

Sex in Prison: Of Bodies, Place & Power

Jedidjah de Vries

Social Theories of Sexuality

La serrure gargouille de cauchemar, ingurgite avec des borborygmes de robot les dents d'acier des clefs, symboles phalliques pénitentiaires.

The gargoyle lock of nightmares swallows with a robotic rumble the key's steel teeth, penitentiary phallic symbols.

de La Haye, 1978

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1 Introduction

At first glance “sex and prison appear as two contradictory words, the first referring to freedom, and the second to its loss” (Moron et al., 2004). It is this apparent contradiction that makes sex in prison a fruitful topic of inquiry. Sex in prison offers a unique nexus of space, bodies and power. This paper will use sex in prison in order to better understand how power is exercised on bodies, and how bodies can become loci of micro-resistance. First, I will situate carceral space in relation to social space. Then, the body will be introduced into that space through an examination of sex and sexuality. Lastly, I will focus on how power operates on bodies in the space of the prison.

2 Prison as Place

Prisons are marked by their internal and external spatial organizations. Externally, they cleave off and define a space outside of society. Internally, they form a highly structured and ordered space. Carceral space bears marked similarities, informative differences and a definite relationship to our everyday social space.

2.1 Inside/Outside

A key feature of the modern prison is the ability to separate the criminal from upright citizens. Foucault (1977), in his study on the origin of prison, notes, “The first principle was isolation. The isolation of the convict from the external world [...]”. In colloquial English “inside” is used to refer to prison, in contrast to the “outside” of society. It is this spatial separation that allows prison culture, and especially sex in prison, to be considered different and abnormal. As Gear (2005) writes “[...] what goes on in prison is regularly regarded as weird, perverse and fundamentally ‘other’ to the rest of society, more-so where the taboo-laden issue of sex is concerned”. Not only are prisoners isolated from the outside, their sexuality is set up as even more distant. For example Hensley and Tewksbury’s 2002 “Inmate-to-inmate prison sexuality: A review of empirical studies” opens by labeling prison sexuality a “taboo” “typically overlooked” subject and ends by referring to prisoner’s sexuality as the “‘inner world’ of the inmate”.

However, this isolation is never complete. There is always a flow of people (prisoners, guards, and others), goods (both licit and illicit), and information between the outside and the inside. Teresa Dirsuweit’s (1999) mapping of carceral space in South African prisons makes frequent reference to the liminal space where interaction with the outside takes place and highlights the importance of these spaces in the formation of sexual identity. Not only are prison walls permeable but prisons are situated within the broader context of geography, which includes “the places prisoners come from and the places prisons are built” (Murphy et al., 2005). Thus sex in prison is not an isolated phenomenon but “Even as new structures of identity emerge then, breaks with the outside are never total” (Gear, 2005). It is this tension between the inside and the outside that sets up the questions at the core of much of the discourse surrounding sex in prison. Underlying this discourse is the need to explain – and often explain away – “the participation of putatively ‘normal’ or otherwise heterosexual people in same-sex sex” (Kunzel, 2008). Specifically, the so called “situational” homosexuality of prison sex threatens the naturalness of normative heterosexuality. (I will return to this in Section 4).

Prison's relationship to the "outside" is important not only for understanding carceral space but also for understanding how studying prisons can generate insight into our own social space. Baudrillard (1988) offers us this point of departure:

Disneyland is there to conceal the fact that it is the "real" country, all of "real" America, which is Disneyland (just as prisons are there to conceal the fact that it is the social in its entirety, in its banal omnipresence, which is carceral).

While his position may be extreme, a sketch of the internal structure of carceral space will show how in many ways prison can be understood as the ultimate social space.

2.2 Structured Space

Goffman (1998) considered prisons to be a prime example of what he termed the "total institution". Total institutions are those that organize within themselves, and separate from the rest of society, all aspects of human life – specifically: sleep, work and play. Although, Goffman did not explicitly discuss sex or sexuality, one can presume that a total organization of human life would necessarily include sex. The key feature of total institutions, according to Goffman, is that they break down the barriers separating different spheres of human life by having all activity in the same location and under a single authority, conducting it in groups, having it tightly scheduled, and directed towards "a single rational plan purportedly designed to fulfill the official aims of the institution" (p. 101). That is, in order to organize human life the total institution sets about organizing space.

Framing our understanding of sex in prison in terms of Goffman's total institution gives rise to two important implications. First, the breakdown of barriers between different spheres of life in total institutions means that the distinction between public and private is nearly non-existent. Sex, as a result of the physical arrangement of space, becomes immanently public, visible and, above all, social, which is at least a *prima facie* difference with our everyday experience of sex. This results in a situation where "The prison environment of permanent surveillance by guards who are neither voyeurs nor pimps is implicated by the furtive sexual relations that 'embarrass everyone'" (Moron et al., 2004). Second, it leads us to inquire after the pragmatics of the physical act of sex. This is not merely an academic question but, given the highly structured nature of the

prison space, can illuminate the ways sex is part of the prison system and also the ways it manages to escape and by extension resists that system.

While it may seem that the concept of total institutions only increases the distance between prisons and our everyday existence it is important to note that prisons were not Goffman's prime example of the total institution. His focus was on mental health asylums. Furthermore, while prisons may be total institutions we all move through short-of-total institutions on a daily basis such as school and work.

In fact, many of the tools and techniques used in prisons are prevalent throughout our society, which is precisely why Michel Foucault (1977) chose to study them. Foucault analyzed prisons in terms of the panopticon, a prison design proposed by Jeremy Bentham in 1785. The basic idea of the panopticon is a space structured such that prisoners can be placed under constant surveillance. The gaze, thus, becomes not merely voyeuristic but an instrument of discipline in which "visibility is a trap" which "induce[s] in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power" (Foucault, 1977). While Bentham proposed this concept primarily for prisons he intended it "also to treat patients, to instruct schoolchildren, to confine the insane, to supervise workers, to put beggars and idlers to work" (Bentham as cited in Foucault, 1977). And, indeed, according to Foucault "The panoptic schema, without disappearing as such or losing any of its properties, was destined to spread throughout the social body; its vocation was to become a generalized function" leading him to ultimately write "Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?"

The importance of this panoptic surveillance goes beyond the loss of privacy for the prisoners. The panopticon sets up the prison as an institution whose primary purpose is to act on the body, through its disciplinary gaze. In fact, "the very materiality of the prison has to be understood in terms of its strategic action upon and with the body; it is defined in relation to the body" (Butler, 2004).

This is not merely theoretical musing but is evidenced by the fact that "the prisoner's body was a site of urgent concern for the first prison philosophers, architects, reformers, and administrators, and remained so" (Kunzel, 2008). In this model the body becomes "not a substance, not a thing, not a set of drives, not a cauldron of resistant impulse, but precisely the site of transfer for power itself" (Butler, 2004). A point brought out vividly in Franz Kafka's *In the Penal Colony* in which the "commandment the prisoner has disobeyed is [literally] written upon his body by the Harrow" so that "He'll learn it on his body" (1971). Sex in prison offers us a concrete manifestation of this nexus of power

and body, which is not only interesting for the understanding of power within prison but also social space in general.

3 Sex and the Body

There is nothing natural about sexuality; it is a product “of an entire series of discursive and political strategies” (Halperin, 1995). In the *History of Sexuality* Foucault (1978) traces the origin of those discourses and shows how they were constructed as technologies of power. It is precisely sex’s constructed, as opposed to essence based, nature that makes it a fruitful avenue of inquiry. Sex has become a key mechanism through which power access the body; it is “an especially dense transfer point of relations of power” (Foucault, 1978) and this is no different in prison. Furthermore sex in prison allows us to see how “Power happens to this body, but this body is also the occasion in which something unpredictable (and, hence, undialectical) happens to power; it is one site of its redirection, profusion, and transvaluation” (Butler, 2004).

At the most basic level sex in prison becomes an expression of power in that it is denied. Moron et al. (2004) refer to prison as “castration” and Jacques Lesage de La Haye (1978) entitled his book *The Guillotine of Sex: Sexual Misery in Prisons* [*La Guillotine du Sexe: Misère Sexuelle dans les Prisons*]. As a rule prisons do not allow their inmates to engage in sexual intercourse, in fact many even forbid masturbation (Kunzel, 2008). This is not merely the result of a desire to deny inmates pleasure, but is part of the prison’s focus on isolation. Sex, in so far that it requires more or less private contact between two people, presents a challenge to the prison’s power, which is largely exercised via the techniques of isolation and surveillance.

Thus, sex in prison is directly shaped, in the way it contends with the spacial organization of prison, by the interdiction against it. So even as it – and by extension the body of the prisoner – challenges the prison’s power, it is constructed by it. Because, despite the official interdiction sex, not surprisingly, does take place in prison. It is difficult to ascertain exactly how prevalent sexual activity is in prison but all accounts agree that it is a large part of prison life (Hensley and Tewksbury, 2002; Kunzel, 2002).

Thus it would be naïve to take the denial of sex as the entire extent to which the prison asserts itself as part of the sexual life of its inmates. One area where this can be seen is sexual identity, and especially the visual presentation of the self vis a vis sexual identity. As noted before, isolation and surveillance are key features of the modern prison. Both of these are individuating forces, specifically they produce uniform and interchangeable individuals. On the one hand

the formation of sexual identity runs counter to these forces. Sexual identity threatens to usurp the imposition of the criminal identity. On the other hand, sexual identity in prison is the immanent product of the the prison environment. Kunzel (2008) discusses the many creative ways in which prisoners signal their sexual preferences by modifying standard issue prison garb and manufacturing ad hoc makeup from whatever supplies are available. Furthermore, the dynamics of prison (sexual) relationships are often a complex mixture of “normal” outside behaviors, and indigenous responses and adaptations to the prison environment (Kunzel, 2008). Thus, even as the prisoner escapes the prison through the construction of a personal sexual identity he finds himself with a sexual identity inherently marked by criminality, a marking often accentuated by narratives of sex in prison.

Therefore, in order to better understand this interaction between the body and the prison, we must take a closer look at how sex in prison operates. However, this cannot be achieved through a direct exposition. Instead we must contend with the numerous, often contradictory, narratives surrounding sex in prison, not in order to uncover the “truth” about sex in prison but to see how these narratives arise from and interact with the framework outlined above.

4 Normative Narrative

Few of us will ever have direct experience with sex in prison, yet we all “know” what – stereotypical – takes place behind bars. At the same time, there is no *a priori* reason that sex in prison should be substantially different from sex outside of prison. As noted above, carceral space is neither as distant and separate nor as as different from our social space than we might normally believe. This highlights one further complication, namely that the narratives surrounding sex in prison are often not about prison at all but for part of the general discourse of sex that contributes to sex as a technology of power discussed by Foucault in his *History of Sexuality*.

The most notorious narrative of sex in prison is, indubitably, that of homosexuality. It is of course a given that sexual intercourse in prison is, by necessity, male-male or female-female since essentially all prisons are single sex institutions (with the important caveat of guards). However, it is widely acknowledged that the concept of homosexual is a contingent historical development (Hekma, 1989; Oosterhuis, 2000), and thus acquires a new meaning when situated in the context of the prison. Furthermore, as we will see, there is no single homosexual narrative of sex in prison.

One form of this narrative centers on the tension between “situational” and “natural” homosexuality. As mentioned before, the pervasiveness of homosexual sex in prison threatens the placid construct of heterosexuality. Two main strategies have been deployed to resolve this tension. First, a narrative has emerged that attempts to normalize the homosexual aspect of sex in prison by reducing it to a form of heterosexuality. Many of the earliest academic studies of sex in prison from the 1930s discussed sexual relations between incarcerated women by framing them in terms of the race. Lesbian sex was, essentially, explained away by substituting a black/white dichotomy for male/female, with the added racist overtone of marking black women as masculine and by extension aberrant, and conversely “exonerating” white women since they (supposedly) fulfilled the feminine role in the relationship (Hensley and Tewksbury, 2002). While this is a relatively extreme form of the narrative, Kunzel’s *Criminal Intimacy* (2008) delineates how this strategy has been employed and refined over the years. The second strategy has been to portray prison as a distant, exotic, and ahistorical, place that bears no relationship to “normal” society (Kunzel, 2008, 2002).

Interestingly, these two strategies run directly counter to each other. In fact “Sometimes the same writers who described bizarre prison customs also underlined the fundamental normality of homosexuality in prison” (Kunzel, 2002). This internal contradiction highlights how little these narratives have to do with what actually takes place in prison. But this disconnect between narrative and reality does not mean that there is no relationship. Although contradictory, both narratives outlined above situate the prison “as a site for the production of knowledge about deviant sexuality” (Kunzel, 2008). Furthermore, together they create an opening for the application of power by producing the sexually innocent inmate who must be saved from the deviance of the prison. Ultimately, this approach implies that there is nothing to be said about sex in prison unto itself. By denying that there is a truth to be told about sex in prison these narratives undermine the prisoner’s sexuality, and thus also their resistance to the prison. Interestingly, even many studies sympathetic to prisoners – such as those of Regina Kunzel (2002; 2008) and M. Maeve (1999) – operate in the context of these narratives and approach sex *in* prison as a phenomenon to be placed in relation to sex *outside* of prison.

As the concept of situational homosexuality has fallen out of favor with the increased visibility and acceptance of gays and lesbians, academic studies of sex in prison have begun to shift their focus towards the tension between “coerced” and “consensual” sex. This can be seen very clearly in Hensley and Tewksbury’s 2002 “Inmate-to-inmate prison sexuality: A review of empirical studies”, which after recapping the historic research on sex in prison explicitly calls for more

studies into coercive v. consensual sexual practices. While seemingly more invested in the interests of the prisoners this narrative operates in a fashion very similar to the situated v. real narrative described above. Here again, an innocent in need of saving is produced, thus justifying the continued study of and involvement in the sexual lives of prisoners (i.e. opening a site for the application of power) while simultaneously negating prisoners' ownership over their own sexuality (i.e. counteracting a potential site of resistance).

It should be noted that the application of these narratives displays a strong gender biased distribution. Men's prisons are discussed nearly exclusively in terms of coercive – or at the very least highly asymmetric – sexual relationships. Women's prisons on the other hand are portrayed as kinder and gentler places where sexual relationships aren't really about sex but the formation of pseudo-families (Hensley and Tewksbury, 2002; Kunzel, 2008). While it is possible that men and women's prisons really do display significant differences these frames are more the result of the types of questions asked and research undertaken than an after the fact analysis of data. This underscores the artificial nature of these narratives as well as illustrates that the narratives and techniques of power invested in the prison do not operate in isolation from, but compliment those "outside" of prison, i.e. our everyday social space, in that they line up with our prevailing discourses of gender.

5 Missing Narratives

There are a number of narratives that are surprisingly absent from the discussions of sex in prison, even as they permeate our social fabric. In 2004 the world was confronted with the Abu Ghraib prison scandal. Photographs of guards abusing prisoners surfaced, and shocked the world. In her analysis of the scandal Susan Sontag (2004, May 23) pointed out that, "In fact, most of the torture photographs have a sexual theme, as in those showing the coercing of prisoners to perform, or simulate, sexual acts among themselves". Abu Ghraib illustrates, perhaps more clearly than anything, the ways in which the body can become a nexus for power in prison via sexuality.

While such extreme examples of torture are of course rare, and likely nonexistent in domestic prisons, they raise the question of whether sex plays a role in lesser forms of abuse in prisons. Furthermore, sex and prison have already been linked in this fashion in the mainstream narratives of BDSM, a point Sontag alludes to when she writes that the photographs "seem part of a larger confluence of torture and pornography: a young woman leading a naked man around on a leash is classic dominatrix imagery". Of course, even in those cases where guards do

not overtly use sex to humiliate and abuse their prisoners, their role and actions still have a large affect on their prisoner's sexuality. This narrative, in which the prisoner is sexualized qua his role as prisoner, revolves around that affect, and at the same time it is also a narrative of resistance in that admits the power of sex and even hints at the possibility of finding pleasure in a prison. It is for these two reasons that it must remain a missing narrative, and exists only in so far as it is disconnected from the everyday prison, i.e. in porn and sensationalized scandals.

The second notably missing narrative is that of what Foucault (2003) terms "biopower". Till now we have looked at the prisoner as an individual.

But because [sex] also has procreative effects, sexuality is inscribed, takes effect, in broad biological processes that concern not the bodies of individuals but the element, the multiple unity of the population. Sex exists at the point where body and population meet. And so it is a matter for discipline, but also for regulation. (Foucault, 2003)

This is brought out most strikingly with eugenics. While eugenics is no longer in vogue "eugenic theories flourished in the United States between 1870 and 1920, a period during which eugenic explanations of and solutions to crime achieved extraordinary influence" (Hahn-Rafter, 1997). As with Abu Ghraib, eugenics is an extreme example of a more general narrative. Eugenics treats the prisoner as part of a population, specifically as part of the "criminal element". The notion of "the criminal" as an identity, as opposed to an individual who has committed a crime, arises with the formation of the modern prison system (Foucault, 1977). On the one hand this narrative is based on the pathologization of crime and the creation of the criminal as an identity, which requires a thoroughly individuated body. However, on the other hand, this necessarily leads to the creation of the "criminal *class*, which immediately undercuts the process by highlighting the social nature of crime within society. Thus, the more this narrative permeates the workings of the prison the more it must hide itself by spotlighting the individual criminal. But, nonetheless, power acts on the body through sex not only at the level of the individual but also on the level of the population.

6 Conclusion

This paper has taken sex in prison as a point of departure to explore bodies as subjects of power. 'Subject' here "carries a double meaning: *assujettissement* means both subjection (in the sense of subordination) and becoming a subject"

(Butler, 2004). We have seen how this takes place by sketching a few of the numerous narratives of sex in prison, always careful to situate them in an understanding of carceral space. The narratives were taken not as “truths” about sex in prison but products of the interplay between space and bodies, power and sex. We concluded by extending our exploration to narratives that were oddly absent from common discourse, to gain insight both from their content as well as from why they remained hidden. This paper does not end with a “truth”, or even a rough sketch, of what sex in prison looks like, but only how sex in prison can help us see the workings of power in our society.

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