

# Sex, Sexual Violence and Coercion in Men's Prisons

by

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This paper is based on preliminary work done towards a study being conducted by the CSVr into sex amongst male South African prisoners.

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Many correctional administrations have displayed extreme reluctance to acknowledge that sex takes place inside their prisons. In many countries sex in prison is a punishable crime. In some, this is intertwined with an outlawing of homosexual activity in general. Yet sex and sexual violence are generally understood to be common practice behind prison walls. Available material on South African men's prisons confirms that sexual activity certainly takes place but there is little clarity on its nature and extent.<sup>1</sup> While sex is not directly outlawed in South African prisons, and the Department of Correctional Services has gone as far as to provide in policy for prisoners to have access to condoms, the subject still represents something of an 'uncomfortable truth' around which there is little real understanding or engagement.

One issue around which there is not much clarity, for instance, is what proportion of prisoners are drawn, whether voluntarily or not, into sexual activity. In a study carried out at a South African juvenile correctional institution, the findings of a voluntary questionnaire indicated that roughly 45% of juveniles were engaging in sodomy either with each other, or when temporarily held with adult prisoners (Carelse in Goyer & Gow, 2000). Whether this figure is representative of South African correctional institutions more generally is not known.<sup>2</sup> It is also likely that levels of sexual activity vary significantly from one institution to another. This paper is not however concerned with estimating the level or incidence of sexual activity but rather with understanding the nature of the circumstances in which sex in South African prisons occurs. A better understanding of sexual activity in prisons is important for a number of reasons. These include sexual violence in prison, the danger of the transmission of HIV, the potential consequences of sexual involvement for identity and self-image, as well as the challenges that these might pose for the reintegration of ex-offenders.

The reportedly widespread occurrence of sexual violence and sexual coercion in prison is of particular concern. One assumption that many outsiders may make is that 'sex' in prisons is often carried out through acts of rape. The literature suggests that while this is true, sex also takes place in other types of circumstances, which vary in their level of coerciveness, from circumstances which directly resemble rape to others which may appear to be primarily consensual in nature. Drawing on South African and international literature, the key issue which this paper therefore explores is what might be the range of circumstances

and types of relationships within which sex in prisons takes place.

In addition to the concern about violence, a second reason for a focus on sexual activity in prison is that it is a central contributor to the particularly high risk of HIV transmission in the prison environment. There are other risk behaviours which take place in prison,<sup>3</sup> but available reports on the HIV/AIDS situation in Malawi (Jolofani & DeGabriele), Nigeria (Raufu, 1999) and South Africa (Goyer & Gow, 2000) state that while many prisoners have already contracted HIV before they enter prison, sexual activity is the key cause of HIV infection during incarceration.

In addition, both violent or coercive and non-coercive sexual experiences in prison may impact on the ability of prison inmates to reintegrate into society once released from prison. Donaldson (1993) for instance, has suggested that one potential response to the experience of having been a victim of rape in prison, is an intensification of violence on the part of the victim when he is released from jail.

A better understanding of the nature of the circumstances in which sex in prisons occurs is therefore crucial both for the welfare of inmates and in relation to the interests of broader society.

This paper begins to explore the available evidence on the various ways in which sex and sexual violence happen between inmates and how these activities function within dominant prison sub-cultures. At present South African literature on these issues is generally restricted to that which has emerged through a small number of investigations into gang practices and the transmission of HIV/AIDS in prison.<sup>4</sup> In this paper these are supplemented, with insights provided from other countries.<sup>5</sup> In particular, Donaldson's work on prisons in the USA, is cited extensively. While the intention is to focus on South African prisons, the other literature is used in the belief that it is relevant to an understanding of the nature of the issue in the local context.

## **Prison Gangs**

One source of information relevant to the current investigation is that deriving from studies on the gangs which operate in South Africa's prisons. Much of the sexual activity which takes place in South African prisons is reportedly thoroughly intertwined with the functioning of these gangs.

Where sexual interactions have been reported on in prisons, they have been linked most explicitly to the specific workings of the '28s'. The '28s' are also known as 'the Ninevites' or 'Nongoloza'. The connection made between the '28s' and sexual activity is unsurprising in light of the fact that the 'Ninevites' consciously adopt homosexuality as a creed: the stated goal of the '28s' is to pamper, protect and organise catamites or 'wyfies' and they have a set of laws to govern sexual relations between men (Haysom, 1981; Achmat, 1995). It should be borne in mind however that the two key studies on South African prison gangs (Haysom, 1981; Schurink, 1989) were conducted more than a decade ago.<sup>6</sup>

According to these studies, the '28s' are reportedly the most powerful of the prison 'Numbers' gangs. Like the other 'Numbers' gangs in prison, the '28s' are hierarchically

ordered in a quasi-military structure but in the case of the '28s', this structure reflects its particular construction of its members' sexuality. Members occupy a position either in the hierarchy of the Private-Line or the Blood-Line. The specified role of the Blood Line members is to commit violence, and to protect the camp and their 'wives' while the Private Line positions are distinctly feminised. This is especially the case for those situated at the lower rungs of the private line hierarchy. Members in these positions are known as 'wyfies' and must provide sex and domestic services to the fighters (Schurink, 1989).<sup>7</sup>

In theory, recruitment into the gang is voluntary and gang members reportedly would never admit to being forced to join a gang. This is crucially qualified however by the circumstances of prison life. As Haysom (1981) points out, in the prison context, 'there is no simple dividing line between self-preservation and self-interest'. Moreover, inmates may be actively coerced or threatened into joining. Resignation from a prison gang is not tolerated, and to challenge leadership is to invite death.

From existing reports, it appears that especially in relation to those targeted to become the passive sexual partners or 'wyfies' of other gang members, very direct coercion in, for example, the form of rape is not unusual. Rape purportedly sees many a new inmate positioned as a 'wyfie'. '[M]embers may join gangs either because they are homosexually raped and reduced to wives, or because they wish to avoid this fate' (Haysom, 1981:30).

The little available information on how the career path of a new recruit in the 28s is established, in particular, the gendered and sexual role of 'wyfie', suggests that physical attributes and age play a role. A young man with feminine qualities will likely be regarded as a potential 'wyfie' (Schurink, 1989). According to Schurink the decision as to whether a recruit will become a 'wyfie' or a 'soldier' lies with the occupant of the 'Nyangi' (Doctor) position in the 28's structure. Reports suggest, however, that being positioned within the Blood Line or the Private line is not solely, nor necessarily, an outcome of this decision. On the other hand Achmat (1993), in the description of his prison experience, states that it was the 'General' (and not the Doctor) who was called upon to resolve a disagreement between two prominent 28 members over who could take the newly arrived prisoner as his wife.

Once a wife, one is not necessarily always a wife. 'Officers' in the Private Line, while having started off as 'wyfies' have apparently worked themselves up from this rank (Schurink; 1989:63). Once in the Private Line though, always in the Private Line. Generally it is forbidden for members to move from the Private Line to the Blood Line (Haysom, 1981).<sup>8</sup>

In line with the reported 'wyfie'-recruitment practices (where they have little say in whose partner they will become, and whether they want to fulfil the role at all), it seems that generally, 'wyfies' are considered the possessions of their soldier husbands. Haysom provides a particularly stark example, where an inmate implicated his 'wyfie' in the crime with which he was being charged so that he could enjoy his company on death row. The accused remarked, 'Does not a man take his furniture with him when he moves house?' (S v Martinissen and 3 others, 1977 in Haysom, 1981:13).

Sex-related violence within the gangs does not only take the form of rape but is also linked to other violence due to competition over 'wyfies' and defending relationships against

threats of one kind or another. Haysom cites a case (*S v Moolman*) where a warder separated a 'wyfie' from his soldier. In response to losing his 'wyfie', 'the soldier promptly murdered the substitute after warning the caretaker of his intentions' (1981:30). In another case (*S v Jacobs*; 1979) a 28 had his throat cut by fellow gang members for allegedly selling 'wyfies' to another gang (Haysom, 1981).<sup>9</sup>

In relation to the functioning of the '28s' it is interesting to note Schurink's (1989) outline of some of the punishments meted out to members who have transgressed the gang code. His outline suggests that in cases of serious violation punishments are, to an extent, differentiated in terms of the gendered role – whether the offender is situated in the Private Line or the Blood Line. Significantly punishment of 'privates', as he refers to them, may take the form of gang rape.

'Op die band gooi/trees are moving (gang rape): In case of a serious violation committed by a private of the 28 gang, he will be submitted to gang rape by the division one (officers). If they **dina-madina** (persist) with their deviant behaviour they will be submitted to gang rape by the Number Three's ('soldiers').' (Schurink, 1989:64)

According to this portrayal then, the more serious the crime, the more 'masculinised' the exactors of the punishment.<sup>10</sup>

Male on male sex is explicitly provided for, and central to the functioning, code and structures of the '28s'. In this, the '28s' gang is unique. Importantly however, the practice of taking 'wyfies' is not exclusive to members of this gang. The second most powerful of the Numbers gangs, the 26s, get particular mention in this regard. While relationships with 'lighties' or 'wyfies' are forbidden by the code of the 26 gang, and 'wyfies' may not be recruited into the gang, explains Haysom (1981), members of the 26s do, in practice, take 'wyfies' for themselves.

Existing studies provide little information on the practicalities involved in the sex roles amongst the '28s' or members of other gangs. 'Wyfies', it seems, are considered the means to their husbands' sexual gratification while their own is ignored or forbidden. Goyer and Gow's (2000) reference to the 'passive sex partner' is suggestive of such a scenario. Similarly Schurink (1989) refers to 'wyfies provid(ing) sexual outlets by means of klipslaan (sodomy)'.

The gang studies outlined here provide a glimpse into how sexual relationships and sexual violence in prisons may be framed within, and structured by, the stated and formal functioning of the 28's. But they by no means exhaust the question of how this is so. In relation to the '28s', for example, a host of additional questions present themselves.<sup>11</sup> For instance, to what extent does actual practice match the mythology of the '28s' – the stated codes and practices of the gang? Are there considerable variations between prisons and/or regions in the workings of the gangs? While the resilience of the prison gangs and their structures over time is often noted (and a source of incredulousness to many), have there been changes to their functioning over time? Moreover, to what extent are sexual interactions in prison framed by gang activity? Are 'wyfie'/'husband' scenarios, such as those reported amongst the '28s', dominant? What of variations within these relationships,

and of the nature of those not accounted for by this set of relations?

### **Coercion, Sexual Exploitation and Rape**

In prisons, the boundaries between consensual and coerced sex are extremely blurred. As is indicated in the discussion of gangs above, sex in prisons is often highly coercive in nature even where it falls short of direct rape. But generally, a more appropriate conceptualisation of many of these sexual practices would be in terms of a continuum, a graduated range of levels of coercion. Important to note here though, is that both the problematic of clearly delineating consent from coercion in many sexual encounters and the related notion of the exchange value of sex (which is discussed below) are not restricted to prison environments but are increasingly noted as characteristic of many sexual interactions outside prison walls (Jewkes & Abrahams, 2000; Mataure, Scalway, Ray & Foreman, 2000). The central difference is that outside prison it is women who are overwhelmingly on the receiving end of these sets of relations with men 'deciding the rate of exchange' (Mataure et al, 2000).

This problem of delineation of the boundaries between consensual and coercive sex constitutes one of the methodological shortcomings that has plagued studies on prison sex (Donaldson, 1993, 1991; Saum et al, 1995). Donaldson (1993), struck by the inadequacy of the tendency for writers to divide sex in prison into either 'voluntary' acts or coercive/sexual assault coined the term 'survival- driven' as an interim category. In all three of these categories there is potential for further desegregation.

Sex is currency in prison and a crucial component of the intricate systems of power. South African studies (Kola et al, 1997; Community Law Centre [CLC], 1999; Goyer & Gow, 2000) provide an initial glimpse at the exchange value of sex in some of this country's institutions. It may be exchanged for small benefits such as a cigarette, for special favours, or for basic rights such as food or protection against potentially life-threatening situations (CLC, 1999; Kola et al, 1997). Often, prisoners are required to engage in sex 'just to get by' (Kola et al, 1997:13). An inmate of Johannesburg prison, for example, reported that refusing to have sex with another inmate meant that he forewent his full ration of food. 'He wants me to have sex with him and he works in the kitchen. I do not want to, so he tells others that I must be served with little food. I find that I also suffer' (awaiting trial prisoner in Kola et al, 1997:11). A study in Malawian prisons produced similar findings:

These juveniles agreed to have sex with these men because they had no clothes and no blanket, and they were hungry. One day these boys started to cry and refused to have sex. The men took away their blankets and after spending a night in the cold they agreed to allow the men to have sex with them again. (prisoner cited in Jolofani & DeGabriele:10)

Moreover very powerful 'gang regulated sex trades' (Goyer & Gow, 2000) are in operation. A prisoner may 'agree' to sex in return for gang-related protection and/or as a means to pre-empt rape or victimisation.

The ... gang regulated sex trade is so far reaching as to be inescapable ... . If a prisoner is poor and does not have any money, he will not be able to buy influence or protection within the powerful prison gang system. Often his only

option is to agree to be the passive partner of another prisoner. (Goyer & Gow, 2000:16).

Or any trace of 'consent' is absent, and sex is directly forced in a violent attack. Rape is one of the many forms of physical violence feared or experienced by numerous prison inmates. Although reliable statistics as to the actual extent of the problem are not available, male rape, at least in some prisons, is reportedly a common occurrence. As has been mentioned in relation to the '28s', rape and gang-rape are reportedly sometimes used both as recruitment and punishment methods. It seems clear though, that violent sexual attack is not restricted to the explicit workings of this particular gang. Commentators often refer to the problem of rape as being intertwined with 'gang' practices or power structures in general (rather than identifying particular gangs). While available information suggests that some of the incidents perpetrated are connected to the '28s', the extent of the gang's involvement in sexual assaults is not known. Other gangs or individual gang members, on their own initiative, may partake in similar practices. For instance, a juvenile prisoner told Community Law Centre researchers that he was raped by members of a gang called 'the Joint' (CLC, 1999:46).

Alternatively, incidents of rape may be unrelated to gang activities.<sup>12</sup> A prison official in the CASE study (Kola et al, 1997:11), for instance, alleged that prisoners rape others out of anger at their own circumstances. 'If you are frustrated with your situation, perhaps the magistrate remanded you for four months. Just to release my anger at being locked up, I end up sodomizing people.'

Young prisoners are generally considered to be at particularly high risk of becoming rape victims behind bars (Kola et al, 1997). This fact has no doubt contributed to motivations to separate juveniles from older prisoners. International guidelines and the South African Constitution require that those under the age of 18 must be separated from adults. It is normally considered permissible for juveniles to be brought together with adults for education and vocational training, but they must be separated at night (CLC, 1999). The CLC study found that, although in many institutions substantial measures were taken to keep juveniles from adults, these were often not sufficient. In other institutions, no attempts were made to separate inmates according to their age.<sup>13</sup> Similarly while some prisons took steps to reduce bullying and abuse by differentiating age groups within the (large) juvenile category, others did not. Indeed, rape and other forms of abuse take place amongst juveniles and in juvenile-only institutions (CLC, 1999; Donaldson, 1993).

#### **Rape and the construction of masculinity**

Importantly, commentators maintain that the perpetrators of rape in prison are prisoners who consider themselves heterosexual, and who engage in heterosexual sex prior to and post their incarcerations (Donaldson, 1993, 1990; Mallory, 1999; Wooden & Parker, 1982 in Saum et al, 1995). The oft terming of these attacks as 'homosexual rape' is thus a misnomer.<sup>14</sup>

Male rape in prison is often associated (as are other forms of violence) with the construction of manhood within the prison code and the gendered meanings with which sex is imbued. Apparently typical in prison subcultures, is the notion of 'manhood' as reliant on

sexually penetrating another while submitting to sexual penetration loses one this status. The 'classification system draws a rigid distinction between active and passive roles' (Donaldson, 1993:6) and gender role is allocated according to the role which one plays in the sex act (Donaldson, 1990, 1993; Mallory, 1999). By raping another, the attacker seeks to validate his male dominance and superiority. This is achieved by destroying the victim's own claim to masculinity.

The extent to which rape may function to genderfy people within the prison code is particularly evident in Donaldson's (1990) explanation of the hierarchies operating in American correctional institutions. The prison is ruled by 'men' who dictate the values and behavioural patterns of the entire prison population. These 'men' are in the majority, are considered to be heterosexual and usually exhibit heterosexual patterns prior and post their incarceration. Being a 'man' means that you are a sexual penetrator only. To be penetrated results in the loss of this 'man' status. 'Manhood' however is a tenuous condition as it is always subject to being 'lost' to another, more powerful or aggressive 'man'; hence a 'man' is expected to 'fight for his manhood'.<sup>15</sup> Rape, and to be in possession of a sexual receptive or 'catcher', are considered to validate his masculine status and tend to protect him from attempts by others to remove this status from him.

The term 'catcher' refers to a 'man's' sexual receptive, and thus includes both 'queens' and 'punks'. 'Punks' are situated at the bottom of the hierarchy, are forced into sexually receptive roles, and are there to service the 'men'. They are often initiated into this role or 'turned out', as it is termed, by rape, gang rape, convincing threat of rape or intimidation. Punks tend to be younger, smaller and less experienced in personal combat or incarceration situations than the 'men'. Young men arriving in prison, will be tested on their ability to maintain their manhood, 'if a deficiency is spotted, they will be targeted' (1990:8).

By contrast, people who consider themselves homosexuals, and especially effeminate homosexuals, constitute the 'queen' category in prison (also the smallest category). Other prisoners see them as substitute females and exert relentless pressure on them to assume this role. They are strictly sexually receptive and must be submissive to 'men'. The only way homosexuals can be tolerated, says Donaldson, is if they are substitute females. 'The more extreme the contrast between the effeminated homosexual and the super-machismo 'men', the more psychologically safe distance is placed between the 'men's' behaviour and the notion of homosexuality' (1990:4).

Haysom (1981) argues, that the construction of manhood in prison is a magnified form of relations which contribute to violence outside the prison walls. It is intensified with the prison experience characterised by deprivation, loss of autonomy and any sense of power over one's life. The resultant high levels of frustration and sense of powerlessness can lead to apparently meaningless acts of violence and aggression, especially in an all-male institution where physical strength and aggressive conduct become the only basis for respect.

#### **Other Aspects in Prison Rapes**

These reported consequences of power deprivation and the construction of gender roles are unsurprisingly presented as the primary roots of rape in prison. However, departing from dominant analyses of rape outside the prison, the sexual component is also cited by some as

central to the rape dynamic in prisons (Donaldson, 1990, 1993; Haysom, 1981; Mallory, 1999). Donaldson (1990:9), for example, cautions that although power is the defining factor, the role of sexual deprivation 'should not be underestimated'. Mallory (1999) refers to the 'ineliminable sexual component to prison rape'. These claims are not substantiated in any detail but rather hinted at. For Donaldson, it seems that the sexual aspect is suggested by the role that physical attributes purportedly play in separating victims from non-victims. Mallory's argument is based on how male prisoners view coercive sex which, he says, is 'as a means to exert one's aggressive dominance in the hierarchy of power as well as a sexual outlet.' Most agree (the cited writers included) that rape is concerned with issues of power. Therefore arguing for the inclusion of a sexual component is potentially controversial. But a sexual component is perhaps useful in thinking about situations of sexual enslavement, for example. In these cases the 'partner' or victim may well be considered merely a means to the perpetrator's sexual gratification. This is perhaps comparable to rape within partnerships outside prison which may occur when some men force sex because they feel like it, believe they are entitled to it, and expect their partner to oblige. Crucial to such scenarios is a denial of, or inability to recognise the other person's feelings or needs relative to his own. Thus power may be the motive but it may also provide the opportunity for rape. In the latter, the sexual component might indeed constitute the initial motive but it is power that enables the act to be carried out. Furthermore, as will be outlined below, rape in prison may represent the beginning of a longer-term series of sexual interactions between perpetrator and victim. Thus it may function, for the perpetrator, as the selection process in securing a future 'partner' or 'sex-slave'.

Partially as a result of links drawn between sexual deprivation and violence in prison, some argue for the implementation of conjugal visits - where prisoners are permitted to have sexual relations with wives and girlfriends. In addition to the potential for this to reduce the incidence of rape, Haysom (1981) maintains that they would also reduce violence, which while not necessarily constituting sexual violence, often emanates from the competition for sexual partners. The impact of conjugal visits on violence levels, in the few countries where they have been implemented, is not however evaluated in these discussions.<sup>16</sup>

Other contributing or exacerbating factors such as boredom (Haysom, 1981; CLC, 1999) have also been seen to explain the occurrence of rape in prisons. Often though, these factors are not restricted to explanations of forced sex. Situations of overcrowding, for example, are often considered to contribute to higher levels of sexual activity in general, including rape amongst prisoners (Carelse in Goyer & Gow, 2000). According to Thomas (1994 in Goyer & Gow, 2000:16), '... the more crowded is the prison, the greater is the likelihood of acts of rape and homosexuality'. Malawian prisoners perceived sexual activity to be directly related to overcrowding (Jolofani & DeGabriele).<sup>17</sup>

The length of the sentence that the prisoner is serving is also believed to be a contributing factor to rape. The longer the sentence, the more risks (potential) perpetrators will be willing to take (Donaldson, 1993). It is possible however that this observation is less applicable in contexts such as those reported from Malawi and South Africa, where being disciplined – or having ones' sentence extended – for sexual assault would appear to be the exception rather than the rule.

Rape can represent the point after which an inmate begins to participate in regular sexual



activity, or to, with possibly more 'consent', employ its exchange potential. Rape as an initiation into frequent sexual activity is reflected, for instance, in the practice of rape as a gang-recruitment tool (see section on gangs above). The available information suggests that the sequence takes place in other interactions as well. In a similar vein, Donaldson (1990:7), states of the situation in US prisons that both once-off and continuing 'liaisons originate in gang rape, or in the ever present threat of gang rape. Prison officials can label such behaviour as 'consensual', but fear on the part of the passive partner is certainly a prime stimulus ... . Usually, a gang rape or two is sufficient to persuade an unattached catcher to pair off as soon as possible'.

The following extract illustrates a graduation from extreme coercion (though not actually rape) to a form of consent.<sup>18</sup>

The first night he resisted and got stabbed with a broken bottle as punishment. He was regarded not as 'butch' (the macho, dominant sexual partner), but 'femme' (the more feminine, passive partner). He soon learnt that performing sexual favours earned him special points in the underworld grading system: chocolates, extra cigarettes and an ever-accessible supply of drugs.' (story from former inmate of Cape reform school in Friedman, 2000)

Here, following violent attack for refusing sex, the target began to exchange sex for what could be termed 'luxuries' as opposed to the means to survival. His ongoing sexual activity could then be perceived as occurring closer to the 'voluntary' than the 'survival-driven' point on the continuum of sexual decision making. An important question however is what would have transpired had he refused to participate in further sexual acts?

On the other hand, while young men especially, are primarily represented as sexual victims within prison hierarchies, relatively free choice may conceivably operate in some of these relations. Sex may indeed be consciously exploited for benefits unrelated to 'getting by'.

A study on HIV in Malawian prisons (Jolofani & DeGabriele) is interesting in this regard as it is the young prisoners who are presented as the instigating actors (by virtue of their larger victimness). In describing the nature of 'homosexual activity' it refers to the two main categories of participants in sex as delineated by respondents: those who are 'that way inclined' and those that are 'very needy'. The latter category is explained as being constituted of prisoners who 'are usually recently detained, either juveniles or young adults ... . They are in physical need and confused by their recent detention and they turn to somebody to care for them ... . The relationship between them (and the ones they turn to) was described as similar to that between a poor prostitute and a rich client' (8). The study does go on to detail cases of distinct coercion where, for example, juveniles are abducted for sex, but also describes juveniles taking opportunities – for instance, during outside work or while being escorted to the clinic - to 'make their way to the adults' (10).

### **Official Responses and Complicity**

It appears that inefficacy, indifference and corruption on the part of prison officials contribute to the reportedly high incidents of sexual violence and coercion. On the one hand prisons are under-resourced. This is most blatantly evident in, for example, the widespread

problem of overcrowding and understaffing in South Africa's prisons, both of which hinder efficient and responsive management. Prisoners spend lengthy periods out of the sight of warders (Kola et al, 1997). On the other hand, some prison warders are alleged to be actively involved in promoting sexual exploitation and violence (and other forms of violence) amongst inmates, as well as in obstructing victims' attempts to seek assistance. The CASE study (Kola et al,1997) received reports of warders at Johannesburg prison taking bribes to turn a blind eye to sexual abuse. In addition, a common allegation was that warders sold prisoners, especially awaiting trial juveniles, to older inmates for sex, and got paid in return.

Prisoner respondents in the study considered it pointless to lodge rape complaints because nothing would be done, they said. Respondents in the prison official category, on the other hand, felt that complaints do get taken seriously, but pointed to fear preventing victims from coming forward with complaints. Corruption was also alleged in relation to officials' handling of complaints of sexual abuse. For example some respondents said that complainants were paid by prison officials to drop their charges, and that officials accepted money from perpetrators to lay their case 'to rest' (Kola et al, 1997:12).

Similar allegations of warder involvement and corruption are reported in Malawian Prisons (Jolofani and DeGabriele). As one prisoner explained,

Two of my cell mates have juveniles as 'wives'. They got them by bribing the POs at the main gate ... . These boys have been in our cells for over six months, but the POs never seem to find them ... . Some juveniles have grown up in our block. (Jolofani & DeGabriele:11)

From her experiences with awaiting trial prisoners, Van Huyssteen (1996) has argued that rape victims in prison experience a type of secondary victimisation which is the cumulative effect of: an attitude on the part of officials that awaiting trial prisoners were not in fact their responsibility and the reported lack of police interest in following up on 'sodomy' cases; the extent to which male rape was an off limits subject and perceived as a potential public relations embarrassment; a difficulty in believing that men can be raped; wardens having become 'desensitised' to the daily occurrence of sexual violence; their sense of being overwhelmed by the enormity of the problem; fear for their own safety should they attempt to help a victim of a gang-related rape; and the lack of acknowledgement of the problem in their broader society. The combination of these factors, Van Huyssteen argues, means that when a prisoner does have the courage to lodge a complaint, he receives no or little assistance from the authorities beyond possibly alternative sleeping arrangements.<sup>19</sup>

### **Reporting of Sexual Abuse**

Fear on the part of prisoners is an oft cited reason for the severe under-reporting of sexual violence cases. Victims fear violent reprisal or additional victimisation. Generally amongst prison inmates (Donaldson, 1990), and for most South African prison gangs, 'informing' constitutes a heinous offence. When assault is reported, victims may take measures to protect their identity. Social workers at Pollsmoor prison, for example, said that sometimes incidents were reported via anonymous letters. In the few cases where complaints were lodged, this was usually done by a third party (CLC, 1999). Alternatively, victims may refuse to name the assailant. Warder participants in the CASE study said that prisoners

often waited for their release before taking up the matter because they were too frightened to pursue it while still in prison.

Reluctance to report is not restricted to cases of sexual violence. But, commentators (Haysom, 1981; Van Huyssteen, Mallory, 1999) suggest, there are additional factors at play in the silence around sexual violence. Dominant notions of masculinity, and especially as constructed in the prison context, militate against reporting. As Donaldson (in Van Huyssteen: 4), writing on the American prison context has put it, 'the rape of males by males is a practice protected by the silence observed by its victims responding to a set of popular beliefs centring around the notion that a 'real man' cannot be raped'. The stigma associated with being raped by a man, or even engaging in consensual sex with a man (Saum et al, 1995) is a key reason for underreporting. Considerations of masculinity are therefore, it is suggested, both a motivation for rape and cause for underreporting.

### **Sexual Relationships**

On the basis of studies from a variety of different contexts including the USA, Malawi, Swaziland and South Africa, the nature of long-term sexual relationships in prisons appears quite similar in a number of respects.

Seemingly most prevalent are sexual relationships that take place between older prisoners who wield relative power in inmate subcultures and younger prisoners who are vulnerable within these hierarchies. The older party provides the younger with resources such as protection and food in exchange for sex.<sup>20</sup> Often the younger party is also expected to fulfil 'wifely' chores. This scenario is reportedly typical of relationships taking place within the structures of South Africa's prison gangs – most notably, the '28s' (outlined above) but is also apparent in reports from other countries. In Malawian prisons, like in South Africa, relationships between prisoners frequently take this form, with the junior partner referred to as a 'wife' (Jolofani & DeGabriele).<sup>21</sup> The gendered nature of these roles is often noted, as are the resemblances the relationships bear to dominant heterosexual models.

A more in-depth analysis on relationship patterns broadly categorised along these lines, is provided by Donaldson (1990) in relation to prisons in the USA. He argues that, structured in this way, the relationships serve to validate the masculinity of 'men' and to distance the relationship from broader notions of homosexuality.<sup>22</sup> The junior partners, 'wives' or 'catchers' – as they are named in prisons in the USA – are constructed within this order as surrogate women. These pairings between sexually active 'men' and their sexually passive 'catchers' are the only form of relationship sanctioned, and indeed endorsed, by dominant prison subcultures. Sexual reciprocation is rare and when it does take place, it is kept very secret. For a 'man' to take a catcher is a signal of status and it is the more powerful men in the prison hierarchy who succeed in gaining a 'catcher', the latter of whom are in short supply. His 'catcher' may or may not have 'consented' to the pairing which often comes about through a show of the 'man's' aggression and/or gang rape or the fear of gang rape. However, some men apparently employ persuasion more than aggression in their attempt to find someone with whom to 'do time'. And if a 'catcher' acts quickly, the situations can allow him to choose from a range of suitors.

These relationships serve to demarcate a small arena of power and control for the 'man' and

are a signal of masculine status (and as such protect the 'man' from attempts to deprive him of this status). At the same time, Donaldson (1990:6) comments, that the impetus for the pairings – which also bring with them considerable disadvantages - is testimony to the thesis that they meet basic needs other than those concerned with identity, 'which are related to, but not identical to, the sexual one, such as a need for affection or bonding'. Emotionally, they can provide the 'man' with a sanctuary removed from the constant masculinity competition that characterises interactions with his fellow 'men'.

Confident in his male role, the 'man' can allow himself to drop the hard mask which he wears outside the relationship and express with his catcher the otherwise suppressed aspects of his humanity, such as caring tenderness, anxiety, and loneliness ... (Donaldson, 1990: 7).

As far as the catcher is concerned the psychological dependence sometimes bred from total reliance on his 'man' for protection and social interaction can in turn facilitate emotional involvement (Donaldson, 1993:10).

Although these relationships are generally perceived to be adaptations of the dominant heterosexual models there are a number of respects, Donaldson remarks, in which they depart from these. For example, 'men' tend to allow other 'men' access to their 'catchers' more so than they would with females. Although the 'man' must maintain control of his 'catcher', he may loan or prostitute him out to other men. A catcher may also belong to a group of men, or a gang, rather than an individual.

Donaldson (1993) emphasises that exceptions to this pattern of relationship do exist, and that considerable differences are evident between institutions. Nevertheless, he argues that the pattern or paradigm within which sex occurs is generalisable, with the differences constituting, for instance, higher or lower levels of coercive pressure, sexual activity or gang influence.

### **Prostitution**

While many of the scenarios of exploitative and 'survival-driven' sexual interaction already outlined could validly be considered forms of prostitution, action constituting a narrower notion of prostitution is also reported. Again, such actions may involve varying levels of consent on the part of the 'prostitute'.

Prostitution, it appears, accounts for much of the 'short-time'<sup>23</sup> sexual interaction as distinct from longer term 'man' and 'wife' interaction. For example, prostitution rings and 'brothel runners' were found to be present in Malawian prisons and offer 'short-time' sex (Jolofani & DeGabriele: 9). However, it seems these are usually intertwined with 'man'/'wife' relations, and the protagonists defined along corresponding lines. It is 'boys' or 'wives' that are rented out and often a 'man' will secure extra income for himself through renting a 'wife' (or wives) to other 'men'.

Other transactions springing from the ownership the 'man' exercises over his 'wife' or 'catcher' are also reported. They are not only rented but also sold, traded and loaned (Jolofani & DeGabriele; Donaldson, 1993). As a Malawian prisoner explained, 'Some

prisoners even sell their 'wives' to other prisoners when they are discharged' (Jolofani & DeGabriele:11).

The extent to which prisoners engage in prostitution on an individual basis - without an intermediate party - is unclear from the available information. Donaldson (1993) maintains however, that 'freelance' catchers are rare in USA prisons since they are usually unable to protect themselves.

### **Consensual Sex**

Sexual relationships in prison appear to be generally exploitative, but not always. 'A wide range of relationships ranging from ruthless exploitation to love are encountered,' states Donaldson (1990:7). Relationships may also change over time from initially being primarily coercive to comprising greater levels of consent.

More attention has been given to the nature of coerced sex in prison than to consensual sex. Saum et al (1995) highlight the absence of attempts to investigate consensual sexual relations as a substantial gap in research. The absence, they claim, is likely because these interactions are thought to involve little violence. Furthermore, it is no doubt related to the fundamental difficulties that come with attempts to clearly delineate consensual from coerced sex especially within prison environments. Often what is officially termed consensual would better be described as sexual exploitation.

With these qualifications in mind though, sexual relationships or liaisons situated closer to - or firmly at - the consensual end of the consensual/coercive continuum within the prison environment do take place. Some studies in North American prisons have found consensual sex to be more frequent than coerced sexual activity (though here again the definition employed of 'consensual' sex is often problematic) (Saum et al,1995:2). The existence of consensual relationships is suggested, for example, by an inmate of Johannesburg Prison, 'Others do it because of gangs and for others it is nice because they are in love' (long-term prisoner in Kola et al, 1997:12).

CLC researchers, in their study on children in South African prisons, posited that because juveniles in one prison were locked up for hours on end with nothing to do they, engaged each other in both consensual and forced sex. Donaldson (1990), on the situation in the USA, indicates that 'punks' – the sex slaves/partners of the 'men' – sometimes reciprocate with one another (taking turns to play the active 'male' role) to satisfy their own sexual desires which are negated in their relationships with their 'men'.

Achmat's (1993) account of sex in a South African prison is also pertinent here. On the one hand, it cautions against generalisation. Although it relays a gang-framed sexual experience between a new young inmate and a powerful gang member, it tells of a mutually pleasurable and exploratory encounter in which the supposedly dominant and strictly defined roles in the sex act fell away. On the other, it is part of broader argument on the importance of acknowledging the role of bodily pleasure, the potential for dynamic renegotiations of sexuality and the discovery of new pleasures, in our attempts to explore sex between men within carceral institutions.

## Conclusion

Sex acts and sexual relationships can be conceived of as occurring on a continuum. The blurring of the traditionally held boundaries between consensual and coercive sexual activity is highlighted in accounts of prison sex where it may be exchanged for a cigarette, for instance, or protection from possible violent death. The available evidence suggests that while thoroughly consensual sexual relationships and liaisons do take place, rape, gang rape and sex as the result of varying levels of coercion or exploitation, are more common. In large part this is the consequence of the intense relationship of sex and power in prison cultures.

The purported prevalence of sexual violence and coercion in prison raises important questions that reach beyond the welfare of prisoners during their incarceration. The significant additional challenges that such experiences may pose for the successful reintegration of ex-offenders are only hinted at in the literature, but constitute an important area for further investigation. Donaldson has stated for instance that,

Psychologists and rape counsellors believe that the pent-up rage caused by these assaults can cause victims, especially if they don't receive psychological treatment, to erupt in violence once they return to their communities. Some will become rapists, seeking to 'regain their manhood' through the same violent means by which they believe it was lost. (Donaldson, 1993. *The Rape Crisis Behind Bars*)

Of sexual activity in prison more generally, there are clearly a wide range of role players who engage in a large variety of activities. The potential influence of these activities on prisoners' negotiations of identity is of course vast and cannot be predicted. If however actual practices<sup>24</sup> match commentators' analyses of the dominant nature of sexual interactions, then it looks likely that many of these interactions constitute one channel through which particularly destructive notions of masculinity gain momentum.

The transmission of HIV<sup>25</sup> in prison is not just a prison health issue but a public health issue. Questions of safe sex require not only the provision of condoms, but the creation of an environment within prisons where, if sex is to take place, this is not in circumstances which are essentially coercive or violent in nature.

Order and control in prison are central to the issue. Sex is intensely intertwined with the informal systems of power – which appear (at least in respect of the issue under investigation) more formidable than their formal counterparts, the authorities. While the authorities do, on occasion, take steps to prevent abuses, it seems they are more frequently either ill-equipped to assist victims and potential victims, or they are complicit. An alarming picture emerges of systematic violence and abuse, the victims of which have nowhere to turn, and where, as Goyer & Gow (2000) have argued, any prison stay (even in the awaiting trial section) is a potential death sentence. What is abundantly clear is that strategies attempting to combat transmission of HIV and abuse in prisons have to come to grips with the complex social circumstances and meanings attached to sex in prison if they are to have an impact.

## Notes:

<sup>1</sup> The SAIRR 1999-2000 annual survey indicates that on the last day of 1997, 82% of prisoners were adult men and 15% were juvenile men (under the age of 21). Roughly 2% were adult women and 1% juvenile women. In December 2000 there were approximately 163 500 prisoners incarcerated in South Africa in South Africa's 236 prisons which have a formal accommodation capacity of 102 000 (Magoro, 2001). Uneven distribution of prisoners amongst institutions saw a few prisons under 100% full and many with occupancy rates of over 200% (IPV Newsletter; Dec 2000). Figures supplied by the Department of Correctional Services indicate that on average at month-end during 2000, there were approximately 44 500 prisoners awaiting trial. Of sentenced prisoners during the period January to September 2000, there were on average, 6870 prisoners serving sentences of 20 years and longer, 16 370 serving sentences of 10 – 20 years, 32 729 serving sentences of 5 – 10 years, 31 513 serving sentences of 2 – 5 years, 19 603 serving sentences of 0-2 years, and 2 722 'other sentenced' prisoners (written communication).

<sup>2</sup> By contrast a survey of prisons in Malawi and Zambia showed that at least one in eight men has sex in prison (Mataure, Scalway, Ray & Foreman, 2000). A 1998 Nigerian study by Life Link revealed that 15% of 200 male prisoners surveyed in Kano Prison and 8% of another 200 in Kirikiri Maximum Security Prison admitted sexual relations with other male inmates (Raufu, 1999)

<sup>3</sup> Other high risk behaviours which often take place in prison include tattooing and blood pacts (associated with gang practices), violence where the skin may be pierced and intravenous drug use (the latter however is purportedly not extensive in SA and the region, primarily due to expense).

<sup>4</sup> Interest in the area is on the increase though and, primarily in response to the AIDS crisis, a number of studies are due to commence shortly.

<sup>5</sup> Internationally the subject of sex in prison has received more attention, but is still in short supply. Much of the available information emanates from anecdotal accounts of prison life and personal testimonies. When studies have been done, it has usually been in attempt to ascertain the incidence of sexual activity in prison, and they have produced vastly different pictures (Saum et al, 1995). While different contexts structure different experiences, and conditions between prisons vary considerably, a host of methodological difficulties accompany these investigations and complicate the findings. As Saum et al (1995) point out, when low incidences of sexual activity are found, actual activity is thought to be far higher, the discrepancy being the result of underreporting. On the other hand, they argue, even when the reported incidence is low, a perception of pervasive sexual activity may be widespread amongst the inmates themselves.

<sup>6</sup> Haysom's study (1981) on prison gangs is based on Supreme Court trial records and supplemented with some interviews with ex-offenders. Schurink's paper (1989) summarises the findings of a study on prison gangs commissioned by the Department of Correctional Services. For this study, in depth interviews were conducted with sixty prisoners, mainly coloured men serving in St Albans and Brandvlei prisons. Prisoners were also encouraged to write about their prison experiences providing a number of personal manuscripts.

<sup>7</sup> Not all members in the Private Line are required to provide sexual and domestic services. 'Officers', who have worked themselves out of the 'wyfie' rank are exempt from this role for example (Schurink, 1989). Rather, they may preside over minor charges, or participate in the 'Kring' (Circle) which deliberate over major matters (Haysom, 1981).

<sup>8</sup> Haysom(1981) however provides one reported attempt to break this rule. He cites a trial that took place in 1975 where the accused, a 'wyfie', committed murder in an attempt to graduate from the Private Line to a fighter in the Blood Line.

<sup>9</sup> The court found that the allegation against the deceased was false. His executioners were sentenced to death (Haysom, 1981).

<sup>10</sup> It is not clear from Schurink's brief outline which ranks in the Private Line may be subjected to punishment by gang rape. It may be that this is restricted to wyfies; the outline goes on to explain that persistent wrongdoing from an officer can incur an instruction to stab an enemy gang member. 'Officer' appears to be a Private Line Rank.

<sup>11</sup> Other questions based on an assumption that gang practices are consistent, include: is one's access to sex structured by the line (Blood versus Private) in which a member is situated? Is the gang rape punishment restricted to use for members of certain ranks. Are all 'soldiers' entitled to 'wyfies'?

<sup>12</sup> It is acknowledged that differentiating gang-related assaults from others may be complicated. Fear of particular gang members, for example, may mean that they are free to simply do as they wish, whether this is related to explicit gang codes or not.

<sup>13</sup> In the majority of facilities, the CLC (1999) study found, 21 (rather than 18) was used as the separating age.

<sup>14</sup> It is also pertinent to note Donaldson's (1993:9) comments on the attitudes which, he says, typically pervade correctional institutions, 'There is no niche in the prisoner structure for a sexually reciprocal or masculine-identified gay man ...'.

<sup>15</sup> Moreover rape or the threat of rape may increase fear about masculinity and lead to compensatory aggressive displays of manhood (Irwin, 1980 in Saum et al, 1995).

<sup>16</sup> Interestingly though, a study conducted in a California prison found that married heterosexuals who received conjugal visits were more, not less, likely to participate in sex with other prisoners (Wooden & Parker, 1982 cited in Donaldson, 1993).

<sup>17</sup> In cells where sexual activity was reported to be most prevalent, there is less than 30cm space between blankets, and inmates sleep with their toes touching.

<sup>18</sup> Whether the attack was gang-related is not known, however the article makes clear that the perpetrators wielded considerable power over other inmates.



<sup>19</sup> Juveniles at Leeukop prison said that if a rape is reported, the victim is moved from the cell, but that this may only be for a very short time (CLC, 1999:51)

<sup>20</sup> A possible difference suggested in the literature deriving from the USA under review here is that necessities such as food, bedding etc. – prominent in descriptions of the exchanges in Malawi and South Africa - are not mentioned.

<sup>21</sup> The study found that while some men have one 'wife', others have several 'wives'.

<sup>22</sup> This pattern of same-sex relationship, Donaldson points out, is not limited to carceral environments. Often, for example, it is practiced among working classes of the general population.

<sup>23</sup> This is the terminology Malawian respondents used in their descriptions of prison sex (Jolofani & DeGabriele)

<sup>24</sup> While anal sex is clearly a frequent activity; what of other forms of sexual engagement? Historical studies on the practice of 'mine marriages' are potentially pertinent here. In these marriages which took place between male residents of the mine compounds, 'thigh sex' was reportedly the dominant practice. (Moodie et al; Epprecht, 2000)

<sup>25</sup> According to the Department of Correctional Services, there were 1087 deaths in prison from 'natural' causes in 2000 which represents a 584% increase in the last five years. Members of the Judicial Inspectorate hold that over 80% of these deaths are HIV/AIDS related. In August 2000 the Department of Correctional Services had 3427 prisoners known to be HIV positive on its records. But the actual incidence of infection is undoubtedly much higher. The figure represents only those prisoners that have either disclosed their status, or have had it determined through medical investigation. In the latter cases prisoners would have had to have sought medical attention as well as succeeded in securing it (which in many prisons is by no means a given).

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