

The definitive version of this article is published and available online as:

Graham, R. Male rape and the careful construction of the male victim. *Social and Legal Studies* 2006, 15(2), 187-208.

<http://sls.sagepub.com/cgi/content/abstract/15/2/187>

### **Male Rape and the Careful Construction of the Male Victim**

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#### **Abstract**

Sexual assault generates much attention in social research, but male victims are largely neglected by a predominantly feminist perspective that seeks to highlight the gendered nature of sexual assault as a social phenomenon. As a result there is a relative lack of empirical information on male rape; but it is possible to chart the theoretical development of male rape as a social problem as it emerges in the social research discourse. It is important to examine this development because the current direction of the research on male rape has worrying consequences for how we theorise sexual assault in general. Here I examine how male rape is understood in academic discourse, and I focus specifically on how a credible male victim is constructed with reference to sexual difference, sexuality, and hierarchies of sexual harm. The analysis demonstrates the problems around the concept of 'male rape', and the need for all those researching sexual assault to account adequately for both male and female victims alike.

**Key words:** male rape; sexual assault; hierarchies of harm; academic discourse.

## **Introduction: the problem with male rape**

Sexual assault generates much academic literature, but the feminist writers that dominate the social research on this topic tend to focus on women as victims of male violence.<sup>1</sup> This feminist driven research is important because prior to the feminist influence in the 1970s, little attention was given to gender and sexual assault in victimology (Newburn & Stanko, 1995:159). But focusing exclusively on female victimisation is problematic, because ‘In necessarily attempting to rectify the invisibility and marginalisation of women’s experiences, little feminist research has considered the male experience’ (Owen, 1995:256). The feminist concern to highlight the victimisation of women by men is understandable, given that sexual victimisation is an ‘everyday’ experience for women (see Stanko, 1990). But conceptualising men as offenders and women as victims assumes that a clear distinction can be made between victims and perpetrators of crime (Newburn and Stanko, 1995). This distinction makes male victimisation difficult to understand, as the existence of male victims directly challenges dominant understandings of victimisation that often problematise men’s sexuality.<sup>2</sup> As a result, the topic of male rape is an excellent case study for examining the ways that we understand sexual assault.

The discipline of criminology suffered a similar lack of attention to gender in the past, but now discussions of masculinity and men are relatively common; but the focus is usually on men’s criminality rather than their victimisation (Newburn and Stanko, 1995; Stanko & Hobdell, 1993). Yet paradoxically, men are more likely to be victims of violent crime (see Hollway & Jefferson, 2000) but tend not to be so consciously aware of their personal safety, and resist being labelled a ‘victim’, as they see this label as being in direct conflict with masculinity (Owen, 1995:266). In short, men do not appear to worry about personal corporeal safety to the extent that women do, and particularly do not see themselves as vulnerable to sexual assault, except in unusual circumstances such as in prison settings

(Stanko, 1990a). In the community setting, men appear to consider their bodies impenetrable to sexual assault.

In the current social research literature on sexual assault, male victims are neglected, and men in general do not appear to worry about their personal safety regarding sexual assault. There is however a small amount of research literature on male victimisation and the emergence of a relatively new social problem: male rape. The academic discourse on male rape must necessarily construct male bodies as violable and subject to sexual harm. Given that men are normally conceptualised as the sexual aggressor, it is important to explore how the sexually vulnerable male body is understood, and why male rape is often portrayed as an especially horrific form of sexual assault. In this paper, I critically review the academic discourse on male rape, focusing on the concept of male rape and the careful construction of the sexually violable male victim. First I consider the social phenomenon of male rape, and provide a primary or preliminary level overview of the conceptual issues this phenomenon raises for scholars who focus on sexual assault. Having set out the basic conceptual issues, it is helpful to consider the underlying concepts of gender and sexual difference in some detail, and I turn to the debates around masculinity in the discipline of criminology to set out this theoretical backdrop to the issues around male rape. With this conceptual framework in place, it is then possible to revisit the phenomenon of male rape and subject the research discourse to a more interrogative and conceptually driven analysis. In this second level analysis I seek to highlight the ways that the sexually violable male body is constructed, despite its inherent contradictoriness with dominant images of sexual victimisation. I focus specifically on the concepts of sexual difference, sexuality and sexual harm, highlighting the consequences of a heavy commitment to heterosexualised understandings of sexual violation. The analysis sets out the problems that currently plague the academic discourse on male rape, and suggests that those writing on male rape have much to learn from mistakes already made by those researching the sexual assault of women.

## **What is male rape?**

In comparison to the vast literature on the rape of women, there is relatively little academic evidence on male rape. This does not mean that male rape does not exist, but that its emergence as a social problem reflects the current social climate, and the precise prevalence and incidence evidence on male rape remains under-investigated. This paper does not explore the issues of prevalence in any detail. However a brief indication of the scale of the problem is appropriate here. From the limited evidence available, it seems reasonable to assume that a small but significant percentage of men will be sexually assaulted at some point in their adult lives (this paper does not address the issue of the sexual assault of children). But the existing research is so varied in its estimates and methodologies that it would be foolhardy to attempt to put a figure on the extent of the problem. As with all sexual assault, the 'dark figure' of male sexual assault that is unreported to the police, or undetected by researchers, is likely to be large given the sensitive and difficult nature of sexual assault for victims. Suffice to say that it is identifiable as a social problem, but that the precise figures remain elusive. Nevertheless, it *is* possible to chart the progress of 'male rape' as it emerges as a legitimate social problem in the social research discourse, and that is what this critical review aims to provide.

The topic of 'male rape' began to emerge as a problem within the social research literature during the 1970s, with a focus on incarcerated populations (for example Scacco, 1982; Zerlinger, 1972). Incarcerated populations continue to stimulate some research interest (such as Cotton & Groth, 1984; Dumond, 1992; Isely, 1998), but here I adopt a broader perspective on male victimisation and examine the literature on sexual assault in the community. Much of the scarce literature on male rape in community settings emanates from clinical disciplines such as medicine or psychology, rather than the social sciences. These authors describe and represent male rape as a valid social problem, highlighting the sexual assault of men as a serious and significant phenomenon (for example Donnelly & Kenyon, 1996; Isely, 1998;

King, 1992, Mezey & King, 1992, 2000).<sup>3</sup> Much of the research focuses on quantitative representation, aiming to increase the status of male rape as a significant social problem by demonstrating the incidence, prevalence and characteristics of the sexual assaults (this mirrors feminist attempts in the 1970s, to raise awareness about violence against women).<sup>4</sup>

In the research discourse, there are several key elements in the process of constructing male rape as a legitimate social problem. The first of these is an emphasis on the experience of victims. Accounts of these experiences are used to support claims for resources for intervention, such as ‘treatment’ within a therapeutic framework. This treatment might be for the body (such as for Sexually Transmitted Diseases or physical injuries, see Tomlinson & Harrison, 1998) or for the mind (including mental health problems like amnesia, see Kazniak & Nussbaum, 1988; or more general health issues, see Isely & Gehrenbeck-Shim, 1997). The experience of victims provides a concrete empirical basis on which to make the claim that male rape is a significant social problem.

A second key element involves the comparison of male victims with female victims of rape in the academic research literature. For example, most accounts emphasise the stigma of male rape – authors tend to refer to the established status of the rape of women as a social problem, and note the similarities between the impact on men and women as victims (for example, Groth & Burgess, 1980). This claim helps to legitimise male rape as a serious social problem by aligning it with an established social problem, the rape of women. However, many accounts of male rape then move beyond this similarity, suggesting that experiences for men have particular stigma attached to them, and that this additional stigma may explain the small numbers of reported male rapes (for example, Isely & Gehrenbeck-Shim, 1997; Mezey & King, 1987; Tomlinson & Harrison, 1998).

Given that there is so little information available on male victims, and so much on female victims, it is perhaps inevitable that comparisons will be made between the two groups. This might include comparison of the recognition of victim status (for example, Donnelly &

Kenyon, 1996; Frazier, 1993; Huckle, 1995; Struckman-Johnson, 1988) or the reporting of sexual assaults (for example, Hillman et al., 1990; Tomlinson & Harrison, 1998). However, comparing physical violence in men's and women's victimisation has a particularly important role, as male rape is often portrayed as more physically violent. Claims are made that male victims are likely to sustain greater physical injuries than female victims (e.g. Anderson, 1982:150; Lacey & Roberts, 1991:259; Mezey & King, 1987; Tomlinson & Harrison, 1998:720). Similarly, male rape may be portrayed as more likely to involve the use of weapons (e.g. Stermac et al., 1996). Contrasting the victimisation of men and women often relies on comparing characteristics like violence and the use of weapons, and the tendency to make such comparison runs through the literature as a whole, though it may be a small part of any one study.<sup>5</sup> This tendency to compare supports claims of legitimacy for the problem of male rape, because physically violent rapes may be identified as 'real' rape, when compared to less physically violent attacks (see Estrich, 1986, 1987 on the rape of women). However, the focus on physical harm means that key issues such as consent to sexual intercourse remain neglected in the discourse on male rape, because evidence of physical force is often (erroneously) equated implicitly with non-consent of the victim.

A third key element in the construction of male rape as an emerging social problem is the definition of male rape itself. Examining the definitions of male rape used in individual research projects reveals how the research problem is being conceptualised at a fundamental, theoretical level. All studies of male perpetrated male rape<sup>6</sup> include anal penetration by a penis. However, there is often a conflation between this form of anal penetration and other forms of sexual assault (Rogers, 1995:304). Some authors explore male sexual assault from a broader definition that might include female perpetrators; those that do so are usually associated with a trend of research in the United States that looks at the sexual assault of men and women in dating relationships (for example, Lott et al., 1982; Muehlenhard & Cook, 1988). Interest in the more ambiguous areas of sexual assault can be important in defining more clearly the characteristics of unwanted sexual violation, because there is less reliance on

stereotypical gendered notions of assault. However, they can also lead to naïve misunderstandings about whether sexual assault is a gender neutral or highly gendered social phenomenon. But in general, the social research literature on male rape does not address the concept of ‘male rape’ itself. It is the legal literature that provides clues as to how the concept of male rape became dominant over other conceptualisations of male sexual assault.

Definitions are important for legal discourse,<sup>7</sup> because the legal research discourse centres on the meaning of law and categories of crime. Sexual assault of men by men has been a topic of debate in legal discourse for many years, beginning with a conceptualisation of the sexual assault of men as an issue of homosexuality (see for example Selfe & Burke, 2001: 2-10) rather than of male rape. Indeed, it was the relatively recent 1994 amendment to the Public Order and Criminal Justice Act that widened the legal definition of rape to include anal penetration with a penis, and therefore male victims of rape. This legislative change came about due to notions of sex equality, as the non consensual buggery of male victims was subject to a lesser sentence than the non consensual buggery of female victims and the vaginal rape of women (see Rogers, 1995). The previous commitment to the differential treatment of victims by gender is evident for example in the Criminal Law Revision Committee report (CLRC, 1984, see also Leng, 1985), which defends its narrow (highly gendered) definition of rape in its judgement that non-consensual buggery should not be included in the category of rape. Similarly, in *Wall* (1989) the reduction of sentence for an act of non-consensual buggery is justified with regard to maintaining proportionality in relation to rape sentencing. These earlier views reflected an understanding in the context of criminal sentencing that the non consensual violation of the male body was considered less serious than that of the female body. The introduction of the 1994 amendment challenged this view, increasing the penalties for perpetrators of male rape to be equal to those for female victims.

In summary, three key points characterise the construction of the male victim in the existing literature on male rape. First, male victimisation is not a new phenomenon, but the concept of

'male rape' is relatively recent, emerging over the past 20 years in the social research literature. This may partly explain the lack of theoretical engagement with feminist theorising on sexual violence, as the focus appears to be to establish male rape empirically as a legitimate social problem. Second, much of the academic discourse emanates from the clinical sphere. In these accounts a medical view of the body is influential, and there is a consequent emphasis on the violation of the physical boundaries of the body, particularly the physicality of sexual attacks against men.<sup>8</sup> The third key element in the construction of male rape as a social problem is the definition of male rape, which in the past was linked inextricably with discussions of homosexuality (for example see Moran, 1996; Stychin, 1995), but is beginning to move away from this position.

However, the social aspects of male rape are neglected in the social research literature, and the current images of male rape rest on problematic understandings of what sexual violation is, with serious consequences for all victims of rape and sexual assault. The issues I have introduced above are revisited for critical review below. But first, I consider the masculinity debate in criminology, which outlines the theoretical debates that surround the concept of gender and its importance to the topic of sexual assault. Only then do I consider again the key conceptual elements on which the construction of 'male rape' as a social problem rests, with specific reference to the understandings of sex/gender, sexuality and sexual harm. These discussions illustrate that those discussing male rape in the present may be repeating theoretical mistakes that have already been made by those who discuss the sexual assault of women. In this way, I demonstrate that understanding the meaning of male rape can inform the study of sexual assault more generally.

### **Criminology and the problem of masculine subjectivity**

Sex and gender are key concepts for the academic discourse on male rape, because sexual assault is a highly gendered crime, and men are seen as unusual victims. The masculinity debate in criminology provides a useful theoretical context for analysing critically the concept

of male rape, because it sets out the recent theoretical problems associated with the concepts of sex and gender.

The debate about the problems of the concept of masculinity is well rehearsed in the criminology literature (Collier, 1998, 1999; Gadd, 2000), and is associated with recognition of 'maleness' of crime within the criminological discourse (Jefferson, 1997:535). Over time, there has been variation in understandings of sex and gender, and three key stages have been identified (Jefferson, 1997).<sup>9</sup> In stage one, criminology is criticised for its (in)attention to the problem of masculinity, by a feminism that challenged the theorising of crime in gender neutral terms (for example see Smart's (1992) critique). Criminology had failed to deal adequately with the fact that most crime is committed by men, or with the few women who do commit crime (Collier, 1999). This critique was first stimulated and then developed by feminist work on women's criminality (for example Carlen & Worrall, 1987), and women as victims of crime (such as rape). But criminology remained blind to the 'maleness' of criminality.<sup>10</sup> Following this criticism, the discipline experienced a recent 'masculinity turn' (Collier, 1999:21).

Criminology's 'second stage' engagement with masculinity is identified with Messerschmidt's (1993) *Masculinities and Crime* (for example, see Hood-Williams, 2001; Gadd, 2000; Jefferson, 1997; Hollway and Jefferson, 1996), and recognised diversity in men's masculinities. Masculinity/gender is understood as accomplished, and crime is a cultural resource for that accomplishment (Hood-Williams, 2001:42; Gadd, 2000:429; Collier, 1999:21).<sup>11</sup> There was a move away from monolithic views of patriarchal power, and a move toward the recognition that other social structures could influence men's criminality (Jefferson, 1997:538). But significant problems remained with this conceptualisation of masculinity. For example, Hood-Williams (2001:42) notes that Messerschmidt (1993) draws heavily on Connell's (1987) analysis of gender, and adopts the same three structural models of gender (labour, power and cathexis) to inform his own three structural models of

masculinity (labour, power and sexuality). From the accounts that both Connell (1996) and Messerschmidt (1993) give of their structural models, it is clear that labour, power and cathexis/sexuality are indeed important to understanding gender as an historically negotiated yet remarkably continuous social phenomenon. But the idea that three structural models can be *the* multiple structures through which masculinity is produced is not explained in terms of their particular relevance over other structures (Hood-Williams, 2001:40). Only in criminology's 'third stage' is the complexity of producing gender addressed.

There are two strands to the 'third stage' of criminology's engagement with masculinity: the discursive; and the psychoanalytic. In the discursive strand, theorists such as Hearn (1996a&b) argue that some concepts of masculinity (e.g. Messerschmidt (1993)) are circular because they are too general, and conflate gender with sexual difference. In other words, crime is defined as masculine because it is performed by men (Hood-Williams, 2001:41; 44-45). The problem with this conflation is that men as sexed, embodied subjects remain unexplored in such analyses (Collier, 1999:22). The second strand is heavily reliant on psychoanalytic theories of subjectivity (e.g. Hollway & Jefferson (2000, 1996)). The social production of gendered subjectivities is explored with reference to the individual (rather than with the discourses of crime that characterise Hearn's (1996b) approach), for example about violence against women (see Gadd, 2000:430). For Jefferson, the complexity of sexual subjectivity is such that it cannot be understood simply through social structures, but through the use of psychoanalytic concepts (Hood-Williams, 2001:48). Others have spent considerable time exploring the subtle differences between these particular approaches (for example, Hood-Williams, 2001) but here, the similarity between the two is more important.

The common ground between the discursive and psychoanalytic strands is the willingness in both to draw on poststructural approaches to social research. For Jefferson, who explores gendered subjectivity using psychoanalytic concepts that are not sexually specific, sexual difference is not about the nature of the psyche itself, but of what the psyche deals with

(Hood-Williams, 2001:52-53). Masculinity is understood as produced rather than expressed, similar to Butler's (1990,1993) notion of gendered subjectivity as performative. Hearn's (1996a&b) reliance on poststructurally-informed understandings of the social as discursive indicates an understanding of masculinity as a set of social processes that allow for subjectivities, rather than as simplistic social practice.<sup>12</sup> This work on gendered subjectivities, which engages with the postmodern/poststructural epistemological shifts in social thought, is better placed to give adequate consideration to the 'man question' in criminology (Collier, 1999:22-23). They both take masculinity seriously by addressing it as a multifaceted and theoretically complex social phenomenon, rather than as something that can be explained by a relatively simple hypothesis of causality.

But the 'third stage' faces its own problems: the focus on moving beyond conceptualising gender as social practice means that practice itself has been neglected. Such neglect is apparent when theoretical critique is translated into a practical suggestion for social change. For example, Gadd (2000) translates theoretical critique into empirical research practice, using Hollway & Jefferson's (1997) 'narrative interview method'<sup>13</sup> (Gadd, 2000:430) to make sense of what men say about their violence toward female partners. The conceptual argument which he presents is sound; Gadd (2000) identifies the significance of poststructurally-informed psychoanalytic interpretations of masculine subjectivity as useful in explaining the desires which drive social practices.<sup>14</sup> He also recognises that if the psyche is not sexed in itself, then men's more common use of violence in 'doing' gender is still a social effect, therefore locating the idea of change in the social realm (Gadd, 2000:445). However, the *style* of his analysis does not make up for a lack of substance in the object of research for social change. Gadd (2000:445) identifies possibilities for changing violent men, such as a growing sense of responsibility for the violence. The significance of encouraging violent men to take responsibility for their violence is a well established theme in domestic violence research (Dobash & Dobash, 2000). Of course, empirical research must test existing theories of domestic violence. But Gadd's (2000) analysis adds little to current understandings of how

to produce change, and so the value of the psychoanalytic approach for social change remains unproven in this case. More fundamentally, the analysis remains located within a framework that understands change through uniformed notions of behaviour and causality. Gadd's (2000) focus on men who are violent suggests an interest in the causes of domestic violence as a source of change, rather than in processes of social change. A focus on change might perhaps look to research subjects who are either *not* violent towards their partners or who were violent but have *become* non-violent. If the change from violent to non-violent is that which is desired, and the object of investigation is a social process (such as the production of desirable gendered subjectivities), then focusing on a process of desired change (rather than on undesired cause) could be a more insightful choice of research topic.

The criminology debate on sex and gender demonstrates the theoretical discussions that have taken place around sex and gender, highlighting that although sexual assault may be a gendered phenomenon, we can no longer assume that 'masculinity' is a straightforward explanation for the problem of rape.<sup>15</sup> But it also demonstrates something significant about the social research agenda. If our purpose is to provide research knowledge as a source of information for social change, then a continuing focus on causality may distract from the idea of social change as a process worthy of investigation itself (in relation to specific social problems). Understanding causal factors is not necessarily sufficient for effecting change. For if, as Hood-Williams (2001:42) notes that gender is produced regardless of uncertainty about what it is and how it is produced, then it is perhaps possible to study the implementation of social change without necessarily understanding the causal dynamic of that change. The 'masculinity turn' (Collier, 1999:21) in criminology therefore demonstrates two things: the meaning of masculinity is not fixed or monolithic; and there is a need to think carefully about the relationship between research knowledge and social intervention, and therefore the theoretical consequences of how research knowledge is developing. With these points in mind, I now examine our conceptual understanding of the violated male body, and the consequences of these theoretical developments.

## Male rape and the violable body

The existing research on male rape aims to uncover the experience of male rape, and to use that experience as a platform on which to build legitimacy for male rape as a significant social problem. In contrast, here I consider the construction of the concept of ‘male rape’ in academic discourse, and the possible consequences of that concept for how we understand sexual assault more generally. In particular, I examine the roles of sexual difference, sexuality and hierarchies of sexual harm in the construction of male rape as a legitimate social problem in the research literature.

### Sexual difference and male rape

Sexual assault is normally seen as a problem for female victims, and male rape challenges this dominant image. Sexual assault is often differentiated in terms of sex difference, for example in the application of legal categories, and in analyses of sexual assault.<sup>16</sup> For example, rigid sex differences are integral to the ways in which the sexually violated body is currently constructed in academic conversations about male rape. In 1994 the existing sexual assault legislation was amended via the 1994 Public Order and Criminal Justice Act. The amendment is often referred to as creating male rape as a criminal category,<sup>17</sup> but this is misleading. What it actually included was penile penetration of the anus as a form of rape. The misperception of the amendment as about male rape rather than anal rape is at least partly due to the frame of reference in which the legal change came about, for the amendment arose from concern over differential sentencing for non consensual buggery depending on whether the victim was a man or a woman.

Although discourse on buggery in the socio-legal literature has a long history in relation to men’s bodies and the regulation of homosexuality (for example, see Moran, 1996, or Stychin, 1995), consensual and non-consensual buggery as issues for women are rarely addressed. Prior to the 1994 amendment, the tendency to see anal rape of men and of women as

intrinsically different was reflected in the distinction between the sentencing for the non consensual buggery of a man and of a woman. The maximum sentences for rape, and for the non consensual buggery of a woman, were both 25 years, but the maximum sentence for the non consensual buggery of a man was only 10 years (see Selfe & Burke, 2001:22-53). This disparity in sentencing for non-consensual buggery led to a campaign for legislative change based on increasing sentences for 'male rape'. As such, the legal change that equalised sentences for vaginal and anal rape of women and anal rape of men could be conceptualised as part of what Card (1981:362) identifies as a simplifying process of modern legal reform in criminal law, because categories of similar violations were brought together under the same offence. Yet the discourse surrounding the legal change relies on notions of distinctly sexed bodies, similar to those that might be used to support the retention of distinct categories between the non consensual buggery of men and women, and between non consensual buggery and the crime of rape.

In the debates that led up to the 1994 amendment, both the arguments for and against the inclusion of 'male rape' emphasised difference between sexed bodies, rather than similarity. Those who argued *against* the amendment (to include penile penetration of the anus as rape) suggested that the vagina held special significance, and that its violation requires separate recognition, in a sexually specific crime of rape (Card, 1981). This perspective rests on a rigid separation of bodies on the basis of sexual difference, rather than on inclusive categories of abuse, for as Card (1981) notes:

...the restriction of rape to vaginal intercourse with a woman results in the oddity that a man who has non-consensual vaginal intercourse is only guilty of indecent assault where the victim was born a male but has undergone a sex-change operation...[s]imilar problems might be encountered in the case of hermaphroditic victims. Of course, such cases are unlikely to arise, but if they did such a

strange result would have been resolved if there was simply one offence of penile penetration of the vagina, anus or mouth of another person.

(Card, 1981:373).

Those who argued *for* the amendment saw male rape as equivalent to vaginal rape; but this equivalence was seen in terms of harm caused, rather than the nature of act itself. And to argue that the harm caused is comparable is not the same as arguing that the male anus, the female anus and the vagina are similar. The almost exclusive focus on anal rape of men, rather than on anal rape in general, presents an image of distinct sex difference, drawing rigid boundaries between male and female bodies. Paradoxically, this means that the discourse that brought categories of male and female violation together under one heading, on the basis of equality in sentencing, effectively reinforced rigid notions of sex difference between the violation of male and female bodies.

The differential sentencing for non consensual buggery of men and women that existed prior to 1994 implied that the penetration of the male body was in some way less serious than the penetration of the female body. In contrast however, the discourse that led up to the 1994 amendment suggests that the penetration of the male body is the important violation, rather than the violation of the anus (male or female). The amendment came about because of debates about equality of the sexes; how is it that the penetration of the male anus is privileged? At this point we turn to a particular theory on sex/gender, and use it to unpack this paradox.

The emergence of queer theory and the continued interest in psychoanalytic concepts has ensured that the social construction of sexuality/gender/sexual difference has received considerable attention in recent years (for discussions of gender and penetration, see for example Lindenmeyer (1999); Elise (2001); and Jeneffsky & Miller (1998)). There have been

concerns that queer theorists have found it difficult to move beyond the esoteric text (see Stein & Plummer, 1996: 137-8). Judith Butler's (1993) work remains an important touchstone in that debate: despite the complexity of her broader project and style, Butler's (1993) specific argument about the definition of heterosexuality is reasonably straightforward. She argues that heterosexuality is defined with reference to sexual difference, and that heterosexual affiliations and gendered subjectivities are understood in terms of the act of penetration. Butler's inspiration for this argument can be found in her discussion of the 'heterosexual matrix', and refers to her interpretation of Irigaray's reading of Plato's *Timaeus* (1961). In the analysis, Butler (1993) discusses the generation of representation, and in particular, the place of generation – because generation of form is associated with the feminine, the masculine is seen as that which enters or penetrates that place and is reproduced. For Butler, Irigaray's interpretation of this process of assumption of form amounts to '...prohibiting the feminine from contributing to the process of reproduction in order to credit the masculine with giving birth.' (Butler, 1993: 50). However, Butler (1993) argues for an alternative understanding of the assumption of form, that of 'taking a wife' – with this interpretation, the passage can be read as meaning the feminine will never enter into the formed materiality via the generative process, so the masculine remains impenetrable and the feminine the penetrated (see pp50-51).

Following Butler's (1993) interpretation of the assumption of form, the male body is *by definition* the penetrator/not penetrated, and the female body is also *by definition* the penetrated (by the reception of penetration). From this perspective, it is clear that for a society where heterosexuality is dominant, the penetration of the *male* body would be more problematic to comprehend than the penetration of the *anus* itself, because the anus is an orifice common to men and women. Penetration of the female body remains less 'shocking' than that of the male body, because the definition of the male corporeal boundary is contradicted directly by such penetration, in a way that the boundaries of the female body are

not. In this context, the focus on the anal rape of men becomes more understandable, though not excusable.

### Sexuality and male rape

Similar to sexual difference, sexuality is embedded within the academic accounts of male rape, yet it is rarely viewed as a concept in its own right. For example, perpetrators are usually categorised into two groups, either heterosexual, or homosexual/bisexual (or in other words, *not* heterosexual):

Figure 4 presents the believed sexuality of the offender, according to the victim...[f]orty-five percent (30) of the offenders in the self-report sample were believed to be heterosexual. In direct contrast to this, most offenders in the police sample were thought to be either bisexual (43%, 10) or homosexual (33%, 8) with only 22% (5) labelled as heterosexual.

(Hodge & Canter, 1998:231)

Sexuality is important to the discourse on male rape because these categorisations are used to refute myths that male rape is a 'gay' problem, such as you only get raped if you are gay, or that only gay men rape other men. For example, research may find that many victims and perpetrators identify as heterosexual:

The survey found, similar to existing reports on adult male rape, that most of the victims seeking therapeutic help were both heterosexual and white. Reports by victims further verify, as Groth and Burgess (1980) have suggested, that men are more likely to be assaulted by male, white, heterosexual offenders.

(Isely & Gehrenbeck-Shim, 1997:162)

It is of course extremely important to refute damaging and unhelpful myths that male rape is simply a 'gay' problem; for both victims and perpetrators to be understood we must perceive them as accurately as possible. However, these accounts do not acknowledge the theoretical problems associated with simplistic understandings of sexuality, and the basis of deciding which people are what sexuality is often less than clear. This is problematic, particularly for those perpetrators who were strangers to the victims and guess work is used to identify the sexuality of the perpetrator (e.g. Hodge & Canter, 1998). For example, a perpetrator may be identified as predominately heterosexual when, in other circumstances, one man's penetration of another would result in the (equally stereotypical) definition of a man as homosexual.<sup>18</sup>

In practical terms, the emphasis on bringing heterosexuality into male rape could be seen as an attempt to mainstream the issue of male rape. Unfortunately, a consequence of this move is that the legitimate victim is then defined with reference to (hetero)sexuality, giving a misleading image of rape.<sup>19</sup> As Stermac et al. (1996) explain, heterosexual victims tend to be victims of the more acceptable 'stranger rape' models of sexual assault, whereas homosexual victims are often subject to assaults that could be categorised as 'date rape'. A focus on heterosexual victims leads to the relative neglect of this second style of sexual assault within the discussion of male rape, and reinforces a narrow concept of rape similar to that of 'stranger' rape of women (see Estrich, 1986, 1987; Allison & Wrightsman, 1993). In the literature, the rigid separation of heterosexual and non-heterosexual victims (and perpetrators), and the subsequent emphasis on heterosexuality, conforms to dominant understandings of sexuality in UK culture. Returning to Butler's (1993) theory that heterosexuality is based on an understanding of whether bodies penetrate or are penetrated, the male rape discourse supports a definition of sexuality as one in which men desire women to penetrate, and women desire penetration by men, despite the problem that male rape poses for such a theorisation. Perhaps this helps to explain why male rape is often conceptualised as

a particularly abhorrent form of sexual assault: if heterosexual men are defined by their desire to penetrate ‘the other’ (the woman/feminine) and also by their resistance to being penetrated by ‘the same’ (the man/masculine), the conceptualisation of male rape as particularly devastating and horrific makes sense.<sup>20</sup>

However, the dominance of heterosexual understandings of male rape has problematic consequences for victims who are not heterosexual. For a man to desire penetration by a man would be considered automatically abnormal according to the benchmark of heterosexuality, but this ‘abnormal’ desire also places homosexual victims of male rape in a similar position to female victims of vaginal rape in some sense, in that consent is deemed to be much more significant. This is not to say that these positions are identical: women’s presumed desire for vaginal penetration is more likely to be assumed natural/good and so issues of consent may be particularly difficult; men’s desire for anal penetration is not assumed as natural/good in a heterosexual frame of reference, and this ‘abnormal’ desire could be seen to cast doubt on the non-heterosexual victim’s credibility. The integrity or autonomy of the non-heterosexual male body is therefore constructed as less deserving of protection or even attention, in ways which echo of the (lack of) protection of women’s bodily autonomy.

The separation of and emphasis on heterosexual (rather than not-heterosexual) male victims contributes to a stereotype of sexual violation, because it allows for the lack of consent/desire to be presumed self-evident in male rape, and the heterosexual male body that is violated is not considered suspect. But the separation necessary to construct this heterosexual male victim as acceptable has certain consequences. It privileges the violation of some bodies over others, excluding some bodies’ violations from analysis (for example, date rape in gay relationships), and a partial picture is presented as non-partial.<sup>21</sup> This issue of privileging the autonomy of some bodies over others raises questions about how sexualised notions of sexual harm are constructed to support the legitimacy of the victim in sexual assault.

#### Male rape and the construction of sexual harm

The notion of harm has always been problematic for contemporary understandings of sexual assault. Unwanted sexual violation revolves around the concepts of consent and/or force, because there is a myth that the non consenting body will necessarily fight back. Evidence of physical harm is more tangible than the harm done to an individual's corporeal autonomy, or than the impact that the existence of rape has on entire classes of individuals. As I have suggested above, male rape is often portrayed in the literature as at least as harmful, and possibly more harmful than the rape of women, for example because the proportion of reported sexual attacks that are physically violent is greater for male victims than for female victims.<sup>22</sup> I do not suggest that individual researchers working on male sexual assault are acting improperly, but that the discourse on male sexual assault as a whole is developing in a problematic way. In efforts to claim social problem status for male rape, there is an initial bringing together of rape experience regardless of sex, which identifies men as victims of an established phenomenon. Then, there is a separation of men from women, suggesting that men find it a worse, more violent, more stigmatising experience. This effectively privileges the violation of the male body over the violation of the female body, for example in terms of the experience of suffering and the harm of the incident – particularly in physical terms, but also psychologically.<sup>23</sup>

Whilst the tendency to focus on physical violence is understandable in terms of convincing victims they are not to blame, and in convincing others that male rape is a serious social problem, the commitment to an image of male rape as 'violent' risks falling into the same trap as did past debate about the rape of women.<sup>24</sup> The problem with relying on the harm of physical violence and force to circumvent issues of consent is that this strategy only works for victims of attacks that are physically violent. And so, if the logic of 'physically violent equals non consent' is followed to its conclusion, a lack of physical coercion or violence in sexual violation is implicitly (or even explicitly) equated with consent. Whether or not male victims experience a higher level of violence than do female victims, there will be both male and female victims who do not sustain the 'necessary' physical injuries that become associated

with non consent. Either way, a substantial proportion of victims of sexual assault are left with the burden of proof in a system that privileges notions of physical harm as evidence of violative harm (Estrich, 1986). In short, some victims are constructed as less legitimate, creating an unhelpful and gendered and/or heterosexualised hierarchy of harm in accounts of sexual assault more generally.

However, there are problems with assuming that the solution to the problem of male rape is simply a case of applying gender neutrality. Despite the significance of the male rape amendment for many of the debates around gender neutrality and sexual assault, very little detailed attention is given to the *concept* of male rape in the broader literature on sexual assault. An exception to this is the contribution to legal discourse by Rumney and Morgan-Taylor (Morgan-Taylor & Rumney, 1994; Rumney & Morgan-Taylor, 1996, 1997a&b). Their most in-depth work on male rape is a close examination of the justification of the extension of rape law to include anal penetration (1997a) and they argue that the extension of the law did not widen the definition of rape enough (1997b). They challenge the view that rape should be gender specific (in particular, they challenge Naffine, 1992, 1994), and set out the case for gender neutrality. The problem with their approach is that there is too little existing knowledge on male rape to support their arguments, for example that anal and vaginal rape are similar acts that should be treated similarly. Part of this problem is their overriding focus on gender neutrality/specificity. The research they use is the best available on male rape, but male rape is still an emerging social issue. The current research evidence remains largely exploratory, and ill suited to support the claims to empirical reality they use in their argument for gender neutrality in the law of rape. We need to better understand what ‘male rape’ means and the implications for sexual assault more broadly, rather than seeking to contribute to established theoretical debates on the basis of flimsy definitions of sexual harm.

## **Conclusion**

'Male rape' is an emerging social issue, and the academic literature on this topic generally aims to legitimise its status as a significant social problem, as deserving of funds to provide better support for victims. The analysis given above of the existing social research literature on the topic of male rape represents an understanding of male rape as a point of contradiction, a contradiction that is in part reflected in a general shift from a position where the unwanted penetration of the male body was not considered as problematic as the unwanted penetration of the female body (for example in pre-1994 sentencing policies) to a position where the unwanted penetration of the male body is equal to or even more abhorrent and shocking than the unwanted penetration of the female body (in the research discourse and cultural references). One possible explanation for this contradiction is that the meanings of sexual difference, sexual desire and sexual vulnerability have undergone significant change over the past 40 years (such as the explicit challenge to the dominance of heterosexuality), the symbolic significance of male rape (i.e. the penetration of the male body) has therefore also changed. Although male sexual victimisation remains an emerging issue, it seems safe to assume that it is better understood and more accepted than it was 40 years ago; in the context of academic work the shifting understandings of gender and sexual difference identified in the criminological discourse on gender are evidence of the intellectual dynamism of recent years on this topic. The fact that society has changed to become more acknowledging of the phenomenon of adult male sexual assault in the community is likely to have had a corresponding impact on the interpretation of that phenomenon. The shifting cultural understandings of sexuality and their impact on interpretations of sexual assault of men is beyond the remit of this paper, but further research would be of value in unpicking the contradictions highlighted here in our current understandings of the phenomenon of male rape.

The analysis above also demonstrates that whilst the research discourse on male rape has focused on identifying male rape as a social problem, there has been rather less attention given to the theoretical and conceptual understandings that inform the work of those seeking

to establish that legitimacy. As a result, the discourse is theoretically and critically weak, and as key issues such as the conceptual definition of ‘male rape’, and its implications for sexual assault more broadly, are neglected. If definitions are addressed, it tends to be in terms of how male rape can inform existing debates, such as the gender neutrality debate, rather than placing the concept of male rape itself under examination (e.g. Rumney & Morgan-Taylor, 1997a&b).<sup>25</sup> The concepts currently used to explain ‘male rape’ are problematic, resting as they do on rigid understandings of (hetero)sexuality and sexual difference, and creating a hierarchy of sexual harm based on presumptions of physical force and sexuality; such understandings of sexual assault have been recognised as problematic such for some time in other areas (sexual assault literature and embodiment theory respectively). These understandings of sexual assault promote a hierarchy of harm that privileges the sexual autonomy of some bodies over that of others, and in understanding the meaning of bodily violation for different sorts of victims. The representation of male rape in the literature therefore impacts upon all victims (and perpetrators), reproducing problematic definitions of sexual assault. It is not only desirable but essential that those discussing male rape do not repeat mistakes that have already been made by feminists doing research on sexual assault, but learn from them. And of course, feminist research on sexual assault that focuses on the victimisation of women faces problems as the problem of male rape emerges, because male victims do not fit easily with the dominant explanatory frameworks that have been developed. Perhaps the solution is that these two groups of researchers learn to engage with each other, and to accommodate all victims of sexual assault in their investigations.

## Notes

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I would like to offer my grateful thanks to all those who encouraged me to develop this paper, including Elaine Campbell, Sally Sheldon, Kathy Mason, Sharon St Lamont and Phil Shackley. In particular I would like to thank Richard Collier, Ruth Lewis, and the anonymous reviewers for their insightful comments. The research in this paper was supported by an ESRC doctoral scholarship (Award no. R00429734610).

<sup>1</sup> Examples of focusing on women victims include Brownmiller (1976), and Heath & Naffine (1994). Sometimes men are included as victims, for example in Gregory & Lees (1999), but the focus remains with female victimisation.

<sup>2</sup> There are ethical issues about privileging men's understandings of victimisation, but by focusing on men's experiences *as men*, the marginalisation of women's experiences can be avoided (see Owen, 1995).

<sup>3</sup> Occasional exceptions include some feminist accounts that recognise male victimisation but wish to retain feminism's focus on women's victimisation, for example Gillespie (1996).

<sup>4</sup> However, the commitment to quantitative analysis is problematic, as some studies deal with small numbers but still give statistical analyses (for example, Groth & Burgess, 1980, with 22 participants; Kaufman et al., 1980, with 14 participants).

<sup>55</sup> Exceptions to this often involve studies which look at female perpetrators of male victims, such as Frazier (1993), Muehlenhard & Cook (1988), Struckman-Johnson, (1988), and Struckman-Johnson & Struckman-Johnson, (1994).

<sup>6</sup> There are studies that consider the possibility of female perpetrated male rape. This does not currently fall under UK definitions of rape, as UK law requires that the body of the rape victim be penetrated by a penis. The issue of female perpetration of sexual assault is an important one, but here I am concerned with the emergence of 'male rape' as a specific concept.

<sup>7</sup> The term legal is used to convey the variety of literature that contributes to academic discourse in the discipline of law, including not only periodical articles and books, but also legal reports and judgements.

<sup>8</sup> The impact of the 1994 legal change in the UK is more important to all the UK-based literature, than is the case for writers in the US who have to contend with the discrepancies between state laws.

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<sup>9</sup> These three stages in criminology's engagement with the concept of masculinity reflect an existing threefold categorisation of epistemological influences in social research (see Harding, 198a&b; Smart, 1992). Criminology's first stage echoes the way in which gender was factored in to empiricist research; the second stage is similar to feminist standpoint as it attempts to reconcile institutional experiences of gender in relation to an overarching monolithic concept of gender; and the third stage reflects the influence of postmodern and poststructural social thought common to feminist postmodernism, in a more meaningful recognition of difference in relation to gender and masculinities.

<sup>10</sup> The inability to 'see' gender is perhaps a condition of the wider intellectual community at the time, for although gender as a social process was evident in sex-role theories from the turn of the twentieth century, the way in which these informed wider social analyses suggests an understanding of masculinity and femininity in a rather circular way. This circularity in the understanding of sexual difference and gender missed the subtleties of Freud's point that everyone had some masculine and some feminine aspects to their psychological profile (Jefferson, 1997:356-358).

<sup>11</sup> Messerschmidt (1993) draws on a number of diverse sources (such as Connell's (1996) multiple masculinities and Garfinkel's (1967) ethnomethodology to inform his multiple structures approach to masculinity (see Hood-Williams, 2001:40-1).

<sup>12</sup> Such understandings of gender ignore subjectivity, and are identified by Jefferson (1997:539) in the work of for example Messerschmidt (1993) and Connell (1996).

<sup>13</sup> Hollway and Jefferson's (1997, 2000) approach addresses the interpretative power balance between research subject and researcher. In particular, they advocate the use of a more open method of interviewing, and the use of a concept of a 'defended subject' in the analysis of that interview data.

<sup>14</sup> For example, as Hood-Williams (2001:45-6) notes in relation to the value of Butler's (1990) 'performativity' for accounts of social practice.

<sup>15</sup> Many accounts of sexual assault rely heavily on problematising 'masculinity' without understanding the theoretical consequences of this attribution of causality; indeed, 'masculinity' has even been used to account for male rape (see Gregory & Lees, 1999).

<sup>16</sup> Notions of sex difference are crucial to feminist accounts. Smart (1992), for example, characterises standpoint feminism as arguing that women see society more clearly by virtue of their reflexive engagement in the struggle against oppression.

<sup>17</sup> For example, this is true of Lord Ponsonby of Shulbrede who refers to his amendment brought in the House of Lords as related to male rape (House of Lords Hansard, 1994, v556 c63)

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<sup>18</sup> Noting this discrepancy does not indicate a commitment to this definition on the part of the author; indeed, the problem of defining sexualities in terms of the current concepts available demonstrates the inadequacies of current conceptualisations of sexualities. However, as debates usually refer to sexualities in these terms, a limited acceptance of the common usage concepts in relation to sexualities is unavoidable for discussion of these debates.

<sup>19</sup> Whilst it is right to avoid identifying male rape as an exclusively homosexual problem, it is inexcusable to ignore the experiences of non-heterosexual victims.

<sup>20</sup> An interesting example of this tendency is evident in the arena of popular cinema. For example, in his discussion of film, Fowler (1995) identifies directors who are considered particularly challenging; in this category she includes Tarantino's 'Pulp Fiction', partly as a result of his male rape scene. The view of male rape as especially horrific is also evident in the legal sphere, for example in *Richards* (1996).

<sup>21</sup> Although the issue of sexuality and date rape within gay relationships is crucial to how we understand the social problem of sexual assault, the overlap between male rape and date rape attracts attention in only a handful of pieces (for example, Anderson, 1982; Hickson et al., 1994; and Stermac et al., 1996).

<sup>22</sup> Current figures may reflect a bias in reporting, as male victims are generally considered less likely to report sexual assault; amongst male victims, an attack may be more likely to be reported if that attack was excessively violent, thus giving the impression that attacks on male victims are generally more violent. For example: Donnelly & Kenyon (1996) feel it may be harder for a male victim to admit to being sexually assaulted, because of wider societal values; Anderson (1982) refers to the stigmatisation that men suffer, and the lack of support available; Kaufman et al. (1980) identify men as suffering greater physical trauma (although the possibility of skewed sampling is recognised as contributing to this finding).

<sup>23</sup> Similarly, there are comparisons between different categories of women victims. Women who work in the sex industry may be considered less harmed by the violation in sexual assault than other women (see Gregory & Lees' 1999:70-71 discussion of rape charges dropped for victims who are also prostitutes).

<sup>24</sup> For a fuller account of this problem in relation to women as victims, see Smart (1995a). This issue echoes the emergence of other social problems, such as the history of violence against women.

<sup>25</sup> An exception to this is Loizidou's (1999) discussion of male rape, but this account uses the concept of male rape as an exemplar, rather than as a topic of interest in its own right. Her analytic focus

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remains on the development of the role of Judith Butler's (1990, 1993) poststructural work for gender in legal practice, rather than on developing the meanings of male rape.

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