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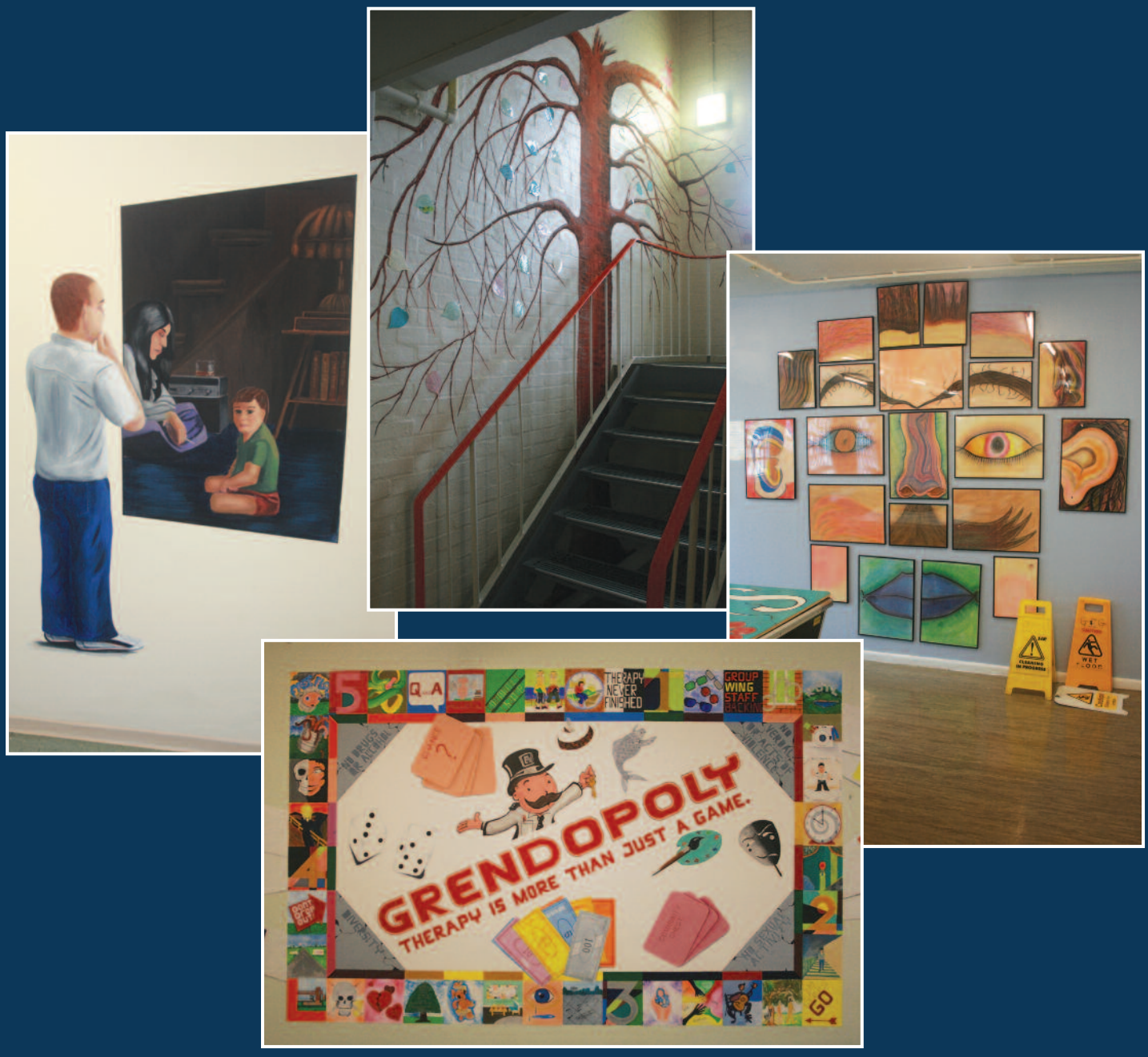

Breaking the Cycle

Masculinity and Imprisonment for Public Protection

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The IPP sentence, now abolished for newly sentenced prisoners, has had a lot of issues during the course of its development. In an earlier edition of the Prison Service Journal, Addicott[1] argued that there are numerous frustrations experienced by IPP prisoners, including a lack of information and legitimacy, feelings of uncertainty and indeterminacy, a disruption to the life course, a loss of independence and identity, and the frustrations of trying to achieve release via the Parole Board. Drawing on theories of 'responsibilization'[2] or the imposition of new pains of imprisonment,[3] the sentence was intended to force individuals to change their behaviours and risk levels as conditions of release. What works surrounding IPP sentences rarely mention however, is the arguably gendered — specifically masculine — heart to many of the frustrations experienced by men, and the impacts such conditions have upon masculine identity. Although note has been made of the damage that the threat of indeterminacy of incapacitation can cause,[4] the implications for gendered identity are rarely theorised. Many would perceive such a shift in risk to impact upon identity, but not necessarily gendered identity. Yet gender is sensitive to external pressures in ways that many other identity markers such as race and ethnicity, are not. For a white man in prison, for example, it is unlikely that his 'whiteness' will be called into question or put to the test, whereas his manliness almost certainly will be.

This article contends that IPP sentences for men actually result in a process of 'gendered risk-shift' — the risks that the offender was originally perceived to pose to the public (which resulted in the imposition of the IPP sentence), are shifted back onto the male prisoner.

Dangerousness, Specified Offences and Masculinity

Consideration of gender and identity is important in the adult male prison estate as prisons are highly masculinised spaces, filled with many men that have often demonstrated their masculinities in socially illegitimate ways in order to merit incarceration in the first place. Messerschmidt argues that 'For many men, crime may serve as a suitable *resource* for 'doing gender''.[5] As such, crime can be a means through which men perform their gendered identities, particularly when other legitimate resources for such gendered displays such as heterosexual relationships, fatherhood, and employment are seemingly unavailable or restricted. The notion of gender being a form of construction and/or performance has been posited by numerous theorists,[6] and has been noted in the prison setting through the corporeal displays of masculinity on, through and by prisoners' bodies.[7] Such performances occur for the benefit of an audience — Kimmel[8] argues that masculinity is enacted for the benefit of other men who in turn grant masculine status and achievement, whether that be self imposed through the male prisoner's own personal gendered identity structures, or more forcibly by the prisoner community within which he lives (including staff and prisoners). As such, prisons are filled with men who have already often displayed the fact that they lack access to legitimate resources for acting out their

1. Addicott, P. (2012) "Frustrations within': Imprisonment for Public Protection (IPP)' *Prison Service Journal*, No.201, May, 24-30.
2. Garland, D. (1996) 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society' *British Journal of Criminology*, Vol. 36(4), 445-471.
3. Crewe, B. (2011) 'Depth, weight, tightness: Revisiting the pains of imprisonment' *Punishment and Society*, Vol. 13(5), 509-529.
4. Jewkes, Y. (2005) 'Loss, liminality and the life sentence: managing identity through a disrupted lifecourse' in Liebling, A. and Maruna, S. (Eds.), *The Effects of Imprisonment*, Cullompton: Willan Publishing; Mason, G. L. (1990) 'Indeterminate Sentencing: Cruel and Unusual Punishment, or Just Plain Cruel?' *New England Journal on Criminal and Civil Confinement*, Vol. 16(1), 89-120.
5. Messerschmidt, J. W. (1993) *Masculinities and Crime*, Maryland: Rowman and Littlefield Publishers, Inc., p84
6. West, C. and Zimmerman, D. H. (1987) 'Doing Gender' *Gender and Society*, Vol. 1(2), 125-151; Butler, J. (1999) *Gender Trouble: Feminism and the Subversion of Identity*, London and New York: Routledge.
7. Sloan, J. A. (2011) *Men Inside: Masculinity and the Adult Male Prison Experience*, Unpublished PhD Thesis, September 2011, University of Sheffield.
8. Kimmel, M. S. (1994) 'Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity' in Brod, H. and Kaufman, M. (Eds.), *Theorizing Masculinities*, Thousand Oaks and London: Sage.

masculine personas, and when in prison, such resources become even scarcer.

Prior to the abolition of IPP sentences in the 2012 Act, Schedule 15 of the Criminal Justice Act 2003 specified particular violent offences which qualified for an IPP sentence — over 150 of them, including manslaughter, soliciting murder and malicious wounding. If, as Messerschmidt[9] argues, criminality is the means through which men who lack access to other ways of doing their gender can achieve masculine status, violence must be the most significant of such forms of criminality, albeit taking into account the fact that certain violent offences may actually undermine masculine credentials, such as certain forms of sexual offence and offences against the vulnerable.[10] Violence is the means through which an individual can demonstrate physically that he can dominate and control others — that he is stronger and more powerful, and often to be feared.[11]

Yet the IPP sentence, by the very fact that an individual must demonstrate a reduction in his risk profile to be considered for release, removes the option of many gendered performances for the prisoner, framing his prison experience through the restriction of options of gendered identity performance. Many signifiers of masculinity in prison become unavailable due to their implications in terms of heightening an individual's risk status. In addition, legitimate options for demonstrating masculinity are also restricted. For example, the Sainsbury Centre for Mental Health found that 'Indeterminacy damages relationships with family and friends, particularly for prisoners with children.'[12] Such relationships enable an individual male prisoner to position himself within a normative masculine familial framework and act as signifiers of masculine self — when these are lost, such an establishment of masculinity and male identity becomes somewhat eroded.

With such limited resources available, many men in prison use other prisoners in order to assert their relative masculinities, often through processes of differentiation in order to assert individuality.[13] This process, in combination with Kimmel's[14] argument that men attain masculinity through and from other men, means that processes of hierarchical negotiation and individual comparison often occur. One manner in which this occurs is through comparison and differentiation according to sentences being served.

Indeterminacy: IPP vs. Life

Comparisons between sentences are important in prisoners' experiences of imprisonment, with processes of differentiation from other prisoners being a central method through which men attempt to negotiate their masculinities in prison.[15] Although life sentences work in a similar manner, there has been a perception of difference between life sentence prisoners and IPP prisoners within the prison estate. When comparing life to IPP sentences, duration is a key difference. Although both sentences are indeterminate and have the potential to be for life, tariffs for IPP prisoners are often considerably lower than those for life sentence prisoners.[16] The initial use of IPP sentences (and the associated problems) tended to include individuals with extremely short tariffs, and even after the Criminal Justice and Immigration Act 2008 there was a 2 year minimum tariff, substantially shorter than many life tariffs.

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It could be argued that the experience of IPP sentenced prisoners is the same as that of life sentenced prisoners in all ways bar the licence conditions — both are potentially for life (despite in reality often being for different durations), require proof of reduced risk to qualify for release, and have a tariff attached — however, it could also be argued that there is another subtle distinction. Both sentences have similar impositions of

9. Messerschmidt, J. W. (1993). See n. 5.
10. Jewkes, Y. (2002) *Captive Audience: Media, Masculinity and Power in Prisons,* Cullompton: Willan Publishing; Bandyopadhyay, M. (2006) 'Competing Masculinities in a Prison' *Men and Masculinities*, Vol. 9, 186-203.
11. Connell, R. W. (2005) *Masculinities*, Second Edition, Cambridge: Polity Press, p83.
12. Sainsbury Centre for Mental Health (2008) *In the dark: The mental health implications for Imprisonment for Public Protection*, London: Sainsbury Centre for Mental Health, p8.
13. Sloan, J. (2011). See n. 7.
14. Kimmel, M. S. (1994). See n. 8.
15. Sloan, J. (2011). See n. 7.
16. Ministry of Justice (2011b) *Provisional figures relating to offenders serving indeterminate sentence of imprisonment for public protection (IPPs)*, Ministry of Justice: London, p2

indeterminacy, and both are imposed for serious offences, yet the imposition of a 'life' sentence has a different resonance to that of an IPP. 'Life' is associated with certain distinct crimes (such as murder) and there is a certain symbolic status afforded to a life sentence that does not seem to extend to the IPP sentence. Indeed, the Criminal Justice Act 2003 which initially introduced the sentence stated that an IPP could be given in cases where individuals *did not* fall into the categories of being liable to imprisonment for life or justifying a life sentence (see Criminal Justice Act 2003, s225(2)). In the same way that there is a perceived difference in seriousness between rape and sexual assault,[17] life and IPP sentences are seen differently by prisoners. Indeed, the Sainsbury Centre for Mental Health found that 'There are serious and volatile tensions on prison landings because of IPP. It is hard for IPP prisoners to live alongside prisoners with fixed sentences who know when they are getting out of prison regardless of how they behave. Life prisoners, who are also being held in long queues for programmes, blame IPP prisoners for the perceived delays to their sentence progression'.[18]

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Finally, the IPP sentence, potentially, is even more challenging than a life sentence — for a life sentence prisoner, they know that this sentence, whether served in the prison or in the community on licence, is for life — there is no escape from this sentence and an individual is able to resign themselves to this fact. There is no such certainty for IPP prisoners, who could — if they change their risk profiles enough — escape from the IPP sentence and, eventually, its licence. This leaves IPP sentenced prisoners in a position of difference, falling neither into the lifer nor determinate sentence identity — both of which are well known and have certain identity markers and expectations ascribed to them. This has the potential to exacerbate the existing uncertainties regarding the prisoner and his identity, as was noted in a piece of research I undertook in 2009 where one of my participants so aptly observed '… *we're not even lifers, we don't know what we are*'.[19]

The gendered state of these anxieties is arguably connected to the hierarchical powers attributed to certain crimes at the expense of others. In the same way that Connell (2005) contends a hegemonic idea of masculinity, with associated *subordinated, complicit* and *marginalised* masculinities, prisoners' offences serve a similar hierarchical positioning function in many instances within the prison estate. Certain offences — such as murder — have intrinsic power and respect afforded to them within the prisoner community (and beyond). Arguably such identity labels applied by virtue of offence-type can be altered and mitigated whilst in prison through other demonstrations of masculinity (and often violence), but the offence a prisoner is serving time for is the easiest means for others to judge the 'type of man' he is, and how to treat him in response. In this way, sentence type plays an important role in the demonstration of one's (gendered) identity to others in the prison. Although not all life sentence prisoners can rely on being granted such symbolic power (sex offenders, for example, are seen very negatively and often fall into the 'subordinated masculinities' arena) the fact that an individual has expressed sufficient violence to be deemed worthy of a life sentence does grant them a different identity to other prisoners. Due to the fact that IPP sentences have been given for a range of offences of variable seriousness (some only being given a 2 year tariff period), these prisoners do not have the immediate masculine power symbol that those serving 'life' are granted, despite them having committed violent offences deemed serious enough by a Judge to deserve an indeterminate sentence. As Kimmel notes, 'the hegemonic definition of manhood is a man *in* power, a man *with* power, and a man *of* power'.[20] The symbolic power of the IPP sentence is diminished through its variable and extensive application. As such, IPP prisoners, despite having committed violent acts, still have the potential to be positioned as subordinate masculinities, putting their gendered identities at risk of being perceived negatively by those granting masculine status (both other men[21] and the individual himself).

17. Kahn, A. S., Jackson, J., Kully, C., Badger, K., Halvorsen, J. (2003) 'Calling it Rape: Differences in Experiences of Women Who Do or Do Not Label Their Sexual Assault as Rape' *Psychology of Women Quarterly*, Vol. 27, 233-242.
18. Sainsbury Centre for Mental Health (2008). See n.12, p7.
19. Sloan, J. (2011) . See n7.
20. Kimmel, M. S. (1994). See n. 8, p125.
21. Kimmel, M. S. (1994). See n. 8.

'Gendered Risk-Shift' and Masculine Identity

Gendered risk-shift, that of the shifting of risk from the public onto the gendered identity of the male prisoner, is subtle. As has been noted, male prisoners are most often sent to prison on an IPP sentence for crimes of violence and sexual offences, which in themselves tend to be highly gendered — either the playing out of masculine dominance and hierarchy struggles with other men,[22] or dominating women.[23] As such, the risks to the general public that these men display are inherently gendered, and it is this gendered dimension of risk that is shifted back onto the male prisoner and his masculinity. When a man is incarcerated, in addition to being immersed within a hyper-masculine sphere in which pressures exist to appear masculine, strong and independent, he is removed from the majority of signifiers of legitimate masculine identity and attributes of masculine hegemony[24] available to him. Instead, he must refer to more limited legitimate sources of masculine identity performance, or — as is often reported from within the prison estate — illegitimate signifiers such as violence, controlling behaviours or other forms of harm.

Where this links to the IPP sentence is in the fact that an indeterminate prison sentence may reduce the risks experienced by the general public, but instead challenges the individual's masculine self. Such subjection to an indeterminate period of limited access to legitimate signifiers of masculine identity performance has implications for how such men can practice their masculine selves, and how they must adapt and change their gendered identities as a result. In addition, the IPP prisoner has even more limitations placed upon his performed gender. Not only are socially acceptable signifiers of masculine self limited, but by virtue of the need to demonstrate a reduced risk of dangerousness to the Parole Board in order to be deemed safe enough for release, the socially illegitimate masculine signifiers (such as violence, controlling behaviours, participation in illegal activities, etc.) become less of an option.

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The Implications of Gendered Risk-Shift

Control is central to the adult male prison experience.[25] Incarcerated men lose control over their lives for the length of time that they are sentenced — their autonomy is undermined and they have restricted control over who they can be as men (and how to go about doing this), who they can associate with, where they can go, and what they can do. For men serving indeterminate sentences, this removal of personal control has implications for their well-being, removing control from the prisoner regarding his life course, how he lives out his identity, and what he does with his time.[26] Within the prison, it has been found that exerting this lost control in other ways is important in men's abilities to cope with the prison experience through imposing control on others, the self and spaces.[27] As such, the indeterminacy of an IPP sentence, the removal of the individual from many elements of control over their release and the other associated implications of the imposition of an IPP sentence in terms of a prisoner's masculine identity are greater than one might initially see.

Schmid and Jones have proposed a model of identity transformation, whereby there is movement from a pre-prison identity to the eventual development of a 'dualistic self' between a prisoner's 'true' identity and that created for the benefit of the prison world.[28] When one ascribes a gendered state to this identity, it is easier to see the problematic nature of indeterminacy — the individual must negotiate a gendered masculine

22. Whitehead, A. (2005) 'Man to Man Violence: How Masculinity May Work as a Dynamic Risk Factor' *The Howard Journal*, Vol. 44(4), 411-422.
23. Adams, P. J., Towns, A. and Gavey, N. (1995) 'Dominance and Entitlement: The Rhetoric Men Use to Discuss their Violence towards Women' *Discourse & Society*, Vol. 6(3), 387-406.
24. Connell, R. W. (2005) *Masculinities*, Second Edition, Cambridge: Polity Press.
25. Sloan, J. (2011). See n. 7.
26. Jewkes, Y. (2005). See n. 4, p366.
27. Sloan, J. (2012a) 'Cleanliness, Spaces and Masculine Identity in an Adult Male Prison' *Prison Service Journal*, No. 201, 3-6; Sloan, J. (2012b) "You Can See Your Face in My Floor': Examining the Function of Cleanliness in an Adult Male Prison' *The Howard Journal of Criminal Justice*, Vol. 51(4), 400-410.
28. Schmid, T. J. and Jones, R. S. (1991) 'Suspended Identity: Identity Transformation in a Maximum Security Prison' *Symbolic Interaction*, Vol. 14(4), 415-432. P419

self, based upon the (limited legitimate) resources available to him within the jail context, which is purely for the benefit of the prisoner community. In addition, he must attempt to maintain a gendered state which conforms to his 'true' and pre-prison identity. Herein lies the conflict — maintaining dual forms of gendered self is difficult (if possible at all). Where men are subjected to indeterminate sentencing, they may be unable to retain their pre-prison masculinities, both in a tangible sense by virtue of their limited ability to maintain and formulate relationships of masculine significance (as fathers, sons, husbands, boyfriends, etc.), and in a more intangible manner through their loss of more symbolic means of legitimate masculinity demonstration such as through employment, clothing, hobbies, and so on. In addition, where individuals are not guaranteed some form of symbolic power and status in the prison by virtue of their sentence — not being 'true' lifers — engagement with a fully prison-based identity, embracing some of the more illegitimate and illegal aspects of masculinity becomes problematic if that individual wishes to progress through his sentence and leave the prison on tariff, with the need to demonstrate a reduction in risk and dangerousness. Often, such dangerousness is actually the means through which the individual has been able to demonstrate his own masculinity in the first place. When one throws in the concept of indeterminacy, the resources available to sustain the pre-prison masculinity begin to dwindle further, leaving the prisoner limited to his prison gendered self in a form of gendered prisonization, yet also not able to engage fully with a prison masculinity due to the potential implications regarding his perceived risk, and subsequent chances of release.

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Conclusions

IPP prisoners have, arguably, already proven their lack of resources and capabilities in terms of legitimately displaying their masculine credentials: the very 'use' of such serious crimes that warrant IPP sentences arguably demonstrates the need for some men to impress their masculinities upon others through physical and sexual violence showing their abilities to control and dominate. These needs are then undermined through the IPP sentence, lacking the symbolic status of other lifers, where individuals lose control over their lives through the imposition of indeterminacy and their lack of abilities to control and own even their own time.[29] As such, the IPP sentence has the tendency to make men choose between two forms of masculine 'self'. On the one hand, the IPP prisoner can adhere to a 'low risk masculine identity' in order to show a reduced risk and greater potential for eventual release from the sentence, but which has the potential not to be seen as masculine within the prison. This can create risks in the hyper-masculine prison sphere where being seen as 'weak' is problematic and imposes risks on an individual both physically and mentally.[30]

Alternatively, the IPP prisoner can prove his masculinity clearly for others. This becomes problematic when one considers the fact that he will already have demonstrated his limited capabilities to do so in a socially legitimate or constructive fashion by virtue of being an IPP prisoner in the first place. It becomes even more problematic when considering that resources for 'doing masculinity'[31] legitimately are inherently restricted and limited within the prison sphere through the pains of imprisonment.[32] In addition, the problem is compounded by the fact that the offending behaviour courses IPP prisoners need to complete before being eligible for initial release are heavily over-subscribed.[33] As such, the IPP prisoner is arguably placed in a gendered bind, having to choose the sort of man he appears to be for different audiences, resulting in a complex state of gendered identity negotiation that many individuals will lack the skills to manage effectively.

29. Sloan, J. (2011). See n. 7.
30. McCorkle, R. C. (1992) 'Personal Precautions to Violence in Prison' *Criminal Justice and Behaviour*, Vol. 19(2), 160-173.
31. West, C. and Zimmerman, D. H. (1987) 'Doing Gender' *Gender and Society,* Vol. 1(2), 125-151.
32. Sykes, G. (1958) *The Society of Captives: A Study of a Maximum Security Prison*, Princeton University Press (2007 edition).
33. Jacobson, J. and Hough, M. (2010) *Unjust Deserts: imprisonment for public protection*, London: Prison Reform Trust.

Although the sentence was intended to reduce risk through the removal of a 'dangerous' individual from the community setting, such risk is merely shifted onto the prisoner and his masculine identity due to the limited means available for him to display his credentials as a 'man' (both legitimate and illegitimate), combined with being immersed in a setting which is highly masculinised with pressures — both from others and internalised through the perceived expectations of incarcerated manhood[34] — to demonstrate one's masculinity. The 'dangerousness' which shaped his masculinity on the outside must be removed, but few resources remain to replace this masculine performative tool. The indeterminate element of the sentence means that engaging with any form of masculine identity is a difficult balancing process, with risk reduction and release being pitted against being able to demonstrate manliness 'acceptably' and according to normative methods within the prison, as well as such uncertainty undermining masculine attributes of control and autonomy. Whereas such implications could be argued to be the same for life sentence prisoners, the actual crime that caused the IPP sentence to be given is perceived to be less serious and the outcome, therefore, less 'justified' (and less easy to 'come to terms with'). The symbolic seriousness that is associated with the title of a 'life' sentence is lost, whilst the implications are generally the same. In spite of being a large number of serving prisoners, these men are, in a sense, in a masculine world of their own.

34. Schmid, T. J. and Jones, R. S. (1991). See n. 28.