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PRISON RAPE IN CONTEXT

IAN O'DONNELL*

Fear of sexual violence is a defining characteristic of the prison experience in the United States. Rape has been a key theme in the literature on imprisonment since at least the 1930s. There is evidence—from prison argot and epidemiological studies in particular—that this problem is not as ingrained in the UK. Clearly there is more at play here than sexual deprivation and the pains of confinement, which know no jurisdictional boundary. It is suggested that the answer may lie, to some extent at least, in the poisonous history of race relations in the United States: prison rape can be seen as a legacy of slavery and the lynch mob. The particularity of the US situation may also be explained in part by higher levels of violence in society more generally and a cynical attitude on the part of prison staff.

Introduction

In today's world the judge who sentences a young person to reform school or prison passes male rape on him as surely as the sentence. Every inmate has a very short time, once inside, to pick a 'wolf' (a tough protector) or face gang rape, becoming the 'girl' of the institution, or death. Many of the prison suicides we read about can be traced to this choice. Worse, prison officers might even have sold the boy to aggressive inmates in order to keep the institution quiet. (Scacco 1982: vii)

The above quotation encapsulates several of the main themes to be addressed in this paper. First, the notion that prison rape is a quotidian experience, that it is an inevitable secondary effect of incarceration. Second, that this is a recent development, peculiar to 'today's world'. Third, that the existence of this practice is so firmly rooted in prison life that it has generated its own argot. Fourth, that there is an intimate connection between the fear of sexual assault and violence (whether directed inwardly as suicide or at other prisoners in self-defence or retaliation.) Fifth, that prison staff may be complicit in the continuation of this practice. Scacco presents in stark form an argument that is found throughout the literature on imprisonment in the United States.

Prisoner biographies and litigation, academic treatises, popular 'entertainment' and reform groups (such as Stop Prisoner Rape) are at one in their emphasis on the subculture of sexual violence that permeates prison life. Penal institutions are shown as crucibles of masculinity; places where distorted—and destructive—forms of male identity are forged. In this bleak view, those who do not fit the mould are destroyed. Only 'real men' can survive the unrelenting struggle for domination that marks the passage of time behind bars. According to Smith and Batiuk (1989: 30):

the threat of sexual violence actually dominates the prison environment and structures much of the everyday interaction that goes on among inmates. In fact, the threat of sexual victimization becomes the dominant metaphor in terms of which almost every other aspect of 'prison reality' is interpreted.

* Institute of Criminology, Faculty of Law, University College Dublin, Belfield, Dublin 4, Ireland; ian.odonnell@ucd.ie. The author acknowledges the generosity of University College Dublin, which made possible the work for this article, and a wider exploration of violence in prison society, through the grant of a President's Research Award.

To give one example of this reality, consider the following account from a terrified eyewitness in Terrant County Jail in Forth Worth, Texas. This prisoner escaped rape when a 17-year-old youth, admitted to the same communal cell shortly after him, was raped until he passed out:

... while the boy was still unconscious, the attackers jabbed his arms, neck and body with the burning tips of erasers of pencils, so that the boy's body twitched making it more sexually exciting for the aggressors. Then one of the attackers, in a final sadistic gesture... shoved his fingers deep into the boy's rectum and ripped out a mass of bloody haemorrhoids. (Rideau and Sinclair 1982: 18)

More recent cases, such as those described by Sabo *et al.* (2001) and Human Rights Watch (2001) are identical in their depiction of human degradation and destruction.

Prison sexual violence is seldom heard of in the UK. While victimization is routine it usually takes the form of assault, intimidation, robbery and verbal abuse rather than rape and sexual exploitation (see for example O'Donnell and Edgar 1998). Sampson (1994: 84) gives the example of a prisoner who raped his cellmate when he discovered that the latter had been convicted of rape. However what makes such events noteworthy is that they seem to be isolated cases. Generally speaking, academics and activists are more exercised about institutional abuse when the perpetrators are those in authority. Recent special issues of the *British Journal of Criminology* dealt with prisons (1994: 34/suppl.) and masculinities (1996: 36/3). However the issue of prison sexual violence was conspicuous by its absence. An issue of *The Prison Journal* (2000: 80/4) was devoted to prison sexuality, but the discussion was entirely limited to the United States. Similarly in a literature review, Coxell and King (2000), two London-based researchers, depended on information from the United States. Why is it that an aspect of prison life that appears to be so tightly woven into the prisoner's experience in the United States is not to be found in any concentrated form in the UK?

Sexual predation is so endemic a problem in the US system that, on occasion, even researchers are not safe. While conducting interviews with violent prisoners, Athens (1997: 133–5) reported that staff who had taken a personal dislike to him locked him in a cell with a notorious inmate who attempted to rape him. How can it be that the threat of rape exercises such a hold over the captive imagination in one jurisdiction but not another?

Some of the earliest research in the area of prison sexuality was concerned with consensual sex among women prisoners. Perhaps the first article on this theme appeared in the *Journal of Abnormal Psychology* under the title, 'A perversion not commonly noted' (Otis 1913). This paper described the 'unnatural relationships' that sometimes developed in institutions between black and white women. Half a century later Giallombardo (1966) reported that 86 per cent of inmates in the Women's Federal Reformatory in West Virginia had a homosexual experience while incarcerated (see further Propper 1981).

It appears that different issues are at stake with regard to women. Much sexual contact is consensual; roles are not as clearly defined or well established; racial and gang tensions are not pronounced and there is less associated violence (see Greer 2000). Further, it is more difficult to force a woman into a masculine role (defined by activity and doing to others) than to force a man into a feminine role (defined by passivity and being done to).

Thus the focus in this article is on men for reasons that are:

statistical (around 95 per cent of prisoners in the United States and UK are male, so the threats they face are quantitatively of greatest significance);

pragmatic (more has been written about the culture of men's prisons);

analytical (the pattern of sexual violence among male prisoners appears to be qualitatively different in the UK compared with the United States and an explanatory framework is required).

Gender Relations and Emasculation

Three distinct social structures—labour, power and sexuality—underpin gender relations in the community (see for example Connell 1987; Messerschmidt 1993; Jefferson and Carlen 1996). In an environment without women, some men must adopt the feminine role if these structures are to be perpetuated. This adoption is often coerced. Prison rape is an acting out of power roles within an all-male, authoritarian environment where strength and dominance are emphasized. This is why men who anally penetrate young and vulnerable men against their will are first, not considered rapists and second, do not incur the stigma that such an offence would attract if perpetrated outside the prison walls.

The practice of rape reinforces heterosexual norms. According to Davis (1977: 278):

the typical sexual aggressor does not consider himself to be a homosexual or even to have engaged in homosexual acts. This seems to be based upon his startlingly primitive view of sexual relationships, one that defines as male whichever partner is aggressive and as homosexual whichever partner is passive.

In the twisted sexual politics of the prison, a male prisoner who has sex with his cellmate without consent is considered 'straight' (and worthy of respect) but if he instead holds hands with him, he is considered 'gay' (and a legitimate target for disdain). Rampant homophobia coexists with high levels of male rape. (There may be some parallels with male rape in the community, which according to Turner (2000), mostly involves heterosexual perpetrators and homosexual victims.)

The consequences of prison rape are destructive psychologically as well as physically. Based on his research in three New York State prisons (Attica, Auburn and Coxsackie) Lockwood (1980: 80) reported that: 'a theme running through our interviews is fear of forcible sodomy... Part of this panic and dread is based on belief that the victim of a sexual assault suffers a permanent loss of masculinity.' Victims are considered to have forfeited their 'manhood'. This is an irreversible humiliation: they have been 'converted' from men into 'punks'. This is a zero sum sexual economy. By this logic, if the aggressor were homosexual and the victim heterosexual, the act of penetration would constitute a switching of sexual status.

Prison sexual violence is only partly related to sexual gratification and is never about mutual fulfilment. It is a stark demonstration of power. In this way it mirrors heterosexual rape in the wider community. Indeed there are further similarities in that despite its prevalence, prison officials and others often deny or fail to recognize the problem, and victims who take official action risk disbelief, ridicule or reprisals. Some feminist commentators (e.g. Brownmiller 1976: 265) view prison rape as a microcosm of the female experience in heterosexual rape. However, there is a qualitative difference.

Rapists in the outside world rarely expect their victims to service them afterwards, domestically and sexually (except perhaps in cases where there was a pre-existing relationship). In prisons, by contrast, rape is the first act in what is often a lengthy drama of conquest and control. For months or even years afterwards the victim may be required to provide for the needs of the perpetrator in return for a measure of protection. On occasion, he may be rented out or used to repay debts. This is a form of persistent sexual slavery.

Extent and Dynamics

There are several sources of information about prison sexual violence. The most important are argot roles, epidemiological research (including studies of racial differences in victimization), and the literature on prevention. All indicate a real difference in prevalence between the United States and the UK.

Argot roles

According to Bowker (1977: 1) 'the scientific study of prisoner subcultures in maximum security institutions for adult males began in 1934 with the publication of Joseph Fishman's book *Sex in Prison*'. Fishman believed that homosexuality was practised by between 30 and 40 per cent of all prisoners (1934: 81–2). He related some of the argot terms commonly used: the prisoners who took the active role were called 'top men' or 'wolves' and the passive participants were called 'punks', 'girls', 'fags', 'pansies' or 'fairies'. There were many more names for the victims. Just as the victors in war write the history, the power to label is with the aggressor.

In his landmark text, *The Prison Community*, Clemmer (1940) devoted a full chapter to 'Sexual Patterns in the Inmate Culture'. He showed that the terms jocker ('usually the active party in homosexual behaviour') and punk ('a young male prostitute, the passive agent in pederasty') had agreed definitions and were widely used in the 1930s. Similarly, when Sykes (1958) was carrying out his research in the New Jersey State Maximum Security Prison at Trenton in the 1950s prison rape was common. Punks, fags and wolves were established parts of prison life.

Moving forward another 20 years, Lowman (1986: 250) described the 'sweet kid' who offered sex for sale in Ontario jails in the 1970s. Lockwood (1980: 114–18) divided prisoners into three groups, roughly equal in size, according to their approach to sex. The 'gorillas' or 'booty bandits' 'pounce on other men and forcibly attempt to sodomize them'. 'The "player" aspires to fill his needs by smooth talk. Threats or physical force, however, are always ready in the background.' The final type involved 'propositioning approaches'. These were non-violent requests for sex, which may, of course, be interpreted as threatening by the recipient.

The language used to refer to the act of prison rape is non-sexual, a clear indication that it is about power rather than sex. The intention is to redefine a man as a woman, by forcing upon him a female role, described as 'turning him out'. This is trial by ordeal. There is a widely held notion that a 'real man' could not be forced to participate in anything so degrading against his will. This extreme form of victim blaming extends far beyond the prison walls. Brownmiller (1976: 264) noted with regard to the gang rape of T. E. Lawrence by the soldiers of the Nuri Bey in Deraa, that she had 'heard the

argument that Lawrence's sphincter muscles should have been sufficient to ward off unwelcome penetration'. Goyer and Eddleman (1984) gave an account of male rape in the US Navy and Marine Corps. Serious sexual violence was sometimes part of a rite of passage that accompanied initiation into a unit. Victims were placed in an invidious situation: they feared reporting the attack in case they would be labelled 'homosexual' and therefore discharged from service. This was a degradation ceremony with serious—and enduring—repercussions.

The language used in prison represents what is considered important enough by the prison community to warrant naming, and what is persistent enough to keep its label despite changing circumstances and the passage of time. In prisons in the UK there are lots of terms for sex offenders ('nonce', 'beast'), informers ('grass') and the mentally ill ('fraggle', 'muppet') but there does not appear to be an argot for the participants in sexual violence. Typologies of prisoners based on their sexual tactics are not available either. The lack of a developed slang is evidence that such activity is uncommon. (There is one partial exception: the term 'decruching' is found in women's prisons to describe the forcible removal of drugs from the vagina (Edgar *et al.* 2003: 49–50)).

There are fleeting references to sex in the British academic literature. In their classic work on London's Pentonville prison for example, Morris and Morris (1962: 344) noted that 'active and passive' homosexuality were forms of 'abnormal adjustment' to the prison environment, but they did not develop this point. The 'normal' mode of adjustment for heterosexual men was masturbation, although they note in parentheses that sublimation was another option: 'A very few men try physical exercise in their cells.' A 'quasi-normal' mode was also observed: 'Men in this category are generally those with homosexual tendencies which make this mode of adjustment less repugnant than it would be otherwise.' They go on to note that: 'Not all these homosexual relationships involve physical contact, for by and large the opportunities for sexual relations are limited to cells and furtive interludes in landing recesses.'

This description pales in comparison to what is known of some of the savage practices to be found in the United States at the time when the Morrises were writing. On the other side of the Atlantic, even men without 'homosexual tendencies' did not appear to feel any sense of repugnance at becoming involved in sexual activity with their fellow captives, as long as they were the active party. The English prisoner doing press-ups in his cell to combat sexual frustration, or rushing for a furtive assignation during a period of unlock, contrasts sharply with the stalking and predation common in the United States.

Epidemiology

It is very difficult to obtain reliable data on the actual (as opposed to the perceived) risk of sexual violation faced by prisoners. This is for a variety of reasons. There are differences in definition—what is meant by sexual aggression, sexual assault and even rape can vary over time and across jurisdictions. There are differences in methods of data collection—sometimes questionnaire surveys are used, sometimes interviews, sometimes scrutiny of medical and disciplinary records. There are differences in the time periods studied—sometimes data are collected for any stage during any sentence, sometimes only the current period of confinement is considered relevant, sometimes the focus is limited to a specified time frame, say the previous year. There are differences in research priorities—ranging over interest in 'state' versus 'trait' homosexuality, the

attitudes of staff, or psychological sequelae such as post-traumatic stress disorder. There are differences in the type of institution studied—contrast for instance the opportunities for rape in the dormitories of a local jail with the isolation cells of a supermax prison. On top of all these methodological difficulties is the fact that prisoners rarely report their victimization, so that official estimates inevitably understate the problem. These limitations must be borne in mind when considering any estimates of frequency.

Messerschmidt (2001: 67) reckoned that one in five male inmates in the United States has been raped. Gilligan (2000: 165) wrote of the ‘near-universality’ of prison rape. He saw the sexual abuse of prisoners by their peers as a savage extension of the sentence of the court, and argued that it would be difficult to design an environment more suited to the production of angry, brutalized, vengeful and dangerous men. In one of the most cited studies, carried out in the 1960s, Davis (1977: 269) reported that: ‘sexual assaults in the Philadelphia prison system are epidemic...virtually every slightly built young man committed by the courts is sexually approached within a day or two... Many of the young men are repeatedly raped by gangs of inmates.’ Donaldson (1993) estimated that in the United States, more than 290,000 males are sexually assaulted behind bars each year, and according to Pinar (2001: 1069): ‘The constant refrain of prison is sodomy.’

These alarmingly high estimates can be contrasted with the results of a number of pieces of empirical research. Based on his work in New York prisons, Lockwood (1980) reported that 28 per cent of a random sample of prisoners had ‘been targets of sexual aggressors at some time in their institutional custody’ and 1.3 per cent had been raped. Wooden and Parker (1982) found that 14 per cent of 200 surveyed inmates had been sexually assaulted. Nacci and Kane (1983) interviewed 330 male inmates in the Federal system and found that around one in three had been targets of sexual aggression, but that less than 0.3 per cent had been raped. Struckman-Johnson *et al.* (1996) found that 12 per cent of almost 500 male inmates had experienced completed sexual assaults. A further 10 per cent had experienced less serious acts of sexual coercion. Hensley (2000) found that 14 per cent of a sample of prisoners in Oklahoma had been sexually threatened and 1 per cent had been raped.

Looking at the patterns in sexual assault across seven facilities for men in American midwestern states, Struckman-Johnson and Struckman-Johnson (2000) found that 16 per cent of inmates who responded to their questionnaire survey had experienced at least one episode of pressured or forced sexual contact since coming to their current institution, and 7 per cent had been raped there. One facility had a 0 per cent rape rate. This was because a 24-hour lockdown pertained, thereby eliminating the opportunity for inmates to prey on their peers.

It is clear from the wide range of estimates presented in the preceding paragraphs that after decades of research in the United States there is still little agreement about how many prisoners experience unwanted sexual contact. There is similar variation when it comes to considering the extent of consensual sexual activity. Wooden and Parker (1982) found that 65 per cent of a random sample of 200 male inmates in a California male correctional facility had engaged in consensual sex while incarcerated. Saum *et al.* (1995) found that only 2 per cent of their sample of 101 inmates had taken part in consensual homosexual activity (for a review see, Hensley *et al.* 2000).

There has been much less research in the UK, but on the few occasions when this issue was directly addressed, low levels were revealed. McGurk *et al.* (2000) interviewed 979

inmates aged 15 to 17 years, this being approximately half the population of juvenile prisoners. There were three reports (0.3 per cent) of unwelcome involvement in sexual activity and the same number of seeing an inmate do something sexual to an unwilling inmate. Power *et al.* (1991), in a study of 559 Scottish prisoners, did not uncover a single case of sexual assault. Strang *et al.* (1998) found no evidence that imprisonment led to increased same-sex activity. In their random sample of 1,009 adult male prisoners in 13 prisons in England and Wales, only 21 reported ever having had sexual contact with a man in prison, of whom 19 had previously had sexual experience with a man outside prison.

Edgar *et al.* (2003) interviewed 590 prisoners as part of a wider study of prison violence. Each was asked if they had been sexually assaulted while in custody, if they had witnessed a sexual assault, or if they had been threatened with sexual assault. They were also asked their opinion on how often such activity happened. These data provide a useful index of coercive sexual activity in a range of English penal institutions. The findings were that personal experience of sexual assault in prison was rare. Overall, less than 2 per cent of the prisoners who responded said they had been sexually assaulted whilst in custody; 3 per cent said they had been threatened with a sexual assault; and a further 2 per cent said they had witnessed one. 76 per cent said that sexual assault did not occur at all or that it was rare. It may be, of course, that instances of sexual violence would be found more regularly in the UK if this issue were to be investigated more systematically.

Race

One theme that emerges clearly from the US literature is the racially biased nature of sexual victimization. The aggressors in Lockwood's sample were 80 per cent black, 14 per cent Hispanic and 6 per cent white; while the victims were 16 per cent black, 2 per cent Hispanic and 83 per cent white (1980: 28–9). This led him to observe that, 'In prison, most aggressors are black; most targets are white. Prison sexual aggression, thus, is a case study of interracial crime' (*ibid.*: 2).

Davis (1977) found that in none of the 129 cases he examined was there a white aggressor and black victim. However these roles were reversed in 56 per cent of cases. White aggressors and white victims accounted for another 15 per cent and black aggressors and black victims for the remaining 29 per cent. Interestingly, the proportion of aggressors roughly corresponded to the racial breakdown of the population studied, 80 per cent of whom were black. The striking difference was in the victim group, where whites were greatly over-represented. More than 30 years after Davis completed his study, Human Rights Watch (2001) indicated that little had changed and that victims remained predominantly white.

In Struckman-Johnson and Struckman-Johnson's (2000) study, the highest rate—11 per cent reporting having been raped at some stage during their time at that institution—was found in a place where inmates were housed in barracks and there was racial conflict. Their data showed that 60 per cent of targets were white, while 74 per cent of perpetrators were black. Institutions where the problem was less intense tended to be more racially homogeneous. Reflecting more generally on this imbalance, Knowles (1999: 268) remarked that: 'This racial inequality may be the largest in any violent crime committed in the United States.' As he saw it the question to be answered was: 'What are the social forces that drive blacks to repeatedly and exclusively rape whites?' (*ibid.*). This is a provocative overstatement as black prisoners also rape other blacks and white prisoners rape other whites.

The question, more precisely framed, is what are the factors that protect black prisoners from white sexual predators? One could hypothesize that black prisoners commit sexual assaults in proportion to their numbers, but that their victims are disproportionately white. This hypothesis deserves to be carefully tested. If true, this would be a difficult result to interpret. It may indicate that blacks are no more likely to rape than whites, thus rendering unproductive any speculation about general causal factors. Clearly, however their targets are not randomly selected and questions of racial identity may become relevant at this stage of the analysis. Part of the answer may lie in the fact that whites were seen as more isolated and less likely to belong to a network within the prison (whether based on gang membership, area of residence, or kinship bonds). Their perceived lack of solidarity may make them vulnerable.

We know little about the racial dimension of prison violence in the UK. A victimization survey carried out for the Home Office found that black young offenders were less likely to be assaulted, robbed or threatened with violence than white or Asian young offenders. However they were not more likely to assault, rob or threaten others. There was no racial disparity for adult prisoners (O'Donnell and Edgar 1996: 65). In addition there appears to be a racial bias on Vulnerable Prisoner Units in England where black prisoners are under-represented (see for example, Edgar *et al.* 2003: 98). The factors that protect some black prisoners from victimization would repay close examination.

Prevention

Some writers are pessimistic about the possibility of eradicating inmate rape. For Rideau and Sinclair (1982: 20), the best that can be hoped for is simply that 'forced homosexual rapes can be reduced to a tolerable level'. The notion that there might be a 'tolerable' level of rape indicates a stunning bleakness of vision. While there have been a number of attempts to devise preventive programmes in the United States, these have been slow to make an impact. Tewksbury and West (2000) contend that one reason this problem has endured despite being recognized is that research into prison sexual activity is scarce and carried out by young researchers at small or non-academic institutions.

Wortley (2002: 107–15) made a number of suggestions for prevention, including single cell accommodation, improved training of staff and supervision by staff, separation of potential victims and predators. Knowles (1999: 280) advocated separation by race, a simplistic approach that ignores the problem of intra-racial sexual violence. Lockwood (1980: 142) saw the only real solution in the eradication of subcultural violence outside prisons, considering prison-specific approaches as, at best, symptom reduction.

Human Rights Watch (2001) offered a comprehensive range of ameliorative strategies. They recommended that State Departments of Corrections should draw up detailed guidelines emphasizing the importance of prompt evidence collection and immediate medical care of victims; all cases should be brought to the attention of local police and prosecution should be encouraged; double-celling should be used only in exceptional circumstances and after careful vetting of the potential occupants; racial tensions among prisoners should be addressed. These recommendations remain aspirational.

There are isolated examples of attempts at prevention driven by prisoners themselves. A radical approach is exemplified by the activity of Men Against Sexism (MAS) in Walla Walla, Washington State's most notorious maximum-security prison, in the late 1970s.

MAS was a revolutionary prisoners' group that melded gay liberation and feminism with militant direct action. It provided 'safe cells' for prisoners vulnerable to rape and offered protection to child abusers. Its activities were backed up by an arsenal of firearms and home made grenades that had been smuggled into the institution. In the face of growing hostility from other prisoners the group planned a major escape attempt in July 1978. This was foiled and the ringleaders were shipped out. Afterwards, 'MAS quickly slipped into the role of social sewing club for effeminate prisoners' (Burton-Rose 2001: 229). This was an unsuccessful attempt to change the pattern of inter-male relationships through force.

As far as can be ascertained the UK literature is silent on the question of prevention. This is another indication that the problem is not considered a sufficient priority at an official level. Nor has it exercised prisoners enough for them to attempt direct action. This reinforces the point that sexual violation is not as endemic a part of prison life in the UK.

US Exceptionalism

Tonry (1999) has described the uniquely harsh approach to punishment in the United States as an example of its 'exceptionalism'. It is unlikely that the issues highlighted in this paper are just another unfortunate consequence of this tendency. In other words there is not more prison rape solely because there are more prisoners, serving longer sentences, thus exacerbating the deprivations of confinement. Sexual violence was a problem when US prison populations were much smaller and indeed, some of the most serious sexual violence occurs in local jails, where prisoners are held on remand or serving short sentences. Accumulating sexual frustration in other words does not explain prison rape.

Three tentative suggestions are offered for the major difference in the quality of violence in US prisons and why rape is used as an instrument of social control there but not, apparently, in the UK. These are higher levels of lethal violence in society, race relations and the attitudes of custodial staff.

A more violent society?

It may be that to some extent the rape culture in US prisons reflects the higher levels of everyday violence in American society. The average homicide rate per million population between 1997 and 1999 was 62.6 in the United States compared with 14.5 in England and Wales (Barclay and Tavares 2001: 10). Although these data indicate a wide gulf in levels of violence the difference was much greater in the recent past. For example, in 1980 the rate of lethal violence was almost ten times higher in the United States than in England and Wales. Similarly the rate of reported rape is higher in the United States—392 per million in 1994; than England and Wales—98 per million (United Nations 1999: 286). It would be interesting to explore whether inter-state differences in violent crime in the United States are reflected in patterns of prison sexual violence. Unfortunately the data required for such an analysis are not readily available.

Harer and Steffensmeier (1996) examined the subculture of violence theory closely, using data from 58 Federal prisons for men. They found that black inmates exhibited significantly higher levels of violent behaviour but lower rates of alcohol

and drug misconduct than white inmates: 'Both inside and outside prison, blacks have higher rates of violence than whites; in contrast both inside and outside prison, whites have as high or higher rates of alcohol or drug abuse than blacks' (*ibid.*: 342). These findings were interpreted as supporting the importation theory of prison adjustment, i.e. that higher levels of violence among black men in custody parallel racial differences in the wider society. While they did not examine sexual violence in particular, it may be that the existence of a violence-prone inmate group elevates general levels of violence. (More generally on the extent to which the culture of young black men on the 'street' has permeated the prison, and vice versa, see Anderson 1999; Wacquant 2001.)

Race relations?

In a review of the psychological determinants and correlates of criminal violence, Megargee (1982: 111) discussed prison rape in the following terms:

Unlike most rapes, which are intraracial encounters, prison rapes more often involve blacks raping young, slightly built whites; they appear to be motivated by hostility, racial antagonism, and the need to assert dominance and power. In many jails and some prisons it has become almost an initiation rite and is frequently a group rape, with all of the dynamics associated with that syndrome.

More recently it was claimed that, 'racial hatred of whites by blacks appears to be the main force driving prison rape' (Knowles 1999: 278). Prison rape, according to this argument, is sometimes viewed as a hate crime, a malevolent expression of Black Power. But if this is true why then are rapes in the outside community not inter-racial also? What is it about the US custodial environment that moulds the expression of violence in this way?

Carroll (1977: 422) described the motives that black prisoners express for raping whites: 'It's getting even I guess...You guys [whites] been cutting our balls off ever since we been in this country. Punking whites is just one way of getting even.' By this interpretation prison rape could be seen as a modern inversion of lynching. Indeed, this is the argument made in great detail by Pinar (2001: 1013) who explained prison rape as the taking of 'Claude Neal's revenge.'

Claude Neal was lynched in Florida in October 1934. He had been accused of raping and murdering a young white woman. His impending fate was announced in advance on radio and in the local newspaper under the headline, 'Florida to Burn Negro at Stake: Sex Criminal Seized from Brewton Jail, Will be Mutilated, Set Afire in Extralegal Vengeance for Deed.' A crowd of several thousand watched as Claude Neal was tortured for two hours. His penis was cut off and he was made to eat it. He was burned from top to bottom with red hot irons and his fingers and toes were hacked from his body and kept as souvenirs (see Pinar 2001: 47-9).

Pinar sees the racialized nature of prison rape in the United States as an enduring legacy of slavery, segregation, the convict lease system, and the lynch mob. In his words, 'prison rape reflects, captures something essential about, racial politics and violence in America' (2001: 1014). This difference in folk memory is probably the single factor with the greatest power to explain the rootedness of rape in US prison culture and its absence in the UK. This is not to suggest that prisons in the UK are characterized by racial harmony. There are clear indications that tensions exist among prisoners and

between prisoners and staff; racial and verbal abuse and harassment are common, if rarely recorded (Burnett and Farrell 1994; Clements 2000).

Staff attitudes?

Gilligan believes that prison staff allow sexual exploitation to persist because it gives them another method of controlling prisoners: 'it deflects the violence of the inmates away from the officers and onto each other' (2000: 172). This is part of the age-old strategy of divide and conquer; inmates are less likely to unite against their captors if they are busy fighting among themselves. This strategy has sometimes taken specific institutional forms such as the so-called 'building tender' system formerly operative in Texas, where an organized network of inmate informants functioned as surrogate guards. They supervised landings, broke up fights, held keys to the riot barricades, protected officers and assisted in cell searches. According to Marquart and Roebuck (1985: 231): 'This totalitarian system virtually destroyed any chances among the ordinary inmates (as individuals or groups) to unite or engage in collective dissent, protests or violence.'

Gilligan also believes that there is a tacit agreement between officers and rapists to the effect that aggressive prisoners will be permitted to rape so long as they submit to the prison system as a whole. In this way the officers' desire for personal safety increases the risks faced by the most vulnerable of those supposedly in their care. The idea that prison rape serves the interests of staff cannot be taken too far as an explanatory variable. Surely the same institutional imperatives exist in the UK system, although perhaps in a more dilute form due to traditionally higher levels of staffing, more interaction between prisoners and staff and a greater emphasis on 'dynamic security'? If the benefits of such a strategy were clear, it is likely it would be employed in other jurisdictions.

However, there is a limited measure of support (albeit somewhat anecdotal) for Gilligan's view. Haywood Patterson wrote of his experience as a prisoner on an Alabama prison farm in the 1930s. He reported that rape was tolerated, even encouraged, by prison guards because, 'it helped them control the men. Especially the tough ones they called devils. They believed that if a devil had a gal-boy he would be quiet. He would be a good worker and he wouldn't kill guards and prisoners and try to escape. He would be like a settled married man' (Patterson and Conrad 1950: 79). Patterson, a young black man, had been wrongfully convicted and sentenced to death for the rape of two white women in the infamous Scottsboro case. It is ironic that while in prison he became an admitted rapist of men.

The role that prison staff can play in contributing to serious violence emerged recently with allegations that guards in Corcoran State Prison, California set up fights between rival gang members by releasing them into the yard at the same time in order to bet on the outcome. As soon as a winner became apparent the prisoners would be ordered to desist and fired at if they disobeyed. Between 1988 and 1996 it was claimed that 50 prisoners were shot in this manner, seven fatally. In May 2000, eight guards were prosecuted for setting up fights and murdering prisoners. All were acquitted (Sabo *et al.* 2001: 12).

In a more sinister vein, there is evidence that prison staff's beliefs may contribute to the development of a pro-rape culture. For example, one study found that 46 per cent of a sample of officers in Texas indicated that some inmates 'deserved' to be raped

(Eigenberg 2000: 422). Comparative data are not available so we do not know the extent to which these views are peculiar to the staff group in question. However it may be that a staff attitude of disinterest or resigned acceptance fosters sexual violence. In an environment where the threat of rape is pervasive—perhaps even normal—such attitudes can be difficult to shift.

Conclusion

The existence of a rape culture has consequences for prison safety. Some prisoners manage the threat of rape by launching pre-emptive strikes, some are injured defending their physical integrity, others join gangs for protection thereby creating another potential for violent confrontation. This is a good example of contradictory consequences (see Giddens 1984: 311), in that, in order to remain safe, prisoners take actions that render their environment more dangerous. The notion that toughness and retaliation are protective is misplaced. As Lockwood put it: 'If we can detect a long-range effect of prison rape in our interviews, it is that the experience of being a victim trains men *to raise* the level of violence they have been accustomed to employing' (1980: 100, emphasis in original).

There are medical consequences too. By concentrating large numbers of those who are already infected with diseases such as hepatitis, HIV and TB, or engage in practices that make infection likely (such as intravenous drug use or unprotected sex), the prison system cranks up the risk of transmission. This is in direct contravention of a prisoner's right to safe custody: they are sentenced to serve time, not to die by lethal infection. There is the additional risk to communities when prisoners are released, both from communicable diseases and simmering fury. According to Mariner (2000: 130) those who are raped in prison return to society brutalized and vengeful: 'The costs of allowing prisoner-on-prisoner rape to occur are enormous, not only in needless human suffering but also in fostering violence.' The UK is largely spared this pernicious consequence of imprisonment.

There are two areas where research is needed, both in the United States and the UK. First, the question of staff sexually assaulting prisoners has not been tackled directly, although there are hints that this is a problem. Struckman-Johnson and Struckman-Johnson (2000: 389) concluded a recent article with the tantalizing (but undeveloped) observation that 'our study suggested that a substantial portion of sexual coercion incidents (about 20 per cent in larger prisons) involved prison staff perpetrators.' This is a serious claim and it merits close attention. It appears that this might be more of a problem in institutions that hold women and girls. According to Dumond (2000: 410), 'women in confinement face substantial risk of sexual assault by a small number of ruthless male correctional staff members, who use terror, retaliation, and repeated victimization to coerce and intimidate.'

Second, we hear little from the most marginalized prisoners; the vulnerable, the sex offenders, the homosexuals, those who 'do not exist' in the eyes of their fellow captives. They can be jostled, excluded, robbed and raped with impunity. It is difficult even for researchers to work with these groups as any perceived relationship may affect their position in the eyes of other 'more respectable' prisoners and staff. It is probably easier for most of us to empathize with and interview armed robbers or murderers, who can hold their own in the main body of the prison; than to while away a couple of hours with

the despised child rapists or ‘punks’ who exist at the margins of prison society. This is regrettable, bias. It has the result that we do not appreciate what it feels like to serve one’s sentence on the bottom rung of the ‘echelon society’ (Goffman 1961: 42).

Finally and on a more general level, much work in criminology and penology focuses on similarities—for examples the current debates about mass incarceration, cultures of control, policy transfer, restorative justice, and the risk society. A clear theme is how ideas, policies and practices are converging and merging. This means that important sites of difference are sometimes glossed over. This paper is an attempt to root out a divergence in penal treatment that might reflect wider socio-political forces. The emotional and physical experience of imprisonment is different in the United States, because of the widespread concern about preserving bodily integrity. This means that, quite simply, the pains of confinement are not the same in London and New York.

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