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Special edition:
Sex and Gender in Prisons



Editorial Comment

This special edition of *Prison Service Journal* is a collaboration between the Editor, Dr. Jamie Bennett, and Dr. David Maguire,¹ Honorary Senior Research Associate at the Centre for Education in the Criminal Justice System, Institute of Education, UCL. Dr. Maguire is also author of *Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK*. This edition comprises of articles that are concerned with issues of sex and gender in prisons and wider criminal justice policy and practice.

'Sex' and 'gender' are often used interchangeably, but the terms have distinct meanings. The UK government² defines sex as: 'referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions', that people are 'generally male or female' and that sex is 'something that is assigned at birth'. In contrast, the UK government defines gender as: 'a social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth' and 'where an individual may see themselves as a man, a woman, as having no gender, or as having a non-binary gender — where people identify as somewhere on a spectrum between man and woman'.

The relationship between these concepts has become intensely contested in law, social policy and institutional practice. In particular, intense debate around reform of the Gender Recognition Act, which sets the framework for people to change their legal sex in England and Wales³, with some arguing that people should be able to self-identify their own legal sex, while the Government have maintained that legal and medical gatekeeping provide appropriate checks and balances in the system. There has also been debate

regarding the operation of the single sex provisions in the Equalities Act, which enable organisations to offer single sex services where that is proportionate and justifiable. This has, for example been applied by organisations providing services such as health, and support for survivors of domestic or sexual abuse. The high-profile organisation, Stonewall, has argued that the exemptions in the Equalities Act allowing single-sex services should be removed⁴ and that instead 'gender identity' should be a protected characteristic under the Act. The Government has not supported such calls, with then minister for Women and Equalities, Elizabeth Truss, stating that 'the protection of single-sex spaces...is extremely important'⁵.

This edition of *Prison Service Journal* does not intend to directly intervene in these debates but instead intends to take a more rounded perspective on the salience of sex and gender in understanding the experience of people in prison. The articles explore areas that are often overlooked, including the gendered experiences of male prisoners and the experiences of prison staff. The intention of this edition is to encourage a nuanced examination of how both sex and gender are salient, as indeed is the complex inter-relationships between the material reality of sex and the social construction of gender.

This opening article is Dr. David Maguire's *Failing Men: masculinities and gendered pains of imprisonment*, which draws upon a wider study of the classed and gendered trajectories of men in a local prison in England⁶. Maguire describes how men in prison often project a masculine image and shield their vulnerability, to avoid exploitation. He also examines how the prison constructed idea of masculinity conflicts with the norms in the community, where men in prison are often absent as fathers and struggle to live up to the traditional working-class role, providing material security as family breadwinners.

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1. David Maguire would like to thank Dr. Mia Harris and Dr. Rachel Tynan for their support in reviewing and editing some of the articles for this special edition.
 2. See <https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> accessed on 29 August, 2021.
 3. See Fairbairn, C., Gheera, M., and Pyper, D. (2020). *Gender recognition reform: consultation and outcome*. London: House of Commons Library. Available at <https://researchbriefings.files.parliament.uk/documents/CBP-9079/CBP-9079.pdf> accessed on 29 August 2021.
 4. See <https://www.stonewall.org/women-and-equalities-select-committee-inquiry-transgender-equality>. Accessed on 29 August 2021.
 5. See <https://www.gov.uk/government/speeches/minister-for-women-and-equalities-liz-truss-sets-out-priorities-to-women-and-equalities-select-committee>
 6. Maguire, D (2021) *Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK*. Palgrave.

Kathryn Cahalin, along with colleagues from University of Northampton and NHS England, report a study based on 10 women who received perinatal care while in prison. The significance of this issue established in the opening of the article, which sets out estimates that 600 pregnant women are held in prisons in England and Wales and some 100 babies are born to women in prison every year. The article takes a constructive approach, amplifying the experiences of women, including identifying the positive impact of good quality midwifery and the importance of timely and sensitive support. The research, however, also identifies significant challenges including the practicalities of accessing services from within a prison and also how choices and privacy are inevitably taken from those in prison, so for example they may be accompanied by officers, including male officers, that they do not feel comfortable with and may find it difficult to ask prison staff for help with issues including physical and psychological problems post-birth. Cahalin's article directly addresses the material reality of a significant number of women in prison and performs an important service in giving them voice and encouraging a sensitive institutional response.

Prison leadership is becoming more diverse, with over a third of senior leaders being women. Verity Smith, a senior leader in HM Prison and Probation Service contributes an article drawing upon interviews with 14 women working in senior roles in HMPPS. This article neatly illustrates how both sex, in particular the impact of birth and motherhood, and gender, through masculine norms, interact to create barriers for women. Smith argues that these factors expose a dissonance between the expressed values of equality and the reality of the lived experience of women leaders.

Dr Lucy Baldwin, from De Montfort University, and Dr Laura Abbott, from University of Hertfordshire, are both researchers and passionate advocates for the rights of mothers, particularly those in prison. Their article *Incarcerated motherhood: Reflecting on 100 years of imprisoning mothers* draws upon their own empirical research, but is also burning with a sense of injustice and a desire to push for change. Again, the article shows the interplay between the material

realities of birth and motherhood, with the social expectations placed upon women in society. While Baldwin and Abbott applaud the reforming efforts of some inside and outside of the prison system, ultimately they advocate that alternatives to imprisonment should be sought for mothers.

A more theoretical exploration is offered by Omar Phoenix Khan, a Lecturer at University of Oxford, in his article *Made by men for men? In search of a gender responsive approach to men in prison*. Khan argues that prisons predominantly hold men but that the ways that masculinity is constructed are often taken for granted. In a way that echoes the work of David Maguire from an earlier article, Khan argues for greater attention in theory and practice to the ways that masculinity is understood in prisons and conscious attempts to engage with a wider range of male identities.

The special edition closes with a poignant interview with Marie McCourt, mother of Helen McCourt, who was murdered in 1988. The man who murdered Helen has never disclosed the whereabouts of her mortal remains. Marie has continued to search for her daughter for over 30 years and has also supported and campaigned on behalf of families of murder victims. Marie's story is painful and upsetting but deserves to be heard by people working within the criminal justice system, particularly if they are to better provide justice and respect the rights of the victims of crime and their loved ones. Marie and Helen's stories starkly speak of the reality and consequences of violence against women, an issue that was so much in the spotlight following the murders of the young women, Sarah Everard and sisters Bibaa Henry and Nicole Smallman, in London in 2020, and Sabina Nessa in September 2021.

This edition of *Prison Service Journal* does not directly address some of the current controversies regarding sex and gender in the criminal justice system and indeed wider society. Yet it does attempt to reflect upon the salience of both sex, as a material reality, and gender, as a social construction. Examining the influence and, in fact, the interrelationship of both factors is vital to a rounded understanding of the experience of people in prisons.