufficiently large group to authorize a quantitative assay. However, it is sufficiently extensive and varied to evidence a variety of psycho-social processes. Last, it should be said that while there is usually one predominant process in each story, a combination of several often does exist.

The rapist’s personality. First of all, we must mention a case we have encountered (and which also illustrates the problem of the porousness of the legal and statistical category subheadings, discussed above); that is, cases judged as gang rapes but which are actually individual rape cases involving more or less passive accomplices. In this type of affair, the deranged *personality* of the rapist (his personal pathological relation to women) seems to be decisive for the comprehension of the history of the criminal act.

Collective assertion of virility and sexual initiation. This type of process corresponds *partially* to the media representation of “*tournantes*”, in that in most of these cases the offenders are numerous, young, live in poor neighbourhoods in the Paris suburbs, come from large families, have no diploma or a simple vocational training degree, they are mostly “of immigrant origin”, often known to the police and the justice system for offences other than sexual ones (thefts, insulting behaviour to police officers, drug offences).

These youths attempt to take lasting possession of the sexual services of a girl they know who has already had intercourse with at least one member of the group, after which the latter “shares” her with the others. The victim says nothing at first, out of shame, guilt and fear of vengeance, sometimes too because she, like some of the rapists, is not fully aware of the seriousness of the situation. In this first type, the *collective dimension* is essential. Collective rape has the *function of sexual initiation and male assertion of virility* for the individuals in the group. In the case of gangs, strictly speaking, it is also *a catalytic event for the group*, which enables it to test its cohesion, and perhaps even its internal hierarchy. Be that as it may, this is no doubt the most classical process underlying collective rape, historically speaking²⁰, and it is encountered in a great variety of social settings whenever groups of young men are structured around behaviour based on the assertion of their virility²¹. In the Paris area *département* studied, the justice system encounters it mostly in lower class neighbourhoods where the process of adolescent gang formation is prevalent. However, it may

not be informed of less frequent but comparable behaviour in other social settings.

Violent, everyday domination. We will introduce this type of process by a case which differs greatly from social representations, to the point that the victim is a man rather than a woman. The context shows a group of deviant adults sharing a rent-controlled dwelling. They all have an extremely disturbed family, educational and social history, are physically and mentally ill and are alcoholics. The victim is a member of the group, of slightly subnormal intelligence, who gradually became the whipping boy of a small group dominated by a violent, epileptic man labelled a “psychopath” by psychiatrists. This is a highly unusual case, but the mechanism it indicates is less unusual. Here we have a type of rapes *occurring behind closed doors, involving victims (men or women) imprisoned in potentially violent everyday life relationships, with structured relations involving domination, and whose own role or status is extremely denigrated.* Prison life yields other examples of such relations between inmates. But it also shows the possibility of situations in which a woman inmate falls prey to guards who are in a position to exert legal constraint and reprisals on her, and who take advantage of their power²². Other cases should probably also be put in this category, including those involving police officers who have really gotten into the habit of raping prostitutes who are usually obliged to keep silent for fear of prosecution for soliciting or of an deportation procedure in the case of illegal aliens²³.

Social rites of passage. Here is another process that contrasts strongly with social imagery. To illustrate it, a case revealing violent ragging among resident students of an agricultural high school. With the active complicity of the counsellor (and perhaps even his encouragement), some adolescents were repeatedly, openly sodomized using a broomstick, while many students who were perfectly aware of the facts did not dare interfere and had essentially internalised the “normalcy” of the practice. This type of situation leads us to distinguish a *ritualised type of collective sexual violence*, a sort of social rite of passage.

Cynical predatory behaviour. This process characterises rapes which are unique occurrences because they are the outcome of the fortuitous encounter between individuals who are barely or not at all acquainted. This is the case, for instance, when a girl who is in a rush to catch the last night train rashly accepts an offer by two young men to drive her to the station. On the way there they stop at an out-of-the-way place, rape her, then let her leave as if nothing had happened. In cases of this type, the offenders are generally *habitual delinquents who act concertedly, cold-bloodedly and if necessary violently, taking advantage of an opportunity.*

Reduction to prostitution. Here too, we have rapes committed occasionally but due to a particularly favourable situation produced by the personality and attitude of the victim, and committed in a group logic somewhat different from the previous type. The offenders are older, do not form an integrated group comparable to the late-teenage gangs in some of the types described above, they are not looking for sexual initiation or for self-assertiveness within a group. Rather, they *use constraint to take advantage of an opportunity for sexual intercourse which they view as comparable to occasional recourse to a prostitute.* The victim is not a stranger here, but on the contrary, someone who gives the offenders the possibility to excuse themselves by saying she is “loose”, not very respectable, given her behaviour at the time and

¹⁹ JASPARD M., *et al.*, 2003, *Les violences envers les femmes en France. Une enquête nationale*, Paris, La Documentation Française, 220.

²⁰ See ROBERT Ph., P. LASCOUMES, 1973, *Les bandes de jeunes. Une théorie de la ségrégation*, Paris, Éditions Ouvrières, which is as relevant as ever, and ESTERLE-HEDIBEL M., 1997, *La bande, le risque et l'accident*, Paris, l'Harmattan.

²¹ This is the case for gang rapes committed at fraternity parties on some campuses in the United States (SANDAY P., 1990, *Fraternity gang rape: sex, brotherhood and privilege on campus*, New York, New York University Press). In France, the press occasionally mentions cases involving young soldiers, and recently even young firemen (see, for instance, *Le Monde* and *Libération*, 2004, July 28).

²² See, for example, *Libération*, 2003, February 17-18.

²³ See, for example, *Le Monde* and *Libération*, 2003, December 13.

her reputation. Other cases involving police rape of prostitutes illustrate the same process²⁴.

Punishment. One other process should be mentioned. It is quite different from the others, in that the main motivation is vengeance. In this case rape represents *punishment*, performed by men but possibly demanded by a woman in reprisal for some previous wrongdoing ascribed to the victim by the ordering party.

Conclusion

Far from the political, media-spread stereotypes inspired by fear of the suburbs and xenophobia, sociological analysis of collective rape cases reveals a highly contrasted situation.

The variety evidenced in processes leading to collective rape, as well as comparison with the 1960s clearly shows that the links usually established between sexual violence and “North African culture” or “African culture”, and possibly the Muslim religion, are forms of gross ethnocentric prejudice. Conventional talk about the recent development of juvenile violence and the alarming increase in its frequency seem to be just as superficial. On the other hand, in-depth analysis of offenders, victims and situations restitutes the complexity of such behaviour and helps us to think about preventive action susceptible of reducing the frequency of such acts.

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Appendix: Number of convictions for “rape committed by several persons” from 1984 to 2002

1984	172	1994	153
1985	190	1995	74
1986	138	1996	119
1987	112	1997	138
1988	140	1998	111
1989	128	1999	105
1990	102	2000	98
1991	154	2001	142
1992	118	2002	145
1993	140		

Source: Ministère de la justice, *Statistique Annuelle: Les condamnés*.

²⁴ See, for example, *Libération*, 2001, January 15.