

A Manifestation of Collective power and toxic masculinity in sexual based violence: Gang Rape and Group Violence

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Abstract

In India, the violence against women in the form of gang rape and group violence shows the brutal exposure of gender power in the society, along with the societal norms constructed with dominant power of men for masculinity and control. This research paper examines the role that patriarchal norms, collective male dominance, and culturally endorsed notions of power play in perpetration of crime along with the important role of women in the society and how their security, dignity and autonomy are the main part for overall community moral and social aspects.

Despite an increased awareness of the issue, there are substantial gaps in the literature with respect to existing knowledge on the interlinkages between group psychology, masculine identity and system failure that facilitate such acts of violence. To address these gaps the researcher has provide the focused on main question that what socio- cultural factors contribute to group based sexual violence. The methodology used in the research paper is based on qualitative analysis of case studies, review of legal frameworks and examination of theories on dominant power of men, group violence and crime.

The paper concludes that to prevent gang rape, only legal measures against the crime is not sufficient but there is also need for the society to endorse transformation in gender socialization, community involvement and accountability in the institution.

Introduction

Women play an important role in the development of society in many forms such as managing household chores, engaging in spiritual and rituals, development of economic and cultural factors, leadership and national identity. Even women contribute towards the society labour force, political and education sectors, yet their importance in the nation's development is tragic, they are remains more vulnerable or suffering gender in the society to face sexual violence in the form of gang rape, particularly from collective, coercive and dominant power of men.

The sexual violence intersects with the names such as "gang rape", "group rape", or "collective sexual assault" that contribute one of the most deeply distressing and multifaceted from of violence with the grave and grievous hurt to the survivors and society as a whole. The victims of the sexual based violence are the person whose lifestyle, dreams, relationship and hopes

altered by the collective and coercive harm caused to them. The impact of the sexual violence on victims is deeply profound and multifaceted, that harms their physical, psychological, mental and social dimensions.

Globally, gang rape has been reported in situations of conflict, caste and racial oppression, militarization, fraternity culture, sports teams, prisons, community riots, and close social networks. The brutal 2012 Delhi gang rape, known as the “Nirbhaya” case, brought significant attention to this issue in India and sparked important legal changes, including the Criminal Law (Amendment) Act, 2013. However, despite these legal advancements, the social and psychological causes of collective sexual violence are still not properly addressed. This research paper argues that to truly understand gang rape, we need to look at the intersection of power dynamics, performative masculinity, and systems of patriarchal control. Laws alone cannot break down the social systems that allow group violence; a complete response must include sociological, psychological, and feminist viewpoints.

2. Conceptualizing Gang Rape and Group Violence

There is a need to understand the sexual violence such as Gang rape and group violence not merely as a criminal offence but also a social factor of the society that shaped and formed by the collective behaviour, gender rules and power of control.

2.1 Defining Gang Rape

In most legal systems, gang rape is defined as a form of rape committed by multiple perpetrators acting together. For example, Section 376D of the Indian Penal Code (now amended to BNS) defines gang rape as sexual assault carried out by a group

of persons “acting in furtherance of a common intention¹.”

The distinguishing elements include:

- Multiplicity of offenders
- Common intention or collective participation
- Increased severity of punishment due to aggravated harm

Gang rape is recognized internationally as a form of torture and, in conflict contexts, a crime against humanity (UN Office of the High Commissioner for Human Rights, 2008).

A decolonial reform in the laws of India, by implementation of “Bharatiya Nyaya Sanhita, 2023” replace the section 376D of the Indian Penal code by section 70, that highlight the offence of criminalizing gang rape committed by individuals or group of individuals with a common intention to sexually assault or harm the survivors².

¹The Indian Penal Code, 1860; Act No. 45 of 1860; *Section – 376D*;

² Bharatiya Nyaya Sanhita, 2023; Act No. 45 of 2023; *Section – 70*;

2.2 Types of Gang Rapes

It is easier to understand the criminal terms by bifurcation. Hence, below mentioned are the various forms of “Gang Rape”:-

1. Opportunistic Gang Rape:

Opportunistic gang rape happens suddenly and often takes place in situation where people are together, such as parties, social events or casual meetings. The attackers may take advantage of a victim who is drunk, unable to think clearly or not able to fight back effectively.

2. Predatory Gang Rape:

Predatory gang rape is when the attackers plan and organize the assault in advance. They might choose a specific victim based on factors like their appearance, where they live or how vulnerable they seem. This category of sexual violence gradually includes the common intention of the individuals with their plan and cooperation to commit a crime.

3. Confrontational Gang Rape:

Confrontational gang rape happens when perpetrators directly confront the victim, often acting out of anger, aggression, or a desire to assert dominance. In these cases, attackers may use threats or physical force to intimidate and control the victim, trying to demonstrate their power.

4. Revenge Gang Rape:

Revenge gang rape is a form of violence where the people involved seek to retaliate against a victim—or sometimes someone close to the victim—because of a real or perceived wrong. This type of assault is particularly cruel, often intended to humiliate, punish, or overpower the victim, leaving deep emotional and psychological scars.

5. Criminal Context Gang Rape:

Criminal context gang rape is often linked to organized crime, such as gang violence or initiation ceremonies. The attackers may use gang rape to show power, prove loyalty, or enforce rules within a group.

6. War-related Gang Rape:

War-related gang rape takes place during conflicts or wars and is sometimes used as a tool to spread fear, shame communities, and control populations.

It should be noted that the differences between these types of gang rape are not always clear, as a single incident may have features of more than one type. No matter the type, gang rape is a very traumatic experience for the victim, causing serious physical, emotional, and psychological damage that can last a long time.

2.3 The Sociology of Group Violence

Group behaviour differs qualitatively from individual behaviour. Classical criminology and social psychology such as *Bandura, 1977* and *Zimbardo, 1969* explain that:

Several psychological and social factors can make group assaults even more harmful and intentional. When people are in a group, they may feel less personal responsibility for their actions, which can ease feelings of guilt. Groupthink can silence individuals' moral concerns, while encouragement from peers can push people to take greater risks. Being surrounded by others can also make it harder for individuals to feel empathy for the victim. In these situations, dominance and control become something the group performs together. All of these dynamics can make gang rape even more violent and focused on asserting power over the victim.³

2.4 Feminist Perspectives on Collective Sexual Violence

Feminist scholars such as *MacKinnon (1989)* and *Brownmiller (1975)* argue that rape is not just an individual act, but a tool used by society to keep patriarchal power structures in place. In this view, gang rape becomes a particularly stark example of how sexual violence can be used to reinforce male dominance and control over women, reflecting broader patterns of inequality and social power through a following way:

- A punishment for perceived female autonomy
- A collective enforcement of gender hierarchies
- A ritualized performance of masculinity
- A tool of community control

This understanding helps explain why gang rape is prevalent in contexts where male bonding, caste supremacy, militarization, or hyper-masculinized subcultures thrive.⁴

3. Power, Masculinity, and the Performance of Control

To understand the dynamic nature of gang rape and group violence it is essential to focus on the relationship between power, masculinity and control. This relationship shows that how men endorse themselves especially by interacting with others that leads to the assertion of their control over women.

3.1 Power: Domination, Status, and Territoriality

Gang rape is strongly connected to struggles for power—between men and women, as well as among different castes, ethnicities, and social groups. Research shows that perpetrators often see their actions as a way to assert dominance, not just over a person's body, but also over their identity and entire community.

³ Bandura, 1977 and Zimbardo, 1969; *Social Learning Theory*.

⁴ MacKinnon (1989) and Brownmiller (1975); *Against Our Will: Men, Women and Rape*.

Some of the ways power is expressed in gang rape includes:

- Gendered power
- Caste and racial domination
- Community or group assertion
- Territorial control (e.g., gangs, militias)
- The victim's body becomes a symbolic battleground.

3.2 Toxic Masculinity and Group Identity

The term Masculinity is used especially for the societies that governed with the patriarchal norms and includes:

- Control over women
- Sexual conquest
- Physical aggression
- Peer validation

Groth A. N. & Birnbaum, a Criminological theorist reveal that young men usually participate in gang rape to prove their power in the form of masculinity to peers, gain collective acceptance of individuals, or assert sexual dominances in the society.⁵

The “masculinity crisis,” in which men feel their dominance is threatened, can increase group aggression. For example, in several cases in India, gang rape has been used as “punishment” for inter-caste relationships or when women assert their independence.

3.3 Control: Surveillance and Social Ordering

Basically, Gang rape serves the main purpose of control of the individuals in the society majorly for communities, gangs, or militaries. Examples include:

- The use of gang rape in ethnic cleansing (e.g., Bosnia, Rwanda).
- Its deployment in communal violence in South Asia.
- Its use in prison hierarchies to enforce dominance.

In these settings, gang rape sends a broader message to communities: to in still fear, maintain order, and reinforce hierarchies.

4. Legal Framework Governing Gang Rape

In India, the main laws and regulations that governed the gang rape are Indian penal code that is now repealed by the Bharatiya Nyaya Sanhita, 2023 and The Criminal Law (Amendment) Act, 2013.⁶

⁵ Groth A. N. & Birnbaum, 1979; *Men Who Rape: The Psychology of the Offender*

⁶ Criminal Law (Amendment) Act, No. 22 of 2018; *Section - 6 (amending Section 376AB of IPC)*

4.1 Indian Law: From 1860 to Post-Nirbhaya Reforms

Before 2013, the IPC did not have a specific provision for gang rape. The Criminal Law (Amendment) Act, 2013, enacted after the Nirbhaya case, introduced Section 376D, which provides:

- Minimum 20 years imprisonment (extendable to life)
- Liability for all persons involved, regardless of who actually committed penetration
- Compensation for the survivor
- The law recognizes the aggravated nature of collective harm⁷.

According to the provisions of Section 70 of the BNS, in a case where a woman is raped by several persons acting in furtherance of common intention, each of those persons would be held to have committed rape and shall attract the prescribed punishment⁸.

Punishment: The punishment for gang rape of a woman who is 18 years or over is rigorous imprisonment of at least twenty years that can extend to the remaining life of the person, along with a fine. If she is less than eighteen, the punishment is imprisonment for the remaining life or the death penalty, along with a fine. The age threshold in case of a minor has been fixed at 18 years in cases of gang-rape.

Compensation: The fine imposed should be adequate and reasonable to cover medical expenses and rehabilitation of the victim, and the amount should be paid to the victim.

4.2 Judicial Interpretations

1. Mukesh & Ors. v. State (NCT of Delhi) (Nirbhaya Case, 2017)

The Supreme Court emphasized that gang rape represents “the absolute dehumanization of the victim” and justifies the highest degree of punishment.

In this case, Supreme court held that the punishment for offence of gang rape shall be death penalty for the accused, emphasizing the brutal act of violence and its consequence on the victim and society as a whole⁹.

2. State of Rajasthan v. Om Prakash (2002)

The Court held that gang rape is a distinct offense because “men in groups embolden one another to commit atrocities they might not commit alone.”

⁷ Criminal Law (Amendment) Act, 2013; *Section 376D*

⁸ Bharatiya Nyaya Sanhita (BNS), 2023; *Section 70*

⁹ Mukesh & Ors. V. State (NCT Of Delhi), (2017) 6 SCC 1: AIR 2017 SC 2161

Key Trends in Indian Jurisprudence:

- Collective intention is inferred from participation
- Minor inconsistencies in survivor testimony are not grounds for acquittal
- Courts increasingly recognize psychological trauma alongside physical injury.¹⁰

3. Bhupinder Sharma v. State of Himachal Pradesh (2003)

The Supreme Court laid down an important principle in the matter of joint liability. It held that when several persons, acting in furtherance of their common intention, commit gang rape, each of the participants is liable for the offence of rape, even though each of them might not have been physically in the act of penetration.¹¹

4.3 Comparative Perspectives

Below mentioned is the comparative study done for understanding the pattern of violence in different countries:-

1. South Africa

In South Africa, The Criminal Law (Sexual Offences and Related Matters) Amendment Act emphasized group rape as an aggravating and serious factor of the violence, that contribute to the country's high rate of collective and coercive sexual violence.

2. United Kingdom

In states like UK, the sexual offence are governed by the Sexual Offences Act 2003, which highlight the principle of joint enterprise that impose liability on all participants involved in the commit of crime.

3. United States

In United States, the Gang rape seems as a sexual violence crime commit against society. In the cases of fraternity and sports-team settings the courts led to apply conspiracy laws, holding all participants responsible even if they did not personally commit penetration.

5. The Survivor's Experience: Trauma and Social Consequences

The existence of such a group based sexual violence caused a profound and multifaceted consequence on the victims in the form of physical health, mental trauma and social stigma.

¹⁰ State of Rajasthan v. Om Prakash (2002) 3 S.C.R. 753

¹¹ Bhupinder Sharma v. State of Himachal Pradesh (2003) SCC 551: AIR 2003 SC 4684

5.1 Physical and Psychological

Trauma Gang rape often results in:

- Higher levels of physical injury
- Increased risk of STDs and pregnancy
- PTSD, depression, dissociation
- Long-term cognitive and emotional impairment

Breslau N, a psychology theorist highlight in that trauma from commit of sexual violence by group of individuals or collective individuals is more severe or dangerous than commit of sexual violence by individual due to multiplicity of threats, common intention of group of individuals, humiliation, and helplessness¹².

5.2 Social Stigma

In many societies, survivors face:

- Victim-blaming
- Family abandonment
- Community exclusion
- Economic marginalization

These stigmas isolate the victim or survivor from society by causing mental, physical and psychological trauma on them.

5.3 Access to Justice

Barriers include:

- Police insensitivity
- Delayed medical exams
- Hostile cross-examination
- Fear of reprisal from powerful perpetrators

These factors often result in under-reporting and low conviction rates.

6. Socio- Cultural factors of Gang Rape

The serious crime of gang rape is not merely an offence of individuals intention but it is a deeply embedded in the structural factors such as patriarchal customs, caste and racial discrimination and institutional frameworks.

¹² Breslau, N. (2001). *Trauma and Mental disorder in the community*.

6.1 Patriarchy and Gender Inequality

Patriarchal norms encourage:

- Male dominance in decision-making
- Female subordination
- Tolerance of violence as part of masculinity

6.2 Caste and Racial Hierarchies

Gang rape depicts not only the violence against gender but is also deeply rooted against caste and racial structures. Historically, Dominant caste men used their control and power against individuals of weaker section of the society as a means to intimidate, punish or silence them through an act of sexual violence including gang rape.

6.3 State Institutions and Impunity

The impunity of sexual violence is directly connected to how the state institutions – police, medical systems, rules, regulations, judiciary and administrative authority revert to the crimes of gang rape. When there is failures in maintaining proper policy, prosecution, and accountability then that leads to enable perpetrators.

7. Recommendations and Reforms

To address the sexual based violence in the society there is an essential need to provide legal, social and institutional reforms that prevent the commit of such crime, provide justice and protection to the victims and society as a whole.

7.1 Legal Reforms

- Strengthen witness protection programs
- Mandatory gender-sensitization for police and judges
- Expedited trials for gang rape cases
- Evidentiary rules limiting aggressive character attacks on survivors

7.2 Social and Educational Interventions

- Comprehensive sex education focusing on consent
- Community programs challenging toxic masculinity
- Media campaigns dismantling rape myths

7.3 Institutional Reforms

- Survivor-centric medical protocols
- Improved forensic infrastructure
- Accountability mechanisms for custodial violence

8. Conclusion

Gang rape is a widespread societal issue, as evidenced by the underlying presence of collected rape and group associated sexual violence in many sectors of the world's society. Many of these practices exist because they are existed with social and cultural systems that promote male domination, male aggression, power and control, and negative-valued masculinity. In this study, the authors stated that group-based sexual violence was created out of discrimination against gender, race, and caste, created through institutionalised male-dominated social structures, supported by the mistaken belief that violence against women is acceptable if it was perpetrated with the intention to do harm or inflict shame on another man.

Group-based sexual violence is primarily about exercising control over women, punishable by law, as well as the reinforcement of caste, class, community, or social hierarchy over women. Group-based sexual violence occurs when men engage in male bonding, peer support, and self-enhancing masculinity, when exercising male assertiveness and aggression toward women, while the psychology of groups allows for the collective display of power and asserts control over women through extreme violence. While there have been improvements to the legal framework in India since the Nirbhaya case that include harsher penalties for offenders, these measures will not resolve the underlying culture and physical structure of sexual violence perpetrated by groups. While the courts may impose penalties for the rapists, they do not address how society's norms perpetuate violence against women and provide the means to silence the victims.

Victims of gang rapes face numerous challenges, both physically, mentally, and socially, including stigma, social ostracization, and being unable to seek justice because of fear of reprisals. These experiences identify how important it is for institutions to create an environment where victims are supported and have options for healing. Furthermore, continuing to see gang rapes in contexts ranging from war zones to caste violence to organized crime to educational institutions and homes demonstrates how gang rapes are tools of oppression, as well as representatives of larger systems of oppression.

A multi-faceted approach is needed to prevent gang rape. This includes legal systems that provide timely and fair access to justice, educating people about consent and gender equality, holding institutions accountable for rebuilding trust, and getting communities involved in challenging harmful masculinity and patriarchal attitudes. For lasting change to occur, we must reject the cultural messages that associate masculinity with authority and define women's worth based on their purity or submissiveness.

Without question, protecting women's safety, dignity, and autonomy isn't solely a "woman's issue." It is crucial to building a fair, just, equal and morally upright society. To address gang rape, we need a collective effort by individuals, communities, and institutions working together to dismantle the systems which perpetuate violence and create an environment where collective strength can be used to support the rights and dignity of all individuals.