

### 'They' Rape 'Our' Women: When Racism and Sexism Intermingle

Debauche, Alice

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# 'They' Rape 'Our' Women: When Racism and Sexism Intermingle

*Alice Debauche*

## Introduction

Throughout Europe, the gradually increasing recognition of violence against women and sexual violence in particular has gone hand in hand with a systematic othering of rapists. In other words, although men in Western societies such as France are now prepared to acknowledge that women are victims of male violence, they are not ready to accept the corollary: that men in these societies commit violence against women. But in that case who can the perpetrators be? How is the paradox between recognising male violence against Western women and denying the collective responsibility of Western men in this violence to be resolved? The approach to this, I argue, has been to distinguish the perpetrators of the violence from the men of our societies so that they are seen as different, special, as 'other'. Two processes are at work in the construction of the 'other' who commits violence. When the perpetrator is a man of our modern societies, his violence is treated as pathological and exceptional, so that violent men can be considered as 'monsters' or 'madmen' who are not responsible for their actions. In short, they are 'other' by virtue of their psychological problems. But if the perpetrator is a member of a minority group, the violence is attributed to his culture and the perpetrator can be identified with his minority group, viewed in terms of race and according to migratory and cultural history.

The aim of this article is to describe precisely the way that perpetrators of sexual violence are represented in terms of ethnicity and to show that there are no quantitative data on which to base this scientifically. The first part demonstrates the social construction underlying the marking out of certain groups as especially liable to sexual violence. The second part compares statistical facts with social representations and shows how far apart they are. In conclusion, I consider the consequences for women victims from these minority groups, who are called on by the host country to reject their 'community' if they want the violence they have suffered to be recognised.

## The rapist as 'other'

Let's first review the two ways in which perpetrators of sexual violence are 'othered' (Delphy 2009). Violence by members of the dominant group is viewed as pathological, while that by members of minority groups is viewed as an aspect of their culture. But both these rationales have the same function: to make as sharp a distinction as possible between the figure of the rapist and that of the dominant figure in society – the white, heterosexual, middle or upper-class male. In the one case, the finger is pointed at the minority groups the rapists are supposed to belong to; in the other, if the rapist is a member of the dominant group, his acts are explained in terms of individual vice. The two processes complement each other.

### Othering violence by dominant-group men by classifying perpetrators as pathological

Classic sociology proposes a gender-blind interpretation of sexual violence, treating this type of violence as part and parcel of interpersonal violence in general. This has helped to fabricate a protective distance between the figure of the rapist and that of the male member of the socially and culturally dominant classes. From this perspective, sexual violence is analysed as a deviant practice (Becker 1985) in the same way as other delinquent or criminal acts. But the notion of deviance is necessarily based on that of a norm. In this way, sexual violence is seen as a deviant practice compared to a social norm of consensual, non-violent sexuality. This postulate suggests that the perpetrators of sexual violence have either failed to interiorise this norm or have been socialised in societies or sub-cultures that have different norms for sexual behaviour.

The failure to adequately interiorise the norm is seen as an innate individual failing. It may be a genetic defect, an exaggerated propensity for violence or an unnatural sexual compulsion. It can also be acquired as a result of trauma. The trauma is usually connected with an experience as victim or of spectator to violence against women or sexual violence. This hypothesis (routine in psychology) that child victims of violence reproduce violence, removes the blame from the perpetrators *as men*, by treating them as victims or diminishing their responsibility for their acts. Thus, a lawyer speaking in defence of a man accused of raping a mentally deficient woman explained the facts as being due to sexual aggression the accused had suffered as a child:

'Normality does not apply to this case. My client's life was turned upside down when he came across a friend of his father's who did not entirely want the best for him. Since then, he has not wanted to be confronted with others.' He then emphasised the notion of consent: 'For there to be rape, there must be absence of consent. The victim appears to be capable of saying no. That day she did not say no, or my client did not perceive it. This man is not a sexual predator. He respects women, he cannot commit rape.' (Midi Libre 29/10/10)

Thus the perpetrator of sexual violence is not simply an individual involved in social relations of power and domination but is identified either with the figure of the 'monster' or that of the victim. This procedure is used almost routinely when the victim is a child. The perpetrator of sexual violence on children has for several decades now embodied absolute evil and is routinely associated with this figure of the 'monster' (Lits 2008). Thus the paedophile (and also the serial killer-rapist) is seen above all as sick, a psychiatric case: bibliographical research in one of the human and social sciences portals with 'paedophile' as the keyword gives 422 results in psychology or psychoanalysis reviews but only 152 in sociology<sup>1</sup>. But in the social construction of the 'monster' figure, the person is a monster by nature: a biological or genetic mistake, in other words Nature's mistake (Foucault 1999). Viewed in this way from the standpoint of his abnormality, the perpetrator of sexual violence is blamed on nature, obviating any analysis of the social processes underlying sexual violence.

This approach to the rapist as psychologically or naturally abnormal is often used when the violence cannot be attributed to culture because the perpetrator is too close to the mainstream/dominant group. As regards rapes of adult women and adolescent girls, the rapist is othered by assigning him to a group whose membership of the national mainstream is already contested, and of which it is said that the use of violence is characteristic.

## Sexual violence as a cultural practice of minority-group men

Sexual violence by members of minority groups is not interpreted in the collective imagination or explained in social science research in the same way as sexual violence by men of the mainstream population. While the argument of madness is used for the latter, quite different arguments are used for the former.

To consider sexual violence as *social deviance* is to postulate that there is a norm of sexuality based on consensus and equality between the sexes, and that this norm defines Western societies in contrast to others (Fabre & Fassin 2003). Equality between men and women is supposed to have been achieved,

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1 Search carried out on CAIRN, 15/09/2010

particularly in sexual matters, and there is supposed to be a *process of behavioural civilisation* in Western societies (Elias 2002), marked by a drop in the threshold of tolerance of violence but also by greater self-control and therefore fewer manifestations of violence. As a result, sexual violence is considered something external, belonging to an *elsewhere* or a *before*. A characteristic of this *before* and *elsewhere* is the absence of an egalitarian norm in matters of sexuality, this norm being seen as a criterion of modernity, or Westernness, since modernity is seen as synonymous with the West. Sexual violence can thus only be committed by groups that are less modern, less civilised, less Western. This may mean non-Western national groups and, in France particularly, the former colonies or groups in France that are inferiorised *through social relations of class or race*.

The social construction of a hierarchy of groups requires the idea of ‘natural’ differences, of groups that are different in essence. The very principle of stigmatising minority groups is based on the principle of differentiation: they exist as minority groups because they are different (and they are different because they are minorities). The social construction of ‘racial’ groups is, historically, based on an argument from nature (Guillaumin 1992), but as this *natural difference* now seems highly suspect it has been replaced by an argument from *culture* (Volpp 2006). The argument from cultural difference does not simply assert that there are differences between groups: it also implies a hierarchy between groups, with one culture being better than another. It may even apply the term ‘culture’ only to one group while defining the other in terms of ‘civilisation’.

## Forms of the culturalist argument about sexual violence

### Sexual deprivation

Violence can be treated as a natural characteristic in several ways, the most developed being the argument from culture. Numerous studies refer to *sexual deprivation* as an explanation for violence: if men commit sexual violence, it is because they have sexual needs and urges they cannot resist.

The industrial revolution had disastrous effects on young country dwellers, who were suddenly penned into the confined atmosphere of the factory with an imposed pace of work, abandoned in neighbourhoods that were urban only in name, crowded into furnished rooms and under forced sexual segregation. These robust, uprooted young men in the full force of youth and desire usually arrived alone,

either because they were single or because they had left their partners in their home villages. They suffered sexual deprivation and assuaged their frustration by brutal attacks on women and often even small girls. (Chesnaï 1981: 183–184)

The argument from nature is obvious here: men's sexual instinct is a survival from the animal stage which can only be brought under control by 'culture'. Obviously 'culture' in this case means culture/civilisation and not 'barbarian' culture: educated/middle-class/Western men can resist these instincts, but men from minority groups, like the men of the colonies, are closer to nature and instinct and are not capable of sublimating their drives through forms of culture such as art and religion.

There is an updated version of this view based on the idea of a sexual market. In this view, men of the minority groups are disqualified by their lack of social and economic capital, or even human capital. For these reasons they do not have access to sexual partners and are reduced to using prostitution – if they can afford it – or sexual violence. In this version, the instinctual aspect of sexuality is less obvious and the argument from nature less direct. However, there is still an underlying notion of sexual *need* that cannot be regulated other than by immediate satisfaction, including by means of violence. The argument from *sexual deprivation* and its variants thus implies that sexual violence is natural to the groups to which it is attributed. These groups commit sexual violence because they are less *civilised* than *us*, their culture is less advanced or *developed*, *they* are closer to their drives and instincts. While the minority cultures are not directly blamed in this version, that blame is implicit since it seems to be an absence of culture (or an underdeveloped culture) that is involved.

### 'Culture clash'

Arguing in terms of a *culture clash*, other analyses of sexual violence offer a more directly culturalist interpretation. This argument directly targets minority 'racial' groups on the supposition that there is a tension between the culture of the host country's mainstream population and the culture 'imported' from the migrants' country of origin. This tension is based on a supposed wide gap between the two 'cultures' as regards their norms concerning sexuality and relations between men and women. The mainstream culture is associated with a norm of gender equality, the 'sub-culture' with norms involving separation or relations of domination between the sexes. Hugues Lagrange asserts that 'it is in this narrow stratum of youths from poor backgrounds, who are doing badly at school, that we frequently find sexual violence' (2001: 263). He continues: 'On the housing estates, the tension observed in

relations between boys and girls is heightened' (p. 272). He connects this with 'tensions between Muslim norms, which for many are a vector for their sense of pride and identity, and egalitarian norms' (p. 272–273) and with the fact that 'boys on the estates tend to be thrown towards an aggressive culture that is nostalgic for a golden age of virility' (p. 275). This approach makes it easy to take for granted that sexual violence and male domination are external to the mainstream culture, and to think of the minority group as a culturally uniform whole, as when Lagrange assumes a homogeneous *Muslim* culture.

This argument can also be instrumentalised to excuse some perpetrators (depending upon their origins) of sexual violence. They are sometimes presented *victims of their culture*. A Peruvian on trial for rape in France in September 2010 stated: 'I come from a different country. At home, when a woman invites a man to her flat, it's because she wants sex' (Midi Libre 11/09/2010). This man's argument would be almost comical had a woman not been its victim and had the psychiatrist called in to examine the accused not adopted it himself:

There is a relation to informal women that is based on need; the man's desire comes first. This is not perverse; it is a heavy cultural heritage. (...) He even told me 'The French ought to give me classes so that I understand that women are equal to men.' (Midi Libre 11/09/2010)

This example also shows how benevolently this argument is viewed in the case of South American macho culture. One wonders what conclusions the same expert witness would have presented if an attacker from a North African immigrant background had offered the same explanation. It can be posited that there is a hierarchy among minorities in which South American 'culture' is seen as closer to European 'culture', particularly through language and religion.

## Only culture

For some observers, particularly journalists and some people in NGOs, *minority culture* and sexual violence or gender violence quite simply go together. It is striking to note the increasing, indeed predominant, space given to so-called 'traditional' forms of violence (honour killings, forced marriages, genital mutilation) in some denunciations of violence against women. The chairwoman of the *Coordination Française pour le Lobby Européen des Femmes*, speaking about the creation of a UN Women's agency, said: 'Many harmful traditions defended on pretext of customs or religion, prevent equal-

ity between men and women and deny women any independence' (Libération 15/09/2010). Presented in this way one might think that only 'harmful traditions' prevent equality between men and women and forget that there are 'Western' or French social phenomena that also restrict equality – sexual violence being one of them.

### The foreigner within

The argument from *culture* adapts its target to social circumstances. The minority groups accused of purveying a sexist culture and sexist behaviour that lead to violence are considered 'foreigners within'. In the 19th century the threat was seen as coming from young men moving from the countryside to city outskirts, which were considered dens of iniquity where promiscuity was rife and sexual boundaries erased. These young men belong to the 'barbarian' classes (Chevallier 1958), this term clearly reflecting the idea of civilisation as progress on a scale from barbarity to modernity. The 'barbarian' classes at home echoed the 'barbarian cultures' attributed to the colonised peoples.

The 20th century identified the sexual threat as coming from young manual workers in working-class neighbourhoods. These were now the 'barbarian' classes blamed for every ill. In the 1930s media denunciations of gang rapes focused on the *apaches*; in the 1960s, the target was the *blousons noirs*. In both cases this meant idle youth in working-class neighbourhoods (Mucchielli 2005). Some of the young *blousons noirs* of the 1960s were descendants of migrants who arrived in the first half of that century from Italy, Poland, Portugal, and Spain but that was not the factor focused on; at the time, the social debate was built around issues of class struggle. The media and sociologists of the time reported on the gang phenomenon:

Rape today is gang rape, perpetrated by gangs before a carefully selected audience – and the participants are increasingly frequently under twenty years of age. It is happening in the housing estates on the outskirts of Paris (...) and big major provincial cities (...) ('Les viols collectifs ou l'amour dans les tribus de l'hexagone', *Le nouvel Adam*, No. 6, January 1967)

Here the finger is pointed mainly at the perpetrators' young age: youth chimes with impulse, weak self-control and greater sexual need. The 1960s was also the decade when youth first became a subject of sociological study (Galland 2002), so that 'the young' were viewed as a homogeneous group with its own culture, referred to as a counter-culture or sub-culture. The 'young' referred to here are implicitly young men and as such members of



the dominant group, but they are a minority because they have their own culture, different from the mainstream culture.

The context of the 2000s is very different. The resurgent media focus on gang rapes identifies the main perpetrators as the '*jeunes des cités*'. Literally 'youths from the estates', the term implies that these are youths from immigrant backgrounds, more specifically African and mainly North African backgrounds. The shift that occurred between the 1960s and the 2000s is a shift from focus on groups identified in terms of social class<sup>2</sup> to groups identified in terms of migration status and perceived as *racially* specific (Hamel 2005). Furthermore, the media campaign on gang rape in the 2000s, resuscitating the argument about the newness and spread of the phenomenon, has allowed sociologists who remember the similar campaign of the 1960s to recognise it as artificial and expose its xenophobic basis:

The way the gang rapes are treated in public debate has tended to attribute it to the supposed 'barbarity' of young men from immigrant backgrounds and above all, because of the connection made with male domination and sometimes with Islam, those with parents from North Africa. Our inquiry has shown that these are mistaken interpretations and false associations. But they are now commonplace and most people taking part in the public debate (journalists, politicians and others) do not see them as stigmatisation. (Mucchielli 2005: 85)

An example is the following extract from an article published in *Libération* on 9<sup>th</sup> March 2001. Although like Laurent Mucchielli, the article's author notes that the phenomenon is not new, it has not avoided the trap of stigmatising minorities:

Practices as old as the hills, which, according to police, were even more widespread in the late 1980s. Those were the days of the *Requins vicieux*, the *Requins juniors*, the *Derniers salauds*. Those gangs of black youths committed rape as an initiation rite. (Libération 2001)

## Social representations versus statistics

How do these representations compare with the available empirical data? As regards sexual violence, two main types of data exist in France: administrative data on the work of the police and law courts, and survey data, whether surveys of victims or socio-demographic surveys focusing on broader issues.

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2 Although the criterion is not the one we are considering here, the othering phenomenon is the same. These working-class youths were seen as 'foreigners within the gates', 'barbarians' whose culture was intrinsically dangerous for social order.

## Administrative statistics (police and law courts)

### The 'foreigner' category in administrative statistics

The administrative statistics of the police and law courts record the annual number of persons charged<sup>3</sup> (police data) and the number convicted (courts) for each type of offence. The data are broken down by category, including age, sex and nationality. The *nationality* category is the only one from which an (inaccurate) idea of origin or 'race' can legally<sup>4</sup> be obtained from administrative statistics in France (De Rudder 1997). This is because the use of ethnic and racial categories is completely prohibited in the French Republic. In practice, can these figures be usefully compared with representations that see the perpetrators of sexual violence in ethnic terms?

The 'gang rapes scandal' has firmly established the image of gang rapists from immigrant minorities, and no administrative source is able to confirm or contradict this image. The category *foreigner* is unrelated to the migration status, residency status or origin of the person or their parents and is useless for pinning down the facts about crime among the *immigrants* or *young people from immigrant backgrounds*<sup>5</sup> whom the media constantly claim are preponderant in the delinquency figures. *Foreigners* include any foreign national who is in the country for a short time (business trip, tourism etc.), those who have taken up residence in France long-term, children of the latter who were born abroad, and children of born in France to two foreign parents (a) until their eighteenth birthday and (b) after that date if they have not taken steps in advance to acquire French nationality<sup>6</sup>. It is thus a very mixed category and, although it has an essential legal meaning for crime statistics, it is not a reflection of social reality in France and is not well suited to sociological research on the issue.

### Sexual violence committed by foreigners

Unhelpful as the 'foreigners' category in administrative statistics may be, these data can be compared with those of the census, which gives the percentages of immigrants<sup>7</sup> and resident foreigners. Of persons charged with rape in 2009, 13.4% were foreigners, but according to the census foreigners represent only 5.7% of the population. But there is a spectacular difference

3 I.e. suspects referred to a *juge d'instruction* for investigation, which may or may not lead to their being brought to trial (Translator's note).

4 Act of parliament No. 78-17 of 6 January 1978 on electronic records and freedom of information.

5 Not to mention the category *youths from the estates*.

6 I.e. the majority of children born in France to two foreign parents.

7 Persons born of foreign nationality in a foreign country and resident in France.

between rapes of minors and rapes of adults: 20.9% of those charged with rape of an adult were foreigners compared to only 7.4% of those charged with rape of a minor. This connects with our assertion that the child rapist is othered through the figure of the ‘monster’ while the rapist of adult women is mainly seen in ethnic terms.

The data for convictions are more precise but the categories used are different from those used by the police so it is impossible to compare the two data sets. The table below shows the percentages of foreigners among those convicted of different classes of rape in 2008:

Type of rape	French	Foreign	Percentage of foreigners
All types	1449	154	9.6%
Gang rape	123	24	16.3%
Rape with aggravating circumstances <sup>8</sup>	538	40	6.9%
Rape of minor aged 15 or less	460	17	3.6%
Rape by an ascendant or person exercising authority	78	7	8.2%
Ordinary rape	250	66	20.9%

Source: Ministry of Justice 2008

Although prudence is called for when comparing such small numbers, we find a sharp difference between convictions for rape of adults and those for child rape. Very few foreigners are convicted of rape of minors under 15 years of age, rape with aggravating circumstances or rape by an ascendant or person exercising authority. But the proportion of foreigners among those convicted of gang rape or ordinary rape is very high. As regards gang rape, the numbers are too small for conclusions to be drawn, especially as it concerns the number of persons convicted and not the number of cases tried<sup>9</sup>. As we do not know the number of perpetrators involved in each case, or the composition of the groups of rapists – which could be mixed groups of French and foreign perpetrators – these figures are scarcely meaningful, but they suggest that foreigners are seriously over-represented.

Looking now at estimates based on the national census, we see that at that time foreigners made up 5.7% of the population living in France (Regnard 2009), slightly less than the percentage of foreigners among those convicted of rape. It does seem, therefore, that foreigners are over-represented among perpetrators of rape, suggesting that foreigners are more inclined to sexual violence. However, it must be remembered that the ‘foreigners’ category is not identical with that of ‘youths from African and North African immigrant

<sup>8</sup> For the list of aggravating circumstances see the *Code Pénal*, art. 222–24 à 222–26

<sup>9</sup> Which is necessarily less than the 61 total cases tried.

backgrounds' on which social representations are based. The 2008 criminal court records were the first to give a breakdown of the 'foreigners' category of convicted persons by main country of origin. They show that of 24 foreigners convicted of gang rape, 12 were of North African origin, 1 Turkish and 4 Zairian, the nationalities of the other 7 not being specified. Of the 66 persons convicted of ordinary rape, 29 were of North African origin, 5 Turkish, 1 Zairian, 3 Portuguese, 1 Italian and 27 of other nationalities. This sheds a different light on the preponderance of ethnicised groups from former colonies and the French overseas territories in social representations. In particular, the figures show that foreign rapists include men born in European Union countries.

Also to be borne in mind is the fact that police and judges are not impervious to social stereotyping and it is likely that a process of selection and discrimination against members of minority groups is at work during police work and criminal proceedings (Jobart and Névanen 2007). It may therefore be postulated that those who best correspond to the popular representation of perpetrators of sexual violence are more likely to be charged and convicted and that the administrative statistics over-represent minority groups. This hypothesis can only be verified by studying criminal proceedings as a whole very closely and comparing the proportions of persons from minority groups among those charged and among those convicted. Furthermore, the effect of representations probably also has an impact on victims and it may be supposed that they are more inclined to lodge a complaint if their attacker matches the stereotype of the 'rapist'.

## Evidence from survey data

Since the data on convictions do not provide an empirical basis for concluding that men of minority groups are more likely to commit rape, what do the survey data tell us? And above all, what are the facts that allow some to assert that sexual violence is more prevalent in working-class neighbourhoods?

**Rapes are more often committed by a member of the family than by a stranger**

The first thing we learn from surveys on experience of sexual violence is that they mostly take place within the family or friendship network. A 2008 survey<sup>10</sup> shows that of women aged 20–59 reporting having suffered sexual violence (rape or attempted rape) by a person acting alone, 21% were victims

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10 *Contexte de la Sexualité en France*, INED-INSERM (Bozon et Bajos eds.), 2009

of a family member (8% by the father or stepfather), 34% a spouse or friend, 27% another person known to them and 18% a stranger (Bajos and Bozon 2008). The traditional representation of a night-time attack by a (minority group) stranger in a public area is thus very far from typical. Cases of sexual violence in the family are thus very numerous. However, from the data on convictions we find that ‘rape by an ascendant or person exercising authority’<sup>11</sup> account for only 5.3% of convictions and that these include a relatively small proportion of foreigners.

### Gang rapes account for only a small proportion of sexual violence

Rapes and attempted rapes by several men together account for 2.7% of the sexual violence declared by women aged 18–69 and 2.5% of those declared by men of the same age bracket, but they amount to 9.2% of convictions. Gang rape seems to give rise to convictions more often than other forms of rape, whether because it is more often reported to the police or because the courts convict more readily for this type of crime.

### Not all types of rape are equally likely to result in a complaint to the police

In the Enveff survey, women who reported having been victims of sexual violence were asked what steps they had taken in response. Of women reporting rape or attempted rape, 9.5% said they had reported it to the police (12.2% for those who were victims before aged 15 and 9% for victims after aged 15), and more than half of these cases gave rise to criminal proceedings. Of all sexual violence cases declared in the survey, only 5% gave rise to criminal proceedings, and it seems that the closer the attacker is to the victim, the harder it is to report the offence (Fougeyrollas-Schweibel and Jaspard 2002).

Analysis of calls to a free helpline for rape victims confirms this point; 41% of calls concerning rape by strangers had been reported to the police compared to 32% of calls concerning rape by a known person, a spouse or a partner and 22% of calls concerning rape by a family member. These results confirm the hypothesis that victims are more likely to report to the police if the rapist is a stranger or in cases of gang rape. Thus the survey data neither confirm nor disprove that rapes committed by minority group men are disproportionate. However, the facts that do emerge undermine traditional representations of rape, particularly those conveyed by the media.

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11 This category is broader than ‘father, stepfather’; it may include grandfathers, teachers, sport instructors etc.

## Conclusion

From this overview of the ways in which perpetrators of sexual violence are represented in ethnic terms it can be seen that these representations exist because they distance the perpetrators of sexual violence from men of the dominant group. They can persist because it cannot be shown from existing statistics that they are unfounded. The othering of the perpetrators of sexual violence makes it possible to deny the sexism of French society. Because the perpetrators of sexual violence are identified as belonging to minority groups, defined among other things by a minority culture different from mainstream French culture, it is logical to conclude that men of the mainstream group do not commit sexual violence, or if they do, it is purely an accident. In those cases, the argument of individual madness is used to disculpate mainstream men as a whole. The second implication is that these representations put minority group women in a situation of great tension. They are called on to choose between the supposedly non-sexist (but racist) culture of the French mainstream and the 'archaic' and non-egalitarian culture of the men of their own group. In this regard the law against wearing the full veil stems from the same reasoning that imputes ethnic causes to rape: minority group women must be 'freed' from the burden of their culture and traditions perpetuated by the men of their group.

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