

Violence Against Men: In Prison and Out

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Kim Shayo Buchanan, [Our Prisons, Ourselves: Race, Gender, and the Rule of Law](#), 29 *Yale L. & Pol'y Rev.* 1 (2010).

In her hilarious book [Bossypants](#) (which is another thing I like lots but alas, falls outside my mandate), [Tina Fey](#) reveals some insider knowledge about the male-dominated world of *Saturday Night Live*: “Male comedy writers piss in cups. Also, they like to pretend to rape each other. It’s . . . Don’t worry about it. It’s harmless, actually.”

I had that anecdote in mind as I began preparing to write this review of [Kim Buchanan's](#) article. Then, in a moment of synchronicity, two days before I actually sat down at my computer to write, I ran across this joke in a free humor magazine, the kind printed on newsprint and assembled to support advertisements for local businesses in small rural towns. I apologize in advance for its offensiveness, but it completely makes my – and Buchanan’s – point.

A small little white guy is arrested and thrown in the county jail overnight on some misdemeanor charge. He notices that a huge black dude is also sharing the same cell. He tries not to make eye contact with him but much to his dismay the big black dude approaches him and announces “7 foot tall, 350 pounds, 20 inch dick, 3 pound left ball, 3 pound right ball, Turner Brown.”

The small white guy faints! The big black dude picks up the small white guy and brings him to, slapping his face and shaking him, and asks the small white guy, “What’s wrong?”

The small white guy says, “Excuse me, but what did you say?”

The big black dude looks down and says, “7 foot tall, 350 pounds, 20 inch dick, 3 pound left ball, 3 pound right ball, my name is Turner Brown.”

The small white guy says, “Thank God! I thought you said, ‘Turn around.’”

Where do these jokes come from, and why do they persist? As its title suggests, Buchanan’s article is about prisons, but more importantly it is about “us” – about sexual violence against men, inflicted by men, and about how this violence is largely accepted and condoned not only in social life but in the law. Examining the available data, including data gathered in the wake of the recently passed [Prison Rape Elimination Act](#) (PREA), Buchanan argues that many prisons are saturated with sexual violence, ranging from harassment to the most brutal rapes. This violence, however, is not the inevitable consequence of crowding antisocial individuals together. Buchanan notes that in some prisons there is “zero tolerance” for sexual violence, and very low rates of violation. The problem is a widespread administrative culture in which sexual violence is not only tolerated by staff but incorporated into the prison order: institutions where inmates are sagely advised by staff, “Fight or fuck,” where everyone accepts that men unable to protect themselves may be “turned out,” and where gay, bisexual, and transgender victims of sexual violence may be taunted and told that they must have enjoyed it.

Buchanan’s title cleverly invokes second-wave feminism, which her article simultaneously challenges and builds upon. Second-wave feminists, seeing that violence against women was all too often treated as an inevitable feature of life that it was a woman’s responsibility to avoid, argued that all men received a benefit from this violence. The “male protection racket” told women that if you didn’t have a man of your own, you had better get one quickly, to protect you

from the violence of other men. This system, of course, also worked to secure compulsory heterosexuality by announcing open season on lesbians.

Buchanan's observations about the taken-for-grantedness of sexual violence in prison and the seeming complacency about it in the outside world eerily recall a time when women who were raped would routinely be blamed for dressing too provocatively. Her analysis of how male victims of sexual violence are similarly ignored, disbelieved, held responsible, or told that it must have been consensual clearly draws on second-wave feminist analysis. Buchanan also draws on this analysis when she shows how the world of prisons and jails is as effectively shielded from legal scrutiny as was the home in an earlier era. Then, as now, the creation of a "private" sphere free from legal intervention made room for an informal order patrolled by patriarchal violence.

But Buchanan's article also demonstrates what second-wave feminists missed: the rules of masculinity subject men to one another as mercilessly as they subject women to men. Rather than being uniformly privileged by misogynist and homophobic violence, men are complexly burdened as well as benefitted. Moreover, the masculine order that this violence secures rules the outside world as well as the world of incarceration. Despite important decisions like [Oncale v. Sundowner Offshore Servs., Inc.](#), 523 U.S. 75 (1998), holding that Title VII bars same-sex sexual harassment, Buchanan notes that a kind of double standard persists in which same-sex violence and harassment perpetrated by straight men receives less scrutiny and punishment than either different-sex harassment, or same-sex harassment perpetrated by sexual minorities. Title VII as well as prison administration, it seems, secures the ability of straight-identified men to dominate other men.

Finally, Buchanan's article is about a racialized sex/gender panic on the part of white men that crystallizes in the joke I repeated at the beginning of this review (and hundreds of variations scattered throughout popular culture). In her fascinating cultural history, [Manliness and Civilization](#), [Gail Bederman](#) suggests that the male fantasy of vulnerability to rape by a "big black dude" may have its roots in the late nineteenth century, when white male masculinity entered a period of crisis from which it has never fully emerged. Buchanan demonstrates that the fantasy persists as a "myth" about prison rape – the belief held by experts as well as laypersons that the perpetrators of prison rape are disproportionately black and the victims disproportionately white. There is no good evidence to believe that prison rape is raced in this way. Yet the fantasy persists.

Buchanan has pulled off a tour de force of critical legal theory, seamlessly weaving together the race, gender, and sexuality dimensions of hegemonic masculinity. Her article demonstrates both the continued vitality of feminist theory and the need to think beyond second-wave analyses. And her article, most importantly, connects the "inside" and the "outside" of prison. Buchanan makes an assault on the wall that separates "them," the criminals, from "us." Male-on-male sexual violence, and the heteropatriarchal masculinity that produces it, is truly ours. In true feminist fashion, it is time to see that what is taken as natural and normal is contingent on a social order, not biology. And it is time to take this violence, in its sexualized, gendered, and racialized dimensions, seriously.

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