

Excursions

Volume 13, Issue 1 (2023) | Outside/rs



Outside/rs 2022

Making Space at the Queer Intersections of Sex and Gender

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www.excursions-journal.org.uk

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Abstract

This essay is a conversation between two doctoral students interested in themes of queer and queering in the prison. We cover issues ranging from LGBTQ+ social exclusion to the housing of trans prisoners within the gendered prison service, all while negotiating our different backgrounds and experiences of the topics. The essay delves into the idea of “change” and the complexities of challenging the prison system, whether that is the old Victorian buildings, the institutionalisation of staff members, or existing prisoners. We reflect upon these challenges from our unique individual viewpoints within academia and as a practitioner psychologist. We introduce proposals for our own individual research projects which both aim to gain a greater understanding of the experiences of queer prisoners within the prison service, expanding upon the previous work conducted mostly within the USA but also more recently within UK prisons.

Keywords: queer; prison; transgender

Kayleigh: I am a PhD researcher at The University of Bath. I’m working on conceptualising an ‘imaginary queer prison.’ My PhD work builds on existing literature that explores the relationship between space, identity, architecture, and the prison. I’m asking questions about the principles of queer abolition, and if/how we can integrate these principles into the imaginary queer prison. This is largely a theoretical project and doesn’t intend to serve as a blueprint for a new prison, but rather, serves as an opportunity to unpack Queer Space theory and explore the relationship between space and sexuality. I’m specifically looking at the women’s

prison and part of my data collection plan includes letter writing with LGBTQ+ identifying people in the women's estate. However, to be as upfront as possible with you, I have never stepped foot in prison and as a result of Covid-19, I am still waiting to do so. My knowledge as a result relies largely on the literature. Prior to my PhD, I completed a BSc in Psychology and Sociology and a Masters in Research that focussed on topics of queer theory.

Sally: So, my experience is the opposite of yours Kayleigh. I am a Chartered and Registered Forensic Psychologist with over 15 years' experience working with people in custody. I feel I have limited experience of research with the exception of modules I was required to complete as part of my qualifications. My interest in LGBTQ+ people in prison started last year, as through the majority of the years working within prisons I had very little known contact with LGBTQ+ people residing in prison. However, in 2021 I was asked to complete a Psychological Risk Assessment with a transgender individual to consider their outstanding risks and intervention needs in preparation for a Parole Hearing. I had not worked with a transgender individual before, so looked into what research was out there to assist me in completing this. Being someone who is used to referring to relevant psychological literature to assist in directing my work, I was very surprised to find there was very little research out there in relation to transgender prisoners. This got me thinking about how we were working more and more with transgender people in prison yet what did we really know about how the work we were used to completing with cisgender males and females (those who align with the sex assigned to them at birth) applied to transgender individuals. I wanted to add to the research knowledge out there and help practitioner psychologists, like me, effectively apply our knowledge and understanding to address risk. I commenced my DPsych at Nottingham Trent University in October 2021 and will be exploring the lived experiences, and perceptions of, trans and gender diverse prisoners residing in the women's prison estate in England and Wales.

Kayleigh: I'm going to start by offering some reflections on the key words that this essay focuses on, 'queer' and 'queering'. I also want to touch on why we are focussing our conversation on the experiences of the LGBTQ+ community and establish where these discussions are relevant in the literature, which will lead us onto our first question.

Queer is a word that has historically been used as an umbrella term for LGBTQ+ identities. Until the 1960s, the term was considered a derogatory word for "homosexual." However, during the postmodernist and poststructuralist rise in the 90s, the word queer was popularised as more than a self-identifying word. The word was effectively reclaimed by a new generation of activists who began the process of "building a more confrontational political formation" (Cohen, 1997, p. 439), effectively turning 'queer' into something that functioned as more than an abbreviation. There has been a rise in the use of the word 'queer' in this sense. We often hear people refer to themselves as queer or to a space or place, a book, or a film as queer. The use of 'queer' in this way can be described as a political tool; it operates to signal defiance of the status-quo. Otherwise, it is about challenging behaviours, rules, and expectations. Throughout this essay, the authors will primarily use 'queer' or 'queering' in its verb tense.

The LGBTQ+ community, for decades, have faced harassment, bullying and brutalising by the police "simply for being on the public street" (Worley, 2011, p. 44). This has resulted in disproportionate amounts of LGBTQ+ people in prisons. Today, we don't have exact figures on LGBTQ+ prisoners, but it's been estimated that around 7% of the prison population identifies within this bracket. The figures in women's prisons appear much higher, with approximately 22% of women identifying as non-heterosexual (Bromley Briefings, 2021). Often, and for a variety of different reasons, people choose not to disclose their sexual orientation and/or gender identity, so these figures are likely to be an underestimation. This, in turn, means that LGBTQ+ issues in prison are

likely to be dismissed under the assumption that there are low numbers of LGBTQ+ prisoners.

We can situate this discussion and issues pertaining to LGBTQ+ individuals and the Criminal Justice System (CJS) within Queer Criminology. Queer criminology is both a theoretical and practical approach that aims to highlight the rejections of queer communities within criminology (Buist and Lenning, 2016). So far, two major works have been published in the field, *Queer Criminology* (Buist and Lenning, 2016) and *Queering Criminology* (Dwyer, Ball and Crofts, 2016). Buist and Lenning's book explores 'queer' people as victims, offenders and as practitioners. Not only does the book examine queer folks' relationship to the criminal legal system, but the book also begins to gesture toward structural and institutional changes that decriminalise and demarginalize queer people based solely on their sexual orientation and/or gender identity. Dwyer, Ball and Croft's book, rather, is a queering of criminology, or in other words, the book bridges the gap between fields of criminology and queer. This allows the contributors to disrupt, challenge and ask uncomfortable questions that can help us "produce new ways of thinking in relation to the lives of LGBTIQ people and the criminal justice processes" (Dwyer, Ball and Croft, 2016, p. 3). Queer criminology, despite it being a nascent field, is a fast growing and hopeful field of critical criminology.

Through our discussions of the overcriminalisation and incarceration of LGBTQ+ populations, we want to use this essay to firstly, demonstrate the fundamental flaws inherent in our prison system and how they disproportionately affect LGBTQ+ individuals; but secondly, we want to encourage our readers to think about 'queer' and 'queering' in this much broader, and potentially transformative sense – much like Dwyer, Ball and Croft intended.

Sally, from the perspective of someone who has extensive experience of working in prison, can you tell me about your understanding of these issues?

Sally: Firstly, I would like to acknowledge that my recent area of interest is on transgender people in prison, so I am conscious of not wanting to suggest that my knowledge in this area applies to all LGBTQ+ people.

Although my experience of working with transgender people in prison remains limited, with those whom I have worked, there was evidence of the impact of societal perceptions of LGBTQ+ people on their path to offending. Be it explicit harassment or more internalised negative views of themselves based upon prejudices of those around them, this led to increased exposure to risk factors such as substance misuse, unemployment, homelessness, etc.

Once within custody, a study by Redcay et al. (2020) identified that transgender people in prison have different needs from cisgender prisoners, which include safety from transphobic violence, rape, victimisation, and healthcare concerns. When considering the application of the Minority Stress Theory (MST) put forward by Meyer (2003), these would be considered unique stressors. The MST was developed to explain health disparities amongst sexual minorities and considered that these are influenced by stressors. Such stressors included experiencing harassment, maltreatment, discrimination and victimisation, based upon an individual's sexual identity. Hendricks and Testa (2012) considered the MST in relation to transgender individuals and identified that the stressors which this minority group experiences, such as increased prejudice, expectation of prejudice, concealment of minority status and an internalisation of social stigmas, can cause poor mental health and an increased risk of substance misuse.

Prisons are gendered establishments, where it is viewed that there are only two genders, male and female, and prisoners are generally assigned to an establishment based upon their sex as assigned at birth. When considering the experiences of transgender people in prison, it is an environment where they experience, what has been termed, 'pains of imprisonment'. Based within the Scottish Prison Service, Maycock (2020) investigated the degree to which prison shapes transgender women's perceptions of themselves as gendered people living within prisons for

men. They built upon work by Sykes (1958) who identified five deprivations which they entitled the 'pains of imprisonment' (loss of liberty, desirable goods and services, heterosexual relationships, autonomy, and security) to summarise the painful implications being imprisoned has on individuals. Maycock considered which 'pains of imprisonment' were relevant to transgender people and identified issues such as the pains of being in the wrong establishment and in the wrong clothes, experiences of stigma, discrimination and exclusion including the threat of violence, isolation, and the pains of transitioning within custody.

This is one example of how a key governing principle of the prison service, sex segregation, is fundamentally flawed. Sex segregation initially occurred in the nineteenth century to reduce female prisoners being able to tempt male prisoners into inappropriate behaviours, such as sexual relations. More recently arguments were provided for sex segregated prisons as a means of protecting women from risk of violence and sexual abuse by male prisoners (Newburn, 2017). Sex segregation therefore provided a solution to the belief that there should be no sexual contact among prisoners. This continued sex segregation reinforces the assumption that prisons are a cisgendered, heteronormative space. However, this assumption is clearly outdated. From my experience of working within prisons the diversity around sexuality and gender is evident on a daily basis.

What kind of questions does 'queering' the prison raise? And can you tell us a little bit about where these ideas come from?

Kayleigh: Really interesting reflections Sally, particularly about the heteronormativity inherent in a sex-segregated space – I'll come back to this in a bit. And yes, of course. I will start with a bit of history around the idea of 'queering' and then we can talk about some of the broader questions it raises.

The ideas of queer(ing) space are commonly traced back to the emergence of queer(ed) spaces in the US circa the 1960s. The LGBTQ+ community in San Francisco's Tenderloin district came together in their

efforts to protect the queer youth of the city, who at the time was facing an epidemic of homelessness. In doing so, the first Gay Liberation organisation in the United States was born under the name Vanguard. Despite organisations like Vanguard, police officers continued to resist, harass, and abuse the queer youth of San Francisco. Every so often, the San Francisco Police Department would ‘sweep’ the known ‘gay neighbourhoods’ for gay men and transgender women. As a direct response to this, Vanguard organised a “street sweep” of their own, carrying brooms and handwritten signs in protest. By performing the act of sweeping the streets, the community were actively resisting their label as ‘trash’ and began reconfiguring the street space as a queer space. So, we can see that queering in this instance meant challenging the assumed nature of public space as heteronormative space. These ideas are replicated in numerous spaces (bars, public spaces, neighbourhoods, even entire districts of cities). Ultimately, to ‘queer’ something is to challenge the otherwise assumed, natural state of something and to offer an alternative version.

As you mentioned Sally, prisons are sex segregated institutions. However, prisons are also culturally heavily gendered. We have seen the introduction of gender-sensitive approaches over the last few years in the women’s estate. These approaches are being sold to feminists and reformers as ‘progressive.’ However, many academics highlight that these approaches are problematic. Introducing new ways of keeping people in prison that do not necessarily belong in prison only expands the prison estate. Further, gender-sensitive approaches offer little consideration of how identities intersect, particularly ignoring racial and sexual identities.

Now, the relationship between space and identity is complex but it is not difficult to imagine why an environment that is architecturally and culturally ‘feminine’ might prove to be limiting or an excluding site for some people, or indeed, why a cis white and heterosexual woman may experience this space differently from a Black non-binary person. Firstly, not everyone in the women’s estate will identify as a woman (trans and non-binary folk exist in the women’s estate), and not everyone in the

women's estate will identify with the 'normalised'/'heteronormative' assumptions tied to cis, white, straight femininity that shape these 'gender-sensitive' approaches. Now, to circle back to the original question about what questions arise from 'queering' prisons – Sarah Lambie (2022) makes the point that where to house people isn't the problem of trans folk – this is a problem with prisons, and indeed why so many LGBTQ+ people find themselves in prison. We can say this about other issues relating to the overwhelming negative experience of prison. So, rather than trying to 'fit' LGBTQ+ prisons into existing operations in prison – why not go straight to the source itself and challenge the broader prison system?

And this is what queering is all about. We can't forget about the issues that LGBTQ+ prisoners face, but we need to better understand and dismantle the root causes that allow them to experience this in the first place. I think both of our current research areas speak to this tension between engaging in research with prisons but holding a much broader aim of challenging the system itself.

How do you think your work can speak to this idea of 'queering' the system?

Sally: The aim of my research is about exploring the experiences of transgender and gender-diverse people, i.e., non-binary or gender fluid, residing in the women's prison estate. Therefore, in consideration of your question, my aim was to use the data generated to, in part, focus how we can queer the system. As a practitioner working with people in prison, I would like to gain a greater understanding of how the work I do can be more relevant to LGBTQ+ people, ensuring their individual needs are being met. This includes offering psychological advice on how to 'queer' the environment in which they have to live.

However, the more literature I read around LGBTQ+ people in prison, the more it feels like we are trying to find solutions to a consequence of a greater societal issue. And although this doesn't just

apply to LGBTQ+ people, as we acknowledged earlier in the paper, this minority group are overcriminalisation and incarcerated.

Kayleigh: I think it's a difficult line to tread between right. I think we need to – and by we, I mean all people engaging in work on prisons, but particularly those interested in LGBTQ+ issues – be careful we are not perpetuating the very thing we want to dismantle. In some spaces, I can be the most radical person in the room, and in others I'm the least radical in the room. It's a fine line at times. Are you worried that by focussing on how to make the environment more 'queer', you are simply finding ways to continue imprisoning large portions of the LGBTQ+ community?

Sally: That's a really difficult question to answer. I think what you have raised there sits very uncomfortably, morally, with me. I started my DPpsych journey with the intention of exploring how prisons are/can support transgender and gender diverse people more effectively. However, through engagement in this Essay in Conversation with you, Kayleigh, I am realising the issues are much bigger than this.

With my practitioner hat on again though, I reflect upon how I have worked with some high-risk people in prison, and although it would be amazing to consider a society where prisons are no longer needed, this is a difficult concept for me to imagine. In the more immediate term, when we do still need to protect the public from some high-risk individuals, I would argue for changes to the system to make these institutions more supportive and relevant to all.

However, when changing things, especially within large institutions such as the prison service, these changes are going to be multifaceted. I suppose one of the first things to consider would be where does this change start? The prison population as of December 2021 was 79,092 (Prison population figures: 2021 – GOV.UK (www.gov.uk)), with all prisoners currently residing in an establishment which is designed around the gender binary. We can explore how to 'queer' prisons, considering factors such as the architecture, an area I know you are

interested in Kayleigh, as well as the services which could be available/brought into the prison. But generally, it is going to be the same people residing and working in these prisons, people who come with their own experiences, attitudes and expectations of prisons. Many people, i.e., long-term prisoners and staff, may experience elements of institutionalisation; they know how prisons have/are run and may be resistant to change.

Attitudes by staff and prisoners are not just in relation to change, they will also be influenced by the attitudes they hold towards queer people. Research within the USA, for example Brown and McDuffie (2009), Lara (2010), White Hughto et al. (2017) and Routh et al. (2017), identified that there is a need for staff training on how to work effectively with queer prisoners. Queer prisoners' experiences, as discussed throughout this paper, are influenced by the attitudes of those around them. This is one area I want to explore more within my DPpsych, to consider what the perceptions of prison staff are regarding transgender and gender diverse prisoners and how this may affect the prisoners' experiences of prison. It could be argued that such training and tackling of prejudice would also be beneficial for people residing in custody. It is not simply prison staff who influence the lived experiences for LGBTQ+ people in custody, but also the attitudes and behaviour of other prisoners with whom they live on their residential units and engage with around their establishment. An issue to consider when exploring the options of training is ensuring it is fit for purpose and does not risk either not fully addressing/challenging prejudices and negative attitudes or is a token offering.

Kayleigh: I think you've made some good points about the cultural aspects involved in change. I do firmly believe that architecture and the design of spaces can have a profound impact on us, our built environment shapes how we think, feel, and do. However, similarly, I would argue that you could be housed in a 5-star hotel, but it is still a prison at the end of the day. I think there is a lot of merit in exploring staff perceptions

around issues pertaining to the LGBTQ+ community, but there's also research that would suggest that a blanket training programme (1) simply isn't enough and (2) reinforces stereotypes and homogenises these groups further.

Like I said before, the temptation is often to start thinking about building new, 'better' and more well-informed prisons when we are talking about change. But I think it's important that if this change is rooted in queer space ideas, it doesn't involve adding to or expanding the prison complex. If we start building 'queer informed' prisons we will ultimately fill the empty beds and increase the prison population and this again, will disproportionately negatively affect the LGBTQ+ community and allow the prison-industrial-complex to grow.

Sally: Filling empty bed spaces is a big worry and something I have experience of when working in therapeutic environments. The problem that I struggle with is the conflict between wanting to make things better now, in the short term, for LGBTQ+ people in prison. But risking this taking away from the bigger need for societal change. The questions I regularly ponder are whether talking about change and using my research into lived experiences to potentially support a need for change, reinforces the use of prisons in society. Or whether we can't ignore that something can be done in the short term, despite the arguments for long term radical change. I would suggest that what we need to be doing is approaching both of these approaches at the same time. Making life for those in prison better, whilst also addressing the issues within society and the wider CJS which influence the overcriminalisation and incarceration of LGBTQ+ people. But is this possible or a pipe dream?

Kayleigh: No, I don't think it's a pipe dream. There's lots of fantastic resources and examples of what abolition looks like that doesn't require slow or paced change and instead takes a much more radical approach that conquers larger societal inequalities. Real interventions such as basic minimum income, abolition of inheritance and a different tax system are

just a few of the steps that would begin this process of creating a more equal and fair society. It's about more than just getting rid of our prisons; it's about fostering human wellbeing and protecting people. In that way, the prison isn't an isolated tool here – it's part of a broader, system that feeds on the vulnerable and is maintained by the powerful. Now, yes, maybe some sort of criminal justice system is needed but why are we so determined that it must be in the form of prisons? There are literally hundreds of alternatives to prisons that could be drawn upon.

Sally: I'm interested in how this all fits into your PhD, Kayleigh, as you say you are exploring how/if principles of queer abolition can be integrated into an imaginary queer prison. Can you tell me more about that?

Kayleigh: Yes, so the conceptualisation of the imaginary queer prison is a fictional one – but I draw upon autoethnographic accounts of the built and social environment of queer spaces as well as the letter writing process that I am currently undertaking with LGBTQ+ individuals in the women's estate. A queer prison is a prison that doesn't exist; it's a paradoxical task that I'm working on (hence the fictional elements). But what I am hoping is that it draws out is some insight into what the limits of queer space principles are and what the future of the prison should and shouldn't be – with specific comment on 'queer informed' approaches. In terms of integrating principles of abolition into the imaginary queer prison – the imaginary queer prison almost functions as an abolitionist task in itself. It's a way to reimagine and challenge existing structures and offer a version of justice (whatever that may be) that, at its heart, is about protecting and supporting all people.

I think, on that note, we just want to reiterate to our readers that 'queer' and 'queering' are truly transformative political tools that should not be taken lightly, and they are inherently tied to these ideas of abolition. However, I also want to say that Sally, this conversation has been

illuminating and your practical experience and expertise has been incredibly helpful throughout. You have helped me reflect on how change occurs from the 'inside' and of course, some of the fears and challenges around that. I really look forward to seeing what comes out of your Dpsych research.

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