

# Imprisoning men in violence

## Masculinity and sexual abuse: a view from South African prisons

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*This article explores sexual violence in male prisons in South Africa. It focuses on the social meanings and identities that surround sexual violence, particularly the ideas of manhood that shape both the perpetration of sexual abuses and how it is dealt with – or not. The dominant inmate culture endorses prison rape and long-term relationships of sexual abuse, largely through legitimising violence and through replicating societal notions of gender and sexuality. The Department of Correctional Services and its staff have so far failed to meaningfully engage with the problem of sexual violence in prisons, or to provide adequate support for victims. There are indications that the department may be beginning to address the problem, but past attempts to get the issue of sexual violence recognised, provide cautions as to how this should be done. Specifically, there is a need to ensure that damaging and brutal notions of masculinity are challenged rather than accentuated in the process of addressing the problem.*

Sexual violence in prisons is a global problem and one typically marginalised by correctional administrations and research on prisons, with the result that we do not have a clear understanding of its true extent. Nevertheless, the growing body of evidence in South Africa (albeit still underdeveloped), together with that from other contexts, supports the view that there can be little doubt that the problem is widespread, and in urgent need of attention. After years of sometimes hopeful but frequently disappointing and frustrating attempts by activists, researchers and individuals in the Department of Correctional Services (DCS) to place sexual violence behind bars firmly on the South African agenda, there is finally cause for cautious optimism. Important legislation, the Criminal Law [Sexual Offences and Related Matters] Amendment Act, 2007, that recognises that men as well as women can be

raped, has been introduced, and should assist DCS in tackling violence in its centres. The issue has also received public coverage through the open sessions of the Portfolio Committee on Correctional Services, which has recognised the matter as requiring attention. Minutes of an April 2010 meeting of the Portfolio Committee dedicated to this issue suggest that at least some members intend keeping it on the agenda.<sup>1</sup> Most significant is DCS's recent commitment to developing relevant policy. So while the bulk of the work remains to be done, we hope that these moves signal a real chance to finally tackle the problem.

However, without an appreciation of the cultural workings involved in the dynamics of sexual violence we are unlikely to make much progress in tackling it. A key challenge for the drivers of these new policy processes will be to ensure that they engage with the social and identity-shaping

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dynamics involved in the violence, central amongst which are destructive ideas about gender and sexuality. This article considers the particular versions of masculinity expressed in experiences of prison rape, and by prison staff.

The article is based on qualitative and quantitative research with past and current male prisoners. During 2000 and 2001, multiple-session focus groups with young offenders were conducted along with a focus group and individual in-depth interviews with ex-prisoners in Gauteng (n=23).<sup>2</sup> Although based in Gauteng, some respondents had been incarcerated in prisons in other provinces as well. This was exploratory research that sought to understand the nature and circumstances of sex and sexual violence taking place in men's prisons. In 2004 and 2005 the Centre for the Study of Violence (CSV) surveyed juvenile inmates in a Gauteng correctional centre (n=311) through administered questionnaires that posed questions about their experiences of violence, sex and sexual violence in prison, as well as about more general features of their personal lives and experiences in prison, including issues related to HIV and AIDS, sexuality and gender.<sup>3</sup> In addition, the CSV has recorded views that have repeatedly emerged in capacity-building and awareness-raising processes with DCS staff, locally and nationally, over a number of years.

The starting point for this article is the finding that male perpetrators of same-sex rape in prison are relatively forthcoming in talking about this violence, whereas victims are reluctant to report the same violence. The article explores this issue in context and shows that the greater ease with which perpetrators talk about their violent behaviour is explained by the social place sexual violence occupies in prison. The article also reveals how particular notions of gender and sexuality are related to violence in ways that have pertinence far beyond prison walls.

## **DISAPPEARING TRICKS: INMATE CULTURE AND SEXUAL VIOLENCE**

Understandings and experiences of sexual violence in men's prisons are strongly influenced by

dominant inmate culture. The behaviours and beliefs that make up this culture are considered 'normal' in that context, and are upheld by those inmates wielding power. In South Africa, a longstanding collection of gangs known as 'the Numbers' has helped to shape inmate culture.<sup>4</sup>

Sexual violence in prison is interwoven in the hierarchies and rituals of these gangs. So, for example, coercive sexual relationships are structured into gang hierarchies, and sexual violence is used in the classification of new members into these hierarchies.<sup>5</sup> But while sexual activity is embedded in inmate and gang culture, the ways in which the culture normalises violence simultaneously makes it invisible. For example, male victims of sexual violence in prisons are not acknowledged as men, but are commonly believed to have been turned into 'women'.<sup>6</sup> As one respondent said,

If ... sex [is done to you], ... you are now a woman ... There is nothing we can do ... and we don't care ... When [you] walk past people want to touch [you] or threaten to rape [you].<sup>7</sup>

Another aspect of invisibility is that sexual violence is normalised through forced partnering, which is often referred to as prison 'marriage'.<sup>8</sup> Most rape victims are taken as wives or 'wyfies' in forced 'marriages' by perpetrators who are viewed by members of the dominant culture as 'men'.

'Wyfies' (who have had this feminised identity imposed on them) are seen as the means to the 'men's' sexual gratification and, in the majority of cases, 'marriages' become the place of ongoing sexual abuse for 'wyfies'.

While these marriages are abruptly and brutally brought about through rape and various degrees of coercion (many of which now fall into the legal definition of rape determined in the Sexual Offences Act, and implied through its definition of consent), in more than a few ways they also mimic heterosexual marriages outside prison. This resemblance is drawn on to justify and legitimise these unions. Inmates say things like, 'but prison wives are treated just like women

outside.<sup>9</sup> Ultimately 'marriages' also veil the issue of violence by the way their protagonists are referred to: victims are 'wives' and perpetrators 'husbands'.

There is also a temporal aspect to this. We found that inmates will identify and name rape, and the threat of rape, as being at a height when people first arrive in prison, but say that it then dwindles, and that sex happens much more by agreement thereafter. It appears, however, that although in 'marriages' the same level of very direct violence may not be seen, the force involved does not necessarily diminish. Rather, the force, together with any recognition of its victim, recedes from sight because of being contained in the 'normal' recognisable institution of 'marriage' (that may appear just like marriage on the outside).<sup>10</sup> This is also apparent in other characteristics of the forced 'marriage'. For example, the 'husband' (perpetrator) is expected to provide his 'wyfie' with goods and luxuries.<sup>11</sup> Pertinent too is how, in some respects, the 'marriage' may serve to 'protect' the 'wife' from other forms of violence. Without being 'owned' by a 'husband', inmates who have had a feminised identity imposed on them risk being abused by other inmates who would regard them as available sexual property.<sup>12</sup> These 'benefits' of the 'marriage' assist in conceptually obscuring the violence and exploitation on which it is predicated.

Other powerful discourses focus very specific unwanted attention on the victim, blaming him for what has happened to him and building the perception that rape is the victim's fault and the perpetrator has done nothing wrong.<sup>13</sup> While these discourses work to make the violence seem normal and acceptable (or hide it altogether) at the same time as stigmatising victims, there are other forms of violence that are central to establishing identities that are desirable and validated in inmate culture.

## MASCULINITY AND VIOLENCE

The meanings attached to 'manhood' in prison demand a capacity to both use and withstand violence,<sup>14</sup> the ability to manipulate others, and

self-sufficiency. Violence is so part of 'manhood' that if someone who has been made into a 'woman' wants to escape the abuse and be promoted to 'manhood', he is expected to commit violence to prove his worthiness.<sup>15</sup>

This resonates with Whitehead's analysis of men's violence in contexts where men feel threatened and are compelled to prove their 'manhood'. Whitehead identifies two categories of violence used to assert masculinity amongst men in such contexts. While the first establishes both victim and perpetrator as manly and 'worthy rivals', the second category of violence functions to exclude victims from the category 'man'. Rather, it positions him as unworthy of manhood and is seen as turning him into a 'non-man'.<sup>16</sup>

The rape of men in prison can be seen as an example of this second type of violence: it is understood to turn the victim into a non-man ('woman') while confirming the masculinity of the perpetrator. On the one hand the violence of rape is seen as destroying the victim's claim to masculinity, which in turn is about a fundamental loss of respect and identity amongst peers.<sup>17</sup> On the other hand, once an initial rape has occurred, the legacy of the supposed loss of masculinity and enforced feminised identity is that the victim is viewed as sexual property – so paving the way for further sexual abuse.<sup>18</sup>

The notion that 'real' men cannot be raped – and that if they were real men they would have managed to fight off attackers, is widespread in society generally.<sup>19</sup> Consequently there is minimal, if any, room in prevalent understandings of masculinity for experiences of men's victimisation.

## MORE DISAPPEARING TRICKS: (THE LACK OF) OFFICIAL RESPONSE TO SEXUAL ABUSE

The official response of the Department of Correctional Services and its staff to sexual violence, as articulated through actions and policies, has lacked consistency and commitment. DCS has over the years started sporadic initiatives

seeking to remedy the generally unacknowledged status of sexual violence in prisons. But these have been dogged by problems, including personnel and leadership changes, uneven commitment to the issue by consecutive leadership, restructuring, bureaucracy, a lack of priority given to the issue, and a lack of follow-through when attention is given to the issue.

While a few individual staff members and centres have taken steps to address rape in their localities, they have done this without the assistance of departmental policy or a guiding framework on the issue.<sup>20</sup> The Correctional Services Act 1998, for example, makes no mention of sexual violence, and a brief section on sexual assaults in the more detailed B Orders (which delineate staff duties) provides only vague and minimal direction to staff, and then mainly medical staff.<sup>21</sup> Existing evidence, however, highlights severe gaps in medical officials' handling of cases.<sup>22</sup> The most common scenario seems to be that staff, who receive no dedicated training to deal with sexual violence, operate on the assumption and acceptance that it is 'part of prison life' and/or not something they can do – or are expected to do – much about.<sup>23</sup> Staff complain, for example, of a lack of management prioritisation of the issue, of relevant training, and of mechanisms to deal with perpetrators and protect victims.<sup>24</sup> The result is that widespread abuse fails to get close to the attention it requires, and DCS fails in its obligation to keep inmates safe.

Ultimately, albeit in ways different from the inmate culture, official practices also make prison rape invisible. Quite literally, rape is not evident in the prison records of violence.<sup>25</sup> There is no category for rape/sexual assault in DCS data-gathering systems. So if an inmate is raped, this is recorded as 'assault'. The invisibility of rape in the records is echoed in the lack of support services available to victims, as well as the lack of mechanisms to prevent and detect abuses and deal with perpetrators.<sup>26</sup> The DCS complaints mechanism for prisoners has also been shown to be ineffective for serious and sensitive complaints, and inmates regard its efficacy with scepticism.<sup>27</sup>

Many staff members apparently accept the camouflaging of sexual abuse in the forced 'marriage'-type relationships organised through the inmate culture (discussed above). Anecdotal evidence emerging from workshops and meetings with staff reveals a tendency to view sexual encounters between inmates that are obviously coerced, as consensual. The way in which the discourses surrounding 'marriages' succeed in normalising and legitimising violence among the inmate population thus also seems to determine staff members' attitudes to sexual violence.

Findings from our survey of juvenile inmates in a Gauteng correctional facility underscore the lack of capacity among staff members to deal with sexual violence.<sup>28</sup> The incarcerated youth were markedly more pessimistic regarding staff members' handling of sexual assault, compared to their handling of general assault. Pessimism increased with time spent in prison, suggesting that the more they had seen how things worked, the more pessimistic they became. Twenty-six per cent of juvenile inmates who had been in the centre more than a year agreed that, '[M]ost officials won't do anything to stop it if they know about a prisoner being forced to have sex against his will'.<sup>29</sup> And 20 per cent of these inmates agreed that, '[W]ith most of the correctional officers, if you report that you've been raped they are likely to joke about it and say something like "such things are part of prison life"'.<sup>30</sup>

The lack of awareness of the dynamics of sexual violence, as well as oppressive attitudes to gender and sexuality, are related to a historical failure by the department to acknowledge and prioritise sexual violence and sexual health – both issues of magnitude for detention settings.

Moreover, the policies governing the work of correctional officers<sup>31</sup> do not state just what is and what is not allowed.<sup>32</sup> This manifests in confusion amongst staff across the DCS hierarchy about the acceptability or not of different sexual behaviours amongst inmates. Part of the problem is that in the absence of a clear framework and policy, different behaviours are often conceptually conflated. In other words, sex is not differentiated

from sexual violence. This is evident, for example, in staff members' use of the term 'sodomy' in ways that do not distinguish sex from rape.<sup>33</sup>

Ultimately, such conflation acts to keep sexual violence hidden while at the same time generating homophobia (by muddling consensual sex between men with rape), and jeopardising health initiatives to promote safe sex. A clear symptom of the latter are emotionally charged, erroneous expressions by many people working in prisons that making condoms available to inmates encourages sexual violence, and that to reduce sexual violence we therefore need to halt access to condoms.<sup>34</sup> The same arguments have been put forward by individual members of oversight bodies, pointing to the urgent need for raising awareness on these issues, and a need to tackle associated homophobic attitudes.<sup>35</sup> While apparently these views are not representative of oversight committee members,<sup>36</sup> the absence of responses that clearly establish the facts and separate the issues is notable and concerning. Such muddling endangers progress made in securing access to condoms for inmates in order to address the spread of HIV-AIDS and other STIs. Even with an HIV and AIDS policy that requires condoms to be available to inmates (albeit still with gaps),<sup>37</sup> such attitudes impact on implementation: staff are reluctant to make condoms available, inmates are increasingly hesitant to seek condoms, and homophobia is endorsed because seeking condoms (for consensual sex) is erroneously assumed to present evidence of violence.<sup>38</sup>

Overall, the official lack of adequate attention to sexual violence in DCS facilities endorses destructive notions of manhood by failing to recognise and support male victims of rape. However, the discourses and beliefs that feed this situation are prevalent in society more broadly, where we are attached to ideas of men's invulnerability.<sup>39</sup>

But recent and overdue initiatives, both in DCS and society more broadly, provide scope for cautious optimism. Male victims of rape have finally been recognised in South African law with

the adoption of the Criminal Law [Sexual Offences and Related Matters] Amendment Act, 2007. While Muntingh and Satardien note that prison contexts were neglected in the drafting of this legislation, the new law provides much-needed guidance for differentiating coercion from consent and establishes a range of crimes pertinent in prison settings.<sup>40</sup> Moreover, senior DCS officials have committed the department to tackling sexual violence. A policy framework for managing this is in progress, and the department has undertaken to rectify the absence of sexual violence in prison records.<sup>41</sup>

Also hopeful is the firm and keen interest that the Portfolio Committee of Correctional Services has shown.<sup>42</sup> But the greatest challenge remains for DCS and those overseeing it to ensure that these initiatives do not fall victim to the same fate as previous initiatives (such as the Anti-Rape Strategy initiated in 2002, and Commissioner Petersen's prioritisation and exposure of the issue in 2008),<sup>43</sup> and to ensure that commitment is maintained so that inmates and staff at local level rapidly feel the benefits.

## WHY CAN'T WE ACCEPT MEN'S VULNERABILITY?

It would be pertinent to consider another discourse that tries to oppose the dominant culture that makes the rape of men in prison invisible. This discourse informs activists attempting to obtain recognition for victims of prison rape.<sup>44</sup> They have highlighted the potential for male rape victims to themselves become violent in the future. So, in its bluntest form, a regularly stated argument put forward that, unless we pay victims the attention they deserve, they will become rapists on the outside in attempt to 'regain their manhood'.

The interplay between victimisation and potential perpetration is a complex one. Social and psychological factors will indeed see some victims become perpetrators.<sup>45</sup> But it is by no means a certainty that aggression and violence follow sexual victimisation. In terms of how prison rape may generate future violence, it seems noteworthy

that in these well-intentioned discourses, the victims are singled out as potential perpetrators while those doing the raping and coercing (the prison 'men') are ignored – but that's not to say that they are not sometimes the same people.

The benefit of this approach is that it draws attention to male rape victims – but it can also be damaging. By foregrounding victims as future rapists on the outside, activists risk further stigmatising those victims. So they are seen, not as victims or survivors, but as dangerous potential perpetrators. This implies that they are not worthy of attention because they have been harmed and violated.

Notions of masculinity in inmate culture make recognition and respect conditional on a capacity for violence. The activist discourse ends up doing the same thing by saying that these men's potential for violence is the reason we need to pay them attention. The vulnerability of men is seemingly a reality that society refuses to acknowledge, unless we feel threatened by what our ongoing disregard may bring about. Therefore, in attempting to address male vulnerability, an uncritical assumption is often made about the link between men and violence – and such efforts then run the risk of endorsing the very beliefs we seek to debunk.

The tendency to stigmatise male victims of sexual violence in this way has been documented beyond the prison context, as has the negative effect that it has on victims.<sup>46</sup> It may prevent victims from seeking help (which in prison is even more likely because of fear of reprisals and that they will not receive any assistance),<sup>47</sup> and jeopardise the nature or availability of support they may find (or not find) if they do take the unusual and courageous step of seeking it.

This begs critical examination of our expectations of men, and requires that we find ways to support alternative expressions of masculinity that include an appreciation of men's vulnerability. This is essential to end societal gender-based violence. The conceptions of manhood that see men oppressing and violating women and perpetrating

sexual violence against each other, and society's refusal to acknowledge male vulnerability, are all closely related.

## **GROWING OUR YOUNG MEN IN PRISON**

The CSVR survey asked young respondents about different kinds of processes that they had been through that they felt had turned them from boys into men.<sup>48</sup> The emphasis was on their feelings, and they were told to include formal and informal processes, as well socially acceptable and frowned-upon processes. We found that the longer they had spent in prison, the more prominent were rights of passage to manhood that had taken place while they had been inside prison.

While this is fairly unsurprising, it is notable that the process did not require exceptionally long periods of imprisonment. For example, amongst those who had served two to three years of their sentences, 52 per cent had participated in processes inside prison they felt had turned them from boys into men. For some of them these manhood processes were having an impact soon after they arrived in prison. We also found that much of what they knew about sex was learned from their in-prison experiences.

This highlights the importance of prison experiences for inmates' sense of themselves and the critical role that prison plays in their approaches to sexuality and gender. These are approaches on which they will likely base their future relationships when they return to society. Deeply destructive notions of what it means to be a 'man' are entrenched in prison, and include the experience that victims of prison sexual violence will be unrecognised or receive only stigmatised and humiliating attention, while there are no negative consequences for perpetrators, who may even garner respect as a result.<sup>49</sup> But while these harmful ideas about manhood may be particularly exaggerated in prison, the discourses that support them are powerful outside prison as well.

## CONCLUSION

Correctional centres and awaiting trial facilities are key sites of men's victimisation. Beyond the damage done to direct victims, violence is a central feature of prison culture and as such, a socialising force for the inmates living it. Tackling the problem of sexual violence requires multi-pronged strategies that focus on preventing it and appropriately responding when it does occur, whilst taking into account the social dynamics prevalent in our prison environments and the shaping of sexual violence. It also requires documentation and data collection for a better understanding of the extent and nature of the problem, the challenges of addressing it and models of intervention. Existing research, the relevant experiences of local DCS and civil society practitioners, as well as recent experience in other countries (where this process has already begun)<sup>50</sup> provide good starting points – together with direction to be found in South Africa's new sexual offences legislation. By tackling sexual violence in these ways DCS would not only have a much needed impact in the lives of those directly involved, but would unsettle the current legitimisation of violence evident in inmate and staff cultures.

Herein lies an opportunity for DCS to take a lead in challenging oppressive notions of masculinity that link respect with violence, refuse to acknowledge male vulnerability, and, in doing so, fuel violence in prisons and beyond the prison walls.



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## NOTES

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