

“She was just like a lassie. She was just like one of us. And you never saw her as a man.”

Women

in custody’s experiences of living with transgender people in the Scottish prison estate.

Abstract

There is a wide reaching debate about transgender people, that has particular resonance within prison settings. This study focuses on one approach to managing transgender people in custody, in Scotland, and the implications of this for the ciswomen living within halls also housing transgender people. The narratives of ciswomen living with transgender people in custody until now absent from research and policy discussions relating to transgender people in custody. Findings are clustered around two main areas the *acceptance* and *rejection* of transgender people in custody. This article serves as a corrective to those who claim to speak on behalf of women in custody, has policy relevance and provides unique insights into the complexity of performances of gender within contemporary prisons.

Keywords: Women in custody, Gender in custody, Transgender people in custody, Scotland

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Introduction

Transgender and identities more widely, are being regularly discussed and are contentious issues in society (Elliot, 2016; Beemyn and Rankin, 2011; Cole et al., 2000; Diamond et al., 2011; Flynn, 2001; Jeffreys, 2014; Lombardi, 2009; Moolchaem et al., 2015; Westbrook and Schilt, 2014). Issues associated with transgender people in custodial settings are a prominent aspect of this debate, receiving increasing levels of attention within both mainstream media and within criminal justice organisations internationally (Apter, 2018; Beard, 2018; Knight and Wilson, 2016; Lambie, 2012; Jenness and Fenstermaker, 2014; Jenness and Gerlinger, 2020; Jenness et al., 2019; Pemberton, 2013; Routh et al., 2017; Sumner and Sexton, 2016; Sumner, 2010). This is in response to both increasing numbers of transgender people in society (Beemyn and Rankin, 2011; Nolan et al., 2019) as well as greater numbers of transgender people in contact with the criminal justice system (Apter, 2018; Beard, 2018; Forder, 2017; Gorden et al., 2017; Jamel, 2017; Jenness, 2010; Jenness and Fenstermaker, 2014; Jenness and Fenstermaker, 2016; Jenness et al., 2019; Lambie, 2012; Routh et al., 2017; Sumner and Sexton, 2016; Sumner, 2010).

Despite this body of evidence there is relatively little published research on the views of people in custody who live with transgender people, either in Scotland or internationally. This article seeks to foreground the particular accounts of cis-women¹ who live in custody with transgender prisoner/s. The voices of these women in relation to transgender prisoners are absent from the current debate in both mainstream media and criminal justice organisations, this article seeks to redress this imbalance and for the first time analyses the views of women in custody rather than assuming, or speaking for women in custody about their views on living with transgender people. The debate relating to transgender people in custody is shaped by two opposing positions, made on behalf of women in custody. On the one hand, elements of the feminist movement claim that cis-women are at increased threat of violence due to transgender women being located in female wings of prisons and that female wings of prisons should only house cis-women. Conversely, opposing positions in this debate argue that transgender women should be housed in wings of their lived gender and that efforts to prevent this from happening are transphobic. However, no one in this debate on either side has actually spoken to women in custody, therefore this article for the first time foregrounds views that have previously been marginalised. Ultimately, the ways in which prisons as social spaces might influence both the acceptance and rejection of transgender people has not been explored from the perspective of women or any other groups of people living and working in custody until

¹ The term Cis-women relates to women whose gender identity is the same as their sex assigned at birth

now. This article seeks to fill these gaps in the research around women and transgender people in custody, but from a new perspective foregrounding the views of cis-women.

The management of transgender people in custody

Transgender people are managed in a diversity of ways internationally, with most research on this issue located within the US and in particularly California (Jenness, 2010; Jenness and Fenstermaker, 2014; Jenness and Gerlinger, 2020; Jenness et al., 2019; Sumner, 2010). Within the US context and where there exists research on transgender people in other jurisdictions, transgender people have tended to be housed in halls of their birth or lived gender depending on a range of factors. In England and Wales for example, the Prison Service Instruction on Care and Management of Transsexual Prisoners (PSI 07/2011) dictates that in 'most cases' people in custody must be located according to gender recognised by UK law (the given 'birth gender') or, where applicable, a Gender Recognition Certificate (GRC) which is recognised as legal proof of gender in accordance with the Gender Recognition Act 2004. Therefore, management of transgender people tends to uphold the gender binary within prison settings (Pemberton, 2013). There are relatively few examples of transgender people being housed in specific halls or prison, with one notable exception being a wing of HMP Downview in England being opened to specifically house transgender people.

The management of transgender people in custody in Scotland

In 2014 the SPS introduced a policy relating to transgender people in custody and gender identity

more widely; 'Gender Identity and Gender Reassignment Policy for those in our Custody'.

The policy

seeks to:

...ensure that individuals who identify as transgender people or who intend to undergo, are undergoing or have undergone gender reassignment receive respect and fairness at all times from the Scottish Prison Service. (SPS, 2014: , 5)

Critically, unlike similar policies, the policies and guidance around suitable housing for transgender offenders in Scotland do not require a Gender Recognition Certificate (GRC). Following an individual

risk assessment process, not only would the transgender woman be placed in a women's prison or hall, but she would have access to the same facilities and services as other women. This response is

in accordance with Section 149 of the Equality Act 2010, The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (1:6) which state, 'the Governor must seek to eliminate within the prison discrimination against people in custody on the grounds of gender reassignment'. However, movement between the male and female prison estate is not a foregone conclusion, there are a variety of factors that might prevent this such as offense profile and behaviour in custody.

Critiques of the 2014 Policy

The SPS policy has been subject to some critique, although these critiques have not included empirical engagement with transgender people or women in custody (or more widely male people in custody or prison staff), something that this study foregrounds. Engaging with the assumptions made on behalf of people working and living in custody is used as a means to frame and structure the analysis that follows, particularly in the section of the paper that considers issues of vulnerability and risk.

A 2019 a report by Women and Girls Scotland was undertaken into women only spaces, including prisons. The report raises the issue of transgender women being housed in women's prisons, and it concluded that:

A majority of women (80.9%) were against transwomen being moved to women's prisons. Many raised how this places female prisoners in danger, and how their rights are being compromised by such policies. (Women_and_Girls_Scotland, 2019, 21)

However, this report speaks for women in custody and does not include information relating to the women surveyed, including not being explicit about the class, or any intersectional issues relating to the participants. The report did not survey female prisoners specifically, and states:

It is not possible for our group to survey female prisoners regarding the impact of this policy, so we decided to include a question in our survey to see whether women agree with the policy of housing transwomen prisoners in the female estate. (Women_and_Girls_Scotland, 2019, 21)

These issues of speaking for women in custody as opposed to directly engaging with, what the research illustrates above is a particularly vulnerable and marginalised group, also impacts on another critique of the 2014 SPS policy. Murray and Hunter Blackburn (2019) state that the 2014 SPS

Gender Identity policy does not go far enough to protect the rights of ciswomen in custody. They claim that ciswomen who live and work in prison are put at risk by the policy's protection of the transgender prisoner's right to self-identify as their lived gender:

While concerning the safety and wellbeing of two vulnerable groups, decision-making focused exclusively on the vulnerability of transgender prisoners, to the detriment of both female prisoners and prisoner officers. (Murray and Blackburn, 2019: , 276)

However, the authors have not engaged with female prisoners or staff about these issues. Therefore, the critique assumes that the views put forward by the authors of this paper have the capacity to speak for all women, regardless of social class, sexuality, ethnicity, or lived experience. The findings in this paper explore the central aspects of these critiques – that the experiences of women within the prison environment should be considered when discussing the implications of living and working with transgender women – whilst challenging the assumptions that they represent. This paper illustrates both the acceptance and rejection of transgender people and their transitions by the participants in this study. The diversity of views on living with transgender people expressed by the women in this study subverts the idea inherent in the critiques outlined in this section that all women in custody are aligned to these views, and ignores intersectional influences such as sexuality and class. Additionally, there emerges positive narratives of acceptance, support and solidarity with transgender people in custody, what might be seen as positive impacts of living with this group. This is not something that these critiques consider, given the narrow assumptions underpinning their critique both of transgender people in custody and more critically for this paper relating to the views of cis-women they claim to speak for.

Women in Custody in Scotland

The latest official figures indicate a fall in the average number of women in custody between 2011-12 and 2016-17, followed by a relatively static female average prison population of under 400 women since 2016-17 (Scottish_Government, 2020). At the time of ethical approval (May 2019) there were 379 women in custody in Scotland, equating to 4.6% of the prison population, located in five prisons across Scotland. There is an emerging narrative in the literature around the female prisoner experience in Scotland about the trend of rising number of women entering the Scottish prison system, and the extensive exposure that these women have to traumatic experiences in their earlier life. The Rose Project (Gardiner et al., 2016) highlighted the balancing between the rights of the mother and the need to protect children who are born into the prison environment. They discuss underutilisation of mother and baby units at HMP Cornton Vale, and the need to find alternatives for contact between mothers and children so as to ensure child development. The authors conclude that there could be more done to support pre- and post-natal care within Scottish prisons. The need to shift the focus from the "individual risks" imposed by these uniquely female vulnerabilities,

towards more community-based approaches to across Scotland has been highlighted in research with an abolitionist orientation (Malloch, 2017). In recent research Cowley (2018) analyses the policy discourse relating to women in custody in Scotland, unpacking gendered notions of 'at risk' and 'vulnerable' women within the prison system.

Despite this illuminating body of evidence, until now, no published research has sought the views of women in custody in Scotland (or, indeed, in any other jurisdiction) about living with transgender people in custody. There are no studies that have considered more widely about the ways in which prison might and might not influence women in custody's views on transgender people given that prison is the first time some women will encounter and live with transgender people. The interviews analysed in this paper illuminate a particular engagement and interaction with transgender people and provide an insight into the impacts both of the 2014 Gender Identity Policy as well as wider views on gender and femininity within prison. This provides insights into the further erosion of the extent to which prisons can be seen to be a 'total institution' (Goffman, 1961), as the views of women interviewed as part of this study reflect the diversity of view on transgender people in society (Curtice, 2019). This is significant in a context within which the debate and controversy around the management of transgender people in custody is prominent in wider national and international debates about transgender issues and gender identities.

It is within this policy and research context that this project is situated, a context within which, until now, no one has asked women their views on the management of transgender people in custody, and what the implications of the 2014 policy are for women in custody specifically.

Methods

Complementing an earlier study that analysed the experiences of life in custody for 13 transgender people in custody in Scotland, this study entailed 15 semi-structured interviews with ciswomen in custody. These women were located in four Scottish prisons and all participants lived on a wing that also housed a transgender person at the time of ethical approval. Participants were recruited by gatekeeper prison officers working on the relevant halls. All participants were given the project information sheet and 15 participants gave informed consent to take part in the study. Semi-structured interviews exploring in detail pre-prison experiences of transgender people, aspects of life in prison as a woman, reflections on living with transgender people as well as post-prison 'visions' were conducted with all 15 participants. Transcripts were transcribed and subsequently checked and cleaned, followed by an inductive thematic analysis (Fereday and Muir-Cochrane, 2006) in Nvivo 12.

The sample

This article analyses the interviews with 15 ciswomen participants, equating to a 4% sample of the female prison population in Scotland at the time of data collection. Given the small size of the sample is it not possible to give great detail about the intersectional identities of the 15 participants. Some were highly educated and identified as middle class, others were more aligned to working class positions with limited formal education. All participants identified as white, some identified as

lesbian, some bisexual, others as heterosexual. All were at various stages of their sentence of various lengths, incorporating both short and long-term sentences.

Ethics

All 15 participants have been given pseudonyms to protect their identity. This paper has been member checked (Lincoln and Guba, 1985) as each of the 15 participants were sent a draft of this paper and given a month to respond or ask questions (at the point of submission no responses have yet been received). Contact details of the researcher were provided and a commitment to meet and discuss any concerns in relation to any aspect of the paper was given to all participants.

Positionality

Positionality relates to how people are defined by location within shifting networks of relationships that are subject to analysis and change. As Reinharz (1997) indicates, researchers have multiple identities apart from those associated with being a researcher. Researcher subject positions have a particular set of consequences for prison research (Phillips, 2010). Methodological debates regarding researcher and prisoner positionality have been considered within prison research (cf. Bosworth and Carrabine, 2001; Genders and Player, 1995; Liebling, 2001; Phillips, 2010). Education and associated identities are critically important, particularly in a context in which literacy levels in custody are significantly higher than in the community. Despite the influence of positionality a number of critiques have emerged. For example, Skeggs (2004) considers that positionality/reflexivity represents nothing more than regurgitation of class, and is criticised for providing a simple solution that results in an uncritical understanding of power.

The researcher undertaking this project is a white heterosexual, middle class, cis-male, all of which has profound implications for data collection and analysis. The researcher was at the time of data collection working for the SPS which also had had significance implications on the sorts of data collected and the power dynamics in the research process (Carr, 2015; Maycock, 2018). These reflections on positionality have shaped the ways in which data collection, analysis and writing were approached. At a number of places in the finding section that follows I return to these issues as a means of contextualising the analysis of particular findings emerging in the data.

Findings

Findings are clustered around two main areas, *acceptance* and *rejection* of transgender people in custody. The findings seek to unpack and explore the assumptions made about women in custody's views on transgender people and the possibilities of authentic transitions where participants felt that the transgender person/s they were living with were transitioning for reasons they considered 'genuine'.

Acceptance

Within the sample, three participants were almost entirely accepting of the transgender people they lived with, while for other participants acceptance was contingent on many factors. Moving from the male to the female estate is a particularly challenging time for transgender people, with often

significant apprehension about the extent to which they will be accepted in their lived gender (AUTHOR, 2020). Ella outlines below how she has supported a transgender woman when she first moved to the female estate, giving her advice and accepting her as a woman in a largely all female living space:

We support her and encourage her. When she first came here for a visit, it was me and a couple of my friends that went, we had a meeting and met her, and kind of told her about the place and what it was like. It's been really a positive experience with [transgender woman].

A number of participants held what were very positive views about living with transgender women, accepting them as women into their living space. For example, Lucy states below that she was supportive of the transitions transgender women were taking:

It doesn't bother me in the slightest. You are what you are and what you want to be, if you're not comfy in your body then do something about it.

Lucy goes onto explain why she might have had these views, in that being gay was something that she came to realise she was while she was in custody:

But then again, I suppose, that, kind of, helps the fact that I am gay. I struggled to realise that I was.

There is a sense here that Lucy came out as gay in custody, and as a consequence was supportive of people making other changes while they were in custody too. There is some evidence that prisons can be places of hope and positive change (LIEBLING et al., 2019; WRIGHT, 2020). Alongside associated research with transgender people transitioning within custody (AUTHOR, 2020), here we see these transitions being supported by ciswomen in custody. Ava outlines below how her experiences of living with transgender people gave her insights into the struggle that this entailed:

I think I've got a little bit more understanding of it because you can see daily struggles just trying to fit in, like. So I do think that understanding people's struggle...like, you definitely realise that when you live with them [transgender women] day in, day out., see them every day.

In the quote below, Isla outlines a recurring narrative in many of the interviews of supporting transgender women with their transition while in custody. This again invokes the narrative of fighting to change and be accepted as a woman:

[name of transgender person] has just recently began to fight her journey and go through it with a lot of lassies that are by her side, and it's so positive, and keep her going, knowing that she's got a lot of support by her side. We all love [name of transgender person] to bits.

Here Isla illustrates the support that this particular transgender woman was getting from the ciswomen that she lived with. While the majority of the transgender people that the participants lived with were transgender women, there were a smaller number of transgender men also located in the female estate. The particular challenges that this group faced emerged in a number of interviews. Alison is a keen songwriter and had written a song about and for a transgender man that she lived with while she was in custody. The song itself showed a great deal of compassion with the difficulties associated with transitioning and knowing who you are:

But my song, I'll look out the lyrics for you. I'll get a copy of them. Yes. It's basically the lyrics goes something like he's looked in the mirror and it's looking back at him. He's confused, he's questioning who he is.

Alison went onto reflect more widely on her interactions with transgender people while she was in custody:

I've never had any run-ins or problems with anything. They've been polite, well mannered. I've been in education classes with them. They're funny, do you know what I mean?

Emily reflects below on her experiences with a particular transgender woman, exploring aspects of the transition: physical, hormonal as well as social, and the way that this person was accepted as a woman:

She was transgender. And she's the best transgender ever. She...and she obviously still had her bottom bits and that but obviously she had hormones and that so...just didn't work. And she was just like a lassie. She was just like one of us. And you never saw her as a man. 'Cause she didn't look like a man. She didn't act like a man.

The significance of the acceptance of transgender women outlined in these quotes is wide reaching, and has implications for the ways in which some of the participants viewed risk within their living spaces. For example, Jessica stated:

I know [names of two transgender women]. And obviously they're trans. But I don't feel, like, intimidated or anything or...don't feel like they're a manly presence.

This was particularly significant as in another part of the interview with Jessica, she mentioned that she had been the victim of domestic violence perpetrated by a man prior to coming into custody, and that she felt uncomfortable around men as a consequence. Therefore, viewing transgender women as women and not as 'manly presence' in her hall and not being intimidated meant that she felt safe on her hall. Emma develops this theme below, and again had experiences of domestic violence in the community. Emma discussed perceptions of male staff within this context, which were particularly illuminating for the implications of my own positionality within this project:

I came from an extremely domestic violent situation, and I don't find them scary at all. And I feel safer with them, actually. Whereas, in custody, I find women that have been through domestic violence, and that, you know, it's the officer that grounds, some of these men – oh get back in and talk. And they're scared, they're scared of [male officers] bullying them.

As a male member of staff (although not in uniform), I took great care in the parts of the interviews about male staff and experiences of domestic violence. All participants were given a number of sources of support should they need it. Additionally, as a cis-man undertaking this research, I borrowed on anti-violence work and campaigning I had previously undertaken to discuss such topics with sensitivity. However, I must acknowledge the implications and limitations of being a man and working for the SPS in relation to discussing domestic violence within the prison context with female participants, within a wider context of the problematic nature of 'insider' research in prisons (Marquart, 1986).

Ella added further complexity to the views outlined here, by suggesting that it was cis women that she lived with that caused her more problems than her transgender fellow inmates:

So there's cis people in there that give me a lot more trouble than maybe trans people.

For Ella this was a consequence of being a straight woman in an environment she felt quite threatened in, as a consequence of her sexuality. She went onto say:

I find the lesbian problem a lot more difficult, because it's very open here. If you're a lesbian, you're allowed to go up and kiss at the table, with people, you're allowed to grope them, you're allowed to, you open their door and they're in bed together.

Freya expressed similar views shaped by her heterosexual sexuality, which resulted in her feeling uncomfortable at times:

Some people say, oh what, do you like lassies? And I'm like...and you actually feel sometimes a bit uncomfortable like, maybe a...like, there's only a couple of us that are, kind of, straight.

These quotes illustrate the significance of intersectionality within the prison environment in shaping diverse experiences of life in prison and feelings of risk. A number of the participants went further than supporting the transitions that transgender women were making. They accepted them as women in their living spaces, and they also found the transition, and living with people making this journey, fascinating. Ella, below, indicates that she almost felt privileged to be so close to someone transitioning and becoming a woman in the same space as her:

It's been great, but when [transgender woman] came here, and I was saying this to her last night, what a change, not just physically, but in herself as well, like her attitude and just how

she is in herself, and watching her, you know, change and develop over time. It's fascinating, it's really, really interesting to watch, and because we are...we're as close to her as anybody could be just now.

Within mainstream discourses about women in custody, notions of vulnerability consistently emerge. This heavily influences both prison policy relating to women (Crowley, 2018) and the debate on transgender women in custody (Murray and Blackburn, 2019). However, the notion that women in custody should be defined by *vulnerability* along these lines was rejected by a number of participants in this study. In the quote below Jessica directly engages with these sentiments:

So all women in here are vulnerable is what it's saying. And all transgenders are a threat. Are putting us to threat because we're all vulnerable. No, I think that's shite. Some women are vulnerable. But just because they're vulnerable doesn't mean they're [transgender women] going to pray on them.

A number of participants felt safe *if* they viewed the change that a transgender person was making was authentic and genuine. Emily outlines these feelings below:

Yeah, I feel safe really. Unless you're acting it up and you're not really transgender.

Grace and Alison viewed vulnerability quite differently to many of the participants. Grace considered cis-women more of a threat to vulnerable women in custody than transgender women:

There are some women in here that are more risk to vulnerable women, than a trans woman might be.

Alison below further complicates the notion of vulnerability through foregrounding the vulnerability of transgender people.

But they're not any danger to anybody. And it proves, because they're not violent. Where's the proof? There's none. If anybody is in danger, they're the ones that's in danger from other people's. So they're the ones who are actually vulnerable.

This section provides insights not reflected in the published research so far on transgender people and/or women within the criminal justice system. It outlines feelings of acceptance, empathy and support for the transition journeys of the transgender people that they lived with. It also shows that the acceptance of some transgender women went so far that they were not seen as men and therefore were not seen as a threat. The views in this section have not been reflected in previous research and reporting on this issue (Murray and Blackburn, 2019; *Women_and_Girls_Scotland*, 2019), as a consequence of women in custody being spoken for by people who have not asked women in custody their views on transgender people, transitioning etc. The critiques of the 2014 SPS gender policy are focused on not taking account of the *vulnerabilities* and specific needs of women in custody, but the critiques themselves have not done this and as a consequence obscured the diversity of views that women have about transgender people in custody, as illustrated in this study.

While the acceptance and positive views on transgender people and support for the transition process were a recurring theme in the interviews, the views in this section do not reflect the views of all participants in this study. A number of participants took contrasting positions, being sceptical of the authenticity of the transitions transgender people were making. As a consequence, some felt threatened by what some people viewed as men living within their living spaces, these experiences are more aligned with the critiques of the 2014 policy.

Rejection

A significant proportion of the participants in this study (around half), did not accept or see the transgender people they lived with as their lived gender and often suggested that they should be located in wings within prisons of their birth sex. The rejection of the lived gender of transgender people resulted in many of the participants with these views stating that transgender women should be located in male halls. These views are reflective of wider prejudices within society, despite the majority of people and women in particular support transgender rights (Curtice, 2019). For example, Ellie was quite clear that if you were born a man irrespective of any subsequent transition you should be in a male prison:

I think if I'm being honest with myself if you're...they should be in a man's jail. I think if you're born a man you should be in a man's jail.

The direct association between womanhood and cis-female bodies and the denial of gender has been discussed by a number of feminists (Greer, 2014; Jeffreys, 2014; Raymond, 1980), and coalesces around trans exclusionary radical feminism' (TERF) positions (Hines, 2019). Feminism and gender critical perspectives was discussed by a number of participants. Grace in particular was quite expressive about these issues:

That feminist ideology of trans women aren't women, is still there [here, in prison]. And I think that's what needs to change. Because trans women are women, regardless of the gender they were born with.

Despite Grace's views, a number of participants held opposing views. For a number of participants, the rejection of transgender women in their space was more nuanced and for some related to the stage of the transition that the person was at. This was often in reference to some of the transgender women not having had genital surgery, so had male genitalia. Cath below summaries these positions, in so far as the transgender person she referred to had not fully transitioned biologically:

But I think they've just got strong views on...and because...and I think it is all to do...because she still has all her parts. I've heard a few people talking about it and it is because...and I do think it makes them uncomfortable. A lot of people maybe just don't like it, it makes them uncomfortable. But I think that's to do with...because it's not the full change.

Cath went onto say that her scepticism specifically related to male genitalia, and when the 'full change' was achieved she would be more accepting:

I think it's different when they have the full change, people would have different views. I think...I don't think that would be a problem. I think that's where that comes from, is because they've still got all their parts.

This quote is emblematic of a recurring theme within the narratives of participants who tended to reject the authenticity of the transitions that transgender people were making in custody. This related to the presence of male genitalia, which had a significant influence of some of the participants' views of the transgender women they lived with. Jessica discussed this in relation to hormone treatment that a transgender woman was taking and reflected on discussions about whether this might mitigate the risks that working male genitalia was seen to represent:

I know if people are maybe worried about...if their thing still works or not because there's a lot of talk about, he gets tablets to stop it from working.

Other participants were more sceptical than Cath and Jessica. For example, Hannah was quite clear that she viewed a transgender woman she lived with as a man. As discussed above this person being seen as a man had particular implications for participants who had been the victim of abuse perpetrated by men:

She's still a guy. I don't know if I'm...am I allowed to say all that, right? Still a guy or whatever and I think a lot the girls has...well, a few of the girls within the hall had been subject to abuse as a child so they still saw this guy figure.

Here again my positionality is brought into focus, in Hannah not being sure if she could say what she was saying. In this instance this relates to my position as a member of SPS staff at the time of research. This quote is in direct contrast to Emma's above, who had also been the victim of abuse but responded very differently. This then complicates the implications of experiences of abuse and violence prior to custody on the views on people in custody about living with transgender people.

Ellie was sceptical about a particular transgender woman, who she felt wasn't genuine in her transition, and was transitioning due to being intimidated by going to the male estate:

She was never female before until she hit [name of prison] and then decided that she wanted to be a woman because she couldn't handle it. I think she puts a lot of it on.

A number of participants discussed their experiences of different transgender women who they viewed as men and consequently as a threat due to previous violent and abuse experiences. The

rejection of the lived gender of transgender people was discussed alongside feeling uncomfortable around people they viewed as men. For example, Ella outlined her experiences with one particular transgender woman, who she referred to as man throughout the interview. This person had used inappropriate language and had made Ella uncomfortable:

It's as if that's a genuine option now for guys, do you know what I mean. I'm not saying I'm a prude, but this person sat down, within the first five minutes of meeting him, "oh aye, that 50 Shades of Grey, that's too timid, that's too mild for me." This is a big heavy man... he's a big intimidating man.

The complexities of transitions were discussed by most participants with a range of views on transitions, although these tended to focus on bodily, specifically genital aspects. For Ellie, below, that this transgender women had a penis undermined any other efforts to transition through hormones for example:

If they're maybe going through the change and they're on the hormones and that, but, like, she's still got a fucking willy and all that, do you know what I mean.

Ellie went onto frame her views more widely in discussing other aspects of the transitions transgender women were undertaking, being undermined by the presence of male genitalia:

I don't think that you're fully female still with all those parts and you're not even on the hormones or...nothing like that. It's just you've grown your hair and you've put makeup on and call yourself a woman

Emily continues this theme below, in suggesting that the transitions of transgender people might be an attempt by paedophiles or other sex offenders to access women in the female prison estate. This quote is framed within a context that the transition this person was undertaking was inauthentic:

And I feel like that transgender, that's just an act to get in to a females' jail because awful. And this transgender had been telling the paedophiles, how to get over to female jail, over to the female side. That is one thing I won't stick for, like, a beast to transgender. Don't come over to a female jail when you raped two lassies.

Here, and in the rest of the interview, Emily referred to the transgender people, not by name or he or she but as 'transgender'. The later part of the quote refers to something that would be extremely unlikely with the individual risk assessment that determines the location of every transgender person, with those convicted of sexual offenses located in halls of their birth gender. The fear that transitioning from male to female might enable men who pose a threat to women to move to the female estate was discussed by a number of participants. Ellie was quite clear about her views about a particular transgender woman, who she felt was transitioning for the wrong reasons:

There's a transgender [wo]man. He worked in the...my work party. His views were totally wrong. He wanted to be in this hall because he wanted to have sex with loads of lassies.

It was unclear how Ellie came to this conclusion, or if these concerns were discussed with staff. Freya discusses this below, although Freya seemed more confident in the SPS processes in this regard:

The way I see it is, some of them actually maybe just want round about women because of the nature of their offence and they're wanting...wouldn't, like...that's what worries me. But obviously they wouldn't be allowed over here if their offence was that bad.

There were very limited mentions of sex between transgender people and other people in custody. However, Ellie did discuss one instance where she mentioned that she had heard of this happening:

She's [transgender woman] been caught having sex and stuff in here, and I think that's wrong. Well, supposedly, she had stopped taking her medication for a bit and, supposedly, something had happened.

However, this was not verified by staff or other participants in this study. However, Freya was sceptical of these accounts suggesting that they might be a product of a particular focus on transgender people in custody:

There was a sort of thing about something sexual with someone else, but that's only hearsay and that's not... So, you have that. So, transgender people will have that. Because of the transgender thing, you've got this thing that maybe they will, you know. So, there is a complication there for them in that.

This resonates with studies that have illustrated declining trust between prisoners (Liebling and Arnold, 2012). Emily below discusses the implications of transgender women she viewed as men, not only in relation to the strength that she felt they had, but also in them trying to control and have authority over her. For Emily this felt like a continuation of a controlling relationship she has been in prior to coming into custody. Despite the person she refers to being a transgender woman, Emily viewed her as acting like a man:

And it's been like...aye. And it's been like, well, wait a minute, you've still got that strength and whatever. You're still acting like a man here. Like trying to get like authority over you.

Emily elaborated further about a particular transgender woman, who she felt was inauthentic in her transition. There is a sense in the quote below that this person wasn't trying hard enough to be a particular type of woman:

She was a bit strange and she just...she didn't try to be trans. I feel like it was a bit of an act. Because she had a beard and she didn't try. She basically had a short back and sides and it was just...she just looked awful. And she didn't try cover up her...obviously her down belows or anything like that. She just didn't try. You need to try. And you need to do the work.

This provides a new perspective on research that has analysed the types of women that transgender

women in custody strive to be (Jenness and Fenstermaker, 2014; Jenness and Gerlinger, 2020; Sexton and Jenness, 2016), but from the perspective of cis-women in custody who evidently have particular gendered expectations of the transgender people they lived with. Similarly, Ava expected transgender women to 'make an effort' in gender specific ways in relation to appearance:

She didn't make the effort to appear like a woman at all. She didn't do hair or makeup or anything, so she just looked like a guy who was saying that she wanted to be a girl.

Evidently transgender women need to be seen to be trying to be a woman of a certain type in custody, connecting to research that has explored the efforts transgender women themselves make to achieve certain types of womanhood (Jenness and Fenstermaker, 2014; Jenness and Gerlinger, 2020; Sexton and Jenness, 2016). Several participants discussed transgender people who had transitioned in custody, but who had reverted to their birth gender following release. For example, Isla below outlines her acceptance of a transgender woman in her hall, she reflects on the hurt that this caused given the efforts she and other prisoners made to accept and welcome this person:

We treated that lassie as female. I treated that lassie with the greatest respect. And I always said that, what do you need? And then when [prisoner name] came back and told us that, after she got lib, it really kind of...it hurt. It hurt us, because we tried to help her, we tried to make her feel welcome. I felt personally she was a man wanting an easy escape from the male estate.

This returns to a narrative above relating to a scepticism for the motivation for transgender people transitioning not being authentic, motivated by trying to escape the male estate. Ella shared similar experiences although in reference to different transgender people she had got to know while in custody. This for Ella resulted in a wider scepticism about the transitions of transgender people in custody:

The last one to get out, back living as a man. The one before that got out, back living as a man, while he was in the hall, was telling people, I'm stopping taking my medication because I can't get a hard on. I've not a problem living with trans people, it's living with people who are manipulating the system and pretending to be trans.

For Hannah, below, there was a sense that some people would transition while in custody, then return to their birth gender in the community:

Yes, because we spoke about that after she got out. So if she's gone out and clearly identified as a guy and the chances are if she was to get jail or whatever she'd come in as a guy but want to transition again.

From a different perspective to Hannah's, this again returns to the rejection of authenticity of the transitions of all transgender people in custody. This section has foregrounded the views of the participants in this study, at times in the interviews different influences emerged that shaped these views. Lucy was accepting of the transgender people she lived with, however it was her family that seemed to have the problem with her living with transgender people:

[My] family they really struggle with the fact that I am in here with trans people. It's my brother who actually really struggles with it. My mum as well, but my mum really doesn't get it. But my brother finds the issue that I am woman and I should be in here with just women. That's what...and I think as well because it's a woman's jail, that's the way he looks at it. Me, I couldn't care less; it doesn't bother me in the slightest.

This quote points towards the potential influence of families on the views in this section, that they are shaped by multiple influences and sometimes influences outside of the prison walls.

The bodies of transgender prisoners contributed to feelings of vulnerability for some participants who rejected the authenticity of the transitions of transgender people they lived with, particularly in relation to violent interactions. Freya below returns to the notion of how she sees transgender women ultimately as men with manly strength:

If I was to have an argument with them [transgender women]. Then you would feel at, kind of, risk then. Because that's the strength of a man. Well if it got into a heated argument and into a fight you would be wanting to stop a guy hitting you. I've been hurt by a guy before. I just wouldn't like to get hurt... Well, it's just like a man the now, it's still a man with force.

For Freya this resulted in feelings of risk shaped by her views of the bodies of the transgender people she lived with in custody, bodies with different strength in what could sometimes be a violent environment. She viewed this as potentially a continuation of other hurt that men had caused her previously. Potential and actual instances of violence was also discussed from multiple perspectives during the interviews. For example, Isla below indicates that she was willing to be violent to support a transgender person she had got particularly close to while in custody:

We wouldn't like to see anything happen to her, and then for anybody to...I mean, I would fight tooth and nail for that lassie. And then whether it be mouthy or taking somebody down and giving them anything, but I'm sorry, [name of transgender person] has got a lot...too many lassies behind her back, supporting her.

While Cath, below, rejected the feeling of vulnerability that some participants felt around transgender women. She felt that if a particular transgender woman were to get violent, she would

respond with violence and expect to come out on top:

I don't feel, like, at risk because I know I can look after myself and if she were to start shit I'd probably knock her out.

These views on vulnerability complicate the often simplistic narratives that have tended to be used in reference to women in custody (Crowley, 2018). The views of the participants in this section similarly to the sections on acceptance and rejection are diverse and often contrasting which is important given the prevailing narrative that cis-women in custody are vulnerable. However, data analysed in this section shows that perceptions of vulnerability are not uniform, in relation to both cis and transgender people in custody. This section provides further nuance relating to the views of vulnerability that the participants in this study discussed in relation to transgender people, the role of rumour within prisons has been the focus of a number of projects (Einat and Chen, 2012; Severance, 2005), and this might help to explain some of the sentiments in this section which were not substantiated. Potential reasons for such diverging opinions and the ways in which prison might shape the views analysed above are considered in the conclusion.

Conclusion

The SPS gender identity policy has been subject to a range of criticism. However, these critiques of the 2014 policy have tended to be on *behalf* of women in custody. Consequently, existing critiques have obscured the complexity and diversity of views that this article has foregrounded. Having analysed a range of views expressed by ciswomen about transgender people living in custody, this article raises several questions. Why are there such a diversity of views and what influence does prison as a social space have on these views? There are no comparative studies relating to the views of women in custody about transgender people in custody either in Scotland or internationally. In order to provide some context for the views expressed in this paper, the British Social Attitudes Survey (Curtice, 2019) includes questions that provide insights into wider societal views about transgender people. The latest version of the survey indicates that 83% respondents are “not prejudiced at all” towards transgender people, in contrast to 15% who describe themselves as “very” or “a little” prejudiced”. This suggests that a small minority of respondents to this survey hold what could be seen as transphobic views, resonating with the views in this study.

The respondents in this qualitative study, while not in any way representative of all women in custody, hold broadly similar views to those in wider society, with some participants being sceptical of the transitions that transgender people were making while others were very supportive. This study exploring the attitudes of women in custody about transgender issues questions the relevance of Goffman's notion of the total institution (1961), as the views analysed in this paper resonate with wider societal views, they are not shaped in specific ways by the prison context. It is important to note that there were few expressions of explicit transphobia expressed in the interviews, and if the person transitioning was viewed as authentic, she/he was generally supported. What is unique

about the prison environment is that the women in this study are living in close proximity to transgender people not out of choice but as a consequence of being in prison. The majority of the 15

participants had little previous experience of knowing or living close to or with transgender people before coming into custody. Experiences of initial acceptance and support for transgender women followed by scepticism was formative for a number of participants. Additionally, if a transgender person was seen not to be trying hard enough or trying in the right (gendered) ways, their transition was viewed with scepticism.

This article raises questions about the longevity of the views expressed, are these shaped by and specific to the prison context or are they more permanent? These are questions it is not possible to answer with the data collected, but are areas for future consideration. There has been a range of research that has analysed the impacts of prison after people have been released, going some way to subvert Goffman's notion of the Total Institution (Davies, 1989; Jenness and Gerlinger, 2020; Moran, 2013b; Moran, 2013a). However, little research has until now considered what are the ongoing impacts of prison on the attitudes that have been explored in this article. Isla was serving a long sentence and she didn't expect her views on transgender people to change at all as a consequence of being in prison:

I've got the same views I came in, they always will be, even until I get out in 2041, they're still the same.

While it is unclear if serving a long sentence such as Isla will result in hardened or rigid views, the quote above suggests for Isla at least that there is a limited impact of being in prison on the attitudes about transgender people for some of the participants in this study.

There is clearly a diversity of views expressed by the women in this study about living with transgender people and more widely the extent to which they see transgender women as women or not. The question then emerges of why some women in custody were more accepting of living with transgender people in custody while others were not. A critical factor in shaping this difference is experiences with transgender people in the community prior to custody. The five participants who had known transgender people prior to coming into custody, either socially or within their family tended to be much more sympathetic and positive about living with transgender people in custody. Conversely, participants who had limited prior experience of transgender people tended to be less accepting. This illustrates that the transgender debate even within prison, cannot be separated from the wider debate, and you can see this in the views of these participants on a micro-level, and on a more macro level, the debate which is currently being had about the 2014 policy? This is not a total institution, but a stage on which national (and international) debates are also played out.

Through primary research this study contributes new insights into previously obscured and homogenised views of women in custody, questioning the previous sweeping assumptions about what *all* women in custody feel about the issue of transgender people. Ultimately, the participants in

this study feel intrigued, warm towards, supportive of, vulnerable around, threatened by and intimidated by living with transgender people in custody.

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