

## **Male Rape: The ‘Invisible’ Male**

**Why is it that male rape victims are less focused on than their female counterparts by criminology, state agencies, and the media?**

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### **Abstract**

Female rape attracts a lot of attention in the social sciences, but male rape is greatly overlooked by feminism, which searches to highlight the gendered nature of rape. As a result, there is a lack of numerical evidence on male rape, although it is necessary to classify the theoretical development of male rape as a social issue as it looms across the social research discourse. Therefore, it is important to examine this growth because the current direction of the research on male rape has worrying ramifications for how male rape is theorised. Male rape in the 21<sup>st</sup> century is problematic because males are still frightened to report for a wide range of reasons. Therefore, explanations of underreporting are examined, how male rape is considered in criminology, the police, and how male rape victims are construed within the law, prison, media, and support organisations. Ultimately, this dissertation stresses the need to account adequately for both female and male rape victims alike.

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## Introduction

This master's dissertation aims to analyse and scrutinise the normalisation and invisibility of abuse and brutality to males in society, and the political and social issues surrounding the present position of male rape victims. Essentially, this dissertation will unravel explanations as to why some male rape victims do not report their crime, and why criminology, the police, and the media decide to ignore male rape. King (1990) illustrates that male rape is clearly under-reported and under-recognised, and future research should be drawn to recognise why this is. Therefore, comprehending the evidence gathered about male rape can give male rape victims the courage to tackle their fears, and will facilitate more males to look for the counselling support and information that they deserve. This dissertation will be helpful for the central and relevant local governments to produce robust regulations, which will facilitate related autonomous support units to form economic and social values, and help improve the reporting system.

Brochman (1991) argues that male rape statistics hugely under-represent the true number of males who are raped at age 12 and over. Brochman also found that rape crises counsellors believe that whilst only one in fifty female rape victims report to the police, for males the rates of under-reporting are considerably higher. Therefore, it is critical to explore the reasons for this under-reporting, which in turn will help explain and understand why there is a lack of attention on male rape victims. Particular focus will be given to the police because they are the first port of call for male rape victims. How the police interacts with male rape victims, and how the police is restrained by cultural and social influences are examined. Voluntary agencies are also examined to observe whether they differ, and if so how.

Hoyle and Young (2002) argue that male rape victims still continue to be marginalised and alienated in the 21<sup>st</sup> century. Therefore, why are males still dealt with in a gender-neutral way? Why is masculinity still not problematised? Why is it still culturally expected for males to be the offenders but never the victims? Is it the media's fault, if not who is to blame? Nevertheless, there are some workshops about male rape victims (that can be found at mainly child abuse conferences) to closely examine these unanswered questions (McMullen, 1990). However, many state agencies like the police are still using a woman-focused model of victimisation when dealing with male rape victims, when a specific male-focused model of victimisation is required, as male rape victims experience rape differently to female rape victims, for example, males may question their 'masculinity' if they were raped (Khan, 2008).

Moreover, the languages utilised in contemporary discussion on maltreatment and cruelty hides male rape, for example, phrases such as 'family violence' are co-stationed with 'violence towards women', and male victims of 'sibling-on-sibling violence' is also problematic; male rape can happen under these unclear headings (Khan, 2008).

Khan (2008) argues that male rape victims report aggravation, tenderness, and rage because of their stories not being acknowledged, and the focus is only on female rape victims, while Petrak and Hedge (2002) stipulate that the focus is 'balanced' but the male 'voice' is relegated to the background. Consequently, male rape victims find this

deleterious to their soul, and trivialising of their suffering, and male rape victims consider that countless thinkers and authors in criminology have marginalised them (Petraak and Hedge, 2002). Krahe (2000) found that male rape victims recurrently find that the majority of therapists, counsellors, and other caregivers (taught with a female-focused model of victimisation) are inadequate to assist them, and therefore are likely to not seek therapy.

Another problem is the role of the media in fuelling male rape myths. McCormick (1995) believes that the media help to produce and form public opinion by creating and choosing 'newsworthy' topics for reporting. Lees (1995) found that newspaper coverage of rape is extremely selective, most frequently conveys a distorted view of rape, and expands rape myths, therefore worsening the distress suffered by victims. Benedict (1992) illustrates that rape myths formulated by the media seize to displace male perpetrators' responsibility onto their victims. In contrast, Cuklanz (1996) argues that the media are proactive in dispelling rape myths. Therefore, it is evident then that the media have a lot of power in influencing persons' opinions and perceptions, as they are a main source of information to the public. Thus it is vital to scrutinise the role of the media in either perpetuating myths about male rape, or dispelling it.

#### Aims

- To explore the nature and patterns of male rape in society.
- To examine the adequacy of the law on male rape.
- To recognise and examine the factors that facilitate to the under-reporting of male rape.
- To consider and investigate state and voluntary responses to male rape.
- To scrutinise if the media helps to perpetuate or dispel myths about male rape.

#### Objectives

- The evidence gathered about male rape can give the victim the strength to tackle their fears, encourage more males to report, and look for the support and information that they deserve.
- This study will be useful for central and local governments who want to develop robust regulations, which facilitate relevant autonomous support units to create economic and social values.
- To improve the reporting system within state and non-state providers.

#### 1) Theory

Theoretical paradigms of male rape are embedded in positivism because research in the area of male rape has expanded via clinical examinations, and examination from a psychiatric model of comprehending rape; such explanations have concentrated on prison rape, as this was the only acknowledgement of male rape, historically. The argument of positivism (see chapter 3: section on 'Positivism') demonstrates that prison rape differs from non-institutionalised rape, which requires a different sort of explanation. Individual positivism will be the main focus, which argues that criminality is determined by forces beyond the person's control (Karpman, 1951). Individual positivism challenges feminism's and social constructionist's theory that

individuals are *nurtured* into different behaviours because of their socialisation (Stanko, 1985).

Later research from the social structural positions and feminism situates rape in the extensive social structure; the argument that a hierarchy ingrained within patriarchal relations enables men to exercise power and control over women - rape is perceived as one aspect of social control (see chapter 2; section on 'Feminism'). Chapter 2 shows that feminism sees male rape as an extension of male control and domination over women, by implying that male rape offenders regard their male victims as subordinate females who are weak, therefore showing issues of domination over females (Stanko, 1990). A feminist paradigm for rape is crucial in ensuring vital changes to policy, service provisions and assistance towards female victims. However, simultaneously this feminist approach sidelines male rape (although males rape other males, for many of the same reasons they rape females, which is to have power and control over the victim) (Khan, 2008). Therefore, it is necessary to scrutinise the shortcomings of feminism in light of the survival of male victims.

Further, some research on masculinities are outlined (Hoyle and Young, 2002; Lees, 1997; Stanko, 1990) which has recognised rape as a mechanism of domination and control, progressed via various gender-based role socialisation; the notion that male rape is ignored due to the powerful gender stereotypes where males and females are socialised into. Traditionally men have been required to be dominant and strong, and this requirement excludes them to be victims of rape, which essentially challenges and threatens their manliness and sexuality (Lees, 1997). That said, Foucault's theory of normalisation is adopted to help explain and illustrate this point more clearly (see chapter 3).

## 2) Methodology

Secondary sources are used to examine what other authors have said about male rape. Bryman (2004) discusses secondary analysis as examining previously collected data in another study, and this enables the researcher to produce new and more in-depth conclusions, which are different to those in the first document. A benefit of secondary analysis is that the quality of the data can be high (Sarantakos, 2005); for instance, samples used within research assessing how to stop male rape can be gathered from numerous regions of the United Kingdom allowing for a widespread geographical representation in the results.

Primary data was not gathered because of ethical and technical issues given that male rape is a hypersensitive subject, and it was extremely problematic to gain access to male rape victims, which would have been unethical to do anyway because of secondary victimisation - the distress victims experience because of the system procedures and/or interactions with the criminal justice personnel or researcher. Another reason for not conducting primary research in this master's dissertation was because of personal reasons, as the preference was for dedicating more space to discuss the literature instead of analysing the data gathered.

The assessment of documents published by a variety of institutions allowed for an analysis of interpretations that differ into the difficulties surrounding male rape. The secondary analysis also benefits from using information produced by researchers

whose factual information is commonly more representative, as they have access to an extensive range of different sources (Patton, 2002). Moreover, articles on the Internet from current newspapers, and media sources allowed for a diverse evaluation of Home Office and other related agencies, as they are an independent yet current source of information (Patton, 2002).

Another advantage of secondary analysis is quick and easy access to resources, because documentary research is chiefly independent of the complexities and limits experienced in primary research. Relatedly, this is confirmed by Sarantakos (2005) who illustrates that researchers are not faced with non-response, prejudice, refusal, or any other additional respondent-based difficulties, and these points are most recurrently referred to by lots of other relevant authors, which helped form a choice to just focus on secondary research. The utilisation of secondary data is also less time consuming, as the study does not implicate the compilation of raw data, which would be the situation when using a primary-based method (see Bryman, 2004). Further, the use of electronic documents and documents via the Internet makes things easier, therefore, enabling the secondary analyst to collect a large collection of knowledge from a variety of sources (Sarantakos, 2005).

However, there are some shortcomings of secondary analysis, such as the lack of information with data and problems of the data, and in particular circumstances the data may be examined and interpreted by an individual in a different context in comparison to the interpretation intended by the writer (Bryman, 2004). Similarly, documents might be affected by prejudices as they represent the views of their writer, and in addition bias is linked to the reliability of materials (Sarantakos, 2005). The reliability also seems to be further at risk, because policies and definitions regarding the phenomena can change over time (Bryman, 2004). Therefore, the academic books used in this dissertation become outdated quickly due to the period of time linked with creating such material, thereby, they might not mirror law or policy changes that have emerged since being published. However, one possible means to neutralise this difficulty is by using academic journals, which are usually published more frequently, which thereby echo contemporary attitudes to a particular issue, and gives expert and scholarly accounts (see Bryman, 2004).

#### a) Triangulation, Reliability, and Validity

Patton is an advocate of triangulation by stating: “*triangulation strengthens a study by combining methods. This can mean using several kinds of methods or data, including using both quantitative and qualitative approaches*” (2002: 247). However, triangulation is contested by Babour who argues that combining paradigms is possible, although combining methods in one paradigm such as qualitative research is problematic, because every method in the qualitative paradigm has its own postulation in “*terms of theoretical frameworks we bring to bear on our research*” (1998: 353). Nevertheless, triangulation is used in this dissertation, and so are Internet websites on male rape like <http://www.reachcentres.co.uk/about.php> (Accessed on: 30<sup>th</sup> May 2012). Although, every selected method links with validity and reliability, and below are the specified methods that have been used in conducting this master’s dissertation.

Internet Websites - Experts or collaborators in the subject of male rape assist in fixing and assessing male rape knowledge. In particular cases, the 'peer review' has very little importance: artistic expressions, personal knowledge (home pages), and other information on male rape (descriptions, opinions and so on) does not fundamentally require careful critical analysis aside from accuracy checks to be made (Carrabine, 2008). The measures of reliability, validity, and the value gathered from media cannot be useful to a mass medium, which is very active and, by its nature, always imperfect (see Carrabine, 2008).

Furthermore, Lee (2000: 152) observes that the Internet is a "*great potential as an information source*" particularly for sociologists as it is more representative than research and academic texts. Rape websites like <http://www.survivorsuk.org/> (Accessed on: 16<sup>th</sup> May 2012) is used and supplies some secondary data in terms of the culture of male rape. Lee sees the usage of Internet websites as a sociological source, and perceives it as being an unobtrusive source that does not specifically affect or "*harm human behavior in any way*" (2000: 152). Male rape is a sensitive subject to study therefore an examination of these simply available types of support provides access to knowledge that would otherwise be inaccessible. Although, sociologists ought to be wary when using data from Internet websites, because its content is not academically confirmed (Lee, 2000).

Peer Reviewed or Academic Journals - No researcher who writes about male rape can assert to express 'the definitive study' or 'the unvarnished truth', and other academics disprove or support any obtainable work, but peer review is a robust device to obtain scholarly objectivity, and to protect against scientific deception when comprehending male rape (Kennedy, 2010). Groth and Burgess's (1980) journal is very helpful as it showcases that male rape is very little to do with sexual satisfaction, and has a lot to do with violence, power, and control. Other writers most frequently refer to them, and the journal recommends creating some male role awareness training programmes, which are still lacking in contemporary society. Still, the reliability and validity of male rape material depends on context, and each material ought to be carefully weighed to estimate if it is trustworthy for the statement being made, and that such source is most suitable for that particular context (Kennedy, 2010).

Books - Most valid and reliable sources are journals and books on male rape published by university level textbooks; and journals and magazines that are published by well-known publishing institutions (Hughes, 2002). All of the sources mentioned above have been used intermittently all through this dissertation, and what these sources have in common is authorisation and procedure between document publication and creation (Hughes, 2002).

The main research question that has been asked does generate research, policy, and theoretical issues. However, the secondary methods used in this dissertation will allow the reader to re-consider their views when pondering the following sub-questions, as well as the main research question that has been asked:

1. Why is there a shortage of theory in comprehending male rape?
2. Why is there a critical requirement for robust policies?
3. Why are there research problems?
4. Why are agencies neglecting male rape?

### 3) Limitations of Literature

There are limitations of the literature on male rape, because certain information on male rape specifically relates to places like Canada or America. Nevertheless, the essential ideology of those arguments can be 'borrowed' and put into practice in the United Kingdom when comprehending male rape, because there is a lack of information on male rape within the United Kingdom. Essentially, the results from such studies can be applied to the different social context that applies within the United Kingdom (Hughes, 2002), which will be critically assessed by using many sources, of which to offset the shortcomings of particular research techniques with the benefits of others.

### 4) The rest of this master's dissertation is structured as follows

Chapter one covers the definition and law regarding male rape, which is problematic, that then feeds into the support organisations of male rape. Chapter two illustrates the theoretical contributions in feminism to understanding male rape, which are evaluated, amongst other different explanations and theories of the underreporting of male rape. Chapter three then showcases the absence of sociology of male rape in prisons, where theories from Foucault and Positivism are highlighted. Chapter four discusses the police negligence and responses to male rape, as the police is the first port of call for when male rape victims report their case, and is responsible for stopping male rape. Chapter five focuses on how the media represent male rape, and if they perpetuate or dispel male rape myths. Finally, the conclusion sums up the understandings to the main research question that has been identified and asked as the central focus of this master's dissertation, and the policy implications of male rape are discussed.

## **Chapter 1**

### **Conceptualising Male Rape and its Support Mechanisms**

This master's dissertation is being formulated in this area as not much research has been conducted since the 1990's, where male rape was rather problematic. So far, male rape is provided with a limited history, yet male rape is known to have been occurring across all time, however only fully identified and reacted to in recent decades. Male rape is still seen as an under-recognised, under-researched, and hidden crime that males are reluctant to talk about (Lees, 1997). However, Brochman (1991) demonstrates that society is increasingly becoming aware of male rape. Until the mid-1980s, the majority of the literature talked about violent crime in the context of only women (see Kelly, 1988), but despite much feminist research ignoring male rape, Estrich (1987) was one feminist writer who touched upon the sensitive nature of male rape in the 1990's. Estrich argued that the invisibility of the complexity of male rape might reflect the stigma associated with male rape, "*and the homophobic reactions against its gay victims*" (1987: 108).

However, Estrich fails to consider that *all* men are potential victims of rape, despite their sexual orientation. The belief of different myths, such as the one Estrich fell victim to, are untrue generalisations about the variety of diverse social groups, which keeps male rape concealed (Fulcher and Scott, 1999). At the root of the male rape stereotypes and myths lies the social construction of masculinities and the gender role socialisation where males are socialised as being sexually powerful (Khan, 2008). This socialisation produces what Donnelly and Kenyon recognise as the ‘myth of male invulnerability’, which restrains people, such as males, from identifying that males can be rape victims (1996: 448). However, male rape research within the United Kingdom have used small-scale samples due to the low amount of cases that are known, and have chiefly been clinically based; the lack of focus on male rape, and the lack of research evidence about the ramifications of male rape prevent male rape victims from reporting (Brochman, 1991).

This chapter examines the legal frameworks and some of the support organisations regarding male rape. First, the definition of male rape is critically evaluated, because this key issue helps understand the negligence of male rape.

#### 1) The Definition of Male Rape and the Law on Male Rape

Sexual assault and rape involve unwanted sexual acts, and the perpetrator can be an acquaintance, family member, stranger, or a person the victim trusts and knows well (HMIC, 2007). However, the definitions of sexual assault and rape vary in different countries, but usually a sexual assault occurs when an individual touches any part of a different person’s body in a sexual manner, even via their clothes, excluding that person’s consent (Walklate, 2004). In the United Kingdom, male rape is any kind of act that incorporates forced or coerced penetration of the mouth or anus by a finger, penis, or any obtainable object, and sexual assault and rape can also include situations when the person is unable to say ‘no’ because he is disabled, high or drunk, or even unconscious (Hoyle and Young, 2002; Walklate, 2004).

In particular United States jurisdictions, the phrase ‘rape’ is used only to define a forced act of vaginal sexual intercourse, whereas an act of coerced anal sexual intercourse is phrased ‘sodomy’. In the United States, in particular jurisdictions, sodomy also includes any oral intercourse (Walklate, 2004). There are particular states that now use gender-neutral phrases to define sexual acts of forced vaginal, anal, or oral acts (Hoyle and Young, 2002). Moreover, some states no longer use the phrases ‘sodomy’ and ‘rape’, rather all sexual crimes are explained as criminal sexual conduct of different degrees or as sexual assaults dependent upon the use and quantity of coercion or force from the perpetrator (HMIC, 2007).

The Criminal Justice and Public Order Act 1994 widened the rape definition to include “*non-consensual penetration by a penis of the anus*”, which criminalised male rape for the very first time (Walklate, 2004: 120). In the deficiency of a legal clarification, prior to that date, inspectors used the phrase ‘rape’ to illustrate a variety of different behaviours, such as those where no sexual penetration of the anus happened (Hoyle and Young, 2002). Furthermore, the literature does not invariably separate between adult males who were raped as young boys and those raped as adult men, even though research on the effects of sexual violence suggest that the reaction of a child is more likely to differ from that of an adult’s response to rape, and the law

should consider these differences (Hoyle and Young, 2002). However, Rumney and Morgan-Taylor (1996) argue that the rape legislation does not broaden the rape definition, but it should be gender-specific. Rumney and Morgan-Taylor's argument that vaginal and anal rape are similar sexual acts is refuted, because they have no research evidence to support their claim and it is purely anecdotal.

Hoyle and Young (2002) illustrate that there are problems with the literature, because most of the male rape literature has been focused on men's experience within the United States. A chief problem when comparing and contrasting the results of the research on male rape victims is that dissimilar jurisdictions have different definitions of rape, and the definitions can change over time. For example, in the USA, rape is broadly defined as the non-consensual sexual penetration of the anus or vagina, by the hand, penis, or other obtainable object (Hoyle and Young, 2002). The literature also fails to comprehend and consider the influence of cultural differences, despite the fact that the social setting of the victim has shown to be a significant issue in determining their reaction to male rape (Hoyle and Young, 2002).

Another problem of the law on rape is that critics of the proposal that women perpetrate rape believe that gang rape, for instance, includes a certain psychology of manic group behaviour; therefore, it is not possible to be evidenced to provide for the requirement for gender-neutrality in the rape law (Khan, 2008). However, it is still rather uncommon for a female to commit rape, but because some evidence is obtainable to convey that they do occur means that legal provisions are necessary, so that male and female victims can be given some redress and protection (Khan, 2008). However, the rape law excludes the possibility of female sexual offenders, because women's involvement in violent crime is low compared to men's involvement in violent crime (Walklate, 2004).

Furthermore, the current legislation considers forced sexual penetration of the vagina or anus by a piece of the body other than the male's penis or by a certain object as a lesser crime by Assault of Penetration (Khan, 2008). However, this was illustrated in the Fifteenth Report on Sexual Offences by the Criminal Law Revision Committee as "*severely degrading experiences for the victims, with the possibility of psychological damage enduring long after the event*" (1984: paragraph 4.5).

#### a) The Sexual Offences Act 2003

The Sexual Offences Act (SOA) 2003 (Chapter 42: 1) specifies that a person perpetrates rape if "*he intentionally penetrates the vagina, anus or mouth of another person with his penis*". The SOA 2003 definition of rape includes penetration of the mouth, which had not been included before, and by using the terms 'he' and 'penis' shows that rape is a gender-specific offence that is invariably deliberately perpetrated by a male person.

Part b (SOA, 2003) specifies that if the victim does not give 'consent' to sexual intercourse then a crime has happened. In section 74 of the SOA 2003 the meaning of consent is known as "*agreement by choice*", and the individual has "*freedom and capacity of that choice*". Prior to the SOA 2003, the writer Lees (2002: Appendix 3)

stipulates the Sexual Offences Act 1956 as using “*the mistaken belief in consent defence*”, which had meant that allegations of rape were usually rejected on the grounds that a man thought the male victim had given consent. Jones (2003: 23) found that a woman’s failure to effectively communicate is a myth to forgive a man’s “*mistaken belief in consent*”. However, this can also contentiously apply to male rape. Prior to the SOA 2003 there were no legal conceptualisation of consent, although in the current Criminal Justice System (CJS) there is a specific clarification of consent stipulating as ‘free agreement’, which ensures that there is a structure for the CJS to formulate fair choices (Dyer, 2002).

Dyer (2002) is cautious of what changes the implementation of consent will have on the whole of the CJS. Dyer argues that even if it elucidates that consent cannot be provided when the victim is ‘drunk’ or ‘asleep’, it is still a question of ‘his word against his’ in date rape and acquaintance rape, although only in stranger rape is the topic of consent seen as a vital subject. Drew (2005) criticises the SOA 2003, because Drew argues that where the victim is assumed to have provided consent if the perpetrator’s belief is ‘not reasonable’, but ‘reasonable’ is not defined within the act, which therefore leaves it open to common sense and interpretation. The next section covers how victims are interrogated in rape trials in order to showcase that consent was given to sexual intercourse.

## 2) The Treatment of Male Rape Victims in Rape Trials

It is clear that male rape victims are interrogated about their history regarding sexual intercourse, making them verify their innocence, and inexorably putting them instead of the accused perpetrator on trial, and questions connecting to prior sexual past with the accused are admissible (Lees, 1997). This will allow the defence attorney to suggest, for instance, that because consent to sexual intercourse was provided on earlier events, it was also given on this occasion (Lees, 1997). Another attempt to discredit the victims can involve allegations of prior homosexual intercourse, particularly when victims assert to be heterosexual; usually due to the ‘shame’ they think they will bring to their friends and families if they confess to be homosexual (Khan, 2008).

Moreover, misconceptions that all victims of male rape are homosexual can additionally harm the credibility of the male victim; homophobic jurors, barristers, judges or those confounded by the idea of male sexuality or male rape can be simply led by cultural and social myths within court where there might be intent to exaggerate any prejudice held already (Khan, 2008). As victims of male rape will more than likely experience similar inadequate treatment as women victims, with allegations like ‘he asked for it’, ‘consented at the time’, or ‘led him on’ (Lees, 1997), it is considered that the improvements in rape legislation provide males with a more robust position as victims than was the situation before (Khan, 2008).

In summary, this section examined the law on male rape where the definition is problematic because different jurisdictions have different definitions of rape, which can also change over time, and this makes comparing findings from research studies across jurisdictions extremely difficult (Hoyle and Young, 2002). The SOA 2003 definition of rape includes penetration of the mouth, which had not been included

before, and by utilising the terms ‘he’ and ‘penis’ shows that rape is a gender-specific offence that is invariably deliberately perpetrated by a male person. However, the rape law should be gender-neutral so that it can include female sexual offenders (Walklate, 2004). It is also clear that male rape victims are interrogated about their history regarding sexual intercourse, making them verify their innocence, and inexorably putting them instead of the accused perpetrator on trial (Lees, 1997). That said, support organisations interpret male rape differently because of the lack of a clear definition of male rape, and this is in crucial need of scrutiny, therefore this will be examined in the next section along with how support organisations respond to victims. Do support providers also replicate similar views as those ingrained within court participants (e.g. judge, jury etc) when dealing with male rape victims?

### 3) The Support Organisations for Male Rape

The female rape services in the United Kingdom were hard to obtain, and are still in danger of losing their funding (Kelly, 1988). In contrast, there is no male victims ‘movement’ as such, and what male rape victims need to do to develop a ‘movement’ requires them to overcome many universal concepts of male socialisation (Ford, Liwag-McLamb, and Foley, 1998).

Rape Examination Advice Counselling and Help (R.E.A.C.H.) is a voluntary agency, and North-East regional level Sexual Assault Referral Centre, which provides advice and help to women and men at ages 16 or above who have been sexually assaulted or raped. This free provision also provides support and counseling; case tracking via the criminal justice system for cases that have been reported to the police; and talk to victims about fears or concerns concerning reporting the crime (R.E.A.C.H., accessed on 30<sup>th</sup> May 2012). This agency helps male rape become more recognised, and with its link with the crown prosecution service it is improving with the help of case trackers at this organisation assisting to find offenders.

Moreover, for certain individuals, the thought of going to court can be extremely daunting. R.E.A.C.H. helps the victim to understand the whole court process, it is important that the victim is informed of what may occur at court, where one will be, what the court looks like, and what roles people in the court play. Therefore, the victim will be adequately prepared to go to court, if they are aware and knowledgeable of these issues. R.E.A.C.H. also offers a non-police forensic medical examination to collect forensic evidence before it is quickly lost, and keep the evidence until the victim wants to report to the police (R.E.A.C.H., accessed on 30<sup>th</sup> May 2012).

The national Broken Rainbow agency is a charity that also tackles male rape and male domestic violence; they established that their lesbian, gay, bisexual and transgender (LGBT) domestic violence helpline received 800 phone calls between January and April 2008 (Merril and Wolfe, 2000). In addition, their surveys demonstrated that 1 in 4 LGBT persons suffer some type of sexual violence, and that there is a lack of support provisions accessible for male rape victims (Merril and Wolfe, 2000). Moreover, the services required to support Broken-Rainbow usually produce problems by conceptualising sexual assault or rape as common assault, and unable to recognise the primary offender, or mistaking a suspect to be the offender (Merril and Wolfe, 2000).

At the Broken Rainbow conference in 2001, representatives were informed for the first time that homosexual men often suffer homophobia in battered refuges, and currently in the United Kingdom, there are only around 31 bed spaces obtainable for homosexual men. The conference also established that there is a lack of support provisions for bisexual or transgender rape victims (Khan, 2008). However, Merril and Wolfe (2000) argue that LGBT communities ought to take some responsibility for the present lack of support provisions for LGBT victims of rape and sexual assault. Representatives were also informed that whilst the LGBT community has become more noticeable in terms of addressing human rights and political issues, it is still hardly acknowledged in terms of the prevalence of male rape, and the problem of male rape is not expressed to the heterosexual population (Khan, 2008). This view is shared by Morrow and Hawxhurst (1989) who argue that lots of 'gay-supporting' therapists have idealised and usually unrealistic pictures of the nature of homosexual relationships, which consequently leads them to disbelieve the occurrence of male rape and abuse among gay couples.

Victim Support, which is at a regional level (working towards a national level), is another agency devised to recognise male rape and its services are free, confidential, and accessible to anyone who has been sexually assaulted or raped, now or before. If a victim decides to report the incident, workers from Victim Support can go to the police with the male victim, and if the victim gives evidence within court, the Witness Service can assist the victim to manage the experience and can give them information to do with compensation (Victim Support, accessed on 1<sup>st</sup> June 2012). However, Khan (2008) argues that there is still some worry about support organisations such as Victim Support in handling culturally sensitive events.

Sexual Assault Referral Centres (SARCs), which are local partnerships between the health services, voluntary organisations, and police devised to deal with victims' needs. SARCs are independent one-stop services that sexual assault victims can obtain support and medical care from, and simultaneously SARCs have the opportunity to assist in any police investigation (if a victim decides to report the attack). SARCs also provide forensic examination to collect forensic evidence, and if appropriate, the police will ask victims' if they want to be referred, or they can go straight to SARCs themselves if they wish to not report to the police (Rape Crisis, accessed on 1<sup>st</sup> June 2012).

Although, Bell (2006) illustrates that SARCs and many other support organisations can create 'secondary victimisation' (attitudes and behaviors of service providers that are insensitive and 'victim-blaming', which traumatise victims) for victims, and most of the support organisations are unfit to handle this problematic issue. Nevertheless, these particular support organisations selected for examination were the ones that were most frequently looked at by other commentators and academics in the subject of male rape.

#### a) Monitoring/Evaluation of Rape and Support Provisions for Victims

The CPS has organised a hate crime monitoring scheme to improve the presentation and recording of hate crime and male rape, and it has introduced for defendants and

victims a new collection of categories, whilst considering the most efficient ways of flagging various hate crimes (Khan, 2008). In addition, the CPS is suggesting to note which agencies victims are referred to for help and support - agencies such as specialist hate crime agencies, Witness Service, and Victim Support - to make sure that proper referrals are made to enable male rape victims to be fully recognised (Khan, 2008).

However, there are considerable problems with support organisations, for example, a common cultural problem is made clear from a volunteer from Victim Support who comments: “*We do have difficulties offering services to some of our clients who do not speak English. Translating services are not readily available and are expensive*” (Bell, 2006: 26). Perhaps this problem is not just occurring in Victim Support, but also in many other support organisations.

Furthermore, Bell (2006) argues that clearly the problem of access and language is problematic, and while organisations like Victim Support produce leaflets available in many languages, respondents still stated that leaflets and posters are chiefly in English, and so are the introductory letters from Victim Support and other support organisations. Bell further argues that a large proportion of male rape victims cannot read English; however, Bell did also find that a large proportion of respondents believe that service providers from their own community, either in terms of sexuality or ethnicity, can provide a much better service. Fundamentally, respondents with poor English recommended more language provisions, and a large amount of rape victims presumed that by virtue of coming from a minority group, the supporter would have suffered discrimination or abuse and thereby, be better able to empathise with male rape victims (see Bell, 2006).

Another problem of support organisations, particularly LGBT agencies, is that they have many more individuals on their books than they can realistically provide an adequate service to with their existing capacity, which usually ignores male rape victims (Khan, 2008). This is because male rape is often perceived as a trivial crime, and also not all men who are raped would identify as gay, bisexual, or transgender (Khan, 2008). However, Khan’s methodology included victim surveys, and a weakness of victim surveys is that there is no way of confirming information supplied by respondents (Moore, 1996).

Nevertheless, the majority of respondents in Khan’s study considered appraisal of the support provider if real changes in their life occurred. That said, positive comments focused around friendly staff members who provided help with practical problems such as boosting security equipment, dealing with the police, and relocation. Khan demonstrates that some respondents in her study also commended their service providers for their good communication skills, caring attitude, making follow-up calls, and keeping victims informed of the progress of their particular case. However, Bell (2006) found that poor communication like not returning calls, lack of staff sharing the same ethnicity or sexual orientation as the victims, not notifying the victim on the progress of their case, and failure to provide vital assistance were the main problematic factors stated by the respondents of their experiences with support organisations. A large number of respondents in Bell’s study criticised Victim Support in particular, commenting that they were difficult to get in touch with or they

did not contact as promised, and the holdup of Victim Support contacting victims was also problematic. Some respondents commended Victim Support for their rapidity of contact, precisely in 48 hours of the attack, whilst others stated that they were contacted after a week to three months after the attack (Bell, 2006). Though one must be cautious in regards to how much value to place on the respondents' opinion of the support organisations, as respondents may not have relied upon all or some of the facts in order to conduct their verdict.

Bell (2006) also found that some respondents urged for improved communication amongst service providers, and for service providers to direct provisions to LGBT and Black and Minority Ethnic (BME) groups. One respondent suggested the employment of 'community victim reps' in support organisations:

*"If they could have 'community victim reps' who would know about community issues and who could come and speak to you. To give reassurance and explain what support there is. They could also be representatives of victims in community care meetings."*  
(Bell, 2006: 34).

Dorais (2002) argues that there ought to be a growth of access to help and support male rape victims, and a minority of respondents in Dorais's research stated that they, or other people within their community, have no information as to where to obtain help or support. Respondents also reported that support organisations took a long time returning their calls, but the majority of respondents that reported their incident to the police were referred by them to a support organisation such as Victim Support. However, a minority of respondents that reported their incident to the police criticised them for not making any suggestions, and another respondent questioned the timing of when the police officers asked if he wanted help; the victim was in a state of shock directly after a physical confrontation, and not in the state of mind to think about his needs, because he was 'full of adrenaline' (Dorais, 2002). Though Dorais's research was mainly primary research based, which means there can be prejudices and other methods used to misrepresent the victim's background information.

Similarly, Krahe (2000) found that in his research none of the male victims stated being received or offered support from support organisations, because they were primarily working with female victims and their service design was built around treating female victims only. However, the respondents thought that the choice of home visits ought to be made available due to agoraphobia as a result from the incident; cultural issues (e.g. for certain Muslim boys, leaving the house to go to a support organisation can be challenging); a possibility to incorporate the whole family when helping the victim; and language difficulties, because for individuals with poor English, a conversation in person is much easier than letters or telephones. Krahe also found that agencies such as Victim Support does not have an excessively high profile, and its general marketing should therefore expand, because men who do not report their incident to the police are still able to hear about the support organisations available.

Add to that, what else the general marketing should highlight is commented by feminist writer Stanko (1985: 12) who argues that society is not warned about males who are "*family members, friends, lovers and teachers*" that are possible sexual

offenders. However, Khan (2008) illustrates that the general marketing is aware of all these different types of people who are potential perpetrators, which shows how much progression campaigning has made in terms of understanding rape.

In summary, this section about support organisations highlighted the issue of the lack of support provisions available for male rape victims, and support organisations incorrectly defining male rape, because they conceptualise sexual assault or rape as common assault (Merril and Wolfe, 2000). When victims do eventually access support organisations, they can create 'secondary victimisation' (attitudes and behaviors of service providers that are insensitive and 'victim-blaming', which traumatise victims) for victims, and most support organisations are incompetent to handle this problematic issue (Bell, 2006). Other frequent problems of support organisations include: taking a long time to return calls to victims; language difficulties (Bell, 2006); and victims within LGBT and BME communities have no information as to where to obtain help or support from support organisations (Dorais, 2002). Having just ended this chapter on a feminist viewpoint from Stanko (1985), the next chapter will further examine feminism when philosophising male rape to help understand male rape, and the explanations of the under-reporting of male rape are assessed.

## **Chapter 2**

### **The Theoretical Explanations for Male Rape/Explaining Male Rape**

This chapter will examine feminist theory to help understand male rape, however, positivist theory challenges feminist theory, so it is important to consider both of these theories to see which theory is most adequate in explaining male rape. The explanations of the underreporting of male rape are also critically evaluated.

#### 1) Feminism

There are a variety of reasons preventing male rape victims from coming forward and reporting their case, therefore, not much attention is given to male rape. Lees (1997) examines the true nature of stranger rape (which is seen by the criminal justice system and society as 'true' rape), date rape, acquaintance rape, and male rape. Lees argues that rape is a mechanism of executing "hegemonic heterosexual masculinity", the notion being that the male perpetrator wants domination, power, and control over their victim (Lees, 1997: 89).

Lees further argues that male victims quite often do not report their case to the police due to the 'stigma' and fear that the police may think they are homosexual and not 'real men' for not fighting the offender off. Lees research has had an impact on the issue of sexual violence, because it challenges the notion that men are always the perpetrators and never the victims. Lees research found that regardless of gender, rape is "*an appalling experience which takes a long time to come to terms with*" (1997: 96). Lees also found that both genders had felt like their reputations were 'stained' by the rape, and both genders are treated inadequately by the criminal justice system, which further adds to the trauma of rape victims.

However, Scully (as cited in Walklate, 2004: 122) challenges Lees by arguing that sexual offenders are “mentally or sexually disordered” in her research of the ‘Disease Model of Rape’. Such positivistic notions are also confirmed by Karpman (1951) who illustrates that sexual psychopaths are not conscious agents purposely committing rape, instead they are suffering from a disease, and that these perpetrators should be focused on and dealt with more so than victims, because they suffer more than their victims (see chapter 3 on a discussion of Positivism). Therefore, a main criticism of the disease model is the assertion that sexual offenders suffer more than rape victims, ignoring the effects of rape on victims (Berrington and Jones, 2002).

Further, Thornhill and Palmer (as cited in Walklate, 2004: 123) argue that rape needs to be understood as a result of “male sexual desire”; however, their study does not incorporate male rape, which cannot be explained in terms of ‘desire’, but as a form of power and control. Berrington and Jones (2002: 307) dispute these biological theories on rape, instead they see rape as an act of violence, power, and control, not a crime of “lust or desire”. This notion of power and control resonates throughout the feminist research, such as the work by Griffin (cited in Kelly, 1988: 23) who states that rape is a “violent, political act” and an act of “sexual control”.

The sociological perspective rather than the biological perspective is seen to be more robust, because there is more data to prove its theory of understanding the development of ‘masculinities’ as being crucial to understanding male rape (see Hoyle and Young, 2002; Walklate, 2004). That is, how a male sees himself as a male individual, and how maleness is constructed in a cultural and social environment is critical to comprehending male rape. This is confirmed by Berrington and Jones (2002), Groth and Burgess (1980), Kelly (1988), and Lees (1997) who also believe that masculinity is a social category instead of a biological one. Therefore, the next section adopts masculinity to help explain the underreporting of male rape.

## 2) Using Masculinity to Help Explain the Underreporting of Male Rape

Lees (1997, 2002) illustrates that male rape challenges essential ideas about the masculinity of the victim, and that it is this confusion, shock, embarrassment, and disbelief that deters many male rape victims from reporting their case. Similarly, Hoyle and Young (2002) argue that men are less likely to report male rape occurrences to voluntary and state agencies, because of legal and cultural messages ingrained in society, which define who constitutes a valid rape victim. Khan (2008) illustrates that legitimate victims of rape are those who are perceived to be worthy of protection by the state like middle-class or upper-class persons, but excluding prostitutes and promiscuous persons; this is problematic because some members of society are being overlooked in terms of care and treatment.

Brochman (1991) uncovered another widespread belief that society’s expectation in males is that they should always be able to defend themselves in situations of attempted rape, because as males it is their duty to fulfil their masculine roles. Brochman further argues that the majority of rape counsellors find that homosexual men have difficulties with their emotional and sexual relationships with other males, and believe that the rape occurred because they are homosexual, whereas heterosexual men usually start to doubt their sexual orientation and are more disturbed by the

sexual aspect of the rape rather than the violence. Brochman also found that not only male rape victims usually hear unhelpful statements from their acquaintances, friends, and family when they report their case, but they also have to deal with 'cold' attitudes from the police if they decide to press charges.

Additionally, Donaldson (1990) illustrates that repression of epistemology of male rape is very pervasive and prevailing that offenders such as robbers occasionally rape their victims as a sideline solely to prevent them from reporting to legal authorities. Donaldson further illustrates that the fear of being perceived as a 'homosexual' can also prevent a male rape victim from reporting to the police. Controversially, confrontations of hate crime can include non-consensual rape, either anal or oral, and offenders usually utilise name-calling and verbal harassment throughout the forced rape, however, theoretically gay acts appear to involve no homosexuality from the offender (Harry, 1992). The victim only serves as a "*vehicle for the sexual status needs of the offenders in the course of recreational violence*" (Harry, 1992: 115).

Furthermore, Groth and Burgess (1980) theorise that some offenders might try to get their male victim to ejaculate; as for the offender it personifies their control over the victim's body (ejaculation is not invariably in conscious control, rather it is an involuntary physiological response). The authors also note that this is abundantly perplexing and traumatic for the victim, because the victim can misinterpret ejaculation with orgasm. Consequently, the victim might then be confused by his physiological response during the rape and consequently, might be reluctant to report the rape for fear his sexual orientation might be questioned, and the prosecutors might use this against the rape victim within the courtroom (Groth and Burgess, 1980).

Similarly, getting an erection is one of the main reasons why male rape gets unreported so frequently, because if the male victim is heterosexual, he may fear that he will be seen as homosexual. Whereas if the male victim is homosexual, then he may think obtaining an erection will be seen by others as if he was 'asking for it'. Whichever way, getting an erection can cause shame to lots of male rape victims, but it is just the way the human body functions (Groth and Burgess, 1980). Nonetheless, most U.K. police stations have Victim Liaison Officers, who are dealing with raped or abused victims, and are empathetic and sensitive to the needs of the male victim (Krahe, 2000). In addition, currently male rape is considered within law as actual rape, instead of assault, which means men now have the same defence within court as women do, particularly in having their names guarded, but these enhancements have failed to boost reporting rates (Dyer, 2002).

Society frequently does not consider male victims, and it does discharge male victimisation as a 'red herring', refuse men a voice, or decrease the collision of violence (Lees, 1997). When male victimisation statistics are produced it is clear that the majority of perpetrators of male sexual assault are other males, and this statement is usually proposed to regard male victimisation as solely a 'male problem', and keeping male victims in silence is harmful, particularly in relation to the under-recording and under-reporting of male rape (Lees, 1997). The silence can also increase the likelihood of post-traumatic disorder, which is damaging to any male victim, and being raped is an attack to the male victim's masculine identity, which

can have harmful ramifications, such as having suicidal thoughts (Ford, Liwag-McLamb, and Foley, 1998).

Having said that, when a victim does eventually break out from this silence to report the crime then it is vital for legal authorities to understand that co-operation does not necessarily mean consent, because sometimes co-operation with a sexual offender is crucial to survive the situation (see Berrington and Jones, 2002). Lots of men find it easier to hold themselves responsible rather than to believe that they were raped and over-powered by the offender when reporting their crime (Davies, Pollard, and Archer, 2001). Furthermore, male rape can contribute to feelings of self-loathing and self-blame attached to their sexual orientation, and there are plenty of negative homophobic responses from society to make many homosexual men suffer internal conflicts in relation to their sexual orientation. Therefore, male rape can drive one to believe that he in some way was 'paying the price' for his sexuality (Davies et al., 2001).

Moreover, male victims who attempt to report rape within their relationship is problematic, because discrimination and prejudice towards the LGBT community is frequent, and it is mistakenly believed that LGBT abuse is 'mutual' (McMullen, 1990). However, there has been much development in service provisions, and in the fairness in terms of protection to those in homosexual relationships (Sepler, 1990). More commonly in homosexual relationships, male victims are not as financially tied to their abusive partner, which is a benefit if they choose to end the violent relationship. However, if they are financially tied, for example, each paying a mortgage, rent, or they have 'built a home together', then they have no legal process to help in ensuring assets are divided evenly, a process, which is accessible for their wedded, heterosexual counterparts (Merril and Wolfe, 2000).

Male rape victims usually believe that in order to utilise support organisations such as shelters, calling a crisis line, or going to support groups, they must conceal or lie about the gender of the offender in order to be observed (and considered) as a heterosexual - otherwise it can mean 'coming out' (Guss, 2000). However, if they did 'come out' then ramifications such as the victim may lose their home or job may occur (Guss, 2000). Williams and Robinson (2004) illustrate that the LGBT community is not given much attention; and in all likelihood all of the people that the victim knows will very soon be aware of their rape, and sides will be quickly chosen and help might be difficult to locate, which prevents victims from reporting their case.

Khan (2008) demonstrates that many support provisions supporting male rape may not know that rape happens in same-sex relationships at approximately the same rate as it does in heterosexual relationships. Therefore, male rape victims might believe that rape is only happening to them, and also bisexual and homosexual victims like heterosexual victims are habitually unwilling to report rape, as they fear retaliation from a partner who is incredibly violent (Merril and Wolfe, 2000).

However, Miller and Humphreys (1980) assert that the "*establishment of gay love relationships and involvement with gay community institutions may reduce vulnerability to violent crimes*" (p.170). This may be because by belonging to the homosexual community establishments gives some sort of safety, as the possible

victim does not have to look for sexual partners in a secretive manner. However, Mezey and King's (1989) research found that in certain situations gay victims had put themselves at risk by looking for casual sexual partners (i.e. via cruising), which makes it difficult for victims to report to relevant authorities because of the fear that authorities may blame the victim. However, the researchers admit that their sample was biased, because they put advertisements within the gay press for male victims to participate.

When possible victims do find a partner (for example via cruising) and participate in consensual sadomasochism, any domination, bullying, or brutality happens in the context of a 'consensual' pleasurable setting (Cruz and Peralta, 2001). Furthermore, when there is agreement and trust between both parties about the limitations and restrictions of sexual behavior, this trust and agreement can be abused or forced onto the other party (i.e. the male victim), which can lead to male rape and leave the victim reluctant to report the rape, because they initially consented to sexual intercourse (Cruz and Peralta, 2001). In other words, if the consensual male makes a decision half way into this act that he does not want to continue anymore, does this event then classify as rape if the other party continues with the activity? There are boundaries and limits in the victim's mind, however, when those boundaries and limits are stepped over or broken does the male victim then get raped?

However, some victims may not even understand that they have been raped or are unsure of what constitutes rape, and if in the victim's mind a crime has not been committed then they will not report the event to any agencies (Petрак and Hedge, 2002). Hoyle and Young (2002) believe that there is a stereotypical comprehension instilled in people of what comprises as 'real rape', and certain gay men might redefine their understanding of rape as time goes on. This procedure of redefining can include a variety of different catalysts such as, reduced intimacy, increasing levels of violence, input from friends and family, or reactions from support providers (Hoyle and Young, 2002).

Even so, Stanko (1990) argues that gay men are more likely to become male rape victims regardless of whether victims continue to redefine their understanding of rape, because many gay men have numerous partners or meet strangers in clandestine places. Stanko further argues that it is a component of the male ethic, which emphasises self-reliance, which consequently leads numerous male victims to believe that they must handle the hostile situation themselves and 'be a man'. Stanko (1990, cited in Petрак and Hedge, 2002: 52) defines what a 'real man' is, he is "*a strong heterosexual male protector, capable of taking care of himself and, if necessary, guarding his and other's safety aggressively*".

On the contrary, Khan's (2008) research has found that heterosexual males are more likely to be raped, because they are the most unaware about the possibility of male rape. It is also commonly (and mistakenly) believed that male rape occurs only in prison (King, 1993). Lees (1997) argues that all men are potential victims of rape, regardless of whether they are incarcerated or not. If susceptibility to physical violation is seen as 'eradicating' masculinity from raping a person, then how does this connect to the debate that offenders 'obtain' masculinity from abusing a person? Part of that masculinity is being embarrassed of being labeled as a male rape victim and

therefore, not reporting male rape enables the male victim to maintain his masculinity (Hoyle and Young, 2002).

In summary, feminism was examined where Lees (1997: 89) argues that rape is a mechanism of executing “hegemonic heterosexual masculinity”, the notion being that the male perpetrator wants power and control over their victim. However, feminism is challenged by positivism where Karpman (1951) illustrates that sexual psychopaths are not conscious agents purposefully committing rape, instead they are suffering from a disease, and that these perpetrators should be focused on and dealt with more so than victims. The next section evaluated a wide range of explanations of underreporting of male rape with the adoption of masculinity. For example, Lees (2002) believes that the act of male rape challenges essential notions about the masculinity of the victim, and that it is this confusion, shock, embarrassment, and disbelief that deters many rape victims from reporting the crime. Therefore, the positivist’s perspective and the theory of normalisation are discussed in the next chapter to understand masculinity and male rape more holistically.

### **Chapter 3**

#### **The Absence of Sociology of Male Rape in Prisons and the Concept of Masculinity**

This chapter will further develop the argument surrounding masculinity but focusing more on the neglect of masculinity in criminological research, and placing the discussion of masculinity in institutional contexts (e.g. prison). Positivism will also be discussed in regards to the prison environment to give a clear-cut oppositional argument against the sociological perspective, which draws on work from Foucault and his work on emasculation.

##### 1) Prison Rape

Fleisher (1989) believes that fornication within prison is a sensitive issue because prisoners simply do not reveal descriptions of their own sexual acts, and neither will they ‘snitch’ on other prisoners. Consequently, this makes assessing the harm done to inmates, who have experienced prison rape, problematic. Ibrahim (1974) suggests that there are many problems within the social structure of the kinship network in prison, which can fuel prison rape. Problems like ‘abnormal’ sexual behaviors are ignored among administrators, wardens, and prisoners; reduced interaction with the outside world and the sexual norms of society; inadequate recreation programmes and work opportunities leave inmates with a lot of unoccupied time (Ibrahim, 1974).

Prison rape may occur because adequate custodial supervision is lacking, and even though some violent assaults happen within closely supervised surroundings, offenders sometimes work out detailed, comprehensive plans to lure the victim to a place where male rape can take place. In these types of events the place where the male victim is lured lacks adequate supervision, so that male rape can happen (Bowker, 1980).

Although, Rideau and Wikberg (1992) posit that efforts have been taken in modern

jails and prisons to protect prisoners from one another and encourage frequent custodial supervision. However, Rideau and Wikberg (1992) further illustrate that offenders can discover ways to avoid (on rare instances) the very strict custodial routines. Though measuring prison rape is complex because the difference between homosexual sex, coercive sex, nonconsensual sex, and consensual sex is very indistinct, and many prisoners, by virtue of their insecurity, solitude, and social isolation due to their incarceration, look for male sexual partners of their own preference (Man and Cronan, 2001).

One possible solution, which seems to be clear, is the inmate classification system. The main objective of the programme is to place prisoners at the lowest practical security level of housing, which is equivalent to individual programme needs and housing availability. These levels are as follows: Level I is the lowest security level and includes non-secure housing; Level II is more restrictive with constant supervision; Level III restrains prisoners' movements by having protected single-person-cells; and finally Level IV is the most restraining because prisoners movement is highly controlled. These vulnerable prisoners and 'known' gay prisoners are commonly situated in Level III, because placing these prisoners in lower security levels tends to encourage prison rape (see Wooden and Parker, 1982).

Scacco (1982) theorises that prison rape is a symbol of violence encouraged by black racism with intent to racially humiliate white prisoners. Evidentially, separating prisoners by the type of crime, non-violent from violent, and possibly by race is required, because the US Department of Justice (1990) established that 50% of black prisoners below 18 years old of age were known of having perpetrated a violent crime, in contrast to 32% for white perpetrators. Scacco suggests that separating prisoners by race is key, because black prisoners consider that they have the right to rape white prisoners because they perceive white prisoners as contributing to their oppression. In addition, separation by sexual category of heterosexual, bisexual, transsexual, and homosexual is required to protect the 'feminine' and weaker prisoners from violence (Scacco, 1982).

In the Louisiana prison system, personnel and prisoners commonly refer to prison rape as 'turning out', which is a non-sexual explanation that depicts the non-sexual ritualistic nature of what is actually an act of emasculation, defeat, embarrassment, and 'stripping away' the male victim of his distinction as a 'man'. Therefore, the male rape re-labels the victim as a 'female' within this subculture and the victim must accept that label as the 'property' of his offender (Rideau and Wikberg, 1992). An important component of the inmates' belief system is that a 'man' is not capable of being raped or exploited, so those not able to meet the expectations of that standard are perceived as not rightfully being 'men', and are not worthy of respect from 'real men' (Rideau and Wikberg, 1992) or from prison officials who allow research to be conducted in prison (Khan, 2008).

It is proposed that the lack of research within prison is because of the unwillingness of men to report being raped (Rideau and Sinclair, 1982), and the problems of carrying out research in conservative institutional places (King, 1993). To some extent, male rape is still being regarded as an occurrence of prison life, and outside the prison setting male rape is usually seen as a brutal consequence of the gay subculture (King,

1990). Therefore, both examples result in male rape being considered as a minority issue, which does not warrant research or public interest.

King (1993) illustrates that criminological research on rape on adult males only focuses on institutionalised rape (rape in institutions such as prison), therefore ignoring non-institutionalised rape (such as households). The research which has focused on male rape in prisons (Gunby, 1981; Lockwood, 1980; Scacco, 1982) has found that prison rape is not considered sympathetically, because of the typical belief that a 'man' is not capable of being coerced or forced to participate in something against his will. Therefore, it is this observation that makes countless prison guards refute the issue of male rape in their prison institutions, with suggestions usually formed about any sexual act in the prison must definitely be of a gay nature (see Lockwood, 1980). Moreover, the viewpoint that any kind of weakness from the victim justifies and invites exploitation is frequent (Scacco, 1982). Regardless of the efforts by prison officials to hide the problem (Gunby, 1981), the research evidence has constantly rejected the assertions that male rape does not occur (see Lockwood, 1980; Scacco, 1982).

This is evident because the opportunity to rape someone in prison has expanded, because of the deterioration of the nineteenth-century ideology of inmates who need rigid supervision to prevent corrupting each other. This shortage of strict control because of the normalisation of life in prison since the 1960's, together with financial cutbacks, which results in staff shortages, and overcrowding in prisons, implies that inmates have more autonomy and freedom of movement, therefore, are more capable of perpetrating illegal acts that prison officials do not see (Khan, 2008).

Other research also implies that male rape happens in military settings and that though these establishments are much less restrictive in comparison to prison environments, confinement makes male rape less easy to prevent (Goyer and Eddleman, 1984). Therefore, US anecdotal work and research evidence that male rape occurs in institutions highlights the issue; however, there is no obtainable research evidence on male rape in UK prisons or UK military establishments. This implies an urgent need for wide-ranging research to illustrate its occurrence, but this can only happen when and if officials in charge of the numerous establishments confess the occurrence of male rape and enable research to happen. Nevertheless, the fundamental ideology of US arguments can still be 'borrowed' and applied in the UK when trying to understand male rape, as there is a lack of information on male rape within the UK (King, 1990).

What else keeps male rape victims less focused on and hidden is the concept of what Rideau and Sinclair (1982) point out as 'mate guarding'. The authors suggest that there are lots of young, weaker prisoners who are reluctant to or do not want to have to establish themselves as robust, macho men, instead they individually look for a robust man to protect them. Therefore, weaker prisoners become a voluntary sort of slave realising that that is basically the only way to survive in prison. The authors further argue that the other option would be to be coerced or forced into a relationship by someone who they do not particularly want, or turn into a kind of gang property.

However, the authors conclude that in order to stay in the relationship with the robust, 'protective' man, the victim has to undergo a series of brutal and frequent rapes by the individual 'protector' in order to maintain the homosexual relationship, which aims to prevent gang rape or threats of gang rape from other inmates. This in turn prevents male rape victims from seeking help, because of the power and control the 'protector' has over its victim. That said, Stanko (1990: 124) explains that men raping other men in prison enhances the offender's heterosexual masculinity: "*by turning some men into 'women', these inmates use sexuality to dehumanise and degrade fellow inmates.*" However, this feminist viewpoint from Stanko is refuted by positivism that fundamentally believes all sexual psychopaths are not conscious agents purposely committing rape. Instead, they are suffering from some sort of internal conflict, which is biologically or psychologically determined.

## 2) Positivism

Positivistic explanations of prison rape are flawed, because it does not give adequate explanations for non-institutionalised rape; but the vital input of individualistic positivism in explaining the occurrence of rape cannot be ignored, as much earlier theorising of female rape expanded from this theoretical paradigm (Khan, 2008).

Positivism argues that people are compelled to criminality by forces, which are not in their control, and these forces are situated in the psychology or biology of the person (Scully, cited in Walklate, 2004). Scully and Marolla (1985) stipulate a theory of what causes rape: first, uncontrollable urges or impulses, second, mental illness or disease, and finally, victim instigation.

### a) Uncontrollable Urges

This alludes to an overpoweringly high sex drive and prevents any usual self-control; therefore, it is argued that rape happens for sexual gratification. Thereby, rape is perceived as a 'release' for sexual gratification produced by a strong, biological impulse that the perpetrator has no control over (Scully and Marolla, 1985). Moreover, Rideau and Sinclair (1982: 4) argue that prison deprives prisoners' from the "*normal avenues of pursuing gratification of their needs, leaving them with nothing but sex, violence and conquest to validate their sense of manhood and individual worth*". Rideau and Sinclair illustrate that rape acts to authenticate the male prisoners' manhood, but also satisfies their fundamental needs, and such needs are perceived to be biological and not in the person's control. The authors also comment that prisoners require a need for a woman-substitute, in order to express their masculinity through power and control; therefore, weaker inmates are made to act out the role of 'women' serving the stronger inmates.

However, Rideau and Sinclair do not discover the option of the 'needs' as expanding from the extensive social structure, which conceptualises masculinities. Rideau and Sinclair also ignore looking at the foundation of the exploitation when they describe how weaker inmates are made to act out as 'women' serving the stronger inmates, instead, the authors just accept it as the norm, uncritically. The researchers, then, blame the criminal justice system that is seen as having been responsible for rape occurring, because biological positivists believe that criminals have no control over

their 'needs', and are not to blame. Therefore, more focus should be given to offenders rather than victims in terms of treatment and care, the authors argue. However, this biological perspective is lacking empirical support (Berrington and Jones, 2002), and contrary to this explanation, Amir (1971) found that most rapes are committed with deliberate intent, and are not because of biological urges, and he also proved this to be valid for the 71% of the rape incidents examined.

#### b) Mental Illness or Disease

Karpman (1951) argues that sexual psychopaths are not conscious agents purposely committing rape; instead, they are suffering from a disease, and these perpetrators should be focused on and dealt with more so than victims, because they suffer more than their victims. A 'sexual psychopath' means a non-insane individual who displays a lack of power to control their sexual impulses, whereas a 'sexual offender' (which has predominately been used in this dissertation) simply means a person who has committed a sexual offence.

However, a main criticism of the disease model is the assertion that sexual offenders suffer more than rape victims, ignoring the effects of rape on victims (Berrington and Jones, 2002). Rada (1978) argues that this ideology has driven numerous medical provisions to search for resolutions for the problem of offenders of rape, such as psychotherapy, which results in male rape victims being less focused on and cared for, because provisions are very much directed towards offenders.

Other research by Lanyon (1986) demonstrates that the general public, criminal justice system, and social service agencies view the sexual offender as a 'diseased psychopath'. They are treated like they are 'ill' and that it is not their fault that they commit rape, which makes the victim seem unimportant when the focus is very much on the offender. However, there is a lack of evidence to back up Lanyon's claim, so it is a mere assertion.

Further, there is the idea that offenders who rape are latent homosexuals so that they can confirm their masculinity to others and even to themselves, this view is usually maintained by prison guards who consider rape in prison as a consensual gay act and therefore they overlook such activity as a crime (Rideau and Wikberg, 1992). This is founded on the historic idea that gay males demonstrate pathological sexual choices, and are consequently seen as 'ill' or 'diseased' by prison officials, and in turn male rape gets treated as trivial (Rideau and Wikberg, 1992). A chief weakness of research on pathology and rape is that it relies a lot on samples of prisoners who have already confessed to rape, so that they can get therapy in prison, and such research does not represent non-incarcerated sexual offenders who are not found or convicted (Khan, 2008).

#### c) Victim Instigation

Victim instigation refers to the notion of the victim instigating or provoking the rape and this ideology still exists in the criminal justice system, especially within the trial procedure of rape cases (Amir, 1971); even though there is a lack of empirical evidence for this victim-blaming perspective. There are also discrepancies in rape

trials to date, in regards to what qualifies as 'strong enough' resistance. That said, judges' biased perspectives do not take into account that many rape victims are too shocked or afraid to convey physical resistance, and most sexual offenders utilise intimidation, blackmail, and coercion to get male rape victims to 'comply' (Lees, 1997).

Edgar and O'Donnell (1998) argue that in prison, male victims contribute to their rape by acquiring a reputation of vulnerability, and by expanding the offender's sense of impunity. Other research by Bartol (1995) who formulated the 'just world hypothesis' illustrates that crime victims deserve their destiny. The author believes that people reside in a 'just world', wherein the undeserving such as prisoners are punished or deprived; however, a 'just world' hypothesis has consequences for the psychological and emotional welfare of victims, and it is problematic if prosecutors, judges, juries, and the mechanics of the state (e.g. police) maintain such 'just world prejudices'.

However, the next section refutes biological positivism when regarding masculinity; instead, sociological positivism is shown to be more helpful in explaining and understanding male rape in terms of masculinity. However, the next section focuses more on the neglect of masculinity in criminological research and focuses on masculinity in institutional contexts, whereas chapter 2 focused on using masculinity to help explain the underreporting of male rape.

### 3) Masculinity

Khan (2008) argues that masculinity is crucial in comprehending male rape, as rape is masculine behaviour. Khan further comments that masculinity is socially constructed, rather than a manifestation of a natural, biological composition; the continuous alterations in masculinities, and the various interpretations they have to various individuals at various times, hold up the idea that gendered identities are produced by societies, and in cultures. This shows that men both collectively and individually can change, and feminism has proved that gender differences are socially constructed and formed by social discourses and historical circumstances, and not due to biological differences (Khan, 2008).

Lees (1997) refers to the phrase 'hegemonic masculinity' to illustrate male chauvinistic views of men who are characterised as being powerful, strong, macho, and invulnerable. In comparison to hegemonic masculinity, homosexuality, ethnic minority masculinity, and working class masculinity are perceived as marginalised or subordinated by the leading hegemonic masculinity (Lees, 1997). These aspects of subordination and marginalisation of male victims are comprehensively lacking in criminological research (Newburn and Stanko, 1994). This is verified by Messerschmidt (1993) who stresses that the main criminological theorising is written by men and has mainly been about boys and men; therefore, criminology is gender-blind. The author further argues that the gendered content of their illegitimate and legitimate behaviour has been overlooked. He rightly emphasises that gender in criminology concentrates only on females with very little or no consideration of the effects of gender on males.

This is also confirmed by Newburn and Stanko (1994) who shed light on the negligence of criminology in comprehending male victimisation; the authors argue that even if male victimisation is discussed, it is always displaced by focus to female's experiences of crime. Messerschmidt (1993) argues that to disregard the experience of men is to invalidate a comprehension of male susceptibility to victimisation. This viewpoint resonates with Kersten's (1996) argument that criminology has a reputation of neglecting gender, and that criminology usually employs masculinity as an axiomatic, fundamental category needing no additional examination.

Coltrane (1994) proposes that in order for gender relations to be changed and to make them much more uniform, it is essential to research masculinity, as it is a key organising principle within societies. The author also points out that historic depictions of supposed innate gender differences (commanding men and caring women) are imprecisely utilised to create femininity and masculinity. Whilst Lees (1997) stipulates that gender relations are fundamentally socially constructed in a variety of various legal, institutional, and social contexts. The socialisation procedure prepares and teaches females to be proper 'legitimate' victims when confronted with male violence, whereas males are not socialised in this way; therefore, males do not define themselves as 'victims', because they are seen by themselves and society to be ineligible as a 'legitimate' victim (Weis and Borges, 1973).

Lees (1997) argues that male rape is justifiable within warfare because male rape is utilised as a function of a military plan to improve and demonstrate masculinities in an army unit, but simultaneously firmly managing sexual relations amongst men to preserve a robust hierarchy. Therefore, this proves how male rape is accepted and legitimated in certain institutions, and ultimately condoned in certain institutions. Earlier research by Ward (1957, cited in Khan, 2008: 84-85) supports this position, which found that if a male is to survive in an institutional environment then he must prove his masculinity all the time, and male rape is one of the mechanisms used to demonstrate masculinity.

#### 4) The Contribution of Normalisation Theory to the Understanding of Male Rape

Foucault's theory of normalisation is particularly useful in comprehending male rape, because Foucault establishes how something threatening to the power structure and society's values is commonly made abnormal so that the dominant ideal can be reasserted. Foucault recognises the chief technique of social control in contemporary society as discipline, a conception of power that controls society to facilitate a functional and constant social order. He explicates how the execution of discipline is achieved via the expansion of normalisation, which is a complex procedure wherein a person becomes the subject and agent of power. For example, every man is prone to 'constant surveillance' from others and even themselves to prove they act in a masculine way. Consequently, male rape victims are treated and labeled as 'deviant', if the victims can demonstrate otherwise, because male rape challenges expectations of masculinity (see Hoyle and Young, 2002).

Fraser (1989) highlights that the difficulty with Foucault's theoretical paradigm is that it fails to explain who contests and resists power; if men are basically the effects of discipline and power, simple 'docile bodies' formed by power then it becomes

intricate to demonstrate who resists and contests power. Fraser also argues that Foucault's rejection to convey independently justified norms that would enable Foucault to distinguish between unacceptable and acceptable forms of power, problematic. This means Foucault is not able to answer important questions about why gender expectations and domination should be resisted (Fraser, 1989).

It is clear from the evidence gathered by Hoyle and Young (2002) that Foucault's theoretical paradigm is applicable and relevant within the 21<sup>st</sup> century, as Foucault argues that a 'carceral continuum' continues via contemporary society; from prison, via secure accommodation, teachers, social workers, probation, and police to our ordinary domestic and working lives. Therefore, all of these are inter-linked by the (unwitting or witting) supervision (surveillance, application of norms and values of acceptable behavior) of some individuals by others (Hoyle and Young, 2002).

In summary, prison guards reject male rape in prisons, and usually believe that any sexual acts in prison are consensual (Lockwood, 1980). However, many sexual acts are non-consensual, for example Rideau and Sinclair (1982) argue that weaker prisoners are forced into a relationship by stronger prisoners who frequently rape their partner. Consequently, raping weaker inmates enhances the stronger inmate's masculinity (Stanko, 1990), however, this is challenged by positivism, which argues that all sexual psychopaths are not conscious agents purposely committing rape; instead, they are suffering from an internal conflict and are not to blame, so should be more focused on than rape victims (Karpman, 1951). Therefore, criminological research was examined because it lacks research on male victims; if male victimisation is discussed, it is always displaced by focus on female experiences (Messerschmidt, 1993). Foucault's theory was finally evaluated and this demonstrates that male rape challenges expectations of maleness (Hoyle and Young, 2002).

## **Chapter 4**

### **The Police Negligence/Responses Towards Male Rape**

The police's care and responsibility for male rape victims is largely hidden and provisions inadequate due to the lack of numerical data on male rape, whereas female rape is a statistically and otherwise more prominent crime, and the police relies on statistical figures in the design of its service provisions (Stermac, Sheridan, Davidson, and Dunn, 1996). It is ironic how the state is patriarchal yet male rape, which is also male-dominated, is continuously overlooked. Therefore, it is important to examine the nature of the police and its 'occupational culture' along side homophobia in the police to consider if the 'police culture' transpires from the nature of the work or initiates from the socio-economic background where employees are recruited. Fundamentally, the debate about the connection between police officers' attitudes and behavior and police culture is scrutinised.

#### 1) Police Discretion

A victim's status is important when providing care, as an attack is improbable to be classed as rape if the victim's status is regarded as socially illegitimate; however, if levels of physical violence are high and evident on men, then the police is more likely

to provide care to the victim who is then awarded the victim status (Kaufman, Divasto, Jackson, Voorhees, and Christy, 1980). However, are females more deserving of a victim status than men? Some rape victims are seen as more or less deserving or legitimate particularly by police discretion (Rowe, 2008).

In addition, with resources lacking it is clear that police officers' priorities which laws to apply and to what extent they will be executed in particular situations (Reiner, 2000). Reiner (2000) stipulates that it is not possible for police officers to enforce every law on every occasion, and it will not be usually acceptable for police officers to do so. Reiner further stipulates that officers utilise their discretion when they decide to enforce the full extent of their legal authority, and officers continue to have a symbolic position in relation to the authority between state and people.

The development of performance-monitoring regimes and information technology has enabled police officers to use their judgment in conditions of relative invisibility, and the police statistics are always under scrutiny due to a large amount of crimes going unreported or unrecorded (Reiner, 2000). Lees (2002) believes that the police statistics are only the 'tip of the iceberg' of the true reflection of rape cases. Jones (2003) explains this as the 'dark figure' of crime, and establishes that police officers use their judgment when recording an incident, but an incident of male rape may well be regarded as a less vital crime.

That said, junior officers who have less experience are more likely to operate on routine patrol work and work directly with rape victims on a first encounter, which may be problematic because they do not have the specific training to deal with rape victims (Rowe, 2008). However, there are specialist support units specifically directed to assist rape victims and their professional adequate training makes it a lot easier to meet the needs of rape victims (Williams and Robinson, 2004).

The police may have targets in place in regards to the amount of sanctioned detections that they are supposed to reach, and they may police vulnerable areas or communities susceptible to homophobic abuse like the gay community (Rowe, 2008); however, it is argued that the gay community is still under-policed (Williams and Robinson, 2004). That said, police officers' work can be considered autonomous and their work is somewhat invisible, as it does not necessarily warrant supervision (Rowe, 2008). This can be problematic if the 'police culture' incorporates negative views about male rape.

Alarmingly, Neyroud and Beckley (2001) argue that police officers are capable of taking advantage of their authority and abusing it, so the authors suggest that the most effective way of stopping the misuse of the discretion of the police is to enhance the professionalism of police officers by recognising an adequate ethical framework for police work.

Nevertheless, exercising discretion is a lawful and essential part of police work; however, it is commonly believed that it is excessively and frequently influenced by cultures that promote prejudices, discrimination, and stereotypes into officers' discretion in improper ways (Rowe, 2008). Similarly, Lees (1997) argues that the

police do not give a robust service to rape victims, because of the negative views ingrained within the 'police culture'.

## 2) The Police Culture

Reiner (2000) argues that factors such as conservatism, discrimination, machismo, and homophobia are part of the 'police culture'. This is clear when a covert documentary showcased officers observing pornographic material when they were on duty, whilst disparaging an incident of a rape victim (Rowe, 2008). Jordan (2004) verifies that the 'police culture' is a basic issue fundamental to the failure of the police service in the adequate response to rape victims.

Nevertheless, the Gender Agenda document is produced to reach a sexual orientation balance throughout the police rank structure, to end homophobia in the service, and for the police to convey that it values LGBT persons irrespective of whether they have been raped or not (Rowe, 2008). However, what about male rape victims who do not identify as LGBT? And there is the issue of stigma if a heterosexual victim is to come forward and report male rape (Khan, 2008). The heterosexual victim may also be suffering from a breakdown of a masculine identity, but police officers do not know how to deal with this (Khan, 2008). However, male rape can be perpetrated as a hate crime (see chapter 2) and not just an attack against anyone regardless of their sexual orientation. Walklate (2004) states that there is a symbiotic connection between a shortage of LGBT officers and the breakdown of the police service to comprehend the impact and nature of hate crime.

However, Whitfield (2004, cited in Rowe, 2008: 110) found that the police believed that homosexuals are not marginalised, but that homosexual lifestyle can have a negative impact on the police's aptitude to fulfill their obligations. It was also found that certain LGBT police officers over-identified with the 'police culture' so that they can make sure that they are not sidelined from their colleagues, but this can have deleterious ramifications when dealing with male rape victims. As Williams and Robinson (2004) confirm that homophobic police tend to harass LGBT persons (who may have suffered rape) via over-policing the homosexual community. The authors also note that negative stereotypes and discriminatory practices from police officers decrease police aptitude in surveying same-sex domestic violence and anti-gay hate crimes.

Therefore, homophobic police has made LGBT people reluctant to report their crime (see chapter 2 on explanations of underreporting of male rape) (Rowe, 2008). Williams and Robinson (2004) establish that the underreporting is due to the police being hostile to LGBT persons, and the police does not take same-sex domestic violence as seriously as those suffered by heterosexual victims. Nonetheless, the Gay Pride Festival in London in 2003 included eighty officers who paraded in police uniform, and there were recruitment stands from many police forces, to show society that police officers do take hate crime seriously (Rowe, 2008). Conversely, critics believe that these developments are just an exercise in public relations with the intent to promote a representation of policing, which does not realistically exist (Williams and Robinson, 2004). Rather, the police will always, to some extent, promote machismo, conservatism, and normative heterosexuality (Reiner, 2000).

Messerschmidt (1993) illustrates that the normative heterosexuality is formed in the service of the police via suppressing homosexuality. The author also argues that all patriarchal settings include physical violence. For example, police officers usually use physical violence against homosexuals to affirm their obligation to masculine heterosexuality. He proposes that police officers aim to control the 'deviancy' of male homosexuals' behaviour that symbolises subordinate masculinities, instead of providing care and support for them. However, Messerschmidt fails to account for the fact that male rape victims can be heterosexual when discussing the police negligence of homosexual victims only.

Add to that, Punch and Naylor (1973) demonstrate that police officers usually do not perceive their role as service provisions and rather consider that other provisions like voluntary agencies or social services ought to give help to crime victims. Instead police officers see their role as law enforcers instead of service providers. This view is confirmed by one police officer in Khan's (2008: 117) study:

*"Initially social services should deal with sexual assaults on males. Their personnel will, to the public, appear more approachable. In reality the professionalism of a police officer, specially trained and willing to deal with such matters, is superior. May be used once the victim is forwarded by social services."*

This quote shows that the police may be utilised after the first contribution by social services. Yet, Khan found that from the 93 respondents, 30 believed that the police, who also stated that convictions for male rape are difficult without medical and forensic evidence, should predominantly be dealing with male rape. In addition to this, the 30 respondents demonstrated that both male rape and female rape should be dealt with, with equal importance. Therefore, most police officers in Khan's study emphasised a requirement for a multi-agency approach, implying that police officers are needed for male rape to be recorded as a crime, but other provisions are also required to help deal with the effects of male rape.

However, some respondents believe that police officers are better trained to respond to male rape victims than service providers, as long as police officers are trained as chaperones. Khan notes that some other respondents stated that police awareness of male rape and training in dealing with male rape victims was found to be lacking and therefore respondents urged for awareness and training to be improved. However, male rape victims are provided with the choice of having other provisions involved in the process that are better trained than the police in dealing with male rape victims, for instance, medical support for possible infection/disease from victims (Khan, 2008).

Another problem of the police when dealing with male rape victims is that police officers often believe that victims and offenders of male rape are homosexual (Lees, 1997). However, several studies have found that regardless of the sexual orientation of the victim and offender, any male individual can be raped or rape someone (Groth and Burgess, 1980; Lees, 1997; Mezey and King, 1989). The common myth that male offenders and victims are exclusively gay is problematic, because these alarming beliefs in police officers can facilitate the underreporting of male rape, as rape victims

(particularly heterosexuals) are not likely to trust and confide in the police (Lees, 1997).

Khan suggests that greater awareness and training into the reality of male rape can assist in eradicating such misguided beliefs, as Khan found that many respondents in her sample did not have precise knowledge on male rape. Her research discovers the need to inform police officers that offenders and victims cannot be recognised in terms of their sexual orientation. Such identification can result in police officers tackling male rape with real understanding and empathy, which therefore can encourage male rape victims to report, with no fear of discrimination and prejudice.

However, Sparks (1982) argues that 'vulnerable' men (e.g. male prostitutes) can 'facilitate' their rape via important factors, which can prevent male rape victims from reporting their crime. One factor is what Sparks calls 'impunity', which means the lack of unfavourable ramifications for the offender, maybe due to the fact that the probability of male victims coming forward and reporting the crime are very small. Therefore, this can be particularly relevant in situations where the male victim might worry that he himself was perpetrating an unlawful act, for instance, prostituting himself and feels he could expose himself to the police.

Similarly, Stanko (1985) argues that 'vulnerable' victims are most susceptible to rape, and Stanko also argues that rape controls vulnerable women's aspects of their daily lives and keeps them in constant fear of being raped. Lees (1997, 2002) argues that the act of male rape challenges essential ideas about the masculinity of the victim, and that it is this confusion, shock, embarrassment, and disbelief that deters many male rape victims from reporting their crime to the police, as the thought of being raped has never crossed their minds. Khan found similar attitudes amongst the police in that they believe that they cannot be victims of rape, because they are male, and of their masculinity and power. Therefore, Khan argues that police officers do not take the issue of male rape seriously and that such attitudes are problematic, because worryingly the police is usually the first port of call for male rape victims.

In summary, this chapter has examined the nature of the police and the 'police culture' to see how it impacts on male rape, and it is clear that male rape myths are evidently present amongst the police, which results in male rape victims being disregarded. Police officers have misguided beliefs such as, "real 'straight' men" cannot be raped, which is problematic because this ignores the fact that anybody can be raped, regardless of their sexual orientation, consequently a large portion of male rape victims may be overlooked (Lees, 1997). On top of the 'police culture' perpetuating male rape myths, the media also promotes these false myths to a susceptible society, and this is examined next.

## Chapter 5

### The Media and Society: The Mis/Representation of Male Rape in the Media and Society

#### 1) Male Rape and the Media

The rise in the media reporting on male rape since 1989 to the 21<sup>st</sup> century shows high interest in this problematic issue; however, much of this has not been positive. The nature of male rape being an extremely underreported crime hides the reality of such crime, forcing the media to only focus on unusual cases of stranger rapes occurring in public locations, and distorting the view that male rape is solely a homosexual issue (Khan, 2008). However, other research has found that acquaintance rapes in a private location are more frequent than stranger rapes (Reiner, 2002), and furthermore anyone can be raped or rape someone, regardless of their sexual orientation (Lees, 1997).

Soothill and Walby (1991) suggest that the media are extremely selective when it comes to highlighting cases. The authors assert that the national press usually portrays the image of 'video-nasty' sex monster, although the authors note that this is not a misleading representation, however, it is highly selective in conveying factual information. Therefore, this hides the realism of sexual offences, and rather creates a representation of sex offenders from a low number of atypical cases, in which media reporting seek to sensationalise.

Reiner (2002) argues that the media perpetuate the 'stranger danger' myth and does not acknowledge that acquaintance rapes in a private place are much more frequent than stranger rapes. Khan (2008) asserts that the media distort male rape by conveying that only multiple perpetrators commit male rape, and suggesting that these cases are more probable to be reported and considered amongst the police. Therefore, fuelling a 'moral panic' that men are most at risk from multiple perpetrators and keeping society (including male rape victims) ill-informed.

Moreover, Davies (1998) demonstrates that the media validate and reinforce heterosexuality, whilst labelling homosexuality as 'deviant'; very rarely do the media portray the perspectives and voices of homosexuals. Davies further argues that the depiction of gay men as 'deviants' can help to somewhat elucidate why homosexual males are more rapidly perceived as offenders of sexual offences, instead of being considered as victims. Khan (2008) states that the media promote male rape as an exclusively homosexual problem, and that the heterosexual population is not affected. This prevents male rape being considered amongst the heterosexual population.

What also prevents male rape from being highly considered amongst society is its 'news-value-worthiness'. News content is filtered and generated mainly via reporters' meaning of 'news-worthiness', so what makes a good story that their audience wants to read and know about, instead of any openly ideological considerations. That said, the main components of this incorporate: dramatisation, immediacy, personalisation, novelty, and titillation (Jewkes, 2004, cited in Reiner, 2002). The dominance of these news values justifies the predominant focus on violent crimes, and the focus on higher-status victims and perpetrators, particularly celebrities, and it also usually evades stories to do with crime patterns and trends (Reiner, 2002). Therefore,

arguably male rape is not an enticing crime to read and know about because it does not fulfill most of the main components that makes a story 'news-worthiness'.

However, in Khan's (2008) study of content analysis of newspapers she found that particular articles favoured television representations of male rape. For instance, one article that Khan examined took the view that male rape in Hollyoaks was conveyed in the right amount of sensitivity. However, a different article took the view that the Hollyoaks storyline on male rape was sickening, and very disturbing. Nevertheless, the Hollyoaks storyline was adopted by the Male Victims of Sexual Abuse Steering Group (MVSASG) as a training video to raise awareness to professionals who are dealing with male rape victims (Khan, 2008).

However, the shortcomings of content analysis are that there are problems with what the researcher codifies, because the 'same' image might have different meanings in certain narrative contexts and genres of reception, for instance, how viewers interpret images of 'rape' is not just a function of the amount of screaming (Livingstone et al. 2001, cited in Reiner, 2002). Therefore, male rape will be differently interpreted if the crime is committed by or on a character that is portrayed as sympathetic in the narrative. How viewers interpret male rape will differ depending on how they perceive their own position in relation to the narrative characters, rather apart from any preferred interpretation that is intended by the producers (see Livingstone et al. 2001, cited in Reiner, 2002). These difficulties do not entail that quantification should or can be evaded, but the results should be interpreted tentatively and reflexively as one potential reading, because they can produce valuable questions and insights to do with the importance of patterns and trends (Reiner, 2002).

Nevertheless, in Khan's study, almost one-third of articles (110) was perceived to be accurate and non-stereotypical in regards to male rape, and the majority of these articles used academic research findings as a basis that dispelled male rape myths. However, such adequate articles did not occur on the newspapers' front pages where the impact would have been high. Moreover, tabloid papers were found to reinforce existing opinions and were much more sensationalist than the broadsheets that offered a more balanced picture. It is evident that newspaper reports of male rape showcases heterosexuality as the cultural norm, and homosexuality in a negative way, which can create condemnation. Research confirming that all men can be victims of rape (see chapter one), and the media perpetuating the myth that male rape is only a 'homosexual problem', creates the problem of society believing the 'media hype' and the heterosexual population ignoring male rape because it does not apparently concern them (Khan, 2008).

Whilst the media can convey emotive headlines to all types of different populations about rape, it can capture their attention and therefore boost the circulation of newspapers; however, there should be some accountability to do with the potential harm this type of random reporting might unknowingly create with regards to society's reaction to male rape victims (Flowe, Shaw, Nye and Jamel, 2009). Society relies on the media to fill the gaps in their experiential knowledge, but the media conveying male rape victims' behaviour in a stereotypical way can increase public misconceptions of sexual-related crimes and therefore produce negative ramifications for male rape victims, public safety, and rape-case prosecution. That said, male rape

myths in the media tend to enhance the prejudice against the male rape victim, proposing that such media exposure might decrease the probability that jurors find a defendant guilty in real rape cases (Flowe et al., 2009). Moreover, the media can also help reinforce cultural myths ingrained in society about male rape; this topic is therefore discussed next.

## 2) The Cultural Myths About Male Rape

Arguably, the response from society to male rape is different from female rape. Rogers (1998) illustrates that there are no adequate societal strategies to tackle male rape. Feminism is paramount in disputing media portrayals of female victims of rape i.e. media representing female rape victims as 'asking for it' (Walklate, 2004). Unfortunately, the progress and recognition of male rape as a vital social problem is lagging behind because of a cluster of reasons, one of which is because of cultural myths surrounding male rape (Khan, 2008). For example, Davies, Pollard, and Archer (2001) found that the majority of participants in their study attributed blame to gay victims and they believed that rape against a gay victim is less serious than raping a heterosexual victim.

Another study by Wakelin and Long (2003) also found that gay male rape victims are judged much more severely than heterosexual male rape victims. Similarly, Kassing and Prieto (2003) concluded that male heterosexual victims of rape are perceived by society as less responsible for their sexual violence than the gay male rape victim who is thought to have enjoyed their rape.

Therefore, it is clear that sexuality is potentially a vital aspect in person's responses and reactions to male rape victims, and further demonstrates the problems of male rape myths, on the basis of which people form negative views. Evidently, it is beliefs like those showcased in these cultural myth studies, which stop male rape victims from being recognised and understood, but also preventing them from reporting and looking for help.

Khan (2008) argues that the differences in gender in ascribing culpability branch from the different gender socialisation. This causes females to be more cautious of their susceptibility to rape. Therefore, females might ascribe more responsibility to their own sex, as they think that females ought to be cautious of their own susceptibilities, and thereby should take more preventative measures to guard themselves. However, males are not socialised in being cautious of their susceptibility to rape, therefore, are unable to be 'culpable' for rape (Khan, 2008).

Furthermore, Davies and Rogers (2006) argue that the rape of males by females is considered as rather hard to believe, because the socialisation process determines that females are sexually submissive and males are sexual predators; the idea of a male being coerced or forced to surrender passively to a female might be hard to conceive of per se. The quote from Groth and Burgess (1980: 809) highlights this issue poignantly:

*“Although it is commonly believed that a male is powerful enough to defend himself from a sexual assault, he is in fact susceptible to the same techniques by which assailants gain control over female victims.”*

Men are portrayed in society and in the media as being inherently powerful and thereby capable of protecting themselves, and these extreme expectations strengthen the impression that men are not capable of being victims of an offence solely perceived to include females; therefore, arguably, gender role socialisation upholds and nourishes gender differences where masculinities are formed (Lees, 1997). These masculinities are defined as dominant, strong, and able of defending themselves (Lees, 2002).

However, male rape contradicts this and therefore becomes a taboo where McMullen (1990) believes that the taboo of the crime of male rape keeps it concealed and insufficiently researched. McMullen argues this taboo is consequential of stereotypes and common myths ingrained within society about the impact, causes, and nature of male rape. However, McMullen has no empirical evidence to support his claim, which makes it purely anecdotal. Currently, in western societies and cultures males are not allowed to be rape victims and thereby males do not anticipate that someone will force them to surrender sexually (Lees, 1997).

The cultural research studies examined have shown that cultural myths surrounding male rape attribute culpability to the victim of rape (e.g. Davies et al., 2001). Other research has shown that victims mimic this by blaming themselves, consequently amounting further to their suffering and also resulting in local authorities blaming the victim, hence the lack of helpful recognition and adequate responses to male rape victims (Frazier, 1990).

In summary, this chapter has discussed the misrepresentation of male rape victims in the media and society. The media continue to perpetuate male rape myths. For example, the media perpetuate the myth of ‘stranger danger’ and do not acknowledge that acquaintance rapes in a private location are more frequent than stranger rapes (Reiner, 2002). However, the media are significant because they have the power to influence public opinion in a way that can encourage rape victims to report rape (Flow et al., 2009).

This chapter also discussed cultural myths surrounding male rape, because the media have the power to reinforce cultural myths ingrained in society. Sexual orientation is potentially a vital variable in people’s responses and reactions to male rape victims, as Kassing and Prieto (2003) concluded that male heterosexual victims of rape are perceived by society as less responsible for their sexual violence than the gay victim who is thought to have enjoyed their rape. This highlights cultural problems of homophobia and narrow-minded judgments being present in cultures; therefore, preventing male rape victims from being recognised and understood, but also preventing them from reporting and looking for help.

## Conclusions and Policy Implications for Male Rape

This final chapter examines the policy implications of this master's dissertation. This dissertation fundamentally concentrated on the impact and nature of male rape and most importantly contributes to the developments of policy to help male victims *per se*. The myths surrounding male rape were also examined, in addition to this, the master's dissertation examined the chief theoretical paradigms of male rape when explaining the crime to give a more robust understanding of male rape. Having said that, the theoretical paradigms are re-visited next.

### 1) Theory

Theoretical paradigms of male rape are embedded in positivism because research in the area of male rape has expanded via clinical examinations, and examination from a psychiatric model of comprehending rape; such explanations have concentrated on prison rape, as this was the only acknowledgement of male rape, historically. The argument of positivism (see chapter 3: section on 'Positivism') demonstrates that prison rape differs from non-institutionalised rape, which requires a different sort of explanation. Individual positivism was the main focus, which argues that criminality is determined by forces beyond the person's control (Karpman, 1951). Individual positivism challenges feminism's and social constructionist's theory that individuals are *nurtured* into different behaviours because of their socialisation (Stanko, 1985).

Later research from the social structural positions and feminism situates rape in the extensive social structure; the argument that a hierarchy ingrained within patriarchal relations enables men to exercise power and control over women - rape is perceived as one aspect of social control (see chapter 2; section on 'Feminism'). Chapter 2 showed that feminism sees male rape as an extension of male control and domination over women, by implying that male rape offenders regard their male victims as subordinate females who are weak, therefore showing issues of domination over females (Stanko, 1990). Feminism on rape is helpful in making sure vital enhancements in regards to policy changes, and service provisions assist female victims, but simultaneously sidelining male rape (Khan, 2008).

Some research on masculinities was outlined (Hoyle and Young, 2002; Lees, 1997; Stanko, 1990) which has recognised rape as a mechanism of domination and control, progressed via various gender-based role socialisation; the notion that male rape is ignored due to the powerful gender stereotypes where males and females are socialised into. Traditionally men have been required to be dominant and strong, and this requirement excludes them to be victims of rape, which essentially challenges and threatens their manliness and sexuality (Lees, 1997). Therefore, Foucault's theory of normalisation was adopted to help explain and illustrate this point more clearly (see chapter 3). Foucault's theory explains that men are prone to 'constant surveillance' from others and even themselves to prove they act in a masculine way, but male rape victims are treated and labeled as 'deviant', if the victims can demonstrate otherwise, because male rape challenges expectations of masculinity (Hoyle and Young, 2002).

### 2) Summary of Chapters

Chapter one showcased the legal parameters in which the unsatisfying, imprecise definitions of male rape were established, and this therefore included knowledge about the Criminal Justice and Public Order Act (1994), which criminalised male rape for the very first time. However, this act proved problematic because it did not include sexual acts that victims defined as rape, for example, male rape victims defined penetration with objects and being made to penetrate the offender as rape (Walklate, 2004). Furthermore, some of the support organisations were critically examined such as Victim Support; however, problems of support organisations were, for example, volunteers conveying inadequate communication such as not returning phone calls to victims (see Bell, 2006).

Chapter two demonstrated feminist theory of male rape where Lees (1997) argues that male rape victims do not usually report to the police, because they fear they will be ridiculed and disbelieved, and victims also fear 'stigma' and the worry of police judging them in that they will presume the victim is homosexual, and not a 'real man' for not defending himself. Therefore, a variety of explanations of underreporting of male rape by using masculinity as a foundation were examined. For example, getting an erection is one reason why male rape goes unreported, because if the male victim is heterosexual, he may fear that he will be seen as homosexual (Groth and Burgess, 1980; Krahe, 2000).

Chapter three was based on emasculation by evaluating Foucault's theory which essentially argues that male rape is an attack against 'masculinity', therefore, male rape victims get labelled as 'deviant' (Hoyle and Young, 2002). Prison rape was also examined and demonstrated that prison officers overlook prison rape and classify any sexual intercourse as consensual; however, the inmate classification system attempts to reduce prison rape by separating vulnerable prisoners from being raped by offenders (Bowker, 1980). Therefore, positivism was evaluated because positivism argues that all sexual offenders are not conscious agents purposely committing rape; instead, they are suffering from some sort of internal conflict, which is biologically or psychologically determined (Scully and Marolla, 1985). Then criminology as a discipline was evaluated because gender in criminology concentrates only on women with very little or no consideration of the impact of gender on males (Newburn and Stanko, 1994).

Chapter four discussed the police in responding to male rape, and illustrated that the police has a symbolic position in terms of power between state and people, however, the police is capable of taking advantage of its authority and abusing it (Neyroud and Beckley, 2001). Therefore, the police uses its discretion when implementing laws but it is commonly believed that discretion is excessively and frequently influenced by cultures that promote prejudices, discrimination, and stereotypes into officer's decision-making in ways that are improper (Rowe, 2008). Khan (2008) argues, the police fail to give a robust service to male rape victims and this is fundamentally because of the negative views ingrained within the 'police sub-culture', for example, male rape myths are ingrained in the 'police sub-culture' (e.g. "real 'straight' men" cannot be raped), which results in male rape victims being disregarded.

Chapter five highlighted the misrepresentation of male rape in the media and society by explaining that the media only focus on stranger rapes, and distorts several views

like male rape is solely a homosexual issue (Khan, 2008), consequently, silencing heterosexual male rape victims. Meanwhile, society relies on the media to fill the holes in their experiential knowledge; however, the media conveying male rape victims' behaviour in a stereotypical way can increase public misconceptions of sexual-related crimes and therefore produce negative ramifications for male rape victims, public safety, and rape-case prosecution (Flowe et al., 2009). Therefore, society's views about male rape were also examined by discussing the cultural myths surrounding male rape, which the media help reinforce. One study by Kassing and Prieto (2003) found that male heterosexual victims of rape are seen by society as less responsible for their rape than the gay victim who is thought to have enjoyed their rape. Consequently, beliefs like this prevent male rape victims from being recognised and understood, but also preventing them from reporting and seeking support.

### 3) Policy Implications and Further Recommendations

#### a) Feminist/Criminological Research

Almanac (2001, cited in Khan, 2008: 222) argues that feminist advocates ought to consider the significance of male rape, because years of anti-rape experience and knowledge can assist male rape victims as well as female rape victims. Almanac further argues that males rape other males, for many of the same reasons they rape females, which is to have power and control over the victim. Therefore, research from feminism can increase understanding of male rape.

Further research about male rape is required especially in relation to rape in non-institutional as well as in institutional settings like warfare establishments, although some research about institutional rape has been conducted, but this has predominately been done in the USA, so the UK should conduct male rape research to understand the problem further.

Scarce (1997, cited in Khan, 2008) suggests that future research of male rape motivated by homophobia and racism should be conducted, because it can determine if homosexual and ethnic minority people are at most risk of rape. Perhaps future research should also be focused around prison officers and how they exert power and control over prisoners, and how they use their authority, as there is potential for prison officers to rape prisoners.

#### b) The Police

This dissertation has shown that the police is usually the first port of call for male rape victims when reporting their crime. However, research from Stermac et al., (1996) has shown that male rape victims can suffer insensitivity and hostility from the police when reporting male rape, for example, the police may convey homophobic attitudes to homosexual male rape victims as other research has found that homophobia is ingrained within the 'police sub-culture' (Reiner, 2000; Rowe, 2008). Therefore, awareness and training of rape needs to be directed at all police officers to prevent insensitivity and hostility from the police towards rape victims (Rowe, 2008).

Greater awareness and understanding of male rape should be increased amongst the public, professionals, and police etc (by means of education and training), in order to eradicate the stigma and taboo attached to male rape. This, therefore, will encourage the police and many other agencies to employ a more pro-active approach, which will encourage more male rape victims to come forward and report their crime, and victims will be able to receive adequate provisions and treatment by multi-agencies (Lees, 1997).

#### c) Third-Party Reporting Schemes

Third-party reporting schemes are designed for individuals who are not comfortable reporting hate crimes to police officers. Therefore, this scheme enables individuals to report to selected community bases instead of reporting to the police. This scheme will hugely benefit male rape victims, but the scheme is only in place for hate crimes, and while some male rapes are the result of homophobic attacks, many others are not (Khan, 2008).

#### d) Haven Suites

Haven suites are useful because they can give practical, emotional and medical support to male rape victims. They can also highlight the problem of male victimisation and the urgency of service providers to respond adequately to male victims, and they can also help the police to collect evidence for possible prosecutions without affecting the victim from recovering (Khan, 2008).

#### e) Forensic Medical Examiners (FME)

FME search for forensic evidence and treat any injuries suffered from the rape, and are trained to meet victims' needs. It is vital for male rape victims to be provided with the choice of having their forensic examination at a location of their choice. The male rape victims should also be given the choice of choosing a male or female examiner, and to be seen immediately, because currently the time of arrival is dependent on the FME other commitments (Khan, 2008).

#### f) Legislation

It is clear that state's definition of rape does not adequately meet rape victims' definition of rape (Kelly, 1988). For male rape victims the legal definition of male rape does not meet male rape victims' definition of rape, because men are penetrated with fists and objects without consent and male rape victims' define this as rape; however, the current law does not consider these sexual acts as rape (Walklate, 2004). Therefore, a gender-neutral definition needs to be implemented into present legislation, and to include a wide-range of sexual acts that victims define as rape.

#### g) The Court Procedure

Rumney and Morgan-Taylor (1996) found that male rape victims are treated unfairly and discriminatively within the court process, and later research confirms that rape victims get unfairly treated in the courts (Lees, 2002). Therefore, male rape myths

ingrained in jurors, judges, and lawyers need to be eradicated (Khan, 2008). However, that is only if cases actually get to court, because most of the time the crown prosecution service (CPS) does not comprehend the traumas and problems suffered by male rape victims; CPS decides if it is in the public interest to conduct a prosecution and if there is sufficient evidence to convict (Lees, 2002).

#### h) Video Evidence

The use of video evidence is growing; therefore, it should be made available to male rape victims because it decreases the trauma of 'secondary victimisation', which is where the victim is made to feel like he/she is 'put on trial' and re-victimised with disbelief and hostility. However, the victim may still be required to be cross-examined in court if the perpetrator pleads not guilty (Khan, 2008).

#### i) Support Services

There is still a vital need for support services to be easily available and accessible to male rape victims, and they also need to develop and increase on a local and national level. However, support services are restrained by a lack of funding, which restricts the workers' potential to adequately deal with male rape victims (McMullen, 1990).

#### j) The Media

The media are able to negatively and positively influence society in a way that can encourage rape victims to report (Reiner, 2002). It is imperative that the media highlights the issue of male rape so that it can give male rape victims the confidence and strength to report.

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