

# 12

## SEXUAL VIOLENCE

### LEARNING OBJECTIVES

*Upon completion of this chapter, students will be able to . . .*

- Discuss the significance of gender and sexuality in sexual violence
- Describe the primary social problems concerning rape and sexual assault
- Understand the dynamics and problem of child sex abuse
- Explain the extent of and the racialized nature of homophobic and transphobic violence
- Describe carceral sexualities and why prison sexuality should be of concern

Every Valentine's Day, millions of women around the world organize to dance, strike, perform, and speak out in defiance against violence against women and girls. These efforts are part of an ambitious campaign called "One Billion Rising." It is launched by V-Day, a global activist movement to end violence against women and girls, including rape, sexual battery, incest, female genital mutilation, sex trafficking, and sex slavery. V-Day was started in 1998 by playwright and activist, Eve Ensler, author of the groundbreaking play, *The Vagina Monologues*, which addresses women's sexuality, rape, and sexual abuse. The play inspired such intense reactions from women all over the world, it led to the creation of V-Day. The play itself is performed royalty-free every year as part of the campaign. The "V" in V-Day stands for Victory, Valentine, and Vagina ([www.v-day.org](http://www.v-day.org)).

Launched in 2012, V-Day's One Billion Rising campaign is the "the biggest mass action to end violence against women in human history" ([www.v-day.org](http://www.v-day.org)). The name "One Billion" comes from the United Nations estimate that one in three women on the globe will be raped and beaten in her lifetime, and with approximately 3 billion women in the world, the number of victims comes to 1 billion. In 2015, millions of activists in over 200 countries gathered on Valentine's Day and posted videos on social media and to a streaming feed on the campaign's website. Every year

the campaign focuses on a theme. In 2016 it was revolution, and in 2014 it was justice. A range of issues are focused on, based on the specific needs addressed by the grassroots organizers in the various countries involved. For example, in 2014, risings in Bangladesh and Hong Kong focused on labor rights in addition to sexual violence (Khaleeli 2015).

All participants are asked to gather and dance in public. The message is that women and survivors of sexual violence do not need to be ashamed of their stories or their bodies. Ensler says, “When you are raped, you are forced to leave your body because it is a landscape of terror and pain. It feels contaminated and polluted. Just the act of releasing your trauma when you dance can make you feel part of a community” (Khaleeli 2015).



1 Billion Rising, an international campaign to end violence against women, was started by Eve Ensler, the author of “The Vagina Monologues.”  
Source: AP Photo/Sipa.

## UNDERSTANDING SEXUAL VIOLENCE

Sexuality and violence are, unfortunately, intimately connected. **Sexual violence** is a broad term to describe any sexual act committed against someone without that person’s freely given consent. It includes all unwanted sexual activity, including rape, sexual assault, incest, sexual harassment, exposure, stalking, peeping, any unwanted or inappropriate sexual contact, and even experiences that do not involve physical contact between a perpetrator and a victim. Women and girls are far more likely to be victims of sexual violence than men, although boys and men are also victims. In all circumstances, sexual violence is a crime. While sexual violence is outwardly viewed as unacceptable, in many ways, U.S. culture ignores, trivializes, and normalizes sexual violence. This led feminists in the 1970s to label U.S. culture as a **rape culture**, or a culture in which rape is so widespread it is normalized (Harding 2015). Since the 1970s, the term has broadened to include a wide variety of cultural practices and beliefs that encourage male sexual aggression and violence against women and make sexual violence seem natural and inevitable.

In the following sections, we discuss several different aspects of sexual violence including rape, child sex abuse, transphobic and homophobic violence, and prison rape. The mythology surrounding rape and sexual assault, its prevalence, and issues with its exact definition will be explored. We will analyze the role of consent, victimization language, and double victimization in regard to rape in U.S. culture. A more specific look at campus, wartime, and prison rape and sexual assault are explored, as well as a review of feminist theoretical perspectives on the causes and prevention of sexual assault. We investigate child sexual abuse, a highly prevalent form of sexual violence, specifically focusing on the challenges associated with reporting and the stigma associated with child sexual abuse. We then use the lens of intersectionality to look specifically at violence against LGBTQ people, and specifically LGBTQ people of color. We conclude this chapter with an exploration of prison sexuality, particularly exploring prison rape and sexual assault. Prisons are environments

where the normalization of sexual violence is unsurprising. However, this chapter shows how sexual violence is normalized throughout our entire culture. Examples of the normalization of sexual violence include:

- In 2003, Congress unanimously passed the *Prison Rape Elimination Act* (PREA), which estimates that 13 percent of U.S. inmates will be raped while incarcerated. At least one million inmates had been raped in American prisons in the previous 20 years (Jacobs 2009).
- In 2012, Jerry Sandusky, former assistant football coach for Penn State football, was convicted of sexually assaulting 10 boys during 15 years. Known as the “Penn State Child Sex Scandal,” this case led to the firing of Hall of Fame football coach Joe Paterno and the questioning of many other campus authorities who might have known about and ignored Sandusky’s abuses (Drape 2012).
- In 2014, President Obama issued a White House task force to investigate college sexual assault, in which colleges conducted “campus climate” surveys nationwide. Guidelines were later developed to encourage campuses to more aggressively tackle sexual assault (Steinhauer 2014).
- In a classic example of victim blaming, in a 2014 CNN interview with Joan Tarshis, a woman who accused Bill Cosby of sexually assaulting her 45 years ago, the CNN host, Don Lemon, asked her why she didn’t use her teeth to bite his penis in order to stop her rape (Taibi 2014).
- In 2016, former Stanford University swimmer, Brock Turner, was given a six-month jail sentence for sexually assaulting an unconscious woman. Critics across the country protested that this sentence was too lenient, including Vice President Joe Biden, who wrote an open letter to the victim expressing his outrage over the case (Scott 2016).
- On June 12, 2016 Omar Mateen killed 49 people and wounded 53 in a mass shooting at Pulse, a gay nightclub in Orlando, Florida. This is one of the largest acts of mass murder in U.S. history, and it was directed specifically at the LGBTQ community of color, as it was “Latin night” at the club.
- The body of a nurse, African American, transgender woman Dee Whigham, was found in a hotel room near Biloxi, Mississippi, on July 23, 2016. She was the 16th transgender person murdered in the U.S. in the first seven months of 2016 (Brighe 2016).

## Rape

Rape is a serious problem in U.S. culture. It is problematic not only because of its high prevalence, but also due to its historically ambiguous and changing definition, and to decades of false cultural mythology surrounding it. Statistics presented by the National Sexual Violence Resource Center on the incidence of rape are staggering. One in five women in the U.S. will be raped at some point in their lives (National Sexual Violence Resource Center 2015). Gender is one of the most important characteristics of the rape epidemic. While 9 percent of victims of rape and sexual assault are males, 91 percent are female (National Sexual Violence Resource Center 2015). Rape is a gender-based crime primarily perpetrated by men against women. Additionally, despite our cultural narrative of “stranger danger,” eight out of ten rape victims know their offender, and one in ten women has been raped by an intimate partner in her lifetime (National Sexual Violence 2015). As mentioned earlier in the chapter, these figures lead many to call the U.S. a rape culture.

The precise definition of rape has been a source of contestation and debate for years by feminists, politicians, legal scholars, and those in the criminal justice system. Variability in precise sex crime terminology, such as rape, leads to problems in the court system, reporting, and data collection on the incidence of rape. Since 1927, the FBI’s Uniform Crime Report had defined “forcible rape” as “the carnal knowledge of a female, forcibly and

against her will” (The United States Department of Justice 2012). This outdated definition was gendered and too narrow. In 2012, under the advice of the Attorney General, the FBI adopted a new definition of *rape* as “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (The United States Department of Justice 2012). For the first time in U.S. history, the federal criminal justice system has a working definition of rape that is gender neutral. Moreover this definition recognizes rape can happen with objects, not just genitalia; and it emphasizes consent. Despite this progress, the legal definition of rape still varies state to state and creates confusion.

In some states, like New Jersey, rape is described as a sexual assault. *Sexual assault* is a more broad term to describe any type of forced or coerced sexual contact or behavior that happens without consent. It includes rape, attempted rape, incest, child sexual abuse, sexual harassment, fondling, and all other forced sexual behaviors against another person. For some states, the shift toward calling rape a “sexual assault,” is a way to shift the focus from the sexual to the violent aspect of the crime. In South Carolina, rape is referred to as “criminal sexual conduct,” and in Florida, “sexual battery” (Palmer 2011). Many feminists support the shift away from the word “rape” because they argue the word has cultural implications as a crime of sexual passion and tends to focus attention and blame on the victim, not the offender. While the term “sexual assault” gives the act of rape more serious gravity in the courts, it can also be confusing because while rape is always sexual assault, sexual assault is not always rape. Others argue the word “rape” adds severity to the act and should still be used. The debate is ongoing.

In the 1970s, sociologists and feminists introduced the concept of *rape myths*, or widely held attitudes and inaccurate beliefs about rape that serve to deny, justify, and perpetuate male sexual aggression against women (Edwards et al. 2014). Susan Brownmiller (1975) was one of the first feminists to assert that historically rape was viewed as a crime against property and that the continuance of sexual violence against women was perpetuated by outdated patriarchal ideologies of gender and sex inequality. Research over the past 40 years indicates a direct correlation between the ongoing epidemic of sexual violence and rape myths (Edwards et al. 2014). Rape myths are false, tend to blame the victim, minimize the assault, and fail to address the realities of rape. Some of the most prominent rape myths are that husbands cannot rape their wives, women enjoy rape, women ask to be raped, women lie about being raped for revenge or attention, rape doesn’t happen often, rape is committed by strangers, and the way a woman dresses causes rape.

Unfortunately, rape myths can influence laws. For example, a common rape myth is that husbands cannot rape their wives. Rape laws historically did not protect married women, as it was a general assumption that marriage automatically implied consent to all sexual relations. Challenges to this began in the 1970s and by 1993, the marital rape exemption, as it was known, was overturned in all 50 states.

Acceptance of rape myths happens at the individual and institutional levels. There are a variety of ways to measure the endorsement of rape myths in individuals. In one study, between 25 and 35 percent of male and female respondents reported they believed the majority of rape myths (Edwards et al. 2014). A review of a variety of studies on the acceptance of rape myths shows men are more likely to believe rape myths than women; people who believe rape myths are more likely to be sexist, racist, and homophobic; and victims who believe rape myths feel guilty and responsible for the assault (Burrowes 2013).

Institutions such as the media and the criminal justice system often endorse rape myths. Studies of media headlines reveal rape myths are prevalent and shape public attitudes toward rape (Franiuk, Seefeldt, and Vandeloo 2008). The belief in rape myths by jurors has been shown to influence decision making in rape cases, specifically in wrongful acquittals in sexual assault trials (Hildebrand and Najdowski 2015). Police officers who believe rape myths can be insensitive to a rape victim and even blame the victim. This is known as *double victimization*, or exposure to the initial crime and then later negative exposure to an errant criminal justice

worker or system that serves as a second victimization. Sometimes police accuse women of lying about being raped and even go so far as to accuse victims of seeking vengeance or attention through their false accusation. Social scientists who study false reporting find the prevalence of false allegations is between 2 percent and 10 percent for rape (Lisak et al. 2010).

Racism and classism intersect with rape myths creating even more layers of deception and violence. The myth of the black rapist of white, middle- or upper-class women is a racist myth that dates back to the Reconstruction era after slavery was abolished in the United States (Davis 2015). The myth of the black male rapist gave rise to lynching and became interwoven in legal institutions—resulting in violent, discriminatory legal practices, including castration and execution of black men during this era. Today the myth that black men are more apt to rape white, middle- and upper-class women still lingers and impacts public views and juries, despite the fact that contemporary data reveals the majority of sex offenders are white and most victims of sex crimes are white (Wheeler and George 2005).

**CONSENT** In the context of sexual activity, *consent* is when a person agrees to engage in a sexual act with another person. While the exact legal definition varies state to state, most laws require that in order to give consent, a person has to be mentally capable of making that decision. In other words, they cannot be experiencing some form of natural or induced impairment that inhibits them from making clear decisions. Examples of things that can disable one's ability to consent range from alcohol intoxication to accidents that cause brain trauma. In order to give consent, a person has to be of a certain age. Age of consent laws vary state to state, but most set the range between 14 and 18. Youths below the age of consent cannot legally consent to having sex. **Statutory rape** is a sex crime in which sexual relations take place between an adult and young person below the age of consent. Punishments for statutory rape vary across states, depending on the factors involved, including the age of the victim and the age difference between the victim and the perpetrator.

Debates surround expressions of consent. Until very recently, a person's "attitude of willingness" or performance of "nonverbal consenting behaviors" was enough to indicate consent for sexual intercourse in a court of law. However, nonverbal consent creates confusion, and lawmakers are trying to find ways to bring greater clarity. Consent has been shown to be especially contentious when it comes to marital rape, or rape between two people who are married; or **date rape**, or **acquaintance rape**, terms that describe the rape of an acquaintance or while on a date. Date rape and acquaintance rape are crimes that happen between two people who know each other and are willingly spending time together. Sometimes perpetrators use a



The University of Tennessee, Knoxville, included this image of "Defining Consent" in its alumni magazine in 2015, showing their campus commitment to ending rape.

Source: Image courtesy of the University of Tennessee, Knoxville.



*date rape drug*, or an incapacitating agent. This last type of rape is also called incapacitated rape or drug-facilitated sexual assault; and it can happen between acquaintances, or the perpetrator can be a stranger (Brown, Testa, and Messman-Moore 2009). Consent is often debated in court in cases regarding date rape because the perpetrators will often claim the victim “acted” consensual or that there was simply a misunderstanding. The perpetrator will use the fact that the victim willingly went on a date with him as proof that she was sexually interested.

In the face of this confusion, a new standard of consent has emerged, known as the affirmative consent standard. The *affirmative consent standard* states that the person who initiates sexual contact must receive a verbal “yes” or affirmation from the other person before engaging in sexual activity, or when moving from one sexual activity to another. Consent must be ongoing throughout the sexual experience. For instance, a person may consent to oral sex, but have no intention of or desire to engage in anal sex. Their original consent cannot and should not be interpreted as a *carte blanche*. This standard is intended to reduce any ambiguity surrounding consent. Many college campuses have adopted the affirmative consent standard in their policies on sexual assault (see more on campus rape below). In 2014, California adopted “yes means yes” legislation that requires affirmative consent in all sexual encounters (Keenan 2015). While these measures are meant to protect women, some argue the government should not be able to dictate people’s intimate sexual encounters and that this standard will not actually prevent sexual assault (Young 2014). The debate over legislating consent is ongoing.

**RAPE SURVIVORS, DOUBLE VICTIMIZATION, AND VICTIMIZATION LANGUAGE** Survivors of rape do not all respond in the same way to their experience. Some respond immediately, others delay, while others experience feelings of denial. Denial is the process of not accepting what has happened, downplaying the intensity, and is more common when the perpetrator is someone the survivor knew and trusted. Some survivors are impacted for life. Several studies show that rape trauma victims have one of the highest risks of developing posttraumatic stress disorder (PTSD), with symptoms such as reexperiencing the trauma, social withdrawal, hyperalertness, hypervigilance, depression, and severe anxiety (Chivers-Wilson 2006). In one study, 94 percent of women met symptomatic criteria for PTSD in the first 12 days after the sexual assault (Rothbaum et al. 1992). In addition to the high likelihood of PTSD, rape victims can potentially suffer from a wide range of emotional and social problems such as higher levels of sexual dysfunction, disordered eating, sleep problems, and higher rates of substance abuse and suicide (Kilpatrick et al. 2007).

Society’s treatment of survivors of sexual assault is often negative, especially those who report or speak out about their experiences of sexual assault. As already mentioned, rape myths that blame the victim can cause double victimization by the police, medical personnel, friends, and family and significantly stunt a victim’s recovery. In some cases these types of negative responses silence victims completely (Ahrens 2006). This is one of the reasons why most rapes and sexual assaults against women are not reported to the police. According to the U.S. Bureau of Justice Statistics, only 36 percent of rapes and 26 percent of sexual assaults were reported to police between the years of 1992 and 2000 (Rennison 2002). This means the majority of perpetrators face no legal consequences for their actions.

Some survivors do not report rape or sexual assault because they do not identify with a “victim” identity (Weiss 2011). The *victimization framework*, or the institutionalized use of the term “victim” to describe someone who has been sexually assaulted, was emphasized by feminist activists in the 1980s and ’90s as a way to bring to light the high prevalence of rape in U.S. culture and the severe emotional, physical, and social impact it has on women. In many ways, this framework brought significant changes in social views on rape and has been beneficial for victims. However, some feminists question the language used within the victimization framework: Are they victims or



An image of a Take Back the Night rally in Portland, MA, 2012. These are held on college campuses across the country every spring to protest the epidemic of sexual violence on college campuses.  
Source: AP Photo/Portland Press Herald/Tim Greenway.

survivors? For some, gaining validation from society that you were, in fact, “victimized” can speed healing and recovery. For others, the term “victim” contributes to a feeling of powerlessness and a term that emphasizes women’s strength is preferred, such as “survivor.” Moreover, some argue that in a culture that promotes individualism, the language of victimization can inspire backlash discourse (Gavey 2014).

**CAMPUS RAPE** In 2015, the Association of American Universities conducted a large-scale study of campus sexual assault and misconduct. The study surveyed 150,000 students at 27 colleges and universities, including all of the Ivy League schools, except Princeton. Findings revealed 23.1 percent of female undergraduate student respondents reported experiencing sexual assault and sexual misconduct ranging from physical force, threats of physical force, or incapacitation, including 10.8 percent who experienced unwanted penetration (Cantor et al. 2015). This study was backed up in 2016 by the Bureau of Justice Statistics which found an average of 21 percent of female undergraduates claimed to have been sexually assaulted since starting college. This means that nearly one in four women on campus is at risk of sexual assault (Krebs et al. 2016).

Many aspects of college campus culture are considered risk factors for sexual assault. Alcohol or drug use is commonly associated with campus sexual assault, and women who drink are at higher risk of sexual victimization. According to the U.S. Justice Department, students who live in sorority houses and on-campus dormitories are more likely to experience rape than students who live off campus (Krebs et al. 2007). Sorority membership itself is a risk factor for sexual assault. This is partly because sorority women are more likely to drink, but also because they are more likely to associate with fraternity men. Fraternity men are three times more likely to rape than other men on college campuses (Foubert, Newberry, and Tatum 2007). This is because fraternities promote a group culture that accepts and promotes highly masculine behaviors and ideologies, such as the sexual coercion of women (Martin and Hummer 2009).

Studies on fraternities show that a range of activities promote a highly masculinized, fraternity, group culture. Activities include recruiting practices, an emphasis on group loyalty, the sexual objectification of women, and a discourse of sexual conquest (Martin and

Hummer 2009). Fraternities recruit men who exhibit masculine gender traits of aggression, competition, and heterosexuality. Pledges are often mistreated and taught that loyalty to the brotherhood and abuse of alcohol is expected. “Little sisters” are women who serve as hostesses for parties and help with service projects for fraternities; they are often treated as sexual objects and used as bait to recruit new members or women to parties. Peggy Reeves Sanday’s (2015) research on fraternity brothers’ sexual discourse reveals a sexual ideology that encourages some men to resort to coercive tactics she calls “working a yes out,” or encouraging or forcing a woman to consent to sex either by talking her into it or using alcohol. The fraternity brothers in her study did not see this as coercion, but as seduction. Sanday critiques this lack of self-reflection as irresponsible, phallocentric behavior.

While the incidence rate for sexual assault on campuses is high, the reporting is very low. Sixty four percent of college women will disclose to a friend, roommate, or family member; but only 12 percent report sexual assault to authorities (Krebs et al. 2016). When they do report, they are not always met with support. Many colleges and universities have denied, dismissed, or blamed the victim upon reporting in order to protect their and the young man’s reputation (Krakauer 2015). While colleges and universities are required by federal law to investigate when a student reports sexual misconduct, it is handled differently across campuses. Some schools hold their own disciplinary hearings, often made up of students and faculty who are not trained for this type of tribunal. If found guilty in such hearings, often the perpetrator is barely punished with sentences like summer suspensions or community service. This results in the victim being forced to encounter her perpetrator on a potentially daily basis. Ultimately, colleges are businesses with a brand and a fiscal budget. They do not want to lose business from anyone, even a sexual predator; nor do they want the stain of a student arrest or conviction for sexual assault that took place on their campus to hamper their brand.

Congress passed the *Campus Sexual Assault Victims’ Bill of Rights* in 1992, mandating that schools provide the same opportunities for the accuser and the accused, and that survivors should be informed of their options to notify law enforcement, seek counseling services, and change living situations. According to Title IX, a school that receives federal funding is required to protect students from sex discrimination. Sex discrimination includes sexual battery, sexual assault, rape, and any other behaviors that could keep a victim from attaining education. When a campus does not report sexual assault to the local police, this becomes a federal violation. Some students and campus groups have filed Title IX complaints to the federal government against their schools for lack of protection and inadequate follow through and investigations by campus officials. Antirape activists and feminists across the country are insisting college campuses take more direct action to end sexual assault.

**SEXUAL VIOLENCE IN CONFLICT: WARTIME RAPE** Sexual violence against women escalates during wartime. Women and girls living in military conflict zones are often displaced or suffer economic disparities, increasing their vulnerability for sexual violence.

**Wartime sexual violence** is any type of sexual violence committed by combatants during war. Systematic **wartime rape** is a gender-based form of violence in which women are used as a “weapon of war.” It is a psychological and gender-based type of warfare in which the goal is to torture and degrade the enemy’s women as a way to humiliate the enemy’s men (Nagel 2014). Men are also raped in wartime as a form of gender-based violence, again, in which the psychological goal is humiliation. This is particularly harsh for victims in areas where homosexuality is highly stigmatized.

The United Nations identifies four types of war rape: genocidal, opportunistic, political, and forced concubinage (Burn 2011). Genocidal rape, as seen in ethnic cleansing wars in Rwanda and the Balkans, is intended to destroy ethnic or political groups. Opportunistic rape is when men take advantage of the chaos of wartime to inflict sexual violence on women because they know they will most likely not face criminal prosecution. Political rape punishes groups for not having the same politic views; and forced concubinage is when girls and women are kidnapped and forced to have sex with



## BOX 12.1

### GLOBAL/TRANSNATIONAL PERSPECTIVES ON SEXUALITY: SEXUAL VIOLENCE AND FEMICIDE IN CIUDAD JUAREZ, MEXICO

Since the mid-1990s, hundreds, perhaps thousands, of women have disappeared or have been found murdered in the border town of Ciudad Juarez, Mexico—or, as some call it, “the capital of murdered women.” The shocking reports involve not only murder, but also rape and sexual torture. The exact number of victims is difficult to estimate due to lack of consistent record keeping by officials. Sociologist Julia Monarrez Fragoso has been analyzing and keeping records for more than 20 years. According to Fragoso, between 1993 and 2012, 1,481 murders of women and girls were registered (Driver 2015). Feminists and activists call this level of women-killing *femicide*, a term to describe the murder of girls and women, specifically because of their sex or gender.

Femicide is a gender-based hate crime specific to cultural context. In Juarez, most murdered women’s bodies revealed grotesque sexual violence, torture, and even mutilation. The majority of the women killed in Ciudad Juarez are young and poor; and many are *maquiladoras*, or workers in one of the many transnational factories located in the city. When trade barriers were lowered after the passage of the North American Trade Agreement (NAFTA), many global corporations opened factories in Ciudad Juarez to take advantage of low-cost labor. This increased the migration of rural, farming families, including a large number of

women, to the city for work. In addition to changing gender roles, the violent misogyny in Juarez is also due to an increase in drug cartels, gang activity, sex trafficking, and police corruption.

Many families choose not to report their daughters’ disappearance or murder due to the lack of police arrests, victim blaming by authorities and media, and even the termination of investigations by police and the Mexican government. Instead, by the late 1990s, mothers of murdered daughters began organizing and drew attention from human rights groups and feminist organizations worldwide (Staudt and Mendez 2015). Groups such as the United Nations, Amnesty International, and the International Human Rights Federation have investigated and reported that law enforcement needs to improve its response to the killings. In 2012, 21 bodies of young women between the ages of 15 and 21 were found in a dry riverbed outside the city; and 11 of the bodies matched DNA with mothers in Juarez with missing daughters from 2009 and 2010. In 2015, five gang members were sentenced to 697 years each for the kidnapping, trafficking, and murder of these women (Chaparro 2015). The women had been forced into prostitution before being murdered. This ruling recognizes gender-based violence in the area; and, while there are still many more missing and many murdered without justice, this is a sign of progress.

soldiers. It is only in recent years that prosecution of rapists during wartime began to occur. The United Nations passed resolutions in 2008 and 2013 against wartime rape, declaring it a war crime; and, in support of survivors, declaring the need for full access to sexual and reproductive services.

**FEMINIST PERSPECTIVES ON RAPE** Feminists have long argued rape is a cultural problem rooted in gender inequality. They argue rape is a logical result of an androcentric and patriarchal culture in which men are granted the sex/gender role of aggressive, sexual pursuer, and women the role of sexual submissive (Brownmiller 1975; Griffin 1979). Radical feminists argue rape is further supported by an undercurrent of misogynistic ideologies woven

into almost every social institution, making rape a gender hate crime (MacKinnon 2006). Radical feminists argue that male control over women's bodies in regard to sexuality and reproduction is central to maintaining male sexual dominance; rape is a violent extension of that control. Feminists argue society, as a whole, contributes to a culture of violence against women. Hierarchies built on race, class, ethnicity, and sexuality intersect with male privilege to maintain sexual violence against women (Crenshaw 1989; Davis 2015).

Feminists have long argued that rape is a personal, psychological problem, too. Rape is about power over another, not about uncontrollable sexual urges or overwhelming sexual attraction. While it cannot be denied that rape is a sexual act and can be driven by sexual gratification, the violence inherent in rape is a result of unequal power equations, both real and perceived, between men and women. It is a violation of another person's agency and identity, and it is about complete subjugation and control over another person's body (Cahill 2001). So while the cultural argument is important, the complexity of individual relations is also relevant.

Solutions for ending rape must take place at both the cultural and individual levels. Feminists acknowledge we live in a society in which the message to women is, "Don't get raped" instead of telling men, "Don't rape." This message implies women are responsible for their own victimization, which explains why so many rape victims report feelings of guilt after being assaulted. One of the most effective actions in addressing rape has been the establishment of rape crisis centers across the United States, which began in the 1970s. The critical resources these centers provide for survivors are of utmost importance to ending rape.

Antiviolence prevention measures, including work that is centered on the attitudes and behaviors of boys and men, is also extremely important. Jackson Katz (2006) argues that gender-based violence is not a woman's issue, but a "man's issue," since most perpetrators are male. Naming sexual violence, discussing victim blaming, reexamining gender roles and relationships, busting rape myths, and talking about consent are ways popular discourse and attitudes can shift toward a safe and rape-free culture. On the individual level, when survivors share their stories, in safe environments, they are reclaiming their subjectivity. Personal narrative is a powerful tool for cultural change.

### Child Sexual Abuse

The sexual abuse of children is considered a social taboo, or morally wrong; yet it is a significant problem. *Child sexual abuse* is a broad term that includes all offences that involve sexually touching, sexual exploitation, sexual assault, or any form of sexual contact with a child. Sometimes the term *child molestation* is used to describe when a child is forced, coerced, or threatened to engage in any form of sexual contact. Statistics on child sexual abuse are difficult to determine because it is often not reported. While exact numbers are difficult to pin down, some factors consistently place certain groups at higher risk for child sexual abuse: being female, coming from a low-income family, or being a victim of other forms of violence and abuse. Perpetrators also share commonalities. Most child sexual abuse offenders are men, with a large percentage being juveniles or young adults under the age of 30. Most perpetrators know their victims and are often family members.

Sexual contact that occurs between family members is also referred to as *incest*, and is considered a form of child sexual abuse. Direct incest can include rape, sexual touching, fondling, kissing, and other direct physical forms of abuse. Indirect incest includes sexualizing statements or jokes, staring at the child's body, or speaking to the child as if they are a surrogate spouse (Shaw and Lee 2012). Whether it is child sex abuse or incest, like other forms of sexual violence, power is always involved because the victims, children, are the least powerful group in society, and adults hold authority in a child's life. When this power dynamic is abused or betrayed by an adult, the effects can be devastating and lifelong. Not only are child sex abuse victims more likely to suffer from anxiety, depression, substance abuse, and disordered eating; but the ability to trust others and form healthy attachments to people is often impaired.

There are laws in every state against child sexual abuse, yet law enforcement and prosecutors often misunderstand the dynamics of sexual abuse, leading to improper handling and prosecution of cases. Confusing dynamics include perpetrators' grooming tactics, in which the victim and the victim's caretakers are "groomed" to develop both a false sense of trust and love for the offender, and reactions such as guilt and pity for the offender. Grooming and familiarity with the abuser is one of the reasons child sexual abuse is extremely underreported. It is often referred to as a "silent and secretive crime" because so many victims do not tell about their abuse. Or, if they do disclose, it is usually to a friend or family member, not to the police. Family members sometimes feel enough loyalty toward the perpetrator that the child's claim is not believed.

The impact of sexual abuse on children is devastating and long lasting. Child sex abusers have higher rates of sexual victimization themselves compared to the general population, with 35 percent of perpetrators reporting being sexual abused as children compared to 11 percent of nonperpetrators (Glasser et al. 2001). Such findings led to the popular idea of the *victim-offender cycle*, or the idea that child sex abusers were victimized as children, which explains why they grow up to become victimizers. While this is sometimes the case, it is not always the case. There are some factors that increase the chances of a victim going on to become an offender such as whether pleasure was connected to the abuse, whether they were physically abused in addition to being sexually abused, whether they witnessed severe violence in the home, and whether support from family or external forms of support were offered in coping with the abuse (Wilcox, Richards, and O'Keefe 2004). Critics of the victim-offender cycle argue it stigmatizes victims by assuming they might go on to offend.

A popular myth is that child abuse leads to LGBTQ identification. While studies do indicate that LGBTQ individuals report higher rates of childhood sexual abuse than heterosexuals, there is no empirical evidence that childhood sexual abuse influences sexual orientation. However, there is a correlation between child sexual abuse and adult sexual trauma experiences. Both heterosexual and LGBTQ victims of child sexual abuse are more likely to report revictimization of sexual violence as adults (Fortier et al. 2009; Heidt, Marx, and Gold 2005).

**IS PEDOPHILIA A SEXUAL ORIENTATION?** For many, the very idea of this question is insulting; however, let's look at the medical and social aspects of this issue. A *pedophile* is someone with sexual preference for, interest in, or attraction to children. Some question if pedophilia would be better understood as a *sexual age orientation*, or sexual orientation toward a specific age group (Seto 2015). Sexual orientation, as you have learned in previous chapters, is considered a sexual interest or preference; and, for some, it is considered something an individual is born with and cannot change. In many legal and social contexts, sexual orientation is equated with homosexuality. For example, "sexual orientation" is legally protected under many laws against discrimination (see Chapter Five). Most agree, these laws were not intended to protect pedophiles.

So the question is: Are pedophiles born with a sexual attraction to children? In its manual on mental illness, the American Psychiatric Association (APA) defined pedophilic disorder as a sexual orientation, until 2013, when many began questioning this definition. In a press release, the APA said this was an error and that sexual orientation should be described as a "sexual interest" in children instead (American Psychiatric Association 2013). What we do know is that behaviors are often choices. And we do know that some, but not all pedophiles, act on their attractions and victimize children. Yet, some do not. Treatments for pedophilia primarily consist of hormone blockers that stop the sex drive (Dreger 2013). More research is needed in order to better understand pedophilia and how to stop it.

**CHILD SEXUAL ABUSE CRISIS IN THE CATHOLIC CHURCH** A child sexual abuse crisis exists on a global scale in the Catholic Church. According to the United States Conference of



This victim of sexual abuse by a Catholic priest is wearing a picture of himself at the age he was abused as he meets with reporters in Rome.

Source: AP Photo/Alessandra Tarantino.

Catholic Bishops, between 1950 and 2012, 16,787 people in the U.S. came forward to report they were sexually abused by priests as children (Childress 2014). This data does not include accusations the church determined were “not credible.” People began coming forward in large numbers in the 1970s and ’80s. By 1992, Catholic dioceses had spent \$400 million settling hundreds of cases in which the victims were financially compensated for their injuries and paid to sign nondisclosure agreements (Stille 2016). In other words, the victims were paid to keep quiet. For decades the Church failed to adopt a specific policy for addressing child sex abuse or for helping victims. Instead, local bishops and archbishops were required to handle the cases privately. The U.N. Committee on the Rights of the Child accused the Church of placing the Church’s reputation above the interest of children’s safety (Childress 2014). In 2016, Pope Francis amended Vatican Law to specify that sexual violence against children is a crime (Childress 2014).

Unfortunately, child sex abuse happens in almost any institution in which children and adults gather, including schools, camps, and Protestant churches. There are many different explanations as to why child sex abuse is such an immense problem specifically in the Catholic Church. Laurie Goodstein (2016), the national religion correspondent for *The New York Times*, and a journalist who covered the sex abuse scandal in the Catholic Church for over twenty years, says there are a few characteristics that make it more conducive to abuse. For one, priests in the Catholic Church are exalted, acting “in persona of Christ,” and their actions and behaviors are rarely questioned. It is assumed they would never be capable of a crime. Another factor is that Catholic priests are required to be celibate. For some, this has led to covert sexual relationships. Secret sexual relationships sometimes lead to further sexual deviance. Finally, the Catholic Church requires priests be male. No females are allowed in the clergy. While it is completely possible that women can also be abusers, some question if more women in the priesthood would instill more accountability and sensitivity (see Chapter Eight).

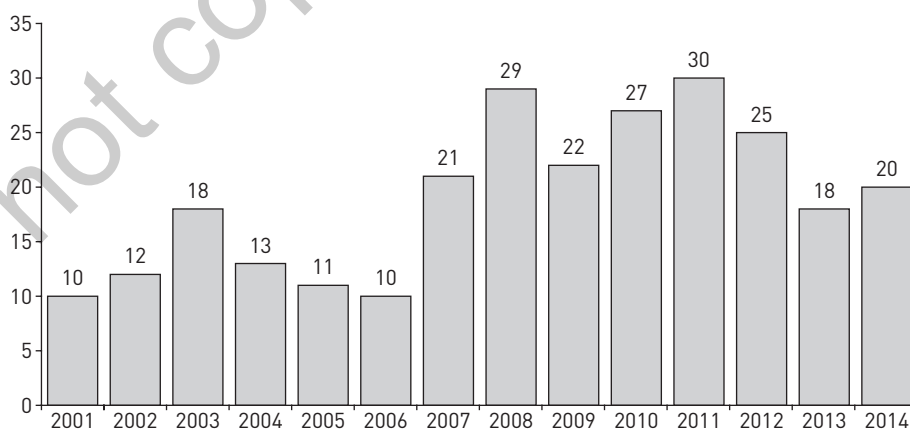
## RACIALIZED HOMOPHOBIC AND TRANSPHOBIC VIOLENCE

There is an epidemic of transphobic and homophobic violence that is disproportionately affecting LGBTQ people of color (see Figure 12.1). According to the National Coalition of Anti-Violence Programs (NCAVP), homophobic and transphobic violence has increased dramatically. The severity of violence against LGBTQ people is increasing as well; and it often involves torture, mutilation, castration, sexual assault, and murder (Hequembourg 2014; Perry 2013). LGBTQ people of color are at the greatest risk for such violence. Despite making up less than 1 percent of the world's population, a transgender woman is killed every 29 hours (Busey 2016). The Black Lives Matter movement is well known for protesting against and drawing attention to the extrajudicial killings of unarmed black men, but what is less well known is that they are equally concerned about the epidemic of homophobic and transphobic violence against people of color.

There is a cultural invisibility surrounding racialized homophobic and transphobic violence, including the media coverage of the mass shooting at Pulse nightclub in Orlando, Florida, on June 12, 2016. As mentioned previously, the shooter was an American Muslim, Omar Mateen, who murdered 49 people and injured another 53. While the media framed the story as a shooting at a gay nightclub, the predominant race/ethnicity of the victims went unacknowledged. Almost all victims were people of color, overwhelmingly Latinos, since it was Latin night at the club. The media chose to use a color-blind narrative, despite the fact that Mateen had been a semiregular at the club, and likely knew it was Latin night.

Understanding homophobic and transphobic violence requires we pay attention to intersectionality, the ways multiple systems of oppression intersect, creating unique forms of oppression (Crenshaw 1989; see Chapter One). In this section, we focus on the ways gender, sexuality, and race intersect and result in increased risk of violent victimization for LGBTQ people of color. Their violent victimization is about more than homophobia. It is a racialized homophobia; and for lesbians and transwomen, it is gendered as well (Fitzgerald 2017).

**FIGURE 12.1 ■ Hate Violence Homicides of LGBTQ and HIV+ People by Year, 2001–2014**



LGBTQ and HIV+ people are some of the most targeted for hate crimes, particularly homicides, as this graph shows.

Source: A Report from the National Coalition of Anti-Violence Programs: Lesbian, Gay, Bisexual, Transgender, and HIV-Affected Hate Violence in 2014 (2015). [http://www.avp.org/storage/documents/Reports/2014\\_HV\\_Report-Final.pdf](http://www.avp.org/storage/documents/Reports/2014_HV_Report-Final.pdf).



Despite the epidemic levels of violence faced by LGBTQ people of color, much of this violence is ignored in the mainstream media. Researchers refer to this as *intersectional invisibility*, when people with multiple subordinate identities do not fit stereotypes associated with any of the respective groups to which they belong and, thus, are not seen (Purdie-Vaughns and Eibach 2008). An example of intersectional invisibility is the fact that white and middle-class gay men experience violence at lower rates than impoverished gay men and transgender people of color; yet white, middle-class gay men's experiences, like that of Matthew Shepard, dominate the media coverage of LGBTQ violence (Meyer 2015).

It is estimated that 30 percent of reported hate crimes involve sexual orientation, with LGBTQ people as the most victimized of any minority group (Hequembourg 2014). Within this group, transgender people experience the highest rates of victimization, with transwomen of color as the most victimized of all. This violence prompted a Transgender Day of Remembrance in 2013, which is now celebrated annually on November 20th.

The epidemic of transphobic violence is also global. In January of 2016, there were 48 murders of transgender people in Brazil, a country described as having the highest rates of transphobic violence in the world. It is a country where gender-nonconforming people are unlikely to live past the age of 30, despite the fact that the life expectancy for the average Brazilian is 75 years. The targeting of transgender people in Brazil is rooted in Brazil's military dictatorship under President João Goulart, in power between 1964 and 1985. During this period, gender-variant people were targeted by the military as a threat to the family (Bowater and Moraes 2015). This added a layer of legitimacy to transphobia that has lingered long after the regime change.

In 2013, 72 percent of LGBTQ murders in the U.S. were of transgender women of color (Tannehill 2015). The year 2015 was the most violent year on record for transgender people in the United States: 22 were murdered, 19 of whom were black or Latina (Michaels 2015). The first seven months of 2016 witnessed a continuation of this epidemic with the murders of 16 transgender people, almost all of whom have been people of color, overwhelmingly African American. These numbers are assumed to be an undercount, as they do not include people who have been misgendered by police or media; nor do they include deaths that have not been reported or investigated (Albeni and Malpani 2016). Since so many LGBTQ youth, particularly youth of color, are homeless, there is a greater likelihood that their murders go unreported or uninvestigated.

## Sexual Assault of LGBTQ People

Studies show that sexual violence inflicted on LGBTQ individuals occurs more frequently than for heterosexuals (Black et al. 2010; Rothman, Exner, and Baughman 2011). Approximately 44 percent of lesbian women, 61 percent of bisexual women, and 26 percent of gay men report experiencing sexual violence in their lifetime. Rates are even higher for transgender people, with 64 percent experiencing sexual assault in their lifetimes (Black et al. 2010). This trend continues on college campuses, where LGBTQ students report higher rates of sexual assault and sexual harassment than their heterosexual peers. According to a study by the Association of American Universities, 9 percent of LGBTQ respondents said they experienced sexual assault involving penetration (Cantor et al. 2015).

LGBTQ people are at greater risk for sexual assault due to higher rates of poverty, stigma, and marginalization. Sexual violence against LGBTQ individuals is often a dimension of a hate crime, homophobia, or transphobia. Gay and bisexual men are at more risk of rape than heterosexual men because, like women, they are at risk of being raped by dates or while in relationships with men (Walker, Archer, and Davies 2014). Many LGBTQ survivors do not report sexual assault. LGBTQ victims of violence report the violence to police only about 52 percent of the time, according to the National Coalition of Anti-Violence Programs (NCAVP). The discrimination they face in society often prohibits them from wanting to talk

to police, hospitals, or rape crisis centers, for fear of double victimization. Evidence of such double victimization exists: When they do report, they find police officers are indifferent 38 percent of the time, and 18 percent of the time they are openly hostile to them (Mitchell 2013). As it stands now, many criminal rape and sexual assault statutes do not specifically accommodate nonheterosexual violence. In some cases, same-gender assaults are reduced from felonies to misdemeanors. More research on the rates, causes, and reporting of sexual violence against LGBTQ people is still needed due to layered intersections of various forms of discrimination that exacerbate the issue: sexism, racism, heterosexism, and ableism.

### Criminalization of LGBTQ People

LGBTQ people of color are more likely to face institutional violence at the hands of law enforcement and the criminal justice system than white LGBTQ people or heterosexuals. Thus, there is a long-standing lack of trust between police departments and LGBTQ communities of color. According to Mogul, Ritchie, and Whitlock, “the same criminalizing archetypes that permeate the treatment of queers in other contexts also profoundly inform police approaches to LGBT victims of crime” (2011:120). As a society, we have recently begun reflecting on mass incarceration and the damage it causes, particularly for communities of color. However, the disproportionate incarceration rates of LGBTQ people and their sexual victimization has drawn less attention (discussed below). Due to the threat of violence they face at the hands of authorities, as racial minorities and sexual- and gender-nonconforming people, LGBTQ people of color are less able to turn to the legal system for protection (Fitzgerald 2017).

The kinds of state violence LGBTQ people disproportionately face include being more likely to be prosecuted for defending themselves against violence, and being targeted by police (Mogul, Ritchie, and Whitlock 2011). One study found 38 percent of black, transgender respondents were harassed by police, 15 percent were assaulted, and 7 percent were sexually assaulted by police (Grant et al. 2011). Police officers commonly assume that transgender women are sex workers; and this assumption results in their oversurveillance, arrest, and prosecution (Flaherty 2013; Pemberton 2013).

## CARCERAL SEXUALITY

For the last 40 years, the United States has been engaged in a dramatic social experiment: mass incarceration. Over 2.3 million Americans are behind bars; and entire communities are affected, rather than just a small number of deviant individuals. In a nation where 95 percent of prisoners are eventually released because they have served their time and over 600,000 prisoners are released every year, it behooves us to look more closely at the effects of incarceration on prisoners (Carson 2014; Pager 2007).

While incarcerated, prisoners are denied their sexual citizenship, rights related to sexual agency and expression that are sanctioned and legitimated by the state (Richardson 2000; see Chapter Ten). Prisoners are denied sexual rights; and, at the same time, they are in an environment where their odds of experiencing sexual violence increase dramatically. This section of the chapter explores *carceral sexuality*, any and all sexual encounters that happen to incarcerated persons, including consensual sexual encounters between inmates; nonconsensual sexual encounters, or rape; and sexual encounters between incarcerated persons and corrections staff—all of which violate prison rules in the United States.

While you may or may not have given any thought to prison sexuality, due to mass incarceration, we need mainstream attention directed at the seriousness of this topic—and not just as the punch line of homophobic jokes. It is important to consider what kind of environment prisoners experience (predatory or humane?) and how this will affect their reentry into society. Considered in this light, prison sexuality should concern us all. Additionally, the

inmate population is disproportionately composed of African Americans and Latinos. This fuels sexual stereotypes of black men as violent sexual predators (Mogul, Ritchie, and Whitlock 2011).

Prison officials police same-sex sexuality intensely. Some go so far as to brand queer prisoners as sex offenders, forcing them to wear different colored uniforms, even when their convictions are not for sex crimes. In other prisons, rules prohibit same-sex kissing and hugging by prisoners and their visitors, a rule that does not exist for heterosexuals. In states that allow conjugal visits, four out of five of them deny conjugal visits to LGBTQ prisoners. Finally, many prisons even ban gay- and lesbian-themed books and periodicals (Mogul, Ritchie, and Whitlock 2011).

When prison sex is a topic of conversation, it is generally part of a joke rooted in both homophobia and rape culture. For instance, if you read online comments on news stories about the conviction of a criminal, especially if it is a particularly heinous crime or a crime against a child, you will see repeated references to the criminal being raped, becoming someone's "wife," and getting what he "deserves" when he goes to prison. Images of prison rape proliferate in popular culture as well. In one of his stand-up routines, comedian Chris Rock suggests that the presence of the "Tossed Salad" man would be a good deterrent to crime. The term "Tossed Salad" man is a reference to a particular sexual act, anilingual contact with condiments, which an inmate presumably insists new inmates perform on him. Rock argues that men will do anything to avoid such an experience; thus, they will avoid criminal behavior (Byrne and Hummer 2007). Whether "tossed salad" men exist or the extent of such behavior in prisons is unknown and beside the point. The fact that this has become a cultural meme and is included in a major comedian's repertoire is what is significant for our purposes. Research finds the threat of sexual assault and specifically the fear of being labeled a homosexual very much informs prison life (Richmond 1978).

Research on carceral sexuality has a long history, beginning in the early 1900s, yet it is still considered an understudied phenomena (Hensley, Struckman-Johnson, and Eigenberg 2000). Our understandings of prison sex and rape have changed substantially over the generations. Research from the early to mid-twentieth century viewed all prison sex as a form of *situational homosexuality*, a term scholars used to refer to an otherwise heterosexual person engaging in homosexual acts in situations where access to members of the opposite sex was constrained (Fishman 1934, 1951; Scacco 1975; Vedder and King 1967; Weiss and Friar 1974). The term situational homosexuality is rarely used by scholars today, and the body of research that falls within this tradition is flawed on a number of levels. First, the term situational homosexuality blurs the lines between consensual and nonconsensual sexual activity, in that scholars used the term to refer to heterosexual inmates who were "seduced" by promises of protection or gifts into homosexual activity while in prison. This form of seduction can also be interpreted as coercion, and coercion is rape; yet this was not acknowledged in the research. Additionally, the concept of situational homosexuality blinded researchers to the possibility of truly consensual sexual relations between prisoners. In this chapter, we are going to follow the criminological literature and use the phrase "consensual sex" instead of just "sex," which, by definition, must be consensual, in order to differentiate between sexual assault and sex in prisons.

Second, the literature on situational homosexuality shifts the blame from the perpetrator, or the aggressor, to the victims, who are also known as "punks." This is because victims are stereotyped as feminine, possibly even homosexual, and as someone who "asked for it" (Buffum 1972; Eigenberg 2000; Kirkham 1971; Sykes 1958). As sexual aggressors, perpetrators are stereotyped as "real men" who are satiating their normally high sex drives in the abnormal situation where there are no available females. In fact, the aggressors "escape stigmatization as the attitude 'boys will be boys' prevails" (Eigenberg 2000:437).

The burgeoning approach to understanding prison rape during the 1980s involved critiquing existing prohibitions on sex and arguing for allowing for masturbation, conjugal visits, and consensual sexual activity between inmates (Scacco 1982). The problem with this humanitarian solution to the prison rape crisis is it assumes rape is about sex rather than about power and domination (Eigenberg 2000). As already discussed in this chapter, feminists have

long emphasized rape is about male domination over women. Thus, viewing prison rape as a result of sex deprivation is misleading. While these solutions might result in expanding sexual citizenship to inmates, they will not address the true problem of prison rape.

Today, our understanding of carceral sexuality includes a distinction between prison rape and consensual sex between inmates and an increasing emphasis on eradicating prison rape. In the 1994 Supreme Court decision *Farmer v. Brennan*, the justices ruled that prisons must protect their inmates from sexual assault, as it represents cruel and unusual punishment, which is prohibited by the Constitution (Struckman-Johnson and Struckman-Johnson 2013). In 2003, the *Prison Rape Elimination Act* (PREA) was passed unanimously by Congress and signed into law by President George W. Bush. This legislation garnered incredible support for a number of reasons. First, members of Congress heard testimony from a prison rape survivor and were convinced it was a widespread problem that needed to be addressed. Second, there was significant fear that rape in prison would spread HIV/AIDS among prisoners who would, in turn, spread it to others when they were released from prison. Others insist PREA passed because American correctional institutions failed to address prison rape on their own (Struckman-Johnson and Struckman-Johnson 2013).

With the passage of PREA, eliminating prison rape became a top priority for American correctional institutions. As of 2015, nine states are in full compliance with the PREA standards. Texas, a state with a high rate of reported sexual abuse against inmates, was financially penalized in 2015 for a second straight year for failing to follow established procedures for eliminating rape in prison (Sontag 2015).

## LGBTQ Prisoners

No data on the exact number of incarcerated LGBTQ people exists, but the data that is available indicates transgender and gender-nonconforming people are disproportionately represented among the U.S. prison population (Mogul, Ritchie, and Whitlock 2011). Much like the sports world, prisons are sex segregated, which creates particular dilemmas for transgender and intersex inmates. In 2007, researchers estimated there were at least 750 transgender prisoners in U.S. prisons, and the vast majority were transgender women placed in men's prisons (Brown and McDuffie 2009).

Prisoners perceived to be gay or gender-nonconforming are more likely to be raped, assaulted, and harassed than sexual- and gender-conforming prisoners in both male and female prisons. Since male prisons are hypermasculine environments, transgender prisoners, especially those perceived as feminine, become targets of verbal, physical, and sexual abuse. The rape and sexual assault faced by transgender women in men's prisons puts them at great risk of contracting life threatening diseases such as HIV and hepatitis C, due to the high incidences of these diseases among prisoners and due to prohibitions on condoms in most prisons (Pemberton 2013). Some research finds sexual orientation is the greatest determinant of experiencing sexual violence in prison. In fact, in one study, 67 percent of LGBTQ prisoners experienced sexual assault by another inmate during their incarceration, which is 15 times higher than the heterosexual prison population. Additionally, once an inmate is raped, they become targets of further sexual violence (Mogul, Ritchie, and Whitlock 2011).

Prisons enforce gender conformity through sex-segregated housing that is a genitalia-based placement. Thus, for some transgender prisoners, their placement is rather subjective. For instance, where should a transgender woman who has had a penectomy (surgical removal of the penis) but not a vaginoplasty (surgical construction of a vagina) be housed (Pemberton 2013)? At most prisons in the United States, officials refuse to acknowledge transgender prisoners' chosen names and gender identities. Prison rules concerning appearance reinforce sex/gender stereotypes by denying access to clothing that matches gender identity and penalizing inmates for hairstyles that do not conform to their birth sex (Pemberton 2013). Transgender women in male prisons are denied access to cosmetics, while transgender men in women's prisons are forced to wear female clothing (Mogul, Ritchie, and Whitlock 2011).



## Prison Rape

**Prison rape** is defined as unwanted sexual contact experienced by men and women who are incarcerated (Struckman-Johnson and Struckman-Johnson 2013). It is hard to get accurate data on the extent of rape in prison because inmates fear reporting the assault; there is shame and stigma connected to being sexually victimized; and there is a fear that if it is known they were victimized, it will put them at risk for future assaults. Despite the limitations of the data, it is important to highlight the existing research on prison rape.

Research by Weiss and Friar (1974) concluded sexual assault was rampant in men's prisons, while Davis's (1982) research on sexual coercion between men in prison found only three percent of men were sexually assaulted. Lockwood's (1980) research found 28 percent of male prisoners had been the target of sexual aggression, and 1.3 percent had been raped. Wooden and Parker (1982) found 14 percent of the inmates they surveyed had been sexually assaulted. One of the possible explanations for the differential findings between Wooden and Parker's research and other studies may be that their study was conducted in a California State prison facility that held a high percentage of homosexual inmates who were more likely to be targeted for sexual assault, as we have already discussed (Hensley et al. 2000). In 2010, the Department of Justice estimated that 88,500 inmates (4.4 percent in prisons and 3.1 percent in jails) were victims of prison rape in the previous year (Beck and Harrison 2010). It is assumed these are underestimates, as rape is one of the most underreported crimes—and it is estimated to be especially so in prisons, where they are likely to face retaliation from prison officials or other inmates for reporting the abuse (Mogul, Ritchie, and Whitlock 2011).

Research finds that prison culture influences how prisoners define sexual violence, which can explain the varying rates of prison rape found in the data. Sometimes an act will be defined as rape, while other times prisoners may interpret an act of sexual violence to be simply the emergence of someone's true homosexual nature. Inmates make references to the emergence of an inner homosexual with statements such as "time will get you," implying that



This image shows a 2016 protest against prison rape, specifically at Rikers Island, New York.  
Source: AP Photo/Sipa.



“

*“[M]any incarcerated men and women engage in consensual, loving, sexual relationships and friendships as a form of resistance to the isolation and violent dehumanization of prisons, as a tool of survival within them, to affirm their humanity or simply as an exercise of basic human desire” (Mogul, Ritchie, and Whitlock 2011:95).*

longer prison terms will weaken one’s resistance to their inner homosexual (Fleisher and Krienert 2009).

**RAPE, HOMOPHOBIA, AND CORRECTIONAL STAFF** There is evidence of significant homophobia among correctional staff, which can inhibit prison rape reporting and reform (Eigenberg 1989; Struckman-Johnson and Struckman-Johnson 2013). In the 1930s, prison guards would draw a large yellow “D” on the backs of men caught having sex together, signaling they were degenerates (Fishman 1934). More recent research notes correctional officers’ jokes, sarcasm, and hostility surrounding homosexual incidents (Scacco 1982). Some research evidence suggests that corrections officers struggle to distinguish between rape and consensual homosexuality (Eigenberg 2000; Wooden and Parker 1982).

Homophobic corrections officers are also more likely to blame the victims, claiming they ask for it or enjoy it (Eigenberg 2000; Mogul, Ritchie, and Whitlock 2011). In one study of correctional officers, they found most did not

blame the victim for their rape; however, 12 percent did believe that some prisoners deserved to be raped because of the way they acted, 16 percent suggested they deserved to be raped if they were homosexual, and 17 percent felt they deserved rape if they talked in feminine ways. Additionally, 25 percent of the officers believed inmates deserved to be raped if they had previously engaged in consensual sexual acts in prison or if they had taken money or cigarettes for consensual acts previously (Eigenberg 2000). Ultimately, “correctional officers’ definitions of rape may not correspond to the reality experienced by inmates” (Eigenberg 2000:445).

### Consensual Sexual Relations

The data on consensual sexual activity within prisons is rather unreliable for a number of reasons. First, the topic is not studied to the same extent that sexual violence is studied. Second, prison administrators can be an obstacle to reliable data on sex between inmates because they may fear being held responsible for evidence of sexual activity and any consequences of it, such as spread of sexually transmitted diseases. Finally, inmates are likely hesitant to talk about their same-sex sexual activity due to the fact that it is stigmatized and the fact that they can be punished for it since it is prohibited (Tewksbury and Connor 2014).

With those caveats in mind, we provide a summary of the research on consensual sexual activity in prisons, beginning with the research on men. Most of the research on sex between men in prison has focused on situational homosexuality and sexual violence instead of consensual sex. Research on sex between incarcerated women avoided the topic of sexual violence until the 1990s, focusing instead on consensual sexual relations between female prisoners (Hensley et al. 2000).

**SEXUALITY AND MALE PRISONERS** Estimates on the extent of consensual sex between men in prison vary. Tewksbury’s (1989) research found between 25 and 40 percent of male inmates who considered themselves heterosexual had engaged in consensual sex with another man while incarcerated. Wooden and Parker (1982) found 65 percent of inmates had a sexual experience with another man while in prison, and most identified as heterosexual. Hensley’s (2001) research found 80 percent of the sample considered themselves to be heterosexual; yet 23 percent of inmates performed or received oral sex from another inmate, 23 percent

rubbed their bodies against another inmate in a sexual manner or allowed another inmate to do that to them, and 20 percent engaged in anal sex with another inmate (Tewksbury and Connor 2014).

**SEXUALITY AND FEMALE PRISONERS** Researchers have established a typology of sex and sexuality in women's prisons, which includes suppressed sexuality, autoeroticism, true homosexuality, situational homosexuality, and sexual violence (Pardue, Arrigo, and Murphy 2011). *Suppressed sexuality* refers to the absence of sexual behaviors as an adaptive response to the prison environment. Sometimes female offenders make the conscious decision not to engage in any sexual behavior while in prison as a way to stay faithful to a partner outside of prison, or simply as a lifestyle choice (Hensley, Tewksbury, and Koscheski 2001). Interestingly, the research on sexuality in men's prisons does not acknowledge the potential for suppressed sexuality. Of course, since suppressed sexuality is nonproblematic from a prison administrator perspective, it is rarely studied empirically as most of the research instead focuses on sexual behaviors, both consensual and nonconsensual, which are prohibited. The absence of attention to suppressed sexuality among men may also simply be an extension of gendered assumptions, specifically the idea that it is impossible for "real men" to suppress their sexuality.

The second category of sexual activity in women's prisons is *autoeroticism*, or masturbation, which is condemned by prison officials. We have very little research on the extent of masturbation that occurs in prisons. One study of female inmates found that 65.5 percent had masturbated while incarcerated, 18.6 percent report engaging in autoeroticism two to three times per week, and prisoners who were sexually active in same-sex relationships actually engaged in this behavior the most frequently (Hensley et al. 2001).

The next category, true homosexuality, refers to consensual same-sex behavior by prisoners who identified as lesbian prior to their incarceration. Some research finds that same-sex sexual behavior prior to prison was one of the best predictors of such behavior while in prison (Koscheski and Hensley 2001), while other research clarifies that preprison homosexuality does not positively correlate with homosexual behavior while incarcerated, as some lesbians chose to remain faithful to their nonincarcerated partners (Pardue et al. 2011; Ward and Kassebaum 1964).

The third category is consensual situational homosexuality. This refers to when an inmate is introduced to same-sex sexual behaviors while in prison due to the lack of heterosexual options (Pardue et al. 2011). These individuals have historically been referred to as "jailhouse turnouts" (Ward and Kassebaum 1964). It is estimated that 90 percent of women who engage in same-sex sexual relations while in prison are engaging in situational homosexuality and return to heterosexual relationships postincarceration (Ward and Kassebaum 1964). More current research finds that while 8 percent of female inmates report being a lesbian and 28 percent claim to be bisexual when they enter prison; while in prison, 13 percent report being lesbian and 31 percent report being bisexual (Koscheski and Hensley 2001). Of course, the core of these assumptions is essentialist rather than constructionist; there is an assumption that people have an essential, innate sexuality (Chapter One).

The final category is sexual violence, a topic that was not studied in female correctional institutions prior to 1996 (Pardue et al. 2011). As mentioned previously, sexual violence refers to sexually aggressive behaviors such as coercion; assault, including strip searches; rape; child molestation/pedophilia; and manipulation, specifically threats and intimidation (Herberle and Grace 2009; La Fond 2005; Pardue et al. 2011). The specific unequal power relationships incarcerated women find themselves in make them susceptible to manipulation involving sex—sex as a bartering tool in exchange for goods, like drugs or cigarettes, or services, like cell assignments.

Sexual violence can occur between prisoners or between a correctional worker and a prisoner (Pardue et al. 2011). The U.S. Department of Justice estimates that in 2007, there were 22,600 instances of unwanted sexual activity between correctional staff and inmates (Beck and Harrison 2010). In other research, 27 percent of female inmates experienced sexual coercion during their incarceration; and half of these actions were perpetrated by male correctional staff (Struckman-Johnson and Struckman-Johnson 2002). Rates of sexual victimization are higher for female prisoners than for women in general (Blackburn, Mullings, and Marquart 2008).

## CONCLUSION

In conclusion, sexual violence is a problem, not only in the United States, but across the globe. Sexual violence is gendered and racialized, resulting in particular populations of people being disproportionately victimized. While the United States currently perpetuates a rape culture, ideally, we will transform into an antirape society with laws, beliefs, and ideologies that prevent sexual violence against women, children, LGBTQ people, and all marginalized groups. Understanding the high incidence of rape in certain environments like college campuses and prisons is the first step toward prevention. Child sex abuse must be addressed in order to minimize the stigma surrounding it and move toward change. Finally, exploring prison sexuality challenges us to think about the idea of sexual citizenship and why prison sexuality should be an issue that concerns us all.

### Key Terms and Concepts

Acquaintance rape 260	Double victimization 259	Sexual violence 257
Affirmative consent standard 261	Incest 265	Situational homosexuality 271
Autoeroticism 275	Intersectional invisibility 269	Statutory rape 260
Carceral sexuality 270	Pedophile 266	Suppressed sexuality 275
Child molestation 265	Prison rape 273	Victimization framework 261
Child sexual abuse 265	Rape 259	Victim-offender cycle 266
Consent 260	Rape culture 257	Wartime rape 263
Date rape 260	Rape myths 259	Wartime sexual violence 263
Date rape drug 260	Sexual age orientation 266	
	Sexual assault 259	

### Critical Thinking Questions

1. Feminists claim rape is a tool for dominance and social control over women. How does the threat of rape and sexual violence exert social control over women? What limitations or fears exist surrounding sexual violence? In what way might your sex/gender shape your views on this subject?
2. Describe how social myths promote shame, stigma, and silence around sexual violence, particularly child sex abuse. What are the results of widespread social silence on issues such as violence and abuse?
3. Explain the ways homophobia and racism manifest as violence against LGBTQ people of color, including institutionalized homophobia in organized religion, schools, and the media.
4. Explain how carceral sexuality, including the denial of sexual citizenship to prisoners, contributes to sexual violence outside prisons.

## Activities

1. Find out if your college or university campus has a rape crisis center. Visit the center and gather as much information as you can on how the center works and what resources it has to offer. Write a one-page persuasive paper on the advantages for rape and sexual assault survivors on campus to visit the rape crisis center.
2. Study the language of consent. Learn ways that even young children can understand and express control over their own bodies, such as learning that everyone has to ask before touching another person. Create a list of the various ways consent can be expressed.

## Essential Readings

- Harding, Kate. 2015. *Asking For It: The Alarming Rise of Rape Culture and What We Can Do About It*. Boston: Perseus Books.
- Katz, Jackson. 2006. *The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help*. Naperville, IL: Sourcebooks.
- Krakauer, Doug. 2015. *Missoula: Rape and the Justice System in a College Town*. New York: Doubleday.
- Meyer, Doug. 2015. *Violence against Queer People: Race, Class, Gender, and the Persistence of Anti-LGBT Discrimination*. New Brunswick, NJ: Rutgers University Press.
- Mogul, Joey L., Andrea J. Ritchie, and Kay Whitlock. 2011. *Queer (In)Justice: The Criminalization of LGBT People in the United States*. Boston, MA: Beacon Press.
- Patterson, Jennifer. 2016. *Queering Sexual Violence: Radical Voices from Within the Anti-Violence Movement*. Riverdale, New York: Magnus Imprint Books.
- Wooden, W. and J. Parker. 1982. *Men Behind Bars: Sexual Exploitation in Prison*. New York: Plenum.

## Recommended Films

- Accessory to Murder: Our Culture's Complicity in the Death of Ryan Skipper*** (2008). Directed and Produced by Vicki Nantz and Mary Meeks. Uses the murder of 25-year-old, rural Florida resident Ryan Skipper to explore the extent of institutionalized homophobia in our culture, from religion to education to law enforcement. In addition to Ryan's brutal murder, the homophobia of local law enforcement was on full display when the sheriff declared Ryan to be responsible for his own murder, an assertion the media failed to challenge.
- The Hunting Ground*** (2015). Kirby Dick, Director, and Amy Ziering, Producer. This documentary explores the epidemic of sexual assaults and rapes on college campuses. It highlights specific individual's stories of sexual assault and the generally impotent response of college administrators, who appear to be more concerned with their campus rape statistics than with protecting young women on their campuses. While most of the narratives are from young women who were victims of sexual assault and/or rape, this documentary also features male victims of sexual assault as well and their specific struggles getting justice.
- The Invisible War*** (2012). Kirby Dick, Director, and produced by Amy Ziering and Tanner King Barklow. This award-winning documentary explores rape and sexual assault in the U.S. military. The film highlights the stories of a number of people sexually assaulted, across all four branches of the military, and the obstacles to justice they experienced. The experience has life-long consequences for the victims, yet the perpetrators experience ongoing career advancement.

### Suggested Multimedia

**National Coalition of Anti-Violence Programs** provides research, prevention measures, and responses to violence against LGBTQ communities. <http://www.avp.org/>

**National Sexual Violence Resource Center** is a web site dedicated to responding to and preventing sexual violence by providing collaborations, research, and information on the subject. <http://www.nsvrc.org/>

**V-Day** is a global movement to stop violence against women and girls. This web site serves to increase awareness on sexual violence and organize antiviolence events. <http://www.vday.org/>



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