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The Racial Construction of Prison Rape**  
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# Masculinities and the Law

*A Multidimensional Approach*

*Edited by Frank Rudy Cooper and Ann C. McGinley*

*Foreword by Michael Kimmel*



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## E-race-ing Gender: The Racial Construction of Prison Rape

KIM SHAYO BUCHANAN

In men's jails and prisons as elsewhere, sexual abuse is a form of gender violence. Institutional problems such as overcrowding, inadequate supervision, inappropriate security classification, and lackadaisical investigation contribute to sexual abuse, but prison rape<sup>1</sup> is greatly exacerbated by institutional practices that enforce the most harmful forms of masculinity. Many men's prisons are plagued by homophobia, high rates of physical violence, and an institutional culture that requires inmates to prove their masculinity by fighting (Buchanan 2010; Sabo et al. 2001). Whether the perpetrators of sexual abuse are staff or other prisoners, they tend to target inmates who are less masculine: smaller, weaker, younger, naïve, disabled, effeminate, gay, bisexual or transgendered, or who have been "made gay" by being previously raped (Beck et al. 2010a; Sabo 2001). Thus, a nationwide survey conducted in 2008-09 by the Bureau of Justice Statistics (BJS) revealed that, of all factors associated with prison sexual victimization, prior sexual abuse and non-straight sexual orientation were by far the most powerful predictors that an inmate would be sexually abused (Beck et al. 2010a). Staff and inmate abusers

alike target gay, bisexual, and transgender inmates, and those who have been previously abused, for sexual violence (ibid.).

The gendered reality of prison sexual violence is hiding in plain sight. The slang used by both prisoners and staff to describe the victims and perpetrators of sexual violence reveals its gendered nature. The prison rapist is commonly described in hypermasculine terms, as a “jock,” “daddy,” or “booty bandit.” His victim is often described as a “fag,” a “queen,” or a “punk” who has been “turned out” or “made gay.” Thus, in prison as in many hypermasculine institutions in the outside world, same-sex sexual abuse is a practice of gender enforcement that enhances the perpetrator’s masculinity while emasculating his target.

But prison rape is rarely addressed, in either popular culture or policy discourse, as a gendered practice. Instead, policymakers, academics, and other commentators persistently, and inaccurately, portray prison sexual abuse as a racial phenomenon. In spite of recent, methodologically rigorous large-scale victimization surveys whose results tend to contradict the stereotype, the conventional understanding remains that prison rape is disproportionately black-on-white (Buchanan 2010).

In the outside world, the myth of the black rapist—the notion of white vulnerability to black men’s sexual violence—has long been discredited as a racist trope that has traditionally been deployed to promote institutionalized violence against black men (Wiegman 1995; Duru 2004). In men’s prisons, however, this myth remains surprisingly vigorous and influential.

In this chapter, I explore the construction, consequences, and implications of the black-on-white rape myth. How do prisoners, guards, administrators, academics, and other observers come to believe that prison rape is black-on-white when it usually isn’t? What is the effect of the black-on-white rape myth on prison law and policy? Why does this stereotype continue to influence prison law and policy when recent studies tend to contradict it? And what does it tell us about our understanding of race and gender in the outside world?

This chapter will proceed in three parts. First, I review the best available empirical data to illuminate the racial dynamics of prison rape. These data do not support the notion that prison rape typically, or disproportionately, involves black prisoners attacking whites. Contrary to stereotype, it is multiracial prisoners, not whites, who report significantly elevated risks of sexual abuse by other inmates that are unexplained by other factors. Moreover, black prisoners report significantly higher rates of sexual abuse by staff than white inmates do. Yet these racial disparities are invisible in policy discourse about race and prison rape.

Second, I review the narrative practices by which prisoners, correctional officials, policymakers, academics, and others come to understand prison rape as typically black-on-white. Accounts from all these sources tend to highlight racial data when they tend to confirm the stereotype—that is, when the victim is white and the perpetrator is black—and ignore racial data that tend to refute it. The black-on-white rape myth seems to broadly influence cultural perceptions about whether and when race is relevant to sexual abuse.

Third, I consider the consequences and implications of the black-on-white rape myth. It seems to influence correctional responses to inmates’ individual rape allegations, and gives rise to misguided policy recommendations. Moreover, these stereotype-based policy recommendations tend to deflect policy attention from the institutional and gender dynamics that have been shown to foster sexual violence. Finally, broad cultural acceptance of the black-on-white rape myth reveals assumptions about black and white masculinities that persist in the wider society outside prison.

#### The Racial Dynamics of Prison Rape

In men’s prisons, the data strongly suggest that sexual abuse is not typically black-on-white. Of the six nationwide or statewide, methodologically rigorous victimization surveys that have been conducted in U.S. prisons to date (all conducted between 2006 and 2009),<sup>2</sup> none shows that prison rape typically, or even disproportionately, involves black prisoners assaulting whites (Beck and Harrison 2007, 2008; Beck et al. 2010a, 2010b; Jenness et al. 2007; Wolff et al. 2006, 2008). In every survey that published racial data on overall sexual victimization (by inmates or staff), white inmates reported *the same or lower* overall rates of prison sexual victimization as nonwhite inmates did (Beck and Harrison 2008; Beck et al. 2010a, 2010b; Jenness et al. 2007; Wolff et al. 2006, 2008). For example, in 2007, the BJS found that 2.9 percent of white jail inmates reported any sexual victimization, compared to 3.2 percent of black and Latino inmates and 4.2 percent of multiracial inmates. Other surveys found no significant racial differences in overall rates of sexual victimization reported by black and white inmates (Beck et al. 2010b; Wolff et al. 2006, 2008). None of the six victimization surveys provides any evidence that prison rape is often interracial, or that white inmates are more likely than nonwhites to be sexually abused in prison.<sup>3</sup>

Moreover, the typical prison rapist is not the archetypal burly black prisoner, but a guard or other prison employee. All the surveys found that, in men’s prisons and jails, inmates reported higher rates of sexual abuse by staff than by other inmates of any race. (None of these surveys asked for the race

of staff abusers.) For example, in the most recent nationwide BJS survey, conducted in 2008–2009, 2.8 percent of prisoners reported sexual abuse by staff, compared to 2.1 percent who reported sexual abuse by other inmates. Likewise, in jails, 2.0 percent of inmates reported sexual abuse by staff, compared to 1.5 percent who reported sexual abuse by other inmates (Beck et al. 2010a).

If the black-on-white prison rape story were true, we would expect victimization surveys to show large racial disparities that consistently pointed to white vulnerability and were not accounted for by other, nonracial factors. Even when we look only at sexual abuse committed by inmates, the survey results do not look like this.

The data on sexual abuse by inmates are mixed. One statewide study found no significant racial differences in sexual abuse by inmates (Wolff et al. 2006, 2008), while another, in California, found that *black* inmates reported the highest rates of sexual victimization (Jenness et al. 2007). The nationwide BJS surveys, by contrast, provide some support for the stereotype of heightened white vulnerability in that white inmates were significantly more likely than their black or Latino counterparts to report sexual abuse *by other prisoners*: in 2008–2009, for example, the BJS found that white (3.0 percent) and multiracial (4.4 percent) prisoners reported significantly higher rates of sexual abuse by other inmates than the 1.3 percent of black, 1.4 percent of Latino, and 2.7 percent of “Other” inmates who reported it (Beck et al. 2010a; see also Beck et al. 2010b; Beck and Harrison 2008). Moreover, a preliminary BJS regression analysis, shown at table 7 of its 2010 report, showed that in prisons (but not in jails), whites’ risk of sexual victimization by other inmates remained significantly higher even after controlling for sex, age, weight, marital status, and education (Beck et al. 2010a, 13).

This survey also found that more than 60 percent of male victims described one or more of their inmate assailants as black, compared to 36–39 percent who reported one or more white inmate assailants, and 16–24 percent who described one or more inmate assailants as Latino (Beck et al. 2010a). The BJS provides no information about the racial composition of victim-offender dyads. Because many male victims were assaulted more than once, or by more than one assailant at a time, it is difficult to compare these statistics to the overall prison population, which is 40.1 percent black, 33.1 percent white, 21.1 percent Hispanic, and 5.7 percent “Other” (West 2010). The survey results suggest, though, that black inmates, and to a lesser extent white inmates, may be overrepresented as perpetrators, relative to population.

Nonetheless, the BJS’s “final multivariate logistic model,” a regression analysis presented at table 12 of its 2010 victimization survey report, found that white inmates’ higher reported rates of inmate sexual victimization were

wholly accounted for by other, nonracial factors. This regression analysis, unlike the limited analysis presented at table 7, controlled for *all* factors that contribute to inmate vulnerability, including prior sexual abuse, sexual orientation, age, weight, education, marital status, offense, and criminal justice history. It concluded that white prisoners’ risk of intimate rape was not significantly different from that of other ethnic groups (Beck et al. 2010a, 18–19). For white, black, Latino, and “Other” prisoners, race did *not* significantly predict the likelihood that other inmates would sexually assault them (*ibid.*). This result is inconsistent with the notion that black or nonwhite inmates target white inmates for sexual assault.

Meanwhile, all surveys that investigated sexual abuse *by staff* found that black inmates were significantly more likely than whites to say they had been victimized. In 2008–2009, for example, 3.2 percent of black prison inmates reported staff sexual abuse, which was significantly higher than the 2.4 percent of Latino and 2.3 percent of white prison inmates who reported it (Beck et al. 2010a; see also Beck and Harrison 2008; Beck et al. 2010b; Wolff et al. 2008). The BJS’s “final” regression analysis found that even after controlling for all other risk factors, black inmates remained significantly more likely than whites to be sexually abused by staff (Beck et al. 2010a, 18). Because staff sexual abuse is considerably more common than sexual abuse by other inmates, and staff members are significantly less likely to victimize whites, all the victimization surveys found that white inmates reported rates of overall sexual abuse that were *the same or lower* than the rates reported by their black counterparts.

The recent survey data do not support the black-on-white account of prison rape. Instead, the surveys reveal two persistent racial disparities that remain statistically significant after controlling for all other factors. One is that multiracial (not white) prisoners may be disproportionately targeted for sexual abuse by other inmates (in prisons; the racial differences in inmate victimization by inmates in jails were not statistically significant). The second is that black and multiracial inmates (in both prisons and jails) seem to be disproportionately targeted for sexual assault by staff. These racial disparities, which warrant further inquiry, have not been acknowledged or explained in academic literature, and they are invisible in policy discourse about prison rape. For example, the National Prison Rape Elimination Commission (NPREC), a major national commission established by the Prison Rape Elimination Act of 2003, heard testimony from prisoners, their advocates, staff, administrators, politicians, and the public between March 2005 and December 2007 and issued a report, with recommended standards for the elimination of prison rape, in June 2009 (National Prison

Rape Elimination Commission 2009a). The committee heard (inaccurate) testimony that prison rape was disproportionately black-on-white, and its recommendations addressed this unsubstantiated concern (Austin 2007; National Prison Rape Elimination Commission 2009b). Nonetheless, in a review of the NPREC transcripts and of its report and recommendations, I have not found any mention of the racial disparities that are better substantiated by the empirical data. No witness or commissioner mentioned, and the NPREC report and recommendations did not address, the vulnerability of multiracial prisoners to other inmates' sexual abuse, nor did the witnesses, report, or standards acknowledge the vulnerability of black or other non-white prisoners to sexual abuse by staff (National Prison Rape Elimination Commission 2009a; National Prison Rape Elimination Commission 2009b; National Prison Rape Elimination Commission 2005–2007).

The victimization survey data do not conclusively refute the black-on-white stereotype (and cannot do so, given the paucity of information provided about perpetrators). But the data do not show the large and consistent racial disparities suggested by the black-on-white account of prison rape. Racial disparities in sexual abuse victimization are inconsistent across studies and analyses. They identify various ethnic groups, including black, multiracial, and white inmates, as facing heightened risks. And where racial disparities are significant at all, the size of racial effects is small compared to the much more powerful predictive effects of prior sexual abuse and nonstraight sexual orientation.

In fact, the individual characteristics that most powerfully predict sexual victimization are gendered, rather than racial. The BJS analysis found that prior sexual abuse and nonstraight sexual orientation are by far the strongest predictors of an inmate's risk of sexual victimization, whether by inmates or by staff (Beck et al. 2010a). As I have shown previously, effeminacy, nonstraight sexual orientation, and prior sexual abuse are often treated by prisoners and staff as failures of masculinity which mark a prisoner as a potential target of sexual abuse (Buchanan 2010). The data indicate that whiteness is not itself an especially important risk factor for sexual victimization, but failed masculinity is.

#### Black-on-White Prison Rape: Construction of the Myth

Although the data do not support the notion that prison rape is typically black-on-white, many people involved in prisons and their administration—prisoners, correctional officials, policymakers, some judges, and many academics—believe that it is (Buchanan 2010). How do inmates, staff, and other

observers come to believe that prison sexual violence is mainly black-on-white—in spite of what they are observing?

Whether inside prison or in the outside world, the myth of black-on-white rape draws on powerful cultural stereotypes that have shaped understandings of black and white masculinities for decades. Black men have long been stereotyped as supermasculine: inhumanly strong, violent, animalistic, hypersexual, and ungovernable (Harris 2000; Wiegman 1995; Duru 2004; Goff et al. 2008). White men are seen (and may see themselves) as effeminate by comparison (Harris 2000; Wiegman 1995; Bederman 1995). The survey data do not contradict these troubling stereotypes as they do the black-on-white myth: to the extent that the BJS found white men facing higher rates of victimization by inmates, it calculates that their vulnerability is shaped by factors other than race. The BJS report did not identify what those factors were, but in general, it found that prior sexual abuse and nonstraight sexual orientation were by far the most powerful predictors of an inmate's risk of sexual victimization.

In prison, popular and academic culture, the presumed vulnerability of white inmates, is explained in terms of racialized masculinity. Many prisoners and guards believe that white inmates are “weak” and “cannot fight as well as black inmates” (Fleisher and Krienert 2006, 103). As one black former prisoner put it, “Young white men from affluent homes are soft and easily intimidated by hardened black criminals,” although he offered a more nuanced understanding of their vulnerability: tougher whites, he said, “have no problem, and the weak blacks are victimized; but the white children of affluence are especially marked for servitude” (Johnson and Hampikian 2003, 52).

Other prisoners and correctional officials construe prison rape—which they conflate with interracial dating—as a form of racial revenge. A white inmate claimed that prison rape was “more prevalent” with black prisoners because it “gives them a sense of empowerment over the whitey to take that from him. . . . It's definitely an empowerment thing. It's just like on the streets when you see a black male with a white girl. It's to let the white boys know [they] can get your girls. I've talked to black guys about that in here. They say it's true” (Fleisher and Krienert 2006, 170). Dr. Frank Rundle, a former California prison psychiatrist, declared: “It does happen that blacks often have a preference for white slaves, and that gets into the whole business of racial subjugation and revenge—the same way it does in society. There are a lot of blacks who prefer white women and it has to do sometimes with a conscious kind of revenge” (Rideau and Wikberg 1992, 93).

Prisoners and staff are not alone in the perception that white prisoners' masculinity is especially vulnerable to that of black men. Policymakers often

assert that prison rape is “interracial,” often without citing any evidence. The Congressional Findings of the Prison Rape Elimination Act of 2003 declare, without citation, that the “frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions” (Prison Rape Elimination Act of 2003, section 2(9)). The generally progressive 2009 recommendations of the National Prison Rape Elimination Commission assert, without evidence, that “being in the racial minority within a given facility characterized by marked racial tension” constitutes a risk factor for sexual victimization (National Prison Rape Elimination Commission 2009b, 29). Nationwide, white inmates constitute less than 35 percent of the male prison population. A plurality is African American, and nearly two-thirds are non-white—black, Latino, mixed, or “Other” (West 2010). Although there is no evidence that prison rape is ordinarily interracial, policymakers focus on the presumed racial dynamics of prison rape at the expense of racial disparities which, unlike the racial rape myth, are substantiated by reliable empirical data. It seems that multiracial prisoners may be vulnerable to inmate rape, and black prisoners remain vulnerable to staff sexual abuse, but policymakers do not acknowledge or address these disparities.

The black-on-white account of prison rape is so entrenched that its factual basis has not yet been challenged in the prison rape literature (but cf. Buchanan 2010). Many contemporary academic commentators uncritically assert, without attribution or by citing 30-year-old sources, that prison rape typically involves black men attacking vulnerable whites.<sup>4</sup> But even before the first large-scale, methodologically rigorous studies were published in 2007, it should have been apparent that the empirical basis of the conventional racial story could not withstand critical scrutiny. Contemporary academics who assert that prison rape is black-on-white rely upon sources published in the late 1960s, 1970s, and early 1980s (particularly Davis 1968; Scacco 1975; Toch 1977; Carroll 1974; Carroll 1977; Lockwood 1980; Nacci and Kane 1984), all of which share conspicuous methodological flaws (Gaes 2008; Gaes and Goldberg 2004). For example, they did not use random probability samples of the surveyed populations (Gaes and Goldberg 2004). The only exception, a federal study conducted in 1982, relied on in-person interviews by “an articulate, black ex-offender” (Nacci and Kane 1984), and its authors provide no data to support their declaration that black assailants outnumber white ones “because they tend to assault in large groups” (*ibid.*). Another study that is frequently cited today was conducted from 1966 to 1968 by A. J. Davis, a district attorney who estimated the incidence of prison rape based on interviews of non-randomly selected prisoners (Davis 1968). The interviews were conducted by the district attorney, his staff, and police officers. The two most

recent studies cited in support of the black-on-white account of prison rape were conducted in 1996 and 2000, and were likewise unreliable: they surveyed a non-random sample of prisoners, obtained response rates of less than 30 percent without comparing survey responders to non-responders, and were conducted by a non-confidential paper and pencil questionnaire, which raises concerns about collusion and lack of independence in filling out the survey (Struckman-Johnson 1996; Struckman-Johnson and Struckman-Johnson 2000; Gaes and Goldberg 2004).

A cursory examination of these and other such studies should reveal that they cannot be relied upon as evidence of the racial dynamics of prison rape in the twenty-first century. The credulity with which these studies’ racial findings have been received, and repeated, may reflect their conformity to stereotypical expectations.

By contrast, survey results contradicting the black-on-white stereotype tend to pass unremarked, even by the survey researchers themselves. For example, the results of all the methodologically rigorous large-scale victimization surveys that have been conducted to date tend to contradict the stereotype in several respects, but academics, advocates, and survey researchers have not noted this. The limited data published by the BJS, as well as statewide surveys conducted in 2006 by sociologist Valerie Jenness and economist Nancy Wolff, offer no evidence that white men face heightened overall risk of sexual assault in prison. Rather, the results of these surveys suggest that it is nonwhite prisoners who may face heightened risk of sexual victimization, especially by staff. Although the results of these surveys tend to disconfirm the conventional wisdom about the racial dynamics of prison rape, none of the survey reports challenged the stereotype or analyzed its counter-stereotypical racial findings. Indeed, Wolff, whose own survey found no statistically significant differences in sexual victimization by inmates, nonetheless argued—based on the decades-old non-random studies discussed above—that black prisoners are likely to target whites for rape as a form of “racial vengeance or rage, where the heretofore underclass (people of color) dominate the upper class (whites) and exert this dominance through acts of victimization that are humiliating, shaming, and degrading” (Wolff et al. 2008, 468–69; parentheses in the original).

In formal and informal discussions of prison rape, racial dynamics tend to be highlighted when they confirm the black-on-white racial stereotype, and are nearly invisible when they contradict it. Prisoners whose memoirs discuss inmate vulnerability to prison rape tend to focus more on measures of masculinity than on racial factors. They often describe likely targets as “pretty,” “weak,” small, young, naïve, or gay (Dennis and Stephens 1998;

Harkleroad 2000; Lumsden 2006; James 2005; Wright 2008). But when they address race at all, inmate authors tend to point out that the attacker is black or the victim is white. For example, in a chapter on inmate rape suggestively titled “The Sexual Jungle,” prison writers Wilbert Rideau and Ron Wikberg describe dozens of instances of prison rape (1992). In most of them, they do not mention the race of victim or assailant. But whenever they do mention the race of an assailant, he is black. With one possible exception, whenever they mention the race of a victim, he is white.

A similar narrative practice characterizes judicial opinions. Race is rarely mentioned in Eighth Amendment sexual assault cases, but the rare cases in which race is mentioned point out that the victim was white and the assailant was black. For example, in one 1998 case, the district court judge observed: “Plaintiff, a 5’8” tall, 136 pound white male was 18 years old when he was . . . assigned to share a double cell with inmate Robert Ramey, a thirty-eight-year-old, six-foot one-inch, 290-pound African-American male serving a thirty-three-and-one-half year sentence . . . for forcible sodomy and abduction-with-intent-to-defile a twelve-year-old white male” (*Wilson v. Wright* 1998, 652, 655; see also *Butler v. Dowd* 1992). To these authors, race seems relevant enough to mention when it conforms to the black-on-white stereotype, and goes unmentioned at most other times. This narrative practice leaves a powerful impression that assailants are generally black, and victims are white.

Unfortunately, the BJS’s presentation of its statistical data also tends to follow this distinctive narrative pattern. BJS reports tend to draw attention to racial data when they conform to the black-on-white stereotype, and to downplay racial findings when they refute it. For example, in its three most recent reports on sexual abuse that prisoners reported to correctional authorities (Beck and Harrison 2006; Beck et al. 2007; Beck and Guerino 2011), the BJS highlights the race of victims and perpetrators for only those sexual abuse allegations that correctional investigators had found to be “substantiated.” “Substantiated” cases represent a very small proportion of sexual abuse allegations that correctional officials hear about (which, because of underreporting, likely represent a tiny proportion of sexual abuse that occurs: see, e.g., National Prison Rape Elimination Commission 2009a; Beck and Harrison 2007; Eigenberg 1989). Of the sexual abuse allegations they do hear about, prison investigators deem more than 80 percent to be either “unsubstantiated” (unproven) or “unfounded” (false) (Beck and Guerino 2011; Beck et al. 2007; Beck and Harrison 2006). In the 2005 and 2006 reports, the BJS published a chart highlighting the racial distribution of “substantiated” cases, that is, the approximately 15 percent of sexual abuse

allegations that prison staff believe and may act upon. This chart shows that 72–73 percent of “substantiated” victims are white, and that almost half of their assailants are black. In “substantiated” cases, black perpetrators were more than twice as likely to assault white as black victims (Beck et al. 2007; Beck and Harrison 2006). (The racial results of “substantiated” allegations in 2007–2008, the most recent years available, were essentially similar, but were not presented in chart form (Beck and Guerino 2011).) In none of these reports does the BJS provide any information about the racial distribution of the vast majority of sexual abuse allegations, which correctional investigators deem to be “unsubstantiated” or “unfounded.”

Correctional authorities acknowledge that sexual abuse is severely underreported (Beck and Harrison 2007; National Prison Rape Elimination Commission 2009a). Indeed, “officers are relatively confident that inmates will not report victimization” (Eigenberg 1989, 50). Thus the BJS warns that correctional records of sexual abuse must be viewed with considerable caution (Beck and Harrison 2007). If, however, the results of prison investigations were to be taken at face value, they would suggest that whites (who constitute less than 35 percent of the male prison population) are being sexually assaulted at about four times the rate of nonwhites. None of the victimization surveys provides any evidence that white inmates face such a greatly elevated risk.

The broadly shared cultural pattern of emphasizing racial data that conform to the rape myth and de-emphasizing those that contradict it is replicated in the BJS’s most recent survey report, published in August 2010 (Beck et al. 2010a). In the one-page executive summary of this survey, entitled “Highlights,” the BJS underlined white prisoners’ vulnerability to sexual violence by other inmates, while soft-pedaling its more statistically robust finding that black prisoners were at significantly heightened risk of sexual victimization by staff. The “Highlights” declare that “rates of inmate-on-inmate sexual victimization in prisons and jails were *significantly* higher among inmates who were white or multi-racial compared to blacks” (ibid. 5; emphasis added). Meanwhile, the “Highlights” describe the racial findings with respect to black inmates’ disproportionate victimization in muted terms: “After controlling for multiple inmate characteristics, rates of reported staff sexual misconduct were lower among white inmates (compared to black inmates)” (ibid.; parentheses in the original). The language chosen by the BJS to summarize its findings emphasizes white inmates’ vulnerability while underplaying that of black inmates. For example, it describes whites’ vulnerability as “significant,” even though the BJS’s “final” statistical analysis shows it not to be, and neglects to describe blacks’ vulnerability as “significant” when



it is (ibid. table 12 at 18). It characterizes inmate abuse of whites as “victimization,” while describing staff abuse of blacks as “misconduct.” Furthermore, although all the BJS’s survey data depend on inmate self-reporting, the BJS presents whites’ heightened vulnerability as a fact—whites’ “rates of inmate-on-inmate sexual victimization . . . were significantly higher”—while treating blacks’ heightened vulnerability as an allegation: black inmates “reported” higher rates of sexual abuse by staff. All these descriptive differences tend to reinforce the stereotype of white vulnerability, while downplaying the survey’s counterstereotypical findings: that, in the final analysis, whiteness is not a significant risk factor for sexual victimization by other prisoners, but multiracial identity is, and that blackness is a significant risk factor for sexual victimization by staff (ibid. 18, 91).

Official sources, as well as prisoners and academic commentators, tend to emphasize even dubious racial information about prison rape when it tends to confirm the black-on-white stereotype, but tend to underplay even robust racial data when they tend to refute it. There is no reason to believe that this narrative practice is intentional, but it appears that widely held racial stereotypes may influence cultural perceptions of whether and when race matters in rape cases.

#### Implications of the Black-on-White Rape Myth

The black-on-white rape myth is unsupported by the survey data, but why does it matter? For inmates, it may matter very much: prison guards and investigators acknowledge that they are more likely to believe allegations of sexual abuse when the victim is white (Eigenberg 1989; Eigenberg 2000). Since the BJS does not provide a racial breakdown of “unfounded” or “unsubstantiated” allegations—that is, the vast majority of them—the BJS reports do not allow a determination of whether white victims are more likely to report their abuse to prison officials, or prison officials are more likely to believe them, or, most likely, both. A more accurate understanding of the racial dynamics of prison sexual abuse might reveal a need for policy reforms to encourage reporting by non-stereotypical victims, and to address investigators’ “unfounding” of non-stereotypical allegations.

From a policy perspective, the stereotype of black-on-white prison rape has several undesirable effects. First, the powerful black-on-white rape myth (or fantasy) eclipses the real racial, gender, and institutional factors that contribute to prison sexual abuse. The cultural intuition that stronger, hypersexual, violent black men pose a threat to weaker, more intelligent, more civilized whites seems to eclipse the racial, gendered, and institutional realities

of prison violence that prisoners and guards observe, and statisticians count. We see what we expect to see.

The racial dynamics of sexual abuse, as revealed in victimization surveys, differ substantially from the stereotype. The survey data do not support the notion that white prisoners are the typical victims of prison rape. Multiracial prisoners, on the other hand, may face elevated risk of sexual abuse by other inmates, while black prisoners seem to face a disproportionate risk of sexual abuse by staff. These findings warrant further investigation, but—unlike the black-on-white stereotype—received no attention from NPREC. The black-on-white stereotype tends to foreclose discussion of counterstereotypical racial disparities.

By attributing prison rape to the imagined criminal sexual deviance of black men, the black-on-white rape myth also tends to obscure institutional complicity in the sexual abuse of prisoners. Victimization surveys consistently reveal that correctional staff sexually assault inmates more often than their fellow inmates do. Moreover, policies and practices of institutional governance can create a prison environment that either tolerates or suppresses sexual abuse by staff and inmates. Two recent national commissions have found that sexual abuse (by both staff and prisoners) is more likely in institutions that are ill-designed, overcrowded, and understaffed. (National Prison Rape Elimination Commission 2009a; Commission on Safety and Abuse in America’s Prisons 2006). Moreover, correctional officials know that the use of objective, reliable security classification measures, direct supervision of inmates by guards, suppression of physical violence, zero tolerance for sexual violence, mandatory and thorough investigation of every allegation of sexual abuse, the use of modern surveillance technology, and the deployment of internal and independent oversight can greatly reduce sexual abuse in correctional facilities (ibid.; Farbstein and Wener 1989; Beard 2006; Stalder 2006; Horn 2006; Goord 2006).

It is not surprising, then, that the elevated rates of sexual abuse found in some men’s prisons are not explained by racial or other demographic characteristics of the inmate population. The most recent BJS analysis found that, in the men’s facilities with the highest surveyed rates of sexual violence, inmates reported sexual abuse at more than double the rates that could be predicted based on inmate characteristics (Beck et al. 2010a). It seems likely that these institutions are administered differently—that is, worse—than institutions whose inmate populations are demographically comparable, but which have lower reported rates of sexual victimization.

As I have pointed out previously, prisons with high rates of sexual violence are often administered in accordance with an unacknowledged, gendered

mode of institutional governance (Buchanan 2010). Too often, staff and administrators enforce a homophobic institutional culture in which prisoners are expected to prove their masculinity by fighting. It is not uncommon for staff to refuse to protect prisoners against sexual abuse, telling the victim (or potential victim) that he should “be a man” by fighting off his assailants (Buchanan 2010; Human Rights Watch 2001, 153). If he is unable to do so, staff and investigators often refuse to protect the victim or punish the perpetrators, telling the victim that he deserves the abuse because he is, or has been made, “gay” (Buchanan 2010; Just Detention International 2009, 1).

To the extent that institutions enforce this toxic model of masculinity, rather than adopting well-known best practices of institutional governance, the myth of white vulnerability to hypersexual black violence tends to excuse such institutional failure. The racial rape myth attributes prison rape to the criminal sexual deviance of black men, and to the concomitant vulnerability of gentler, more civilized whites. If rape is attributable to the contrasting masculine natures of black and white men, it might seem that there is little (beyond racial segregation) that prison administrators could do to prevent it.

It is hardly surprising, then, that the racial rape myth has given rise to calls for racial segregation in prisons (Scacco 1975; Jacobs 1983; Wolff et al. 2008). In 2008, for example, Wolff called for “practices and policies that minimize [perpetrators’] opportunities” (2008, 469–70) by “separating those with characteristics that make them likely targets from other inmates with predatory characteristics” (ibid. 470). Responsible security classification practices would, of course, require this. But Wolff’s racial argument suggests that whites are the “likely targets” who should be separated from the “predators” she characterizes as nonwhite prisoners motivated by “racial vengeance or rage” (ibid. 468–69).

Because best practices of institutional governance require that persons at high risk of being victimized be separated from persons at high risk of being abusive (National Prison Rape Elimination Commission 2009b), it seems likely that correctional authorities who believe, in good faith, that sexual abuse is disproportionately black-on-white will think that racial segregation is an appropriate means to prevent it. In 2005, eight states invoked “the problem of inter-racial rape in prisons” to argue before the United States Supreme Court that racial segregation in prison was not only permissible under the *Turner v. Safley* standard, but was constitutionally required (Brief of the States of Utah et al. 2005).

More subtly, the conventional assumption that prison rape is interracial seems to have influenced the National Prison Rape Elimination Commission to repeatedly exhort prison administrators to investigate what they perceive

to be the racial dynamics of prison rape. NPREC rightly recommends data collection, review, and incident analysis with respect to every allegation of sexual assault. However, in light of the absence of quantitative data indicating that race is an important factor affecting sexual abuse, the Standards for the Prevention, Detection, Response and Monitoring of Sexual Abuse that NPREC proposed in 2009 place undue emphasis on racial factors, at the expense of more influential factors such as masculinity, sexual orientation, gender identity, and prior victimization, as well as individual risk factors such as size, weight, and age. Unlike (white) race, all these factors *have* been shown to broadly affect the risk of sexual victimization.

The assessment checklists recommended in the NPREC Standards allow correctional investigators to address any potential factors that they find may affect sexual assault, but they *mandate* a focus on only one: interracial dynamics (National Prison Rape Elimination Commission 2009b). The NPREC Standards call on correctional agencies to review institutions’ collected data to “identif[y] problem areas, including any racial dynamics underpinning patterns of sexual abuse” (ibid. 55). They exhort correctional staff to “consider whether incidents were motivated by racial dynamics or any existing racial tensions” at the facility, and require that “officials immediately notify the agency head and begin taking steps to rectify those underlying tensions” (ibid. 53). None of the NPREC data collection recommendations requires that correctional officials consider—or take immediate steps to rectify—any other institutional problems that have been identified as factors contributing to sexual violence, for example: inadequate supervision, inappropriate security classification, overcrowding, high rates of physical violence, homophobia, or an institutional culture in which staff and inmates expect inmates to prove their masculinity by fighting.

Moreover, given that many prison officials are more likely to believe sexual abuse allegations when the victim is white and the assailant is black, it seems likely that officials may perceive that sexual abuse is disproportionately black-on-white within their own institutions, even if BJS statistics indicate that it is not interracial nationwide. NPREC’s call for racial data collection based on officials’ perception of racial dynamics could generate data that will confirm the stereotype that gave rise to the call in the first place.<sup>5</sup>

The powerful cultural specter—or fantasy—of black-on-white rape seems to inflect perceptions of what is happening in prison, whether the observers are prisoners, staff, administrators, academics, or policymakers. The racial rape myth seems to generate a form of confirmation bias: policymakers, academics, and correctional officials, who ought to know better, have been remarkably credulous of shaky or nonexistent empirical data that tend to

confirm their racial preconceptions. Meanwhile, data that raise questions about the stereotype have been largely ignored. For them as for prisoners, judges, and other observers, race seems to be especially salient when sexual abuse is (or seems) black-on-white, yet disappears from public discourse when the facts do not conform to the stereotype.

The myth of black-on-white prison rape reveals the continuing, albeit unacknowledged, power of myths about black and white masculinities in the outside world. The racial retelling of the story of prison rape tends to eclipse the gendered and institutional factors that are known to contribute to prison rape. The chimera of black-on-white prison rape also overshadows better-substantiated racial disparities that have been confirmed and reconfirmed in recent victimization surveys.

Finally, the racial rape myth seems to mask, or even excuse, the gendered institutional practices that foster sexual abuse. Even though prison staff are notorious for telling inmates they must “fight or f—” (Robertson 1995), rape in men’s prisons has not, until recently, been recognized as a consequence of institutional enforcement of an especially toxic model of masculinity (Buchanan 2010). Presumably, most Americans would not be satisfied with an explanation of prison rape that repeats what prison officials so frankly tell abused prisoners: that victims deserve to be raped because they are not real men. Yet, despite its shaky empirical foundation, its racist history, and its dehumanizing overtones, the racial rape myth has been advanced and accepted, in public and specialist discourse, meeting far less skepticism than it deserves. Somehow, a gendered practice that would be outrageous if described frankly to the outside world is normalized when a racist trope is used to explain its consequences.

#### NOTES

This chapter addresses an argument that is elaborated in much more detail in Buchanan (2010).

1. In this chapter, I use “prison rape” as a shorthand for all forms of sexual abuse and victimization in prisons, jails, and other detention facilities. Prison rape or sexual abuse may encompass all forms of forced, coerced, or pressured sex between prisoners, and all sexual contact (whether forced, coerced, pressured, or voluntary) between prisoners and staff.
2. Three of these sexual victimization surveys were conducted nationwide by the Bureau of Justice Statistics: it surveyed jails and prisons nationwide in 2007 and again in 2008–2009, and it surveyed juvenile facilities in 2008–2009, giving rise to four reports: Beck et al. 2010a; Beck and Harrison 2008; Beck and Harrison 2007; and Beck et al. 2010b. The other two were statewide surveys conducted by university-affiliated social scientists, and gave rise to three reports: Jenness et al. 2007 (a statewide survey of

California state prisoners); Wolff et al. 2006 (a statewide survey of state prisoners in an unidentified state); and Wolff et al. 2008 (reporting on the same survey).

3. These findings are inconsistent with the stereotype that white inmates are especially vulnerable to sexual abuse in prison. However, a more comprehensive understanding would require information about the racial dynamics of perpetrator-victim dyads, which is unavailable in the published results of the nationwide surveys. Although Beck and Harrison (2008; 2007) and Beck et al. (2010b) did ask prisoners who said they had been sexually abused by other inmates about the race or ethnicity of their assailants (it did not ask about the race or ethnicity of staff perpetrators), the BJS did not publish the results of this inquiry. The Beck et al. 2010a survey also asked this question, but the report did not provide a breakdown of the race/ethnicity of the assailant by race/ethnicity of the victim. Jenness et al. (2007) found that rape in California prisons was largely intraracial, while Wolff’s survey did not ask about the race of the perpetrator (Wolff et al. 2006).
4. Nancy Wolff (Wolff et al. 2006, 836), for example, cited Toch (1977) and Carroll (1974) as authority that “Inmate-on-inmate sexual victimization has an interracial bias, with victims most likely being White and sexual aggressors most likely being black”—even though her own survey had found no statistically significant racial differences in sexual victimization by inmates (Wolff et al. 2006, 844; Wolff et al. 2008, 459). See also, e.g., Fleisher and Krienert 2006, 41–42, 48–49, 51 (citing Lockwood (1980), which reported on a 1974–1975 study, as authority that in “modern decades,” prison “sexual aggression often has racial overtones”); Robertson 1999, 18–19 (citing Davis 1968; Carroll 1977; Scacco 1975; and Lockwood (1980) as authority that most victims are white and “African-American inmates disproportionately comprise the population of sexual harassers”); Pinar 2001, 1031–60 (citing numerous sources published between 1964 and 1984 as evidence that black-on-white “[s]exual assault is still feared in prisons today” (ibid. 1031), and that prison rape is black prisoners’ means of racial “revenge” (ibid.); Man and Cronan 2001; O’Donnell 2004; Knowles 1999).
5. As this chapter went to press, the U.S. Attorney General released draft national standards for prison rape prevention which respond to this concern: *National Standards to Prevent, Detect, and Respond to Prison Rape*, 2011.

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