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"*Last Resort?*": Women prisoners, community and penal policy

(A Community Prison System for Women: Exploring the Issues)

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ABSTRACT

This study develops a critical account of contemporary debates on gender, punishment and community based upon qualitative research with fifty women prisoners carried out in the mid-1990s and a demographic profile of the women's prison population in autumn 1993 based upon previously unaggregated data from the Local Inmate Data System. The proposed move towards a community prison system triggered the study and prompted a critical investigation of women's experiences of community in terms of social and family networks, their responsibilities for others, and the impact of neighbourhood and material conditions before prison. The study develops an account of what happens to social networks during imprisonment and examines the way that social support both shapes and is shaped by the experience of imprisonment and the nature of custodial punishment. The study goes beyond the women's experience of punishment to explore the implications of gendered and universalist theories of punishment, engaging critically with essentialist notions of gender and with the development of postmodern penality, finally proposing that a critical modernist perspective holds greater potential both for reform and for establishing and maintaining a penality based upon first principles of punishment which are rooted in notions of citizenship.

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¹Spelman (1988:159)

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INTRODUCTION

A MEASURE OF LAST RESORT?

"There isn't enough female prisons, but community prisons aren't the answer, and neither's not putting people in prison, you know, but prison should be a last resort rather than a first." (Harriet, serving life)

Introduction

In one short sentence the entangled nature of debate about the punishment and imprisonment of women is encapsulated and several complex ideas about the nature of imprisonment and punishment are expressed: the difficulty of separating operational issues - of how many prisons, located where, what sort of prisons - from the *ethos* of punishment; the search for some sort of 'answer' to perceived injustices in the way women are imprisoned; the place of imprisonment within an overall system of punishment; the point at which (if ever) imprisonment is merited rather than unjustly imposed. Essentially these are some of the key issues that this study will explore. Implicit in the opening quotation are also the underlying questions of what happens in women's lives before imprisonment, what are their routes to imprisonment, where and how might those routes be re-channelled - away from imprisonment, away from punishment, perhaps even away from crime. In whichever society we care to analyse - the women who are routinely imprisoned will largely be drawn from the most vulnerable women in that society (Stern, 1998).

Women prisoners are often conceived as women who exist outside mainstream society. The first modern, critical account of a British female prison population was Carlen's (1983) portrayal of the imprisonment of young women drawn largely from the very bottom of the social structure in Scotland's socially estranged places. She portrays a culture of hard men combining with the abuse of alcohol, grinding poverty and worklessness to entrap women in a tight web of gendered social control where strictly prescribed gender roles were brutally enforced both informally, within families and formally, "outwith" families. The courts and the prison dealt with women who overstepped the line drawn between appropriate and unacceptable female behaviour, and in particular those who strayed from 'good-enough' mothering (Winnicott, 1964). As a result of Carlen and others' work the women at greatest risk of imprisonment are now recognised as those who are the least tied in to the social control mechanisms of family, church, patriarchally defined gender roles and 'good-enough' mothering. At the extreme in these accounts those deemed beyond help are mopped up by the courts, routinely imprisoned - prison as a first resort for women of last resort. Ironically the arbitrary malfunctioning of the sentencing system means that any woman before the courts is at risk of imprisonment and hence the whole question of justice in penalty cannot be divorced from the specific shape and nature of women's imprisonment.

The specific focus of this study is to interrogate the role that ideas of community play in criminal justice policy for women prisoners, with particular reference to community prisons. However, in doing this, inevitably, and to establish context I am drawn onto

wider territory. It is clear that the concept of 'community' is being used once again as a tool for the construction of social and penal policy (Hughes, 1996) even if the concept had been largely neglected of late (Crow and Allan, 1994), reduced to 'location' and resource by the right as it sought to hive off state functions (Green, 1996) and dismissed by the left as "epiphenomenon" to the real business of class analysis (Blagg and Derricourt, 1982:18). The belated response of the left to communitarian discourse of crime-ridden and crime-targeted communities, and the coerced nature of the relationship between the citizen, the state and the collective has begun to re-theorise the concept (Pitts and Hope, 1997) and brought the issue of community back into the mainstream of sociological and social policy debates from its sidelined position as the site of community care and community safety policies and the preserve of right-leaning communitarians (Etzioni, 1994). The focus here is upon women prisoners, and their relationship to their communities of origin, mediated through the once-proposed network of community prisons for women.

The shape of the study was informed by my experience of working in a women's probation hostel run by a large urban probation service in the early 1990s. The opportunity for three year research funding from the Nottingham Trent University coincided with the development of plans for a network of community prisons and the consideration of how this principle might be applied to women prisoners. The suggestion of this as an appropriate focus for a PhD thesis came from Home Office sources and was fleshed out with Christine Wilkinson at the time of her involvement with the Home Office funded 'Managing the Needs of Female Prisoners' Study (Morris et al 1995). The eventual thesis has a much broader remit than this initial policy-

driven focus with a gradual unfolding of the way in which community might come to be at the centre of the study. The focus on community as a theoretical concept in need of interrogation was triggered by reflection on the circumstances of the women who passed through the probation hostel. They and the women prisoners who took part in this study spoke of and depended on family and close social networks rather than the amorphous notion of 'community' or social capital of communitarian theories (Commission on Social Justice, 1994). Although the overt focus of the study is community, the terms of the study are defined and modified in response to the women's concerns, needs and priorities.

The rationale for the study

Punishment in the community: a women's probation hostel.

The starting point came in autumn 1992 after two years working in a probation and bail hostel for women and their dependant children. Women at the hostel were either on bail or had been convicted of an offence and received a disposal of a residential probation order - one of a range of community-based sentencing options available as a direct alternative to a prison sentence. Dependent children were accommodated with their mother at the hostel. Additionally, a small number of women, who would otherwise be remanded in custody, were bailed to await trial at the hostel where they could be reunited with children, often for lengthy periods leading up to a court case.

The staff team worked with the women to deal with the consequences and disruption

caused by even a short period of custodial remand. Once convicted, a woman could serve her sentence in this community setting rather than in prison, although often at a long distance from their family and community of origin as this was a national and isolated example of such provision. With a national shortage for women of bail beds, residential probation placements and community service schemes, options for community sentencing were limited and reached a plateau even as the ideology that 'prison works' began to grow. If prison was to work then why not allow it to 'work' for increasing numbers of women?

It might be expected that women passing through an 'alternative to custody', such as a probation hostel would have little experience of prison. Conversely, many had served previous custodial sentences. Almost all came to the hostel directly from a bail hearing at court following a period of custodial remand. Some had been remanded in custody for months, separated from children before being bailed and having their children re-join them at the hostel.

Most women remanded at the hostel up to the time of trial received a non-custodial sentence, many received a residential probation order at court and returned to the hostel for the duration of that sentence, with no remission for time spent on remand. The hostel was officially a probation service disposal for women facing custody as a result of the serious nature of the offence they were charged with or because of a long history of recidivism, but it can almost go without saying that as women are routinely remanded in custody for first and or petty offences the women who came to the hostel on bail also included women who should not have been at risk of imprisonment, but

who nevertheless stood a better chance of a non-custodial disposal for arriving at court from a hostel rather than prison.

It was clear that many women had been isolated in custody during a period of remand. Some had seen little or nothing of their children whilst on remand. Few had settled, supportive families waiting for them in the community. Women at the hostel, whether on bail, probation or coming out of custody, frequently faced poverty and debt, inadequate housing or homelessness and the problems of being reunited with children after a period of absence. Clearly not all of this may be described as the *result* of imprisonment - but it does indicate the material conditions of women's lives - before, during and after their experience within the criminal justice system. I wanted to look further at issues that related to women's imprisonment and which were raised by this experience.

Women in the system: what rationale for punishment?

Why do we punish? Why do we punish in the way that we do, why do we punish at all? It is possible to open up the issue of punishment to such an extent that even the most fundamental assumptions of the right of a humane society to punish transgressions of an agreed legal and criminal code crumble and vanish when held up for close, philosophical inspection. The analysis of penal theory takes place on a number of different levels which are explored at a later point. The issue of punishment for women can be located on each of these levels, subsumed within the broader debate about punishment of any citizen by and within their society. However,

there are the beginnings of a move to separate out the issue of how and why women are punished (Howe, 1994). This forms the logical next stage of a broad feminist project to question the adequacy of an avowedly gender-blind approach to issues of crime, justice and punishment, a claim consistently undermined by the investigations of sentencing practice and the analysis of data relating to apprehension, arrest rates, convictions and sentencing of white women and both black men and women in court (Hood 1992).

Once the claim to a fair and just sentencing practice is undermined then a humane society must reflect upon and interrogate how and why it imprisons the people it does - to what ends and from what theoretical basis. A humane society should assess this continually. A purposive, forward looking penal code should be reflexive and aware of the social circumstances underpinning the lives of those who are processed through the system. Western democracies have largely rejected the validity of a Rawlsian veil of justice, the proceedings of the judicial system are explicit but fuddled. In Britain, case law accrues, building on what has gone before. The practice of sentencing in the British criminal justice system has a number of checks and balances inbuilt. Despite recent inroads as a result of the Crime (Sentences) Act 1997 most sentences remain discretionary; premised upon the disclosure of personal and circumstantial information to the court at the point of sentencing, and the mediation of a state probation service (at the point of sentencing for a not-guilty plea and earlier in the case of a guilty plea). Thus the principle of some form of proportionality of sentence to the offender's circumstances is built into the system for most offences and most offenders. However, when the parlous state of individual prisons (Howard League

1996) or sections of the prison system exacerbate the nature of the punishment, the experience after the fact of sentencing - then accident and misfortune take over. The effect of imprisonment is little known though increasingly explored. Rising rates of recidivism suggest that it is broadly ineffective in a deterrent function (Home Office 1999b) despite Murray's (1997) broad-brush contrasting of the US and the UK to effect the opposite claim. The rationality of penal policy is open to question if it is neither forward-looking nor effectively rehabilitative, unless simple retribution is the only goal. Neither is it progressive and humane when individuals are processed through the criminal justice system, and returned to society in ignorance of their circumstances as a result of previous imprisonment, their responsibilities and the impact of prison upon them (and those within their circle of influence) or when conditions are allowed to deteriorate to the point of condemnation and boycott by the Prisons Inspectorate (Home Office, 1997a, 1997b).

Community prisons: community 'out there' and inside.

At the beginning of this study in late 1992, the idea of a 'community prison' network was firmly on the British penal policy agenda, adopted as official Prison Service policy in 1993 (Home Office, 1993). The initial task appeared relatively straightforward: to question and problematise the apparently unquestioning adoption of this policy for women prisoners. The policy had been formulated in response to riots within the male system, with no consultation within the female prison estate or with women prisoners.

I anticipated neither that the specific issue of 'community' prisons for women would so

quickly disappear from the penal policy agenda, nor that in the late 1990s so much of the broader political and penological agenda would be focused on 'community'. Paradoxically one waned as the other waxed. Although we have not, to date, seen the large scale reorganisation of the prison estate along the lines set out in the early 1990s, the language of communitarianism has proliferated across the political spectrum in relation to crime prevention, delinquency, social control, social exclusion and inclusion. 'Community' has joined 'family' as an ever-present watchword, both for the social cohesion and self-sufficiency presumed lost (Green, 1994), and as the solution to the social problems besetting "Britain's dangerous places" (Campbell:1993) where women are represented as the social glue holding things together against the odds.

Community for Women Prisoners

Looking more widely, the female prison population as a whole is largely urban in origin (see Chapter Three). The women prisoners who took part in this study, for the most part, came from Campbell's (1993) "dangerous places" within these urban areas and would return there after custody. If a progressive penal policy for women is to emerge then realism about the context of women's lives outside of prison is essential. The conditions of women's lives prior to imprisonment impacts upon their experience of prison, and structure their lives on release.

The discourse of community, adopted by both left and right in Britain, has been applied to penal policy, to community regeneration, to issues of morality and social

control. Each shapes the direction and focus of debates about criminality, penalty and penal policy for women. Women's lives are clearly shaped by and within the broad social and economic context within which penal policy is formulated. 'Community' is as broad and loose a term as family or morality and must be further explored and problematised if it is to be of any theoretical or practical application in penal policy for women.

"Why study women's imprisonment?"

With this question, Carlen (1994) admonishes criminologists for allowing the broader discourse of social control to obscure the unique hardship of imprisonment, for underestimating the punitive impact of imprisonment. At an early stage of this research a colleague pre-empted this rhetorical question by asking me a genuine question of their own, 'why was I focusing on women prisoners when they were so few in number?' This was a useful challenge: why, apart from the usual feminist concern to keep women on the agenda?

Women do form a small minority of the British prison population, typically 3-4 % rising to 4.8% in 1998 (HMPS, 1999). They numbered around 1700 in 1992 at the start of this research, growing exponentially to 2500 in 1996 and over 3000 in 1998. Women are a small minority of those who pass through the British Criminal Justice System per se, but this is to consider only the surface of the issue. If we think in terms of 'facts' and not, as Klein (1983) urged, in terms of process, then this area will merit, and has received, considerably less attention than the question of male imprisonment. If

however, we think in terms of the *process and outcomes* rather than the fact of imprisonment, then the significance of imprisoning women looks somewhat different.

The numbers affected are not just those women who are in prison at any single time. The experience of imprisonment can have a permanent impact; it can turn lives around. The numbers of women (and their children) continue to accumulate, month by month, year by year. Women have fewer sources of support in prison than men (Dodd and Hunter, 1992). The majority of women prisoners are mothers (Caddle and Crisp, 1997). The children of those who are lone parents lose their main or only carer for a time and the burden of childcare must usually be shared out amongst the wider family (Dodd and Hunter, 1992; Caddle and Crisp 1997), the experiences of some women in prison scar them for the foreseeable future if not for life (Carlen 1998). As with all groups of vulnerable prisoners some women never re-emerge. Three women committed suicide in prison during 1997 (Home Office, 1998), Josie O'Dwyer (see O'Dwyer et al, 1987) committed suicide in prison in 1998. Others live scarred lives or live for only a short while when they do (Emma Humphreys released from a wrongful life sentence 1997, died 1998). Looking anew at the meaning of imprisonment, Carlen's (1994) criticism of criminologists who:

"...seem nowadays endlessly to focus on (and represent) prisons as being either functional or dysfunctional to a seamless web of social control, ...they concomitantly peripheralize the study of 'prison as punishment' "(1994:136),

challenges us to do the reverse, to study prison as punishment. Yet in light of the brevity of most women's stay there we must do this without losing sight of life outside

prison. Access to prisons has been restricted for non-Home Office researchers and non-Home Office research projects since the 1970s making structural, sociological, non-programmatic research a rarity and giving an overtly psychological basis to much recent prison research, in particular that on women, skewing our view of women prisoners and women's prisons.

Penal policy in 1998/99

Despite the re-opening of debates about the purpose, ethos and nature of women's imprisonment, at the most fundamental level - wherein lies the most powerful opportunity to shape and foment change - that of sentencing, there appears little prospect of legislation to reduce the numbers of women in prison. Reinstatement of the repealed sections of the Criminal Justice Act 1991 has not been proposed, and the prison population continues its seemingly inexorable rise despite the stated intention to look at ways of reducing the prison population. A signalled move away from the vociferously stated belief of the former Home Secretary that 'Prison Works' has yet to manifest in any trend towards a decreasing population, rather the women's population continues in a seemingly inexorable upward trend, doubling between 1993 and 1998 from a seasonally adjusted average of 1,561 to 3,105 (HMPS, 1999).

Of the twelve women's prisons in existence at the start of the study, ten remain open, one has a new mother and baby unit, two no longer accommodate women (Risley and Pucklechurch) and six new women's establishments have been added (some on male sites) to make a combined Certified Normal Accommodation of 3,332 with a maximum

operating capacity of 3,571 across the female estate. Projected population figures assume an average of 3,200 for 1999 and a rise to 3,500, exceeding current operational capacity in the year 2001 (HMPS, 1999:62). The recommendation of the Prison Service Inspectorate (1997) that the Service move towards a separate Directorate for Women has been partially enacted through the establishment of a Women's Policy Group with an enhanced role within the Regimes Directorate established in 1998 (HMPS, 1999) although this does not in practice seem much different from the previous vesting of responsibility for women in the Directorate of Inmate Programmes (DIP1). A key task of the WPG to date has been a review of policy and practice on the presence of babies and young children in prison. In 1992, at the start of this study the picture was somewhat different.

Penal policy in 1992

The particular context at the beginning was the exploration of Lord Justice Woolf's recommendation that prisoners be held as close to home as possible to facilitate the maintenance of family ties. The implications for the women's estate of this proposal were that the twelve establishments in existence at that time would not be suitable for a wholesale adoption of this policy for women, although women were deemed particularly suited to this policy approach. This tension led to the consideration of other ways of organising the women's prison estate. As I was thinking about the issues facing those women with few family ties and limited positive sources of support, the academic and policy community: the Home Office; Prison Service; criminologists and pressure groups were responding to the recommendations of the Woolf Report

(Woolf and Tumim,1991).

In April 1990 a disturbance had begun in the chapel of HMP Strangeways which spread through that prison and many others, culminating in injuries, damage and destruction worth millions of pounds. There followed allegations that overcrowding, inadequate regimes and specific warning signs had not been heeded. In the aftermath an official inquiry was ordered.

Lord Justice Woolf (Woolf and Tumim,1991) conducted a wide-ranging review which went far beyond the immediate issue to address male prisoners' grievances in a wider sense. Woolf made many recommendations, particularly that prisoners should no longer be held at great distances from home, or transferred unnecessarily. He envisaged a network of 'community prisons' where most prisoners could remain in their home area.

There were no comparable disturbances in women's prisons, although women from Pucklechurch Remand Centre were transferred to Holloway to guarantee their safety as men rioted in the parallel male unit. The inquiry did not include women in the scope of its investigation. Despite excluding women prisoners from the investigations, Woolf did, however, include them in the recommended changes. He proposed that local prisons based upon clusters of smaller, independent units with separate staffing could include women within the male system,

"It must be preferable to have women in a wholly secure and separate

block under their own governor and staff and with full access to families within a local prison near to their home, rather than, as at present, to have to hold them many miles from their homes and families."(Woolf and Tumim,1991:273).

In the White Paper which formed the government response to the Woolf report, 'Custody, Care and Justice' (Home Office,1991), the Home Office echoed the idea that women prisoners should form one of the groups to be held as near to home as possible. Where this was not viable, following consultation, they might,

"... consider the possibility of accommodating women prisoners in establishments shared with male prisoners provided the accommodation is separate, fully secure and of an adequate size and that the women will have satisfactory facilities and regime activities". (Home Office,1991:51).

It is clear that in the Consultation Paper on Community Prisons (Home Office:1992a) the government came closer to a policy of housing female prisoners in male institutions, describing this, however, as a measure of expediency, to be used only where 'necessary' to house women close to home, as recommended by the Woolf Report. Therefore in 1992 it seemed likely that the organisation of female imprisonment would change within developments proposed for the criminal justice system as a whole; ironically, changes proposed largely without reference to issues for women, and without women prisoners having been consulted.

Crucially the Criminal Justice Act 1991 had recently come into force. The Act

emphasised community based sentencing, implying that custody should be a last resort for most offences. The Act also introduced the Combined Order; a new community disposal and unit fines, relating the fine (a common disposal for women) to ability to pay. Within this legislative climate it seemed imminent that fewer women would be imprisoned for fine defaults, less serious, non-violent offences would be dealt with by community disposals, concomitantly the prison population would fall leaving greater scope for change within a smaller female prison population. This optimism proved misplaced as subsequent analyses of the post-Woolf era made clear (Ryan, 1992; Tumim et al, 1993; Player, 1994; Tumim, 1996).

These three factors: personal experience within the probation service, the atmosphere of change in penal policy brought about by the Woolf report and new legislation in the form of the Criminal Justice Act 1991, influenced the precise form of the study - explaining both its conception and evolution - together these formed the context which shaped the research questions, questions which then altered and broadened as I responded to the women's concerns and refusal of a narrow focus. I hope that the initially narrow scope of my focus has not constrained the outcome to that of a purely administrative criminology but has instead broadened over the course of the study and the inductive theorising which followed.

Conclusion: The structure of the thesis

This introduction and subsequent literature review between them set out the route to defining the research area, explaining the gaps, contradictions and limitations of bodies of literature which touch upon but do not adequately centre upon the position of women prisoners and which have necessitated the development of feminist perspectives on criminology and penology which nonetheless must be updated as policy changes mean that we need to explore the views and experiences of women prisoners in the mid 1990's around a range of linked themes: their home environments, likely prison reforms, community prisons and notions of community for women prisoners. Finally women's understanding of the meaning of punishment and penalty has been sadly neglected. In response to the changes since this study's inception the following underlying issues are explored in the substantive chapters which follow:

- the impact of women prisoners' social networks and support systems on their lives outside prison, their experience of imprisonment and their ability to avoid further contact with the criminal justice system;
- how women experience punishment, the nature and philosophy of penalty of a just distribution of punishment for women;
- how the criminal justice system may enact its responsibility to treat women prisoners in a humane and progressive manner, with purposeful, positive

regimes.

Chapter One reviews the literature, setting out key theoretical ideas for exploration. This and Chapter Two on methodology represent two aspects of the same process. The literature review is addressed to the substantive literature around several key areas: women and crime; women and imprisonment; penalty and theories of punishment and women, family lives and community or social support, some of which emerged as important during the course of the fieldwork. In bringing these somewhat diverse areas together there is always the danger of doing justice to none. I have taken a selective rather than exhaustive approach to each body of literature and indicate the process by which the study evolved and the emergent themes of the fieldwork demanded that I explore additional areas of the literature. Equally, scholars in each of these areas have contributed to and shaped the development of feminist epistemological and methodological debates explored throughout the methodology chapter. The result is an attempt to seam these areas together to reflect the development of the study and the emergence of major research questions along the way. The theoretical position which unfolds through the later chapters was arrived at by inductive rather than hypothetico-deductive methods. Substantive issues raised in this introduction are fleshed out in the literature review and methodology, the first two chapters therefore add up to an elaboration of the major theoretical positions and the direction of current debate, rather than the setting out of a position to be tested or verified.

Chapter Three establishes the recent statistical context to women's imprisonment and

describes a profile of the prison population carried out in autumn 1993. Chapters Four to Seven explore the qualitative interview data and progress through the stages of women's experiences, before and during imprisonment. In Chapter Four themes from women's lives before prison are explored, Chapter Five focuses upon social support in prison, and Chapter Six the ways in which women experience punishment. Chapter Seven proposes a theorising of punishment based in the critical realism of the women's views and upon a renewed willingness within feminist theory to question post-modernist relativism whilst Chapter Eight develops an overview of developments in policy and regimes which grows out of and develops the theoretical debates.

In Chapter Nine these explorations are brought to a conclusion which is rooted in the data and which seeks to add to the development of debates about fruitful directions within new-left and feminist theory about the role and meaning of punishment for women, and the ways in which the delivery of punishment, including custodial punishment might be re-formulated to accord with the principles of punishment elaborated in the foregoing chapters.

CHAPTER ONE

LITERATURE REVIEW

Introduction

In this chapter I locate the study of women's imprisonment at the centre of literatures on community, punishment theory, criminology and prison policy. The criminological and programmatic literature on prisons were the logical starting point for the thesis in its original policy-driven conception. In relation to these bodies of work two principal themes in the literature on women, criminality and penal policy were explored. One, that women have been ignored; subsumed within research, policy and theory developed in relation to men. Two, that women have been misrepresented, stereotyped and pathologised in the small body of pre-feminist literature which concerned itself with women at all. It is no longer possible to argue that women are invisible within criminology. A considerable body of work now describes the representation and treatment of women at different points within the criminal justice process: in court (Worrall, 1981; Eaton, 1983, 1987) on remand (Casale, 1988, 1989), sentenced to imprisonment (Carlen, 1983-1998) to document how aspects of prison organisation and penal regimes for women have been transferred, largely unmodified, from those developed for men. The main policy example used in this study - the proposed development of community prisons in Britain - being a case in point.

As the thesis developed and in particular as the emerging issues from the participants began to challenge the narrow policy-oriented focus it became apparent that I would need to look in greater depth at the ways that community and penalty were being theorised.

Consequently I have engaged with a broader literature on the ways that community has been theorised, with a critical eye on the concept of 'community' with regard to criminology, on community as a site of punishment and censure and as a source of support or otherwise to women living on the margins of society. Similarly, the centrality of penal theory emerged as the study progressed and the women prisoners who participated reinforced the importance of this shifting focus. Again this meant engaging with a further body of literature in greater depth. As such this long and diverse literature review is to be read in conjunction with the methodology chapter where the evolution of the study is explored more fully. I begin with the key theoretical concepts which came to be central. I look first at notions of citizenship and community, at their universal and gendered incarnations, at the intersection of these with concepts of equality and difference as opposing ways forward for women, and at the implications of rightist-communitarian utilisations of the concept of community and leftist responses to the latter. In the main body of the chapter I consider the theorisation of female criminality, punishment and penal theory. I look at the emergence of imprisonment as the locus of punishment, and finally at the body of feminist literature on women's imprisonment with its critique of the mechanisms of dependency and social exclusion operating in the lives of women before the courts and in British prisons.

'Universalism versus difference' in accounts of women's citizenship

The philosophy of punishment has long been characterised by the weighing and balancing of individual rights and responsibilities as citizens with the public good, or interests of the wider community. Justification of the right of society to act against those citizens who transgress against laws held in common is often based upon the concept of public good. The search for first principles which justify the state in taking on the role of punisher and

arbiter of law generally poses the citizen as standing in a universal relationship to the state (Hart, 1968). In opening this review with an exploration of the concept of citizenship I wish to ask whether this can be reconciled with recognition of the failure of masculinist notions of citizenship to encompass the diverse and complex enactment of citizenship by women, defined by and through the actions and lived realities of the female citizenry rather than the abstract ideals of citizenship set out by a rational, arbitrary and masculinist state (Lister, 1990). Liberal versus communitarian debates about the rights of the individual in balance with the rights of the community have been explored in relation to feminism (Frazer and Lacey, 1993), and punishment (Lacey, 1988) and linked to issues of community punishment by Worrall (1997), and prison location in the US (Carlson, 1992) but have yet to be explored in relation to women prisoners as a particular group of marginalised women or women occupying a particularly marginalised location in society.

The theorisation of citizenship has been largely derived from Marshall's (1952) tripartite model of civil/legal, political and social rights; three constitutive components necessary to enable and empower individuals to enact their citizenship. The implicitly gendered assumptions underlying Marshall's model, compounded by unequal power relations and the unequal access to welfare which differentially structure access to social rights mean that he failed to address "the problematic relationship between citizenship and dependency in the family as he does between citizenship and social class." (Pascall, 1986:9, cited in Lister, 1990: 446). The result of a feminist focus upon citizenship tends to be a call to recognise and challenge dependency relations, through the disaggregation of women and men as equal citizens within family units, the establishment of separate relationships to state with regard to welfare and taxation and state support for childcare to remove the barriers to women's economic activity.

The debate over whether or not women are better served by a universalist or a gendered conception of citizenship serves to introduce a key question explored here in relation to several bodies of literature. That is, what are the potential gains or losses for women and for society in general if we proceed to fragment the citizenry, to disaggregate women from men, and women from each other along the various axes of identity politics. This study poses that question in relation to citizenship, to community, and to punishment to ask what are the implications in each of these areas of a gender-differentiated approach, and of a single or multiple feminist standpoint approach and ultimately whether postmodern feminist theory has anything to offer. These long-standing debates within feminist theory (Spelman, 1988; Bock and James, 1992; Bacchi, 1992), gain urgency in the emergent adoption of postmodern approaches to women with their rejection of the foundational categories of identity politics, a foundationalism which has underpinned most of the literature arguing for a focus upon the privations of women prisoners and a differentiated approach to them. This position is reluctantly given up even by those seeking to draw upon a postmodern approach (Howe, 1994). Recent calls for a return to a modernist approach for both criminology (Garland, 1995) and feminist social theory resurrect and defend a critical foundationalism in reaction against the cul-de-sac of postmodernism for marginalised women (Assiter, 1996).

Issues of women's citizenship, and conversely, their social exclusion have been underplayed in debates over female criminality and penalty. Exploring this relationship it becomes clear that women prisoners, being predominantly poor and unemployed, frequently homeless and with a background of local authority care and abusive relationships are vulnerable to portrayal as dispensable to or "outwith" society (Carlen, 1983). Their imprisonment can appear to sentencers to entail no great loss or hardship, even to hold the possibility of a temporary improvement for homeless, or truly hapless women; the underlying assumption being that

their incarceration would bear little social cost for society and the women concerned as long as prisons reach minimum standards of humane containment. It is possible to challenge this view of women prisoners as largely dispensable through both a universal citizenship defined in relation to criminal as well as social, and political justice in which a woman's right to equal treatment under the law is defended (Heidensohn, 1986), and equitable and proportionate distribution demanded in a system which pretends to a rational distribution of punishment. This guards against the current blatantly disproportionate use of custodial punishment for women convicted of petty offences (Wheeler, 1989). The second challenge derives from a gendered account of women's social responsibility or social embeddedness which takes account even in positions of extreme social exclusion, of their parenting and caring roles, social and community interaction and their economic activity, however marginal or criminalised that may be (Campbell, 1993). This study will explore the implications of both approaches.

Whilst the limits of women's citizenship are writ large through the courts' response to their so-called anti-social, criminal actions, the arguable exclusion of lone parents from society is challenged by their efforts to raise children in the face of extreme hardship, poor health and marginal status in the labour market (Glendinning and Millar, 1991; Middleton et al, 1995). By this I mean to raise not only the neglected issue of the economic imperatives for women to commit crime (Carlen and Cook, 1989) but also the issue of women's embeddedness in the perpetual project of child-rearing and their seemingly inescapable sole or major responsibility for household management in times of economic duress (Vogler, 1989 cited in Lister, 1990). A new concept of social inclusion has been called for, to challenge what has been described by Levitas (1996) as "a new Durkheimian hegemony", a dominant social discourse which posits social exclusion as exclusion from the labour market, as the opposite

of 'economically active' rather than the opposite of 'socially included', and therefore placing women who are primary carers outside of or in a marginal relation to the inclusionary social structure - the market. The disempowerment of non-working women in relations with working men, and women as claimants in relations with a disapproving state, has been comprehensively and categorically outlined (Lister, 1997). However the processes of mothering have to be disaggregated from the processes of female citizenry, unless women are to be trapped in a dependent, no-win position in which,

"On the one hand, getting off benefits and into employment is seen as moving from dependency to independence and lone mothers who work are thus providing their children with appropriate role models, teaching them 'a more positive attitude to work and independence' (DSS, 1990:41). On the other hand, employed lone mothers are not putting their children first, not providing them with the care and attention they need, and thus possibly creating the delinquents of the future." (Millar, 1994: 3)

The concept of dependency is invariably invoked whenever the balance between individual and state responsibility comes under scrutiny in discussions about the components of citizenship, the responsibilities accrued and rights accorded. Feminist discussions of citizenship have extended this focus to intra-familial dependency, to query policies and practices which create dependency not just between women and the state but between men and women, between women and the project of child-rearing (balanced with paid work) but also to force recognition of the levels of responsibility that women carry even, and arguably particularly, in situations which have been described as dependent. These debates are also relevant to women's experiences of the processes of justice (Hackler, 1991). The women in Carlen's (1983) prison study were excluded from citizenship, were arguably dependent but also taking responsibility on a number of levels outlined here, for a different, non-judicial

context, by Lister,

"Women's position as the economic dependant of a male partner; as double-shift worker juggling the responsibilities of paid employment and caring work; or as a welfare benefit recipient struggling to raise children in poverty or to manage on an inadequate pension, is incompatible with the full exercise of the social and political rights of citizenship." (1990: 464)

To represent women in terms of responsibility for childcare alone oversimplifies women's lives and ignores changing patterns: of employment, caring, poverty and income generation, over the past ten years. The growth of part-time working, the twilight economy and the devolvement of care into the community all impact upon women's responsibilities; upon women prisoners as upon women in wider society (Glendinning and Millar, 1992). These constituent components of women prisoner's lives may well be bleaker in the late 1990s than the early 1980s. They may face more complex socio-economic problems, roles and responsibilities. Women may speak of their lives in different terms or in broadly the same terms but with renewed emphasis upon conformist community membership the citizenship of some may be in even greater jeopardy. We must update the picture of women prisoners as society changes. In seeking to do this I turn my attention to the literature on community, described as "one of the most promiscuous words in contemporary political usage." (Worrall, 1997:46).

Women and the punishing community

The broader dimensions of community are of central concern to the thesis. Theories of community have been largely unexplored for their potential contribution to an account of the role and significance of community in the lives of women prisoners, both inside and outside

prison, and the role and impact of punishment upon women within and without 'community' or 'communities'.

Worrall's description of the promiscuity or shape-changing nature of the concept of community is illustrated by the variety of attempts to define and study community. Most models for describing and analysing community are multi-factorial, perhaps the first being Tonnies' ties "by blood - of place - of mind" also rendered as "kinship - neighbourhood - friendship" (1955:48) in the *Gemeinschaft*¹. Park, of the Chicago School used "... the biotic, the moral, and the spatial where *biotic* refers to functional interdependence, *moral* to group identification and loyalty, while *spatial* implies distinctive location" (cited in Stein, 1988:125). Wilmott (1986) gave us *territorial or place* community, *interest* community based on shared characteristics for example 'race', religion, occupation or leisure and *community of attachment* formed for example through collective action. Less rigidly Stacey's (1969) idea of a 'local social system', is multi-faceted, where "variables like the degree of heterogeneity of a local population and rates of inward and outward mobility, (have) the result that certain social structures can be identified as likely to promote (and others to impede) community interaction and community solidarity" (cited in Crow and Allan 1994: 5).

In an overview of how these models have been used Bell and Newby (1974:100) summarise the US contribution as twofold: a social level of analysis in whole community studies such as the Lynds 'Middletown' which can contribute to an understanding of society as a whole; and a way to observe the "effects of the social setting on human behaviour, that is, treating the community as an independent variable". The legacy of the Chicago School was that early exploration of communities in "urban sociology (has) tended to be neighbourhood

¹Translated as community or more accurately *association*

sociology" (Wellman and Leighton, 1988:57) in which the city is represented in microcosm through a single location or community grouping. Locality has also been important to UK studies (Day and Murdoch, 1993) but here neighbourhood or locality is more often explored in terms of its impact upon social relations rather than as the site for social relations. Stein (1988) highlights the limitations of 'community as neighbourhood' in underestimating the growing impact of national economic trends and the outcome of policy processes - of particular relevance to women vis-a-vis the impact of national, social policy. For Stein (1988:121), community studies was but the poor relation of broader theoretical traditions, evidenced by "the choice of urbanization, industrialization, and bureaucratization as processes shaping American community life (based on) ... Marx, Weber, Durkheim and others". Pretty et al (1996:354) distinguish " .. a systems level perception of the social environment" from individual social support networks to understand how the latter may be undermined by negative system level factors. In their psychologising of the concept of community they fail to address broader systems and impacts and as such offer an approach to community which is delimited in its usefulness to this study of women who are heavily impacted by socio-economic processes.

In Britain, a fundamental flaw is that little early literature on community was explicitly gendered and that which addressed gender did so uncritically (Willmott and Young, 1962). The critical focus on women's lives within community settings begins with the community action literature of the 1970s and 80s (Lees and Mayo, 1984). Later studies built on this with explicit reference to the practice of radical feminism of the time. In the work of black feminist theorists (Bryan, 1985) the intertwining of gender, race and class produced accounts of black women's lives as additionally burdened by gender inequality but largely indivisible from the wider, racialised struggles of their communities, a development paralleled with regard to the

class struggle by accounts from mining communities (for example Stead, 1987). It is perhaps the usage which came to the fore in Britain, during the 1980s, of community as the site and source of services and a viable alternative to state intervention, which is the closest to that assumed to underpin community prisons, it is also the least theorised and least satisfactory against the backdrop of an increasingly individualised and fractured society. More recently the notion of 'community' has been enervated by the hegemony of communitarian discourse on community safety and individual responsibility from the US (Etzioni, 1994). However, the communitarians write as though there were a strict dividing line between those who offer stability and social capital to others and those who commit crime (cf. Bell 1993 for an exploratory dialogue) yet the women prisoners who took part in this study were often at one and the same time on both sides of the fence, living in risky neighbourhoods, vulnerable to exploitative relations and contacts. For the women in Brodsky's (1996) study communities were dangerous places, and isolation was preferable, cultivated, in an active strategy to keep children safe. Just as feminism challenged the notion of 'family' as invariably a good and safe place to be, so the simplistic appeal to greater involvement in community or neighbourhood should be further explored for insight into why some of the women prisoners who took part in this study might have led the socially and emotionally isolated lives that they did and what the gains and risks to them of active, visible community membership might be. Separation from any enactment of community may be a positive and indeed the only sensible life choice for some women but one which leaves them vulnerable and with limited social capital to draw upon in time of crisis.² Women living within such communities, those most likely to be penalised and to travel the route from the particular feminised version of poverty into the court system (Pantazis and Gordon, 1997) are the very same women who may be holding communities, or, more likely, kinship networks together, supporting others when they

²Brodsky interviewed ten "resilient single mothers raising daughters in risky neighbourhoods" in Washington DC.

have little of their own, again vulnerable in times of crisis (Campbell 1993). Arguably women who exist on the margins of financial survival have the most to gain in the short-term and the most to lose long-term through economically motivated crime: small scale benefit fraud; handling and receiving; petty theft. Is it then the case that the active 'community' is largely female, has it always been so; what role does the state play in maintaining women as the lynchpin of informal relations and what happens when the roles and responsibilities of women in their informal community-based roles are co-opted into state penal policies and programmes, as was implicitly suggested by the shift towards community prisons?

I have drawn upon several aspects of this diverse literature rather than adhering to or testing one of the models. Attention to neighbourhoods was important because the physicality of buildings and locations, and their impact upon social relations inhibited the growth of social relationships or fractured support networks but Stacey's concept of networks was also key because informal support can and does cross boundaries of distance, and may continue to be enacted despite location or dislocation. The concept of community as a site for the enactment of commonly held values or the somewhat 'forced' imposition and enactment of state-led initiatives or policies such as reparative justice was also important. Increasing interest in the censure and reintegration of those deemed to have offended against societal values has focused on the regeneration of an alternative axis of values, communal rather than individualised. Where once a focus upon community in Britain might have been seen as the preserve of the left it has become increasingly Americanised in the adoption of communitarianism and yet also represented as a return to something old and traditional for Britain (Green, 1996) and therefore divorced from the work of a radical feminist thinker such as Gilligan (1982) on the role for essentialist 'female' ethics or values or MacKinnon (1983), and Heidensohn (1986) with their re-conceptualisations of the criminal law, and latterly Frazer

and Lacey's (1993) liberal-feminist communitarianism. Instead the call is to return to old values, presumed lost, to be re-imposed upon the excluded, upon lawless communities and groups by the mainstream (Etzioni, 1994; Green, 1996) where, it is assumed, such values are held in common. 'Morals' are supposed to spread from the isolated and beleaguered lawful elements, the majority, who are yet represented as isolated, atomised, separated one from another by the corrupted minority. In placing the concept at the heart of this study and questioning its relevance to women's prisoners I remained wary throughout of assuming that community would mean anything to women prisoners and focused instead on starting from where they lived, who with and how, who was important to them and how those connections were enacted in the context of where and how they lived. The concept of community was harnessed for use in prisons policy with little consideration of the complex issues raised and no analysis of its relevance as a concept and organising principle for women prisoners who are at the same time subject to the powerful legacy of socio-biologism and a gendered familism which underpin a punitive social control still evident in contemporary prisons and regimes (Shaw, 1999). In the rest of the chapter I move on to examine the conceptualisation of female criminality and the application of penal codes to women beginning with the powerful and insidious legacy of biologism.

WOMEN, CRIME AND BIOLOGISM: SOCIAL CONTROL AND THE BODY POLITIC

There are essentially two strands of early thinking about the female criminal, she is either overly masculine or excessively, pathologically female. Lombroso and Ferrero's (1895) socio-biology represented 'criminal women' almost as another species; to be classified, typified by a distinct physiognomy just as early eurocentric anthropology had represented black people as 'other', as alien and inferior through caricatures of physical appearance. In Lombroso's

crude four-tiered typology non-criminal man tops the moral and intellectual hierarchy, followed by criminal man, then non-criminal woman. Criminal woman shores up the structure from the bottom. The legacy of this lamentable work has been long and insidious.

Biological explanations of crime produced an obsession for prediction or *diagnosis* of criminality. The manifesto of prevention is inherent not only in the development of criminology as a positivist pseudo-science, but during the early part of the twentieth century, in the policies advocated by eugenicists who sought to ensure that only fit, morally acceptable individuals were encouraged to reproduce. If the present generation of criminals and the feeble-minded could only be prevented from spawning the next then the fabric of society would be protected. The search for the causation of crime through individual pathology is generally spoken of as the main legacy of the nineteenth century,

"...a broad shift is discernible, from the moral analyses discernible around the middle of the 19th century, to a growing tendency to interpret criminality as indicative of biological or psychological disorder. Understanding why female criminality was so readily integrated into these medical interpretations is central to explaining the course of penal policy well into the 20th century."
(Zedner,1991:3)

Lombroso's typology rooted criminality in inherited and sexual characteristics. The biologically normal female, devoid of criminal tendencies, was robbed of the impetus and ingenuity to commit crime by way of her 'naturally passive', submissive nature (Lombroso and Ferrero, 1895). By contrast women convicted of criminal and moral infractions aroused a great horror. They promulgated the notion of women who infringe moral and legal codes being in some fundamental way further from grace, more depraved than their male counterparts as a result of their defective biology (Lombroso and Ferrero, 1895; Dobash,

Dobash and Gutteridge, 1986; Zedner, 1991).

A biological undercurrent

The biological legacy remains powerfully influential (Chesney-Lind, 1997) in media portrayals of women and the assessment and sentencing of women by the courts, where women may be represented as unnatural and 'out of place' (Worrall, 1981, 1990) or sick and in need of treatment (Allen, 1987). This focus on individual pathology continues in prison (Heidensohn, 1991). Men who break the law and receive custodial sentences are judged largely in terms of social, structural and economic factors whilst women have traditionally been described in psycho-sexual terms (Smart, 1976; Eaton, 1983; Carlen, 1987; Heidensohn, 1985; Morris, 1987). As the discourses around female criminality betray, this trend placed women in a different domain to their male counterparts (Worrall, 1990) most clearly evident in their representation in court reports, eventually drawing forth regulatory action in the shape of section 95 of the 1991 Criminal Justice Act (Home Office, 1992c, 1999b).

Women as guardians: Morality, nationhood and eugenicism

Morally prescriptive eugenic thinking positioned women as guardians of the nation's morals, socialisers of the next generation. 'Decent' women were judged in need of protection from themselves, society in need of protection from indecent women, and the human genome in need of protection from biologically defective women. These concerns merged in the morally prescriptive thinking which increasingly drew upon biological explanations to pathologise offending women (Zedner, 1991). The resultant institutional trend enacted through

widespread incarceration of women in asylums on grounds of immorality and sterilisation of women deemed mentally defective on moral, that is, sexual grounds was for women to be transferred from overtly punitive programmes in prisons to British asylums and American reformatories for treatment-oriented programmes. Secure, indefinite containment followed for those deemed incurable. Here punishment was effected through new diagnostic techniques, women typified and classified as 'feeble-minded' or in some way mentally (morally) defective. A parallel trend for indeterminate sentencing in the criminal courts subjected women to increasingly long sentences, to what, in many cases amounted to a life sentence for a permanent diagnosis of 'feeble-mindedness' (Freedman, 1987).

Social and feminist history bequeath us a portrait of the strict gender roles of nineteenth century society derived from the repressed values of middle class households. As impossible domestic and moral standards were transferred to working class women in the face of nineteenth century poverty many women served sentence after sentence, little able to avoid the conditions of their 'downfall' (Zedner, 1991). Prostitution and offences against moral standards were routinely punished with imprisonment, despite the economic and social circumstances of the masses and of the times (Dobash, Dobash and Gutteridge, 1986; Morris, 1987; Rafter, 1988; Zedner, 1991) many working class women were incarcerated in mental institutions following the birth of an illegitimate child. The Victorian ideal of the 'pure woman', transmitter of her own decent values and the assumed inherent strength of the decent male begat the Eugenicist movement of the early twentieth century. Both contributed to the criminalisation and medicalisation of women who transgressed both criminal and moral codes. Rafter's (1988) detailed account of the American female reformatory system from early nineteenth century to the present vividly portrays this ideological concern with female sexual behaviour; with training women to achieve sexual purity through taming female

sexuality, instilling domesticity and appropriate behaviour. Late Victorian fear of women who stepped (or fell) outside of accepted sex roles was compounded by explanations of criminality in terms of biology. Zedner (1991) suggests that an increasingly regulated ideology of womanhood led women into formal regulation by the court where their criminality was explained as pathology. By contrast Feeley and Little (1991) attribute declining female court appearances towards the end of the nineteenth century to a shift in attitude towards women, diverting women away from the formal mechanisms of the courts as female *gender* roles were increasingly overseen and regulated by families and proto-welfare agencies. We are left with the impression of a bifurcated regulation of female behaviour, the simultaneous privatisation of female behaviour and the criminalisation or public regulation of women's sexual 'deviancy' (Smart, 1977). Similarly Dobash, Dobash and Gutteridge (1986) allege that women's economic actions on behalf of family or community against landowners, merchants or representatives of the state were state-punished but have been accompanied by a parallel regulation of sexuality and sex-appropriate behaviour discernible since the time of the witchcraft trials (Dobash, Dobash and Gutteridge, 1986). This latter focus has shaped our notion of 'criminal' women. Most women appearing before urban courts were charged with economic offences, their criminal activity shaped by the social structures and economic struggles of the time yet women's economic activities declined from view in the field of criminology. Downplaying the economic nature of much female crime does not appear a recent phenomenon. As Zedner (1991) argues, although women's sex and gender roles have always been regulated, the almost exclusive focus on the female sexual-psyche derives from the 19th century. The roots of a continuity between the social control of women in everyday life and the punitive, parallel system of criminal justice demand scrutiny of a contemporary continuum between widespread social control of women (Hagan et al, 1979, 1987), and the theories and underlying premises of masculinist criminology - the meaning of court

appearance, incarceration and punishment for women (Cain, 1990; Carlen, 1983; Howe, 1991, 1994).

Women make their (limited) sociological debut

Although early theories did little to challenge stereotypes of women as inadequate or deviant the belated development of sociological approaches to women and criminality is to be welcomed. Incredulous attempts to discern the source of female criminality continued, imbued with disbelief that normal women could step outside of their allotted gender role. As such the 'special case' of female crime persisted. Pollak (1950) saw women as responsible for much of the 'dark figure of crime' beginning the lengthy debate about the 'real' figure of female crime, and chivalry as both mechanism and motivation for removing women from criminal proceedings at an early stage. In his extension to women of the new obsession for the prediction of criminality in the dominant psycho-dynamic tradition within criminology he is our link with the crude socio-biology of the past. For him, women were the manipulative powerhouse behind male crime, rarely prosecuted for their own criminal activities for two reasons. One, their talent for deception derived from the need to conceal menstruation. Two, the chivalry pervading the criminal justice system. In his view men were culpable for what was often female-instigated crime, whilst the latter excused women, released women, downgraded their charges, sentenced them leniently, if at all.

Largely discredited by the development of more sophisticated and differentiated accounts of female crime and imprisonment (Hindelang, 1974; Anderson, 1975-6; Chesney-Lind, 1978; Moulds, 1980; Worrall, 1981; Eaton, 1987; Allen, 1987), chivalry theory disappeared as critical interrogation of sentencing patterns, previous offence histories and offence seriousness

explained much apparent leniency of courts towards women (Chesney-Lind, 1978; Farrington and Morris, 1983). Indeed when the representation of women in court was scrutinised, chivalry theory was supplanted by arguments of a greater harshness, the stigmatising of women in court as 'out of place', in need of covertly punitive help and treatment (Worrall, 1981; Eaton, 1983; Allen, 1987) which was enacted through indefinite hospitalisation, and precipitous custodial sentencing when, for most women, proportionate punishment would mean non-custodial sentencing. Thus gaining 'help' retained the double edge of more interventionist and surveillance-oriented regimes to which women responded badly (as in the medicalised Holloway of the 1970s). To situate attempts to develop a feminist penalty from within the wider feminist criminological challenge to biologism and androcentrism we must first look at the shift towards imprisonment and the post-hoc development of penal theory in its various forms.

JUSTIFYING PUNISHMENT: THE CITIZENRY AND THE COMMUNITY - OLD AND NEW THEMES

In 1958 Gresham Sykes noted that, "...only within the last 300 years has custody emerged as a major weapon of the state for dealing with the criminal" (p.xi). Twentieth century social theorists and sociologists have looked for the wider significance of this, variously describing changing patterns of punishment and the rise of the custodial institution as derivative of the development of liberal philosophy, scientific rationality, the capitalist mode of production or the diffusion of social control through the populace. They have not, for the most part, questioned the very legitimacy of state punishment. This task was left to proponents of a more abstract penal philosophical tradition.

As with accounts of criminality, attempts to forge a 'science' of punishment have been largely ungendered. Studies of punishment are often focused on imprisonment alone, usually based on male prisons, often narrowly focused on a single institution, a single type of regime or a particular aspect of institutional life. Others are drawn with broader strokes. These tend to the theoretical analysis of imprisonment as a diffuse means of social control (Foucault, 1977), a point of departure between the old enlightenment social orders and the regulation of time, labour and freedom associated with modernism (Goffman, 1968; Ignatieff, 1978; Mathiesen, 1990; Melossi and Pavarini, 1981). Interrogating the very legitimacy of state punishment raises fundamental questions about the right to punish, the right to personal freedom, the boundary between the individual's right to freedom of action and the right of the populace or community to expect conformity to agreed civil and criminal codes.

The Role and Meaning of Punishment

In accounts of punishment, from classic liberal theory with its administrative criminology, to modernist, radical and post-modern accounts the balance between the individual and the collective or community is the defining theme. From Bentham's "fictitious body, composed of the individual persons" (1789:35), to John Stuart Mill's "internal sanction of duty" (1969:281) from Durkheim's (1893) 'collective conscience' and on to Foucault's (1977) 'carceral network'; the ties which bind the individual to society form the thread which links these accounts. Lacey (1988:183) affords 'collective need' the status of a social fact; defining punishment as

".. principally to do with a collective need to underpin, recognise and maintain the internalised commitments of many members of society to the content of the standards of the criminal law and to acknowledge the importance of those

commitments to the existence and identity of the community."

Community protection is a prime motivating factor in both liberal and communitarian theorisations of the legitimacy of state-sanctioned punishment. Nino (1995) tries to marry concern for community protection with a justification of state power over the individual who breaches agreed boundaries. Legal philosophers, for the most part, inhabit a world without gender, race, sexuality which hinges on the balance between the individual and society or community; side-stepping issues of legitimacy, gender and the ideological underpinnings of legal definition and the criminal law. Increasingly the individual has been gendered, racialised, and enclassed through black, radical socialist and feminist revisionism (Kerruish, 1991; Howe, 1994) but it is worth revisiting discussions of first principles of punishment conducted in the detached and androcentric terms adopted on behalf of the righteous male citizen. In most cases the individual is ungendered but we know that he is male. The issue of the collective or community is crucial to consideration of the punishment of women because the thesis progresses towards a problematising of the notion of 'community' for the purposes of underpinning penal policy for women.

Enlightenment accounts of responsibility and punishment: The route to the prison as quintessence of punishment

There has been a long-running search for the moment at which imprisonment became the quintessential punishment, most notably in the work of Foucault (1977), whose ideas arguably transformed penology. Sykes (1958) described the post-enlightenment time as having the necessary prerequisites for a rationalised conception of punishment as science: the increase of personal liberty, the growth of humanitarian ideals and the development of early capitalism. Coupled with the pervasive influence of Bentham's utilitarianism the conditions were ripe for

the beginning of a scientific approach to imprisonment (Ignatieff,1978). Rational 'man' capable of discerning and controlling 'his' own nature, of taking informed choices could weigh the likely outcome of *his* actions in the balance. Straying from the agreed path he would accept and benefit from a proportionate and scientifically applied 'measure of pain' or punishment (Ignatieff,1978). Classic liberal theory gives us: the individual as free-floating, autonomous and rational male being; the state as benign arbitrator between equal citizens; punishment as a rational, measured and objective manifestation of the benign state's response to crime. Crime is generally ill-defined in a tautologous way as that which is deserving of punishment (Bean,1981) and vice versa. However, the social science of punishment searched for linkages between individual action and the structuring forces of wider social processes.

Durkheim portrayed the growth of imprisonment as corresponding to the advancement of simple society, to increased specialisation and complexity of social relations where individuals may be highly mobile and thus able to evade the response of the collective unless physically restrained following an act of wrongdoing. By implication the growth of imprisonment was assumed to be a move away from barbarism in the absence of alternative physically injurious punishment in a way challenged by contemporary prison conditions. His functionalist-sociology of punishment set the study of imprisonment at the heart of the sociological endeavour forging an explicit link between the evolution of penal law and the evolution of society. His two laws of penal evolution are set against this context claiming that,

"(d)epriations of liberty, and of liberty alone, varying in time according to the seriousness of the crime, tend to become more and more the normal means of social control.(1900:32) whilst "(t)he intensity of punishment is the greater the more closely societies approximate to a less developed type - and the more the

central power assumes an absolute character." (1900:30).

His central thesis demonstrates that "the same social conditions which produce a breakdown in the notion of collective responsibility also produce the essential preconditions for the invention of the prison." (Jones and Scull, 1992:16)³. In Young's view, "Durkheim's argument suggests that rule-breakers allow law-abiders to feel bonded together, secure in the *conscience collective* ... rule-breakers and law-abiders as *part of the same community*" (1996:10-11, emphasis in original). His prediction of a decline in the severity of punishment commensurate with the increasing complexity of society and the rise of consensual, contractual government - interrupted only during periods of hiatus - failed to materialise. Both Foucauldian and Durkheimian portrayals of the growth of the prison as the growth of punishment through "deprivations of liberty, and liberty alone", appear to overlook the additional punitive elements of imprisonment. However, Durkheim traces the re-growth of repression within the carceral system,

"... incarceration first appears only as a simple preventive measure; it later takes on a repressive character, and finally becomes equated with the very notion of punishment." (1900:34)

Mirroring the lens through which Foucault viewed social control, punishment and the prison, a well documented shift is argued, over the sixteenth to the eighteenth century, across a number of European countries, from physically torturous punishments: whippings, mutilation, burnings and brandings to punishment of the mind rather than the body, restrictions of freedom and appropriation of labour rather than loss of limb (Mathiesen,1990). The imprisonment and mastery of the whole, the person within, came to be seen as the essence

³Jones and Scull see the 'two laws' as a more confident rendering of the ideas first mooted in 'The Division of Labour in Society' and as such, highly significant to contemporary criminology.

of punishment (Dobash, Dobash and Gutteridge, 1986; Foucault, 1977; Ignatieff, 1978; Feeley and Little, 1991) - the penitentiary system of silence and separation its physical manifestation.

The sociology of the prison

The application of a specific prison-based sociology, concerned with inmate codes, the source of prison ills and the development and impact of appropriate regimes must be pieced together from the starting point of North American, functionalist (masculinist) sociology. From the 1940s the medical-psychological focus on prisons was gradually joined by a functionalist sociological perspective (Clemmer, 1940; Sykes, 1958; Giallombardo, 1966; Heffernan, 1972). Sociological interest was largely driven by perception of the prison as an unparalleled example of an isolated social group within modern society where social processes could be observed in microcosm (Giallombardo, 1966; Jacobs, 1977). Early sociological prison literature is striking in its gender-blindness and its portrayal of *people as prisoners* rather than members of a society who are *at that time* imprisoned. It is difficult with hindsight to know whether the theoretical standpoints *generated* the lack of focus on prisoners' connections with the outside world or whether they reflect the reality of the time: that the prison then was much more of a total institution than it is today (Jacobs, 1977; Farrington, 1992). With the rapid movement now of most women through prisons and back into society, community and family, or to face the lack of these axes of belonging it is clear that these early prison studies hold limited value in this respect, in others they illuminate processes and values which continue to pertain.

Clemmer's (1940) hierarchical account of the prison deduced that stratified groupings emerge as prisoners reproduce the social, cultural, professional and criminal groupings held on the

outside arguing that: "The man is what he has learned to be"(1940:1). Hence, the sociologist would find, in prison, many different responses to the experience of imprisonment corresponding to the broad personality types to be found in wider society. The supposed causal effects of prison life, the 'pains of imprisonment' are largely imported from the miserable, chaotic lives led by the prisoners prior to their incarceration. By contrast Sykes' (1958) idea of the 'prison as a society within a society' was characterised by such 'pains' of deprivation: loss of liberty; heterosexual contact; autonomy; goods and services and the loss of security from physical or sexual violence. Interactions between prisoners, and between prisoners and warders, are derived from prisoners' efforts to compensate for the pains of imprisonment. The theme of a total institution where both staff and inmates form part of the institutionalized 'society' was taken up by Goffman (1968) who described how institutions structure loss of individuality to facilitate the absorption of individuals: prisoners, patients *and* staff into the system. Both Clemmer and Sykes' theories were applied to women prisoners in the United States where far more has been written about the imprisonment of women in the United States than in Britain in both nineteenth and twentieth centuries. The processes of institutionalisation described by Goffman were later argued to impact particularly heavily upon women in Britain (Genders and Player 1987). The first North American sociological accounts of female imprisonment divide into those utilising Sykes' (1958) 'pains of imprisonment' thesis and those favouring Clemmer's (1940) focus on the pre-custody experience of the prison population. Heffernan (1972) applied Clemmer's thesis of importation to female prisons, tracing parallel social groupings amongst women derived from their previous lives. By contrast Giallombardo's year immersed in the life of Alderson Federal Reformatory for Women, mapping and analysing the social roles adopted by inmates, led her to believe that social role-playing in prison and relationships between women were substitutions in the face of deprivation and the pains of imprisonment. In this Giallombardo

allied herself with Sykes, believing that "...the kinship system stabilizes the inmate community by reconciling competing and conflicting social motives". (1966:159). She was particularly concerned to illuminate the extent of the substitute 'families' and lesbian relationships which were already the focus of voyeuristic American literature (for example Ward and Kassebaum, 1964) and which betray an inability to conceive of women without drawing upon familist structures and processes.

This focus on prisoners' response to imprisonment rather than prisons or prison systems as illustrative of wider and deeper social processes is less apparent where system level analysis has dominated, in Marxist analyses of punishment as a socio-economic phenomenon rather than a rational, measured distribution of punishment in response to self-evidently criminal acts. The tautologous assumption inherent in classic explanations of punishment was that punishment is motivated by and intended purely to act upon crime, that that is its social and political purpose and derivation, and that punishment has the desired effect upon crime, that is, it reduces its level. The rational relationship between crime and punishment was deconstructed by Rusche and Kirchheimer (1939) in 'Punishment and the Social Structure'. Their alternative argument has acquired the status of a truism and has only latterly been questioned in relation to women prisoners by Howe (1994) who asks whether it is time to reconnect the two in an attempt to construct a feminist penalty, I shall consider the rationale behind her query later in this chapter and in the final chapter of the study. Rusche and Kirchheimer argued that punishment served deeper socio-political purposes in reinforcing societal values and punishing at a wider level than criminal acts. Building upon this fracturing of the crime-punishment structure, Marxist analyses and political economies of punishment have long argued that a straightforward relationship between crime and punishment cannot be demonstrated (cannot be achieved in the context of capitalist society) and therefore we

must look for alternative explanations, for links between the rates of unemployment, crime and punishment in which rising rates of imprisonment are linked to the fluctuations of capital, surplus labour being removed from society into the prison - which acts as a vehicle for the humane containment of those outside of and a drain upon the dominant economic system. These accounts of the development of imprisonment rejected both the enlightenment thesis of punishment as rational and proportionate to crime rate and the Durkheimian, functionalist tradition. They sought instead to establish the needs of capital as the prime mover in placing imprisonment at the centre of the business of punishment (Ignatieff,1978; Melossi and Pavarini,1981).

This helps to explain the masculinist focus of prisons theory and research, as not only are women a minority category of prisoner but as marginal economic performers they are judged peripheral to the real business of economic management which underlies the whole enterprise. With the appropriation of the worker as a unit of capital, came the realisation that a term of imprisonment could hold a positive outcome for capital. The incarcerated (male) worker might still be required to labour, thereby shifting the site of control from the body to the mind. This fuelled the development of the penitentiary system, with its focus on silence, separation, and compulsory labour alongside other sites of control of the populace (Ignatieff,1978; Melossi and Pavarini,1981). Clearly such change was not linear and incremental although it can be portrayed as such (Foucault,1977). Dobash, Dobash and Gutteridge add women in to the picture as they document that the two approaches co-existed within the overall trend away from the social and economic control of the masses through the deterrent effects of physical punishment, and towards punishments which limited physical freedom, appropriated the fruits of labour and regulated the daily routine of those who, even in freedom, became the subjects of an increasingly regulated and appropriative economic

system (Melossi and Pavarini,1981; Ignatieff,1978; Dobash, Dobash and Gutteridge,1986).

This body of work places the development of punishment and the concomitant rise of imprisonment in the context of "the rise of mercantile capitalism" (Dobash, Dobash and Gutteridge,1986:15), changing economic and agricultural systems and the resultant demographic changes: the dispossession of the rural poor from common lands and the rise of the urban poor. The development and proliferation of carceral institutions, with labour intensive regimes for both men and women, are traced back to the sites and times of the great leaps forward in mercantile capitalism and trade and industry, labour being the answer to women's crimes of prostitution in institutions such as Amsterdam's 'Spinhuis' (Mathiesen,1990). The nineteenth century workhouse and factories are seen as the civil and economic equivalent for capitalist times (Melossi and Pavarini,1981; Ignatieff, 1978) and twentieth century rates of imprisonment as having an enduring inter-relation with economic performance (Hale, 1989). Yet despite the theoretical leaps made during the development of these system level analyses, gender is largely missing, the masculinist enterprise is assumed and generally unquestioned and therefore the analyses are flawed and require further scrutiny in relation to women. At least as worrying, if not more so, is that studies continue in which the *theory* is arguably missing.

Resisting the social: Administrative criminology

Studies of prisons and punishment have continued to proliferate which do not engage with this seismic shift in which the meanings of punishment lie below the surface and beyond the borders of administrative and programmatic endeavours. Foucault charged criminology with occupying a compromising position, too close to those responsible for the execution of

justice,

"One has the impression that it is of such utility, is needed so urgently and rendered so vital to the working of the system, that it does not even need to seek a theoretical justification for itself, or even simply a coherent framework. It is entirely utilitarian" (1980:47 cited in Pitts,1992)

The strength of this claim has been such that there has been a discernible split between those involved with the execution, or executors, of justice and those maintaining critical distance, engaging with criminological and penological theory first, practice second. The former assume that punishment is capable of acting upon crime rates and therefore seek to refine and perfect it. Crime and punishment continue to be viewed as inherently interconnected and therefore the limited theorising of punishment takes place within a rational, Weberian model (Garland,1990) divined by Young (1996:8) as "...metaphorizing crime as a battle to crime as a virus betray(ing) also a faith in technological rationality: crime is a problem of knowledge as *techne*." and therefore once again assuming rather than demonstrating the *a priori* legitimacy of state punishment. Hence the issues debated are those of adjustment or fine tuning, devising a better fit between crime and punishment; between offender and punishment and between penal policy and societal goals rather than engaging at a philosophical level with penal theory or the legitimacy of the state as arbiter of punishment, leaving that to the realm of legal philosophy. This split has also played itself out within feminist criminology and penology.

Classical or administrative theories of punishment refuse both the notion that crime may be a rational course of action in some social and economic situations, and the contention that punishment serves wider, covert social purposes other than the control, prevention and punishment of crime. That state social and economic policies may suit the majority yet harm

and exclude some sections of society from participating in society is not considered legitimisation for law-breaking. Against this standpoint there is little justification for arguing that gender control or racist agenda may inform and shape penalty, nor that criminality is a socially constructed phenomenon. The position of minorities in explicitly or implicitly oppressive societies do not feature prominently in legal philosophy (Kerruish, 1991) nor do theories which allege covert state agenda or outline the unintended consequences of political ideology. Despite Marxist and feminist critiques and the new Foucauldian paradigm, administrative criminologists have continued their atheoretical documentation of the processes of punishment and custody, regardless of the thesis that punishment holds a mirror to the underlying social beliefs of any given society, reflecting gendered, racialised and enclashed ideologies (Garland and Young, 1983, Garland, 1985). Despite the limitations outlined above I turn now to mainstream penology; for the influence of such classical notions of punishment as retribution, deterrence and rehabilitation continue to inform current ways of thinking, to underpin penal policy, and to shape the agenda and regime of women's prisons. In the next section of the literature review I consider a typology of approaches to theorising punishment. In later chapters the participants describe and reflect upon the way that punishment impacted upon them and their dependents. In the course of fieldwork it quickly became apparent that the main approaches to theorising punishment continue to have currency for women prisoners, they recur and are critiqued in women's accounts and for this reason are rehearsed below as an antecedent to examining and either building upon or modifying the case for a gendered approach to penology. It is in relation to the theorising of punishment that my greatest concerns arose for the potential unintended consequences for women's citizenship rights of a gendered approach. For this reason I will also outline from Durkheim to the present day, attempts to establish a first principle of punishment.

Administrative criminology's punishment typology

In penal philosophy a fundamental distinction is made between forward-looking and backward-looking justifications for punishment (Cragg, 1992; Lacey, 1988) centering on the relative merits and justifications of the three great principles of retribution, deterrence (general and specific) and reform or rehabilitation (Hart, 1968). Mixed or hybrid theories of punishment were developed as a compromise between this forward-backward dichotomy.

In brief, of the backward-looking justifications, retribution begins from the straightforward principle of what we know as the biblical 'eye for an eye' principle or *lex talionis*, whereby being sinned against is adequate justification for the extraction of equal pain by way of reparation (Lacey, 1988), *in extremis* negating the measuring of culpability, mitigating or aggravating factors and sanctioning simple vengeance. Penal outcomes include severe and mandatory punishments such as life imprisonment for murder or life imprisonment for a second violent or sexual offence (The Crime (Sentencing) Act, 1997). A modified, discretionary retributionist approach acknowledges culpability or blameworthiness. The degree of self-knowledge and disregard for the welfare of others influences the severity of punishment. Durkheim defended vengeance on the grounds that "what it tends to destroy was a menace to us" (1933:87) but acknowledged the subjectivity of the value base of the social body. Bean (1981) identifies a distinctly circular retributionist argument whereby those who break rules merit punishment therefore punishment is merited.

Retribution has been described as a process which cannot be clearly shown to have a positive, dignifying outcome, nor one which results in the edification of the offender (Bean, 1981:27). Yet Bean defends retribution's founding in natural justice, providing it is enacted

proportionately to criminal action, a caveat which is undermined by analysis of the sentencing of women. This 'just deserts' version of retributionist doctrine accords with classical liberal principles in that the individual rule breaker alone may be punished and must, by definition, be guilty; whereas a utilitarian justification permits a degree of 'class action' for the greater good but Davis (1995) warns that we can neither measure harm nor proportion punishment sufficiently well to satisfy abstract philosophical principles; therefore we must justify retribution through the punishment of unfair advantage taken by the citizen who steps outside of the rules. Cragg distinguishes retribution from vengeance by,

".. its focus (on) the personal hurt caused by the wrong and is a response to that hurt and the anger it generates. Consequently, those seeking revenge frequently misjudge the harm or wrong to which they are responding. They over-react, with the result that the punishment that is inflicted is often excessive." (1992:16)

Yet he misses a first opportunity to begin to draw his case for a restorative, reparative justice. Retribution in being backward rather than forward looking cannot "correct the wrong", but can only respond, disapprove of and punish the wrong. It is, as Bean says, a tautologous argument. The apparent strength and attractive simplicity of the 'just deserts' version of the retributivist claim rests upon implicit simultaneous attention to both theory and practice. The punishment should generally fit the crime rather than the criminal, reiterating Bentham's (1789) principle of punishment relative to the pain caused by an action. The practical application of that principle causes great problems in ranking the seriousness of crime and the severity of punishment in the face of the great complexity of both (Davis,1995).

Of the forward-looking penal theories the deterrent principle was assumed inalienable

"A punishment, as a solitary fact, is an evil: the pain inflicted on the criminal

being added to the mischief of the crime. But, considered as part of a system, a punishment is useful or beneficent. By a dozen or a score of punishments, thousands of crimes are prevented." (Austin, 1832, cited in Mill, 1969)

The principle is usually distinguished as *general* deterrent effect on a *population*, often rendered as making imprisonment the least attractive option in society through Bentham's (1789) 'less eligibility' principle (Sieh, 1989; Sparks, 1996; Murray, 1997), and the efficacy of the punishment meted out to an *individual* in deterring that individual from committing future offences. Measurement and proof of the extent of general deterrent effects are both highly complex and elusive (Bean, 1981). The individual deterrent effect appears simpler to evaluate, does the individual re-offend following punishment, yet raises further questions (Von Hirsch, 1976). Would a lesser punishment produce the same deterrent effect, do most people grow out of criminal activity whether punished or unpunished, could excessive punishment embitter and inhibit deterrent effect on an individual?

Cragg (1992) traces rehabilitative or reformatory endeavour back to the distinction between moral education and rehabilitation in the Old Testament Book of Job . Moral education being concerned to persuade the offender to reinvest in the dominant moral values of society, the tacit belief being that this alone is enough to enable an offender to stop offending, whereas,

"(T)he purpose of rehabilitation is to diminish offenders' criminal propensities through psychiatric therapy, counselling, vocational training, educational upgrading, substance abuse programmes, and any other scientifically grounded techniques for reducing recidivism." (1992:44)

The problematic premise behind rehabilitation or the treatment ethic is that 'offenders' are irrational, rather than in straitened economic circumstances, need professional help in order to address their problems: offending behaviour being problematically seen as symptomatic

of underlying sociopathology or problems with the individual's mental, emotional or psychological makeup (Von Hirsch and Maher, 1992). The form of help varies from those above, to psychotropic drug treatment, and, less frequently, the talking therapies. Treatment is the most controversial of the punishment outcomes in relation to women as it is portrayed as having the closest 'fit' with the pervasive goal of the penal regulation of women: the control of female sexuality and women's gender roles (Hannah-Moffat, 1995; Howe, 1994). As women's mental, emotional and psychological functioning has consistently been investigated as the most likely basis of their offending behaviour, criminal propensities or inability to cope in modern society; the treatment ethic has something of the nature of a meta-narrative - omnipresent, shaping research agenda, the driving force behind most programmatic work on women prisoners to date, arguably underlying recent British calls for greater separation of the control and planning of women's imprisonment (HM Inspectorate of Prisons for England and Wales, 1997).

Stepping back: The search for first principles of state punishment

The search for first principles takes us back to the presumption of equal citizenship before the law. This position has been devastatingly critiqued on the grounds of both gender and racial inequality, exemplified by sentencing patterns in relation to women and by Mann (1989) in the case of black women's route through the criminal justice system of the United States as the 'black-shift phenomenon' - in which white women are diverted out of the system in greater numbers than black women at each stage of the judicial process and black women accumulate within it. In the UK racialised sentencing (Brown and Hullin, 1992; Hood, 1992) is demonstrated and the black women judged to be more tightly controlled throughout the British criminal justice system (Chiqwada, 1989; Agozino, 1997). In a gendered,

differentiated account of the legitimacy of state punishment one's status under the rules depends on a great deal more than mere respect for the rules (Kerruish, 1991); being structured by inequalities, differential opportunities and deprivations bringing levels of inequality as well as diversity through the prison gates.

At a more abstract level Simmons rejects the adequacy of Locke's prima facie justification for state punishment of the individual which removes the right of individual citizens to exact vengeful retribution vesting the power to punish in the state. "Each citizen begins with only a right to control his own life" (1995:236) which he entrusts to government to punish others' and his own lapses from self-control. Individual citizens give up their right to punish to the state, agreeing not to compete with the state for the right to punish an individual wrongdoer. The cumulative effect is that government accrues the right and the responsibility to punish all transgressing citizens by consensus, a consensus which is damaged by the inequalities outlined above. For Simmons, one's status is established through acquiescence to the rule of law under Kantian philosophy forbidding the use of others as a means to our own ends (1995:244). Infractors violate the rights of other citizens for protection under the law thus justifying punishment.

Yet civil society, Simmons argues, has the right also to forgive criminals in the pursuit of social or community ends, a principle which has resonance with the findings of this study. A civil society *must* distinguish between harm, and punishment of offenders, on the basis of proportionality, relying upon the just motivation and restraint of those who punish. The state, in taking up the right to punish, has a duty to remain detached and mindful of the rights of citizens to expect punishment to be purposeful, forward-looking and to allow offenders to retain rights. For Simmons, vengeance violates the state's own rules and takes us back to

the moment at which Foucault describes the terrible vengeance exacted upon the body of a transgressor at the opening to *Discipline and Punish* (1977).

Postmodern accounts of punishment: struggles for the heart of penology

The direction and motivation of Foucault's major work on punishment or discipline is seen as radically different. In Foucault's analysis, modern punishment is based on an engendering self-regulation deeply embedded in the psyche of modern individuals⁴, concepts which are foreshadowed in both classical liberal and functionalist sociological texts ,

"The internal sanction of duty, whatever our standard of duty may be, is one and the same - a feeling in our mind; a pain, more or less intense, attendant on violation of duty, which in properly cultivated moral natures rises, in the more serious cases, into shrinking from it as an impossibility." (Mill [1861]1969:281)

Mill's description of 'conscience' derived from "the recollections of childhood and of all our past life; from self-esteem, desire of the esteem of others, and occasionally even self-abasement" (1969:281) foreshadowed both Durkheim's (1893) idea of the 'collective conscience' and Foucault's (1977) notion of the carceral network as a mechanism which resulted in the self-regulating behaviour of law-abiding citizens. It continues, reworked, in late twentieth century communitarian justifications of state punishment (Lacey,1988) and in gendered form in Gilligan's work.

The influence of Foucault's '*Discipline and Punish*' (1977) cannot be overstated although it

⁴Vogt (1993:93, note 5) noted the parallel between Durkheim and Foucault but sees Foucault as misinterpreting the rise of the prison as merely a different form of oppression, equally severe but of a different quality, a shifting of control from body to mind, out into wider social and intellectual endeavours, widening the 'carceral circle.

has been critiqued as over-dramatic and a highly selective account of the growth of incarceration and the decline of physical sanction as the most common form of punishment. Its relevance lies in his wider theses of power in society, the regulation of human behaviour through surveillance and the engendering of self-regulation in the populace, explored later on in this chapter for its potential contribution to a gendered penology, a potential unrealised by Foucault himself. It also underpins a key work for this study, Adrian Howe's (1994) exploration of a feminist penality which is introduced in this chapter and explored in greater depth in the later chapters of the thesis. For Garland (1990) Foucault's concern with discipline and punishment lies at the heart of the processes of social regulation and inclusion; when citizens transgress societal norms, social exclusion is achieved by way of incarceration.

"The great interest of Foucault's (partly Weberian) analysis of punishment is that he shows how this broader rationalization process has transformed an institution from being a morally charged and emotive set of ritual practices into an increasingly passionless and professionalized instrumental process."
(Garland,1990:179)

In both his and Durkheim's work we are left with the problem of how to explain the continuance and growth of overtly repressive punishment. Two central tenets of Durkheim's theory are challenged by a Marxist analysis: first his assumption that complex societies will transfer to a predominantly civil and contractual legal system; and second, that differentiation of labour and mutual interdependence will successfully integrate all elements of society into the social fabric and hegemonic values of that society. The relationship between individual and state explained through the rights of citizenship within a democracy should therefore be a reciprocal relationship, damaged when inequality is allowed or encouraged to persist as a means to a stratified social cohesion. Elements of these largely masculinist philosophies have highlighted gender through its absence, more rarely by its consideration. For the most part it has been left to feminist philosophers to abstract the relevance to women's position and to remedy the undoubted gap of their exclusion.

THE CONTRIBUTIONS OF FEMINIST CRIMINOLOGY

Sociological theories of prison culture and inmate subcultures first developed in the US where explorations of the reformatory system for women in America (Freedman, 1987; Hahn-Rafter, 1988) were as instrumental as the work of Carlen in Britain (Carlen, 1983; 1994; 1995, 1998) in establishing the study of the social control of women within prison institutions. Historical studies established a continuum between the experiences of contemporary women prisoners and their latterday counterparts,

"...a great number of women still lived out their incarceration in dank, poorly supervised, harsh penitentiaries. Today women's institutions still carry the legacy of their reformatory history, partly because many are still in the original buildings designed for women and partly because the ideas regarding what should be done with female prisoners have only gradually changed. (Pollock-Byrne, 1990:4)

This gradual change bears a legacy in Britain as well as the United States. Narrow, eurocentric ideologies of womanhood continued to shape and inform both theory and penal and social policy for contemporary women prisoners. Equally, the mode and ethos of imprisonment inhabited by women prisoners was shaped by general theories and debates about the significance and meaning of custodial punishment from the late eighteenth century. when women were incarcerated alongside their male counterparts, separation coming as a result of paternalistic campaigning for the protection of women in the appalling conditions of unsupervised local gaols (Dobash, Dobash and Gutteridge, 1986).

The broad church of contemporary, British, feminist criminology divides into two main concerns. The first committed to engage in practice-based research. This often manifests

as analysis of sentencing practices and the imprisonment of women. Its brief (explored in greater detail below), to humanise sentencing practices, to address women's needs, to make punishment purposeful but humane through woman-centred theory and practice. The second growing from the broader traditions of critical sociology and radical criminology seeking to build an adequate gendered understanding of the context, processes and meanings of criminal justice for working-class and black women, rejected the validity of working within established systems in favour of an almost wholly theoretical focus largely expressed through oppositional and alternative accounts developed in response to the skewed and misrepresentational traditions outlined above. In the tradition of early feminist work, some accounts filled the missing gaps, represented and painted women in to the criminological picture. Later ones centred on women and women's lives, even to the extreme of Alison Young (1996) who in the post-modern enterprise of 'Imagining Crime' writes of the ubiquitous criminal as 'she', the outlaw whose outcasting from community allows the law-abiding 'we' to define ourselves from within the boundedness of 'community' which is also, generically female.

As a starting point and a short-lived alternative to chivalry (see Smart, 1976 and Morris, 1987 for a critique), Adler (1975) theorised that female liberation would free women to be active rather than passive in the pursuit of material gain. A new generation of 'go-get' women committing bigger and better crime would cause female crime to rise as a proportion of male crime, uncritically accepting the apparent trend towards increasing rates of female crime. One of the first concerted feminist efforts was to square the argument that women experienced chivalry with the observed inequities of sentencing and the wretchedness of many female prisoners' lives. The realisation that black women and girls (Vedder and Somerville, 1970), working class women or women who refused to adopt a suitably demure

demeanour in court (Carlen, 1983) were not treated with greater leniency than men thus formed one of the principal challenges to chivalry (Worrall,1981; Morris,1987), illustrating how feminism based on white middle-class experience alone misrepresents the predominantly working-class women who pass through courts and prisons.⁵ During the 1980s it was comprehensively confirmed that women processed through the Criminal Justice System in Britain are predominantly women living in poverty rather than women making any kind of politicised or liberated choice to commit economic crime (Cook,1987; Carlen:1988). Women prisoners are often conceived of as women who exist outside of mainstream society. The first modern, critical account of a British female prison population was that of Pat Carlen (1983) who portrayed the imprisonment of young women drawn from the very bottom of the social pile in Scotland's socially estranged places; where a culture of hard men combined with the abuse of alcohol and with grinding poverty and worklessness to entrap women in a tight web of gendered social control.

"I do not want to give the impression that they were merely downtrodden, weak or broken. Their very situation, of course, accurately defined most of them as losers but, at the same time, there were still many fighters amongst them. Although most of them expected to lose and lose again, they had learned some lessons about family life. In spelling out these lessons to me many of the women pursued a new theme - a desire for independence, from the 'man' and the family - at least as they had known them.' (Carlen, 1983: 55)

Strictly prescribed gender roles were brutally enforced both informally, within families; and formally, to borrow the Scottish term used throughout the study, "outwith" families; through the courts - and then the prison - for those women who overstepped the line drawn between

⁵ Twentieth century migration to Britain from the Caribbean replicated the separation of black men and women on economic grounds that has shaped African-Caribbean family structure since the African diaspora (Dill:1987). As economic migrants black women were not encouraged to stay in the home like their white counterparts. Expectations of domesticated womanhood were not extended to women perceived as outside of the dominant society's mores (Dill:1987, Rice:1990).

appropriate and unacceptable female behaviour, and 'good-enough' mothering in particular (Winnicott, 1964). The women at greatest risk of imprisonment are portrayed as those who are the least tied in to the social control mechanisms of family, church, patriarchally defined gender roles and mothering. Those deemed beyond help are mopped up by the courts and routinely imprisoned, prison as a first resort for women of last resort.

From this study onward the popular conception of women prisoners has been as something of a hapless group of women, trapped within lone parenthood, benefit dependency and petty criminality. Some of the findings of Carlen's seminal work have not been reproduced elsewhere, a popular misconception is that most women prisoners continue to lose their children to local authority care when they receive a custodial sentence. Recent survey research has shown that this happens to relatively few women (Dodd and Hunter, 1992), although the experiences of their children are not necessarily any the more stable given the pressures upon the families of imprisoned women (Woodrow, 1992).

Those writing on the exercise of power and the social control of women prisoners increasingly use a Foucauldian framework to do so. The transgressing of criminology even by feminist criminologists is the legacy of the realisation of the particular potency of 'social control talk' (Smart, 1977; Cohen, 1983) and the spreading carceral circle (Foucault, 1977) for women whose lives are more securely bound around by the combined ties of welfare, childcare and domestic management and who are more tightly observed, policed and punished when things go wrong or when the choice to swim rather than sink disposes them to commit a criminal or criminalised act.

Howe (1990) sees Foucault's theory of power as helpful in understanding the position of

women in the criminal justice and penal systems through the idea of power as exercised not merely from the top-down but in myriad ways throughout society, via roles, exclusions, surveillance, the medicalization of sexuality and madness. In practice this allows explanation of the ways women find their lives constrained in everyday life without ever coming into contact with the legal sanctions of the criminal justice system. In light of this she has questioned the prison as the "central disciplinary site", the pinnacle of repressive forces in women's lives, and supports instead the continuum notion of punishment, imprisonment as a further stage of regulation, surveillance and discipline alongside the special hospital, heterosexuality or the medicalisation of women's lives. Had Foucault written explicitly about gender he might have recognised the significance of the changing regulation of women for his 'carceral society' (Sumner, 1990; Sawicki,1991). The regulation and surveillance of women in the early part of this century illustrates clearly his thesis that state surveillance of citizens occurs not merely through punishment and the overt regulation of crime but extends through hospitals, schools and everyday interaction with state agencies. Surveillance is incorporated through the citizenry's self-regulation. The focus on a range of state agencies and sites of discipline has been taken up by some as pertinent to women's particular experiences of criminal justice - so often bound up with ideologies of madness and moral disease (Dobash, Dobash and Gutteridge,1986; Howe,1991; Worrall,1990; Eaton,1993) whilst the notion of self-regulation underpins notions of gender bias in social control. A recent development in theorising punishment is Adrian Howe's later work (1994), her search for a woman-centred and post-modern penality, a Foucauldian endeavour which nonetheless questions his and others' orthodoxy of the separation of crime and punishment, asking whether,

"the great disconnection between crime and punishment effected by Rusche and Kirchheimer's *Punishment and Social Structure* and Foucault's *Discipline*

and Punish, and hailed by their followers as an astounding epistemological achievement, does not have a purchase when it comes to studying the punishment of women. Indeed, it may well be that the task of unearthing the specificities of women's imprisonment actually requires a crime-and-punishment approach."(Howe, 1994:161)

Howe recognises a tremendous injustice if the postmodern challenge to the category of 'women' has the effect of removing women prisoners from the spotlight at the very moment when they first gain it. Questioning most orthodoxies: the new-but-androcentric social-structural criminology; the feminist-but-atheoretical empiricist criminology; gender-blind postmodernism and politically inactive relativism she seeks to further a newly emerging postmodern-feminist penality by tracing a different route through this dichotomy. Challenging for the development of a postmodern feminist penality, yet arguing for both theoretical rigour in embracing the grand themes of causation and moral justification alongside a politicised action-oriented brief to operate on behalf of women prisoners who cannot wait for feminism to make its mind up as to who is right: those who write eloquent arguments for almost total decarceration; or those who work within and alongside the agencies of penal practice to humanise (or feminise?) penal practice and prison regimes. A theoretical trap, an inherent contradiction lies within,

"How can a feminist who is informed by a postmodern sensibility that women no longer exist, speak for women prisoners? Must she risk losing sight of women prisoners, just when they are beginning to become visible?"(Howe,1994:164)

This tension, and Howe's attempts to solve it, became increasingly central to the study as time progressed and the choices between post-modern and resurgent feminist-modernist approaches loomed larger. I return to Howe in greater detail in the final chapter. A gendered

approach to control theory can reveal much about the regulation of women. Foucault's (1977) theory that western societies regulate their populations largely by means of inclusionary disciplinary procedures; reserving the exclusion of citizens for those who resist normalization into the approved ways of that society is used by Eaton (1993) to show that, paradoxically, exclusion is enacted through incarceration. Equally his theory of social control holds much the same potential to explain how women have been argued to internalise rather than act out tensions and contradictions, of use when thinking about the levels of self-harm in women's prisons through his concept of self-surveillance; in which individual knowledge of the potential for state censure or 'punishment' restrains the individual through an internal but socially derived mechanism of control. Where Foucault neglected the gendered nature of that control Eaton renders it in an explicit way.

"... through formal and informal mechanisms, through discourse and through force, the state plays a part in the construction of womanhood. Within the prison the range of acceptable models of femininity for prisoners is severely limited to those which manifest docility and subservience" (1993:17).

In prison the boundaries of acceptable female behaviour are much reduced by the level of surveillance and the uni-directional nature of the power to record observations (Eaton, 1993; Carlen, 1983). Staff may record observations about the women but they have no recourse to do the same about the staff. The institutionalized nature of the prison society means that there exist only a limited range of choices, these cover not only regime but women's identity as well. What may on the outside pass for perfectly ordinary reactions to the frustrations and limitations of life are recorded and sanctioned in prison, and are often the subject of disciplinary proceedings (Genders and Player, 1987). The web of discipline stretches to regulate every aspect of 'behaviour' in the prison setting. Control theory is one way to articulate the invisible cords which bind.

Howe (1994:161) has been willing to question the accepted sociological position that punishment is a stand-alone social phenomenon not necessarily reflective or derivative of crime rates. Yet she asks might, "the task of unearthing the specificities of women's imprisonment actually require(s) a crime and punishment approach." Howe asks whether we must look to other institutions of western society in our search for the site of the disciplining of women: heterosexuality; psychiatric hospitals; schools; nuclear families? Acknowledging that feminist accounts of criminality and penalty can tend to overlook the variables of class, unemployment, and 'race', she asks, "(a)re women's crimes and punishments bonded in such a way that they simply cannot be pulled apart to satisfy the theoretical requirements of critical masculinist analysts?" (1994:161-163) Twentieth century accounts of punishment and theoretical explanations of penal policy are generally gender neutral. Yet there is ample documented evidence of punishment some of which was specifically designed for women; applied to them where similar male conduct does not appear to have been regulated at all. Dobash, Dobash and Gutteridge (1986) portray the dual regulation of women's lives through *both* crime and punishment: the criminalisation of sexual, behavioural and role transgressions, and the increasingly gendered nature of punishment, describing,

"Women's bodies (as) the instruments for exorcising political and social evils, establishing the power of institutions and, and for the symbolic marking of boundaries of appropriate female behaviour." (1986:18),

Physical punishments expressed disapproval of behaviour which infringed notions of women's place and appropriate demeanour. For them, as for Foucault (1977), the community supported and observed the use of public and physically painful or humiliating punishments, some of which, were used primarily against women: the scold's bridle, the branks, the use of stocks, ducking chairs and floggings.

The brief pen-portraits of the foregoing, contrasting theoretical accounts of punishments may be over-deterministic. They do, however, signal a gradual change in the nature of thinking about punishment which has been judged to take on the nature of a purposeful process

rather than a random fact (Cavadino and Dignan,1992). Punishment has been justified when " the protection of the community requires necessary and effective punitive measures involving lesser harms than the harm feared" (Nino,1995:104). Here the legitimacy of punishment is inextricably tied in here with future outcome. Although suggestive of an incapacitation thesis this approach requires that the nihilism of a 'nothing works' ethos be overturned. Punishment should always aim for a bettering of the likely future outcome - a return to a reform-minded agenda. On this note I return to the experiences of British women in state prisons.

Women and imprisonment: Glimpsing women

Before coming in detail to recent literature, looking back at accounts of the development of modern prisons, we see that the period before the emergence of sex-segregated institutions is a period of considerable remaining doubt about the nature of imprisonment for women. Using contemporaneous records (particularly those of Howard) Ignatieff (1978) indicates the presence of women in late eighteenth and early nineteenth century prisons, but offers no differentiated account of their treatment, surmising that women would have formed part of the verminous, frequently starving rabble held in ill-disciplined jails under the control of jailers who were not even obliged to feed their prisoners. We are left searching for the detail of women's experience, for accounts which allow the imprisonment of women today to be traced back and related to the forerunners of contemporary women's prisons.

One theme of debate has centred around why women were largely ignored by reformers such as Howard. Feeley and Little's (1991) partial explanation of female invisibility based on analysis of Old Bailey court statistics from the period 1687-1912, demonstrates that in the earlier period women were processed through formal criminal procedures in much greater

numbers than we have witnessed during the late nineteenth and twentieth centuries. They contend that women in the late eighteenth and early nineteenth century were routinely present in court, in prison, aboard the transportation ship, and sentenced to physical and capital punishment (unless pregnant and able to "plead their belly") alongside men. As such, they are unsurprised by the lack of specific attention towards women in such a chaotic and ill-disciplined system. Ignatieff (1977) also judges women as present, if largely invisible, in prisons which in pre-Industrial Revolution Britain had greater significance as the holding arena for those awaiting transportation and physical (including capital) punishment than as a punishment in itself. Others (Dobash, Dobash and Gutteridge:1986, Zedner:1991), challenge the orthodoxy that gender would not have shaped nineteenth century penal policy.

"Given that women made up around a quarter of all those sentenced to local prisons and around an eighth of all those sent to convict prisons up to the 1880s to suggest that they were simply 'not foreseen' is patently implausible. Moreover given the pervasive importance of gender divisions in Victorian society, it would be unwise to assume that women, however aberrant, were regarded and treated like men" (Zedner,1991:100).

It seems more likely that women committed to jails were very much treated *as women*; but as women in historical context.

From rescuing women to separate regimes

John Howard (1777, [Ruck 1929]) had begun in the late eighteenth century to inspect gaols, portraying the disturbing 'state of the prisons' and recommending change, not least in the responsibilities of gaolers who were not even required to feed some prisoners (usually debtors) and despaired in gaols such as Shrewsbury at "the dreadful consequences of the men and women being together" (p.215). Many women and children accompanied their husbands to gaol. However, it was not until the mid-nineteenth century that the plight of women abused and sexually exploited in ill-disciplined mixed jails, became a separate issue,

attracting the attention of reformers in Britain and the United States (see Rafter, 1988; Zedner, 1991 for an account). The sexual exploitation of women in mixed-sex prisons was one of the main factors which stimulated John Howard (1777 [Ruck, 1929]) and more successfully Elizabeth Fry to press for men and women to be separately imprisoned.

The reforming Elizabeth Fry extended her middle-class sensibilities to the 'criminal classes' in the hope of redeeming the 'lost' women of Newgate Prison (Dobash, Dobash and Gutteridge, 1986; Zedner, 1991) with a successful call for women to be imprisoned separately. Prison regimes for women became oriented towards treatment and domestic training; towards the regulation of gender roles. Here the link with broader ideological changes comes into focus. As the focus of punishment shifted from the physical punishment of the body to the regulation of behaviour, it essentially becomes punishment of the mind (Ignatieff, 1977; Foucault, 1980; Matthiesen, 1990). For women, far more than men, the corollary of this was to be that punishment was extended to the regulation of appropriate gender roles. From this point the treatment of men and women diverged.

Contemporary women prisoners

In a field which, for the most part, concerns itself only with men, Giallombardo describes,

"...first, articles which are programmatic in nature; second, autobiographical accounts of released inmates; third, historical accounts; fourth, sensational exposes; and, finally, attempts to establish the extent of the criminality of women". (1966:2)

Early texts in the British literature of women's imprisonment generally consist of the second, third, and fourth categories: With unquestioning acceptance of the legal and moral codes

accounts by prison visitors, philanthropists and prison staff tend to read as incredulous accounts of the depths to which women can sink outside of the accepted code of femininity. Autobiographies and exposés can be self-justifying, glossing over the reasons for imprisonment (see for example, Henry, 1952) to recount the degradations felt by women during their imprisonment. Bardsley's (1987) 'Flowers in Hell' unhelpfully over-idealises women prisoners. Audrey Peckham's (1985) indignation and deep distress is that of a woman out of her depth and on the opposite side of the tracks to her accustomed position in life. The accounts provided by Josie O' Dwyer et al (1987) form a more sophisticated analysis of the social control inherent in the left-overs of a feminine rehabilitation system, the repression of harsh medical and disciplinary proceedings and the isolation of women from their significant others. Devlin's (1998) extensive visits and interviews with both women and staff nevertheless fall into the trap of the sensationalist exposé.

Equality or difference: A penal application of a perennial debate

The themes contained within academic research on women prisoners in part mirror those of wider feminist debates about the law and jurisprudence, penalty, and social control. One such is the issue of whether women are best served within the law and criminal justice by the struggle for equality with men, or by recognising women's difference - recognising a community or communities of women - and latterly with recognising the differences between women (Spelman, 1988). The same debate applies to punishment and imprisonment. Are women at the point of sentencing and in prison best served by regimes which treat women the same as men or by accepting the radical feminist argument of difference, different values and different roles from men (Alcoff, 1988; Sawicki, 1991; Bacchi, 1991). Do women fare better when treated equally to men, when their vulnerability to supposedly gender-neutral policy is

stressed (Jackson and Stearns, 1995) or when the unique roles and responsibilities they continue to have are allowed to shape policy? The claim that women experience prison differently to men because their needs and responsibilities are gender-specific recurs across Britain (Genders and Player, 1987; Wilkinson, 1988; Woodrow, 1992; Liebling, 1994) the United States (Hairston, 1991; Jackson and Stearns, 1995), Sweden and Ireland (Lundstrom, 1988) and Canada (Shaw, 1992, 1996; Hannah-Moffat, 1995). Evidence certainly suggests that the concerns of women inside prison mirror those of their lives on the outside. They continue to feel responsible for children and other dependents, are concerned with the impact of prison upon their roles as mothers and carers (Catan, 1988; 1992; Davis, 1991; Woodrow, 1992). Catan (1988; 1992) assessed the quality of regimes provided for children inside the prison system. In the United States Hairston (1991a) found that some women did not want their children to see them in prison. Johnson (1991) studied Japanese women's prisons within the context of a society partway between full westernization and retention of traditional values, finding that the regimes continued to assume training for a domestic role as the appropriate focus of regimes for women.

The degree of diversity amongst women prisoners is debatable. The concentration of women from deprived social circumstances in British prisons was established by Carlen in Cornton Vale in the mid 1980s (and reproduced by almost every subsequent study of women in prison and women in the wider criminal justice system). There is an accumulation of evidence that the use of hard drugs and/or the misuse of prescription drugs is one of the most common uniting factors (Morris et al, 1995). Multiple measures of deprivation may be needed to adequately capture the socio-economic background of women prisoners. Overall, the interplay of various socio-demographic variables in the female prison population is far from clear.

Black women appear to be over-represented in the prison population, although the degree of this is not yet clear in the literature due to confusion over which are black British women and which are 'foreign' women. Maden, Swinton and Gunn (1992) examined the records of 25 percent of the British female prison population. Removing women ordinarily resident overseas caused the proportion of black women to fall from 20 to 13 percent. Curiously the authors used this as evidence that black women are not necessarily over-represented although the black British population was six per cent in the 1991 census. Comparing several previously dis-aggregated prison data sets Fitzgerald and Marshall (1996) addressed the problem by removing both those who did not have UK nationality and those recently arrived in the country before their imprisonment⁶. They conclude that the influence of socio-economic factors requires as much investigation as the workings of indirect and direct discrimination. Hood (1992) has demonstrated how indirect discrimination and the differential socio-economic position of black defendants can influence the eventual outcome of a court case. A sentence of imprisonment is more likely where a defendant has been remanded in custody, unemployed defendants are more likely to be remanded in custody and black defendants are more likely to be unemployed. The two effects combined are likely to conflate the black prison population.

Rice (1990) raises the (white) standards of passive and compliant femininity and behaviour against which young black women are measured whilst having to be strong and resilient enough to survive in a racist society. Both factors could potentially bring black women into conflict with a legal framework and social policies based on the norm of the nuclear family where black families are conceived as 'other'; as psychologically, pathologically dysfunctional

⁶It is not clear whether removing those recently arrived in the country would automatically exclude every woman who arrived in prison directly from the country's airports on a charge of drug importation. If it did it is possible that black women ordinarily resident in Britain could have been excluded from the aggregated figures.

rather than economically and historically determined (Dill,1987). In the United States Mann (1989) notes that the proportion of black women increases at each stage of the criminal justice process until they are massively over-represented in the female prison population to the extent that Fletcher, Shaver and Moon (1993) felt justified in describing the average female prisoner in the United States as being a young, black single mother whose children and own mother are the most important people in her life. Representational 'ideal-types' are unhelpful but illustrate that black women are imprisoned at a rate far exceeding their demographic fraction of the population. Fitzgerald and Marshall (1996) challenge US acceptance of the 'racial disproportionality' thesis - uncritical acceptance of differential offending rates amongst different ethnic groups with self-report studies of offending and evidence of differential policing of black communities and sentencing differentials.

Medicalisation and the psychological-treatment focus on women prisoners

The dominant research paradigm relating to women prisoners continues to be a psychological or medical (psychiatric) paradigm. Aside from Home Office sponsored programmatic studies (Grace, 1990; Morris et al, 1995) access to prisons for the purpose of research has been largely restricted to studies adhering to this dominant research paradigm. This explains the dearth of sociological research based on the prisons of England and Wales. Though taking a piecemeal approach many existing studies of women in prison have been by psychologists and medical personnel. Heidensohn (1991) found a variety of studies from 1923 to 1986 to view women in or entering prison as likely to be mentally ill in some way.

"..in certain judicial practices and in a number of research studies, the role of women in both cases is seen as that of a victim. In particular, court and psychiatric practice have combined to medicalise female criminals and to

explain their actions in psychological terms...Penal policies for women have at times, too, been aimed at women inmates assumed to be either physically or mentally sick or both" (p50).

Tofler and Turner (1986:651) judged half their sample of women entering Holloway to fall within their indices of mental illness. High levels of psychotropic drugs prescribed to women in prison have been cited as evidence of the increased pains of imprisonment for women (Genders and Player, 1987) though are usually accepted as evidence of higher rates of mental illness or psychological distress (Maden 1996). In a recent review of women prisoners' health Herbert-Kenney (1999) was critical of prescribing practices and did review the provision of preventive and educative health initiatives in prison but maintained the primary focus on women's mental health, arguably perpetuating a deficit model of women prisoners with regard to health. Other studies have focused on: female aggression in prison (Mandaraka-Sheppard, 1986), the psychological profiling of women in US prisons (Harris, 1993), psychological adjustment to contrasting regimes in Sweden and Ireland (Lundstrom,1988), psychological adjustment to long-term imprisonment in the USA (Mackenzie et al, 1989), treatment programmes for abused women (Sultan and Long, 1988) and the use of psychiatric assessment for female defendants (Menzies, Chunn and Webster,1992). Evidence is cited of increasing masculinity in women in a Louisiana prison (Robinson et al, 1988), clusters of behavioural syndromes associated with self-harm (Coid et al, 1991;1992), and a high prevalence of personality disorders among women on Holloway's medical wing (Dolan and Mitchell, 1994). Studies which find higher rates of psychiatric morbidity than would be expected in the female prison population tend towards 'drift' rather than strain theories of women's route into prison: women who are already mentally ill, or have a personality disorder, drift down through the safety net within society and into the prison population; rather than prison being a cause or trigger for the

development of mental illness or the symptoms of psychiatric conditions or psychological distress observed in prison (strain theory).

Medical and psychological discourses continue to shape the format of research, formulation of prison policy and the assessment of its recipients. Whilst the influence of the medical approach to female crime and female prisoners in particular was most evident in the plans for the 'new' Holloway in the 1970's the re-emergence of a treatment ethic remains close to the surface of policy developments in the late 1990s.. The institution was rebuilt as a psychiatric hospital and the 'treatment' ethic placed at the very heart of the institution (Smart:1976, Heidensohn:1985). In response, the growth of an avowedly sociological feminist literature around the female prison system has progressed along two main lines.

Feminist socio-structural theory: Critiques of women's imprisonment

Here two broad factions co-exist. On the one hand those who seek to expose the injustices that the system metes out to those in its custody generally press for better conditions and closer attention to the rationale of imprisonment, its aims and objectives in relation to women. These could be characterised as seeking change from within, operating inside the policy-making sphere (Morris:1987, Genders and Player:1987, Casale:1986, Posen:1988, Wilkinson:1988, Seear and Player:1986, Morris et al,1995).

On the other those who tend to reject or seek to 'transgress' the label of criminologist site themselves in the realm of radical criminology or sociology and women's studies, seeking to demonstrate that the use of imprisonment is fundamentally oppressive and therefore cannot hope to achieve a rehabilitative or reformatory effect (Heidensohn:1985, Worrall:1990,

Carlen:1987; Cain,1990). Related critiques favour abolition, seeking to reform not just the bricks and mortar of the system but the foundations of justice upon which rest the physical and policy manifestations of the criminal justice system (Cain:1986, Heidensohn:1986, Van Swaaningen:1989).

Eaton (1993) focused on women's experiences after imprisonment. Some of her participants had been out of prison for two years, enabling valuable consideration of the longitudinal impact of a prison sentence but making this a study with a very different focus. More of the recent studies of women prisoners fall within the realms of administrative criminology than critical sociology. Morris et al (1995) audited the needs of a sample of 200 women prisoners and reviewed the working of sentence-planning, shared working and the personal officer scheme. They wrote thematically about women's needs in respect of housing, income and debt, drug dependency, alcohol abuse and coming to terms with the effects of physical and sexual abuse but all within the realms of the prison system, rather than a critique of how and why such women come to be imprisoned. Caddle and Crisp (1997) censused the female population then focused in-depth on those women who were mothers finding that poverty, lack of money and the strain of providing for children in these circumstances accounted for much of the women's motivation towards crime. Some of Carlen's (1983) seminal findings have not been reproduced elsewhere. A popular misconception that most women prisoners lose their children to local authority care when they receive a custodial sentence is belied by recent survey research indicating that this happens to relatively few women (Dodd and Hunter, 1992), although the experiences of children cared for by relatives and friends are often unstable and problematic given the financial, social and emotional pressures upon those who generally care for them (Woodrow, 1992).

The greater pains of women's imprisonment

A particularly potent although perhaps as-yet unrealised concept is described by Carlen as 'the moment of imprisonment', "a moment not to be confined within the interstices of Her Majesty's Institution; meanings not to be contained within the female subject of penology" (1983:1). This 'moment' was taken up in Eaton's (1993) work who in a manner reminiscent of Goffman (1968) refers to the 'taking down' of women, the process by which they become a prisoner, and the potency of institutional rituals to strip the individuality of their status. Similarly Carlen's early Scottish study concludes that,

"Overall, the dominant meaning of women's imprisonment is that it is imprisonment denied: it is denied that the women's prison is a 'real prison', it is denied that the women are 'real prisoners', it is denied that the prisoners are 'real women'." (1983:211)

Feminists, whether defining themselves as criminologists or not, have documented that women experience prison differently to men. General social survey evidence has begun to verify this (Dodd and Hunter, 1992; Caddle and Crisp, 1997). Echoing Sykes (1958), Genders and Player argue that the 'pains of imprisonment' may be greater than for men as the general loss and deprivation associated with prison is compounded by lack of support and greater punitive effect for women. This has been argued on the basis of several separate strands of evidence. First, the greater detrimental effects of imprisonment upon women's home situation and those they care for. Male prisoners are more likely to have their homes and children maintained for them than are women (Dodd and Hunter:1992). Without a partner to maintain the family home many single women lose housing and possessions which has a tremendous impact when they are released, reunited with children and must find and build a new home all at the same time (Genders and Player,1987; Wilkinson,1988). Many experience great difficulties with child-care (Amira,1992; Dodd and Hunter,1992;

Woodrow,1992), a few lose children permanently. The importance of family ties is well-established through problematic with different dimensions (Hairston, 1991a, 1991b; Fuller, 1993; Richards and Williams, 1996). The children of female inmates are looked after by their other parent in only a minority of cases (Dodd and Hunter,1992; Woodrow,1992), although relatively few enter local authority care. NACRO also raise the, "rights of the dependant child to keep in close contact with his or her mother, as the parent most central to the child's care" (1991:p.16), an issue addressed through visiting initiatives by Save the Children (1992). Second, the greater use of disciplinary procedures against women than men (Genders and Player, 1987; Home Office, 1999b). Women in prison are subject to the same ambiguous and all-embracing behavioural regulations as male prisoners but are found guilty of twice as many offences against the rules as male prisoners per head (Genders and Player, 1987), a continuing trend (Home Office, 1999b). This, despite higher levels of psychotropic drug prescribing for women prisoners (Genders and Player, 1987; Maden, 1996) which leads to the third strand, the higher rates of mental illness or psychological distress amongst women prisoners, interpreted either as evidence of the effects of imprisonment or more commonly as genuinely higher rates of both physical and psychological morbidity (Maden, 1996; Herbert-Kenney, 1999). Poor health services in prisons impact particularly hard on women (Sim, 1990; HM Inspectorate, 1996).

In collaborative research with women prisoners (O'Dwyer et al, 1987) and a recent return to engagement with policy and penal practice by its most prolific exponent (Carlen 1998) there have been few concessions to the practice of imprisonment. The desire for reform is generally expressed as a call for decarceration, ideally near-total abolition (Stern, 1989; Carlen and Tchaikovsky,1996). In sentencing and the wider criminal justice sphere, the demand is for a rational, just, proportionate penal system (Downes, 1992) with a continuing

emphasis on the social closure experienced by women through criminal justice proceedings which sexualise, or medicalise the needs and motivations of women blighted by poverty, their restricted lives further compounded by childhood and adult sexual abuse, domestic violence and the coping mechanisms of problematic drug and alcohol use (Morris et al, 1995).

Morris et al (1995) stress the need for women to have reliable information, for fears and problems of debt, childcare and housing to be tackled from the point of induction onwards. Yet Carlen (1994) argues that the very nature of prison militates against humanising forces. In a slightly later piece she sets out three factors which "undermine(s) attempts to diminish the deprivations and barbarities suffered by female prisoners (1995:222-3): "the numbers game", which justifies fewer facilities and regime options for women; the downgrading of issues regarding pregnancy and children; and resistance to a non-domestic focus, based on assumptions that "the main concerns of women prisoners relate to personal relationships". The second and third points appear contradictory, arguing both for and against a realism in relation to women's familial responsibilities. In this Carlen contradicts, or perhaps updates, her earlier (1983) thesis that women's imprisonment can never be acknowledged as 'real imprisonment' despite its particularly punitive nature. The nature of the Catch 22 outlined here is that to be justified, imprisonment must be warranted, deserved, and therefore should be real; yet must also recognise the particular impact upon women if it is not to deliver additional, unacceptable levels of punishment to incarcerated women who are mostly carrying a heavier burden of domestic responsibility than their male counterparts. Efforts to humanise regimes take place against the opposing backdrop of the stated and unstated *raison d'être* of imprisonment: containment; punishment and control (Shaw, 1996). Here the disparity is most stark between those who campaign and theorise at a distance from the power structures of the Criminal Justice System, whilst continuing to work for and on behalf

of imprisoned women (Carlen and Tchaikovsky, 1996) and those who undertake commissioned research, working from within, legitimated by the higher echelons of power (Grace, 1990; Morris et al, 1995).

Conclusion

A brief history of the limited and overly psychological investigation of women's imprisonment has set the scene for this study's attempt to further develop a critical, philosophical approach to the gendering of penalty. The literature review has necessarily encompassed a broad and diverse range of sources to bring together central and related concepts of punishment, community, justice and gender which will be explored throughout the thesis. It has been important to establish the broader context of theory on imprisonment per se, the different theories of the emergence of the prison as the locus of punishment and the shifting primacy of different theories of punishment. The main debates which continue to underpin and exercise the investigation and theorising of specifically *female* imprisonment are the primacy of gendered experience, the significance of diversity in the penal setting, the continuing debate between women's experience of prison as 'continuum' of gendered social control versus prison as 'rupture' with everyday life. In the next chapter examination of the epistemological and methodological issues raised by a feminist approach to prisons research continues. There is no axiomatic feminist position which avoids engagement with debates indicated throughout this chapter. The field is emergent yet strongly shaped not only by gendered, enclashed and racialised discourse but by the structures and gatekeeping processes of prison-based research in Britain.

CHAPTER TWO

METHODOLOGY AND THEORETICAL FRAMEWORK

Introduction

In writing about the 'process of discovery' that lies at the heart of every research process it will be clear both here and in the preceding chapter that this study describes the unfolding of a radical shift of focus in response to the women's concerns for a broader level of debate about the role and meaning of punishment than that originally envisaged and my own questioning of the concept of 'community' on a more fundamental level than the early policy-driven focus.

The theoretical and methodological approach results from personal negotiation between feminist epistemology, the methods and approach to research demanded by policy-relevant research and the constraints of working within prison environments. Concepts and debates from feminist theory lead into methodological considerations. Epistemological debates are followed by an outline of the study; including methodological decisions and revisions in the field which again encompass both practical issues of re-design and lead to more radical explorations of new areas of the literature and the opening up of new avenues of theoretical exploration. The processes and dilemmas of gaining access, of sampling and addressing issues of reliability and validity are described. In research based upon a perception of women as having different experiences, needs and priorities to men in an equivalent position,

a feminist approach can feel axiomatic, yet deciding how to theorise and enact feminist research is never simple particularly when reflexivity of approach means that not only methodological decisions but also the research questions and theoretical focus are to be responsive to emergent themes and data.

Feminist epistemology: The many or the one? ¹

Feminists negotiate different routes away from the academic, political and policymaking practices which have misrepresented and subsumed women. For Acker, Barry and Esseveld (1983) the central tenet of feminist research is alleviating oppression through means which do not perpetuate that (or any other) oppression. Their three defining principles for the practice of research are: first, that research should contribute to women's liberation by producing knowledge to be used by women themselves; second, that methods should be non-oppressive; and third, self-reflexivity and questioning of dominant intellectual traditions. In this, method, methodology, epistemology are opened up for debate.

The conflation of political aims with research practice is probably the most common theme in writings about feminist research representing progress from a time when women's lives were little known in academic terms and when women's informal, silenced and concealed contributions to social life had to be 'added-on' in seeking transformation of androcentric academia. Woman-centred research is no longer the rarity it was. With the development of feminist scholarship and feminist research

¹Spelman (1988:159)

practice negotiation *between* women has opened up. Questions of difference versus universalism have been a persistent source of tension within feminist scholarship (Lister 1997). The different strands of feminist thought have been most clearly categorised by Williams (1989) as radical, libertarian, liberal, welfare, socialist and black feminisms. For the purpose of this chapter and exploring feminist epistemology the more significant have been radical feminism and related standpoint epistemology versus liberal feminism, black feminism, and postmodern feminism versus a renewed modernism.

Negotiating Feminist Scholarship: Choosing a Position

Feminist essentialism or radical feminism gave us the image of a community, almost a 'race' of women, united by sex and banded around by the overwhelming connections between our experiences of gender in socially distinct, geographically distant, but universally patriarchal societies. The effect has been described as rendering all women as examples of everywoman - all women containing the essential core of womanness, feminist theorists to be trusted to represent ordinary women, producing a laziness of thought and practice (Spelman, 1988), which paradoxically excluded most women, particularly black women. Carby (1982), alleges an arrogance in which the hegemony of the expert remained undiminished - only that expert was now white, female, academic.

Initial projects to investigate and restore female enterprises to their rightful position in academic disciplines established that women had not been neglected as *objects* of

these disciplines. The outcome of women's position as uninvolved object in scientific and pseudo-scientific endeavour being to skew knowledge and understanding. Viewing women through male eyes and interests pathologises that which is other than male, other than the established norm and founded the social sciences on. Nowhere more so than in the deviancy tradition with its essentialised, pathologised view of women and girls. Penal policy is a prime example of the formation of policy without reference to women yet which impacts on them in a peculiarly punitive and proscribing manner. Social policy in general, as the end product of social theory, impacts disproportionately on women, particularly those who are socially excluded and multiply-oppressed (Finch, 1991).

Out of the 'cultural' or radical feminism of the 1970's grew feminist standpoint theory to propound women's unique perspective and understanding of the world derived from their position of oppression. This focus on gender oppression has had a particularly potent effect, shaping the focus of feminist research and scholarship, leaving it open to charges of elitism and looking in upon poor women, black women as always-excluded subjects. Standpoint theorists initially argued that women had unique access to both sides of oppression: understanding the losses and constraints in their own life-world *and* the ways in which men gain from women's subjugation (Hartsock:1983, Smith:1988). In this view women's generally oppressed position in society affords knowledge and understanding of the 'true' or 'dual' nature of existence which oppressors fail or refuse to comprehend. Common elements of women's experience overcome divisions between women along the lines of race and class. For a time this remained uncontroversial. However, black feminists challenged the relevance of

feminism to their own lives when the subject matter, theories and methods of much feminist research were largely developed in relation to the concerns of white women (Carby,1982; hooks,1984; Rice,1990). The effect of searching for the essential, unifying core of womanhood was to deny difference and gloss over power imbalances between women derived from differences of 'race', class and sexuality (Spelman, 1988). White women stand accused of leaving out not just experiences which lie outside their own lives, but their gains and active part in the oppression of others: black women *and* men (Carby,1982; Ramazanoglu,1986; hooks,1984; Rice,1990).

"...(F)eminist claims concerning a privileged perspective on the world are at odds with the insight generated by the long struggle of women of colour within the feminist movement, that there is no uniform "women's reality" to be known, no coherent perspective to be privileged" (Hawkesworth:1989:537).

Emphasizing gender at all costs subsumes other dimensions of inequality. Daly (1978:365) made no bones about it, "Women who accept false inclusion among the fathers and sons are easily polarized against other women on the basis of ethnic, national, class, religious and other male-defined differences, applauding the defeat of 'enemy' women" (cited in Alcoff,1988:409). With the stroke of a pen Daly renders black women's experience of racism 'less important than sexism', and exonerates white middle-class feminists of any need to assess their contribution to racism or other 'male-defined' oppression (Alcoff,1988). Under the critique of black feminists the concept of a single standpoint first gave way to recognition of multiple standpoints. This has the nature of a theoretical compromise about it - retaining the concept of common experience yet failing to recognize that women are not women in spite of being black or lesbian, in spite of being migrant or indigenous in a colonized country -

but that these 'other' aspects of women's identity qualitatively change the experience of being a woman. There is not one but many kinds of woman (Lorde,1987; Sawicki,1991). Standpoint epistemology relied upon an essential unity between women and upon beliefs about every woman's ability to see truth better than any man to advance the common cause of female emancipation. This premise has been attacked as a fundamental source of weakness in feminist theory.

"In the absence of such a homogenous women's experience, standpoint epistemologies must either develop complicated explanations of why some women see the truth while others do not, a strategy that threatens to undermine the very notion of a "women's standpoint", or collapse into a trivial and potentially contradictory pluralism that conceives of truth as simply the sum of all women's partial and incompatible views" (Hawkesworth,1989:546).

Hammersley challenges the *faux naif* nature of a belief in our ability to stand outside our own perspective. He questions the validity of standpoints and the experiential basis of theoretical positions as the claim to a feminist epistemology, claiming that,

"...such arguments founder on the fact that all experience is a human construction. This is not to suggest that it is an entirely conscious construction, or to deny that it refers to phenomena that are independent of it. The point is simply that we have no direct access to the truth, even to the truth about our own perceptions and feelings". (1992:192).

In response to this further attack on the epistemological naivety of standpoint feminism Gelsthorpe maintains that feminism has moved on from a simplistic and essentialised view of women, to a point where "...women are never just women - they are old or

young, mothers or daughters, black or white, partnered or unpartnered, employed in public life or at home, ... and all these standpoints make for 'uniquely valid insights'" (1992:215). In something of a 'second-best' argument Ramazanoglu (1992) forestalls debate by arguing that men have so consistently ignored the perspectives and priorities of women that they cannot be trusted to adequately and consistently include women's life experience in their politics, their social policy, their academia. *Ergo* women must not take their eyes off the prize. For Cain (1990) standpoint epistemology had value because it was a question of whose side we are on - political positions having different relative values for women, policy requiring impact testing - taking us back to Acker *et al's* test of advancing emancipation. A standpoint becomes then not the inevitable expression of gender but a politically motivated, conscious choice, foreshadowing Howe's (1994) later rendition of this as 'what is authorised' by use of the term woman, what are we taking to be held in common and implicitly what is not authorised, what are we not to assume is held in common between women. Common ground, collaborative action, political alliances are to be negotiated not assumed, imposed and shaped in the name of the single feminist standpoint. Research and knowledge-building become inherently political acts or processes. This holds a particular resonance for feminists working within, around or across the boundaries of criminology (Cain,1990; Howe,1994) as a discipline especially concerned with dichotomies: good/bad, legal/illegal, law-abiding citizen/criminal, mad/sad .

Through acknowledgment of the limitations of early feminist standpoint theory, the validity of the general principle and its usefulness as a tool in feminist research have

been reclaimed (Cain, 1990; Ramazanoglu, 1992; Gelsthorpe, 1992). The inclusionary and transformative project is a perpetual one to be driven forward, theory to be developed from multiple standpoints and clearly based in the complexities and differences of women's lives. Women must then act on behalf of each other renouncing passivity in the face of continuing male-dominance of politics and policy making.

Where once feminists chose between unity or difference, postmodern theory shifted the terms of the debate to a more fundamental level which extended the earlier challenge to truth, consolidating acceptance of women's stories, experiences as a valid-enough knowledge base because truth is ultimately subjective, unknowable, and therefore cannot be generalised. Thus leaving the dilemma of how to proceed when women's lives are so different? How can either policy, or theory, encompass infinite difference between women *and* yet avoid portraying the atomised woman as powerful enough to stand aside from the world that men inhabit, or to sidestep male institutions and the social and economic mainstream. With reality fragmented, accessible only in partial and subjective forms how were feminists to defend the idea of a feminist project (Howe, 1994)? Paradoxically Stanley and Wise had noted the same outcome based on over-generalisation, in which,

"... the present style of feminist theory, with its vast generalisations about 'the family', 'patriarchy' and other structural abstractions based on yet more vast assumptions about 'women's' experiences (*always other women's*) has landed us with theory, research, and a style of doing both, that is traditional, structural, and fundamentally anti-feminist"(1983:193).

Since that time the level of debate has, if anything, taken place at an ever more theoretical level. In the mid-1990's some versions of feminism have receded, others have been re-packaged for post-modern times. US 'Power-feminists' re-feminised essentialism from their own (white, middle-class, academic and now mothering) experience in which everyday, poor, black, working, claiming-benefit versions of working and mothering were once again deemed to be not good enough. In the face of this Acker et al's (1983) simple statement about the goals of research in the firm belief that women do continue to be oppressed can seem like a view from a long way back. Where does this leave us and more importantly where has it taken us? I would argue that the laudable process of encompassing diversity has been of late steered into the uncharted waters of postmodern theory where the map which might have been based upon the collecting and testing out of women's experiences one against another has been thrown away in the rejection of any dimension of shared realities or objectivities. The map becomes a mere construction with *a priori* claims to knowledge refused, truths become stories, discourse is all and we are easily steered off the course of policy-relevant research or attempts to develop theory from the themes and patterns which seem to lie in what we hear. This signals my search for a position in which it is tenable not merely to recognise diversity but to make lack of attention to diversity unthinkable and yet continue to resist the lure of endless relativism.

Feminist Postmodernism

The transformation of feminist theorising by the development of a feminist postmodernism has been both dramatic in its enervation of feminist academia and

mind-numbing in its potential for endless, impossibly abstract debate - holding the potential to paralyse and divert from substantive issues of feminist practice and applicable feminist theory. There seems a real danger of an unbreachable divide between those who think and those who do. The postmodern enterprise has been of most significance in the arts to date, concerned with language, symbol, signal and meaning but in the elevation of discourse and the fracturing of realities the rug has been pulled from earlier feminist debates. In the transfer to social science the focus shifted to challenge established categories and alliances within identity politics. Thus feminist theory hits the buffers when it relies on a straightforward appeal to the category of 'women', or 'black women' or 'feminist theory' as sufficient justification for the gendering of social science theory and practise. Hawkesworth (1989) anticipated further divisions between women deriving from endless subdividing of interests and experience; fearing an atomisation of experience which attacks the very heart of the ontological nature of feminist theory which had begun to arise from the collection and collation of women's experiences. Howe (1994) asks if it can be coincidence that this process commenced so soon after the beginning of the feminist restorative and transformative project in the academic disciplines, reminiscent of the observation by feminist historian Rosalind Miles that,

"It is no paradox that historical periods of great progress for men have often involved losses and setbacks for women. If there is any truth in Lenin's claim that the emancipation of its women offers a fair measurement of the general level of the civilisation of any society, then received notions of 'progressive' developments like the classical Athenian culture, the Renaissance, and the French Revolution, in all of which women suffered severe reversals, have to undergo a radical

reevaluation (1989:13)

This is not to say that the concerns of postmodernists can be dismissed. Howe (1994) sets the dilemma within the context of penalty. She is critical of feminists for being largely atheoretical on the question of punishment, for standing too long in the realm of administrative criminology, falling foul of the Foucauldian charge of attempting to fine-tune an impossibly flawed justice, and failing to theorise penology in the depth with which the broader project of criminology has been tackled.

"The challenge, then, is to continue the project of exposing and enlarging our vision of what constitutes discriminatory penal practice, while remaining cognisant of the theoretical and political significance of critical feminist analyses of the private prisons of docile yet rebellious bodies, drugged and tranquillised bodies, famished self-policing bodies in which many women live their lives, 'free' from penal control."(1994:207)

Howe's position is akin to the transgressive nature of feminist criminology, claiming links between the social control of women across all areas of social life (Cain,1990) and the end-point of the prison. She sees the usefulness of social-control theory in achieving this but also the inherent limitations as she wishes to endorse Carlen's argument of prison as especially punitive. She applauds postmodern feminists for theorising the disciplining of women's bodies, in effect, the female body politic - for challenging essentialist views of womanhood and embracing difference but regrets that feminist postmodernists hail Foucault for freeing us to question the Cartesian mind-body split, yet stop short of engaging with his concern for disciplined power, failing to

develop a postmodern feminist penality despite penality being an explicit, central and enduring though androcentric, concern in Foucault's work (1977).

Breaking the deadlock

Alcoff (1988) earlier argued the need for a third way between essentialism or 'cultural' feminism and feminist postmodernism. Her sophisticated portrayal of the two major, contemporary opposing positions of feminism: standpoint epistemology and feminist postmodernism - with its view that the political allegiances amongst women are constructions, ephemera - seeks to break deadlock between the two positions. Her 'third way' (now unfortunately reminiscent of the slippery use of the term in contemporary British political life) that of Italian feminist Teresa de Lauretis, seeks to retain feminist political action but in such a way that women's different values and experiences are recognised; a synthesis of two largely antagonistic positions. Alcoff portrays a route towards feminist practice which is theoretically grounded *and* feminist theory grounded in practice, capable of both resisting the paralysis of endless theoretical debate, allowing feminists to be both active and theoretical, always working alongside marginal women, refusing the flights of unfettered theory which postmodernism tends to signal and permit.

Sawicki (1991) further addressed the question of 'difference' between women and the threat to political action through splitting the women's movement down into ever smaller constituent parts so that black and white women could neither work together towards common goals nor see a way to work separately without resentment. She

concludes that,

"Learning to live and struggle with our differences may be one of the keys to disarming the power of the white, male, middle-class norms which we have all internalized to varying degrees (1991:18).

Howe (1994) calls for a theoretically rigorous penalty politically engaged on behalf of women's behalf. Yet the key features of feminist postmodernism are its rejection of speaking on behalf of groups of women, and foundational categories such as 'women'. How then to proceed without resorting to ever smaller sub-sets of women prisoners with ever more marginalised needs and an ever wider reality gap between needs and provision in a small part of the larger prison estate. Howe demands *both* theoretical rigour and politicised action on behalf of women prisoners, arguing that a postmodern feminism has a responsibility to come out of the academe and connect with lived reality. At the very point when women prisoners begin to come visible, she, like Miles (1989) contends that it would be unforgivable for a postmodern feminist penalty to theorise them out of existence as a marginalised category of women, all for the sake of demonstrating that categorisation is in itself unacceptable (Howe,1994).

Alcoff seeks to reclaim politically active scholarship, relevant to a multitude of women, able to withstand postmodern scrutiny, whilst refusing to give up the conviction that other social, political and economic factors construct women's lives as much as their experiences of gendered society. The structural levels of constraint around women's lives do, for her, constitute a reality that cannot be theorised away with the tools of deconstruction, a perspective bolstered by resistance to the seemingly relentless

march of postmodernism by a re-examination and defence of modernist values in feminist theory (Assiter, 1996).

Experience as the basis for knowledge and policymaking?

Many feminist researchers have sought to build theory out of experience, their own and that of other women by constructing a gendered, politicised version of Glaser and Strauss's (1967) grounded theory. Arguably postmodern feminists side-step the challenge by refusing the claim of objectivity of reality. It is the resurgent late-modernists who must engage with it (Assiter 1996). Recent but pre- or anti-postmodern debates within feminism have generated greater pluralism of thought and a widening acceptance that essentialist notions of womanhood - the connectedness of all women - based on white, middle-class values alone excludes women who define themselves equally or primarily in terms of their 'race', class or sexuality. In Cain's analysis knowledge constructed from an experiential standpoint must work for those for whom it is produced. It must explain itself to them, and must therefore be sensitive and sophisticated enough to capture the complexities of existence; to encompass, not deny, these within theory. For her, an ontological approach can be defended where a researcher has an open mind, records all of what she finds and is sufficiently reflective and rigorous to build theory,

"...to constitute and record the signs, the characteristics of the connections ... Whatever the name for the device, there will be more room for interchange and resistance within it. These are explorations in reconstruction: for a theory of openings rather than closure.

(Cain,1990:131).

Can experience convey difference as well as similarity amongst women or merely signal the interpretation of the researcher/theorist who can only respond with their own version of the signs and symbols of the language in which the respondent chooses to convey their own version of the partial knowledge they have of their situation? The development of a feminist postmodernism has succeeded only in replacing the conviction of positivist science in its own truths with the certainty that an absolute fiction is all that is possible.

Where does this leave the scrutiny of penal policy for women prisoners who continue to be imprisoned whether or not feminist theorists, postmodern or otherwise, care to involve themselves in the world of administrative criminology? Does the involvement of those who have engaged with Home Office sponsored research, such as Morris et al (1995) legitimate the enterprise of imprisoning the poorest women in our societies, or fall foul of the Foucauldian charge of 'tinkering' on the margins of a wilfully power-riven enterprise? Would my own narrow interpretation of a gendered version of the community prison agenda do the same? Recent developments in Canada are being closely watched with concern that this may indeed be the case, that a nation's foremost feminist experts on prisons and penalty are involved in policymaking at the highest level and yet change nothing, perhaps even increasing the punitive impact, heightening the surveillance and social control of women prisoners through their failure to eradicate essentialist assumptions about women's needs and provision for women (Hannah-Moffat,1995; Shaw,1999). A choice between paralysis or co-option is not much of a choice for a putative feminist researcher. In time honoured tradition, I

began the research, ran into all of this, and chose to continue.

In recognition of diversity and difference, research as an outsider has been judged ethically untenable, (Mies,1983; Bristow and Esper,1984; Bowles and Klein,1983). Bristow and Esper's idealistic view of feminist researchers, "As women ... (being) both the subject and object of our research, obliterating distinctions between 'us' and 'them'. (1984:492) reflected an essentialist position which ignores difference and glosses over power relations within the interview situation (Ribbens, 1989). Stepping in to the prison we can hardly be anything but an outsider unless we have been imprisoned ourselves. I had not. Should we then refrain from doing research unless it fits in with a feminist protocol or do we accept that much social research occupies sites with power differentials between researcher and researched and where,

"..this is precisely why research continues to be such an important feature of feminist struggle. We can't possibly scrutinize, update and revise feminist politics without exploring all those regions inhabited by women who are socially and politically 'silent' (McRobbie,1982:52).

McRobbie, writing before the full flow of these debates, captures an essence of truth (using the term advisedly) that research conducted in unexplored regions must be negotiated, self-reflexive but most importantly must continue. Although in 1983 Carlen felt able to write that women prisoners were now well-researched, in the late 1990s I would argue that this has not been the case. Women prisoners remain a neglected group of women, black women particularly so, being of and from the most marginalised women in British society. More than a decade on women prisoners remain embroiled in a deepening penal crisis with widening social divisions and

serious welfare retrenchment. Finch's (1991) reminder of the force of social policy's impact on women in the weakest and most vulnerable positions in society remains most apt for women prisoners. Despite Bristow and Esper's reflexivity a sobering lesson emerged as they document their flawed definitions of women's post-rape survival strategies - definitions which proved narrow, legitimising some women's survival techniques, stigmatising others.

"..for..less privileged individuals, taking control often has meant rejecting available social programs which do not meet needs and realizing that social support systems may not be relied upon"(1984:491).

Despite one being a rape survivor Bristow and Esper found themselves guilty of operating a feminist hierarchy of approval. To them the stigmatised lifestyles and coping strategies which some women adopted in response to rape seemed 'dangerous' rather than self-protective, but reflecting constrained choices - a useful theoretical tool regarding women prisoners. Inclusion through experience guarantees neither impartiality nor empathy. With such differing positions what would constitute a valid and relevant research ethos or epistemological approach to build theory, retaining and maximising connection to the women who took part in a study of the relevance of community and community prisons to their lives, their needs and the needs of their dependents. How to research women prisoners without relegating them to the status of victims, neither reproducing a feminist hierarchy of approval, stigmatising as 'self-harming' decisions made under great social and economic pressure with limited options in terms of financial support, employment, housing, neighbourhood, consumerism and mobility; nor sentimentalising women prisoners,

glorifying any action as justifiable and reflecting the sense of agency which comes through some of their accounts? It would only be in redefining the boundaries of my exploration that I could approach these standards.

Realism in theory and practice: Methodological debates

The plea for criminology to make a realistic assessment of women's social and economic position relative to criminal justice is well established (Cain,1990: Carlen,1990b). As we have seen, Cain (1990) defends the taking of standpoints with the proviso that we must not be selective in recording and legitimating what we find. For her knowledge may be described as feminist when based on opening up, questioning, not closing down and silencing women. Hence fundamental to a feminist approach is that theory must be reflexive, must build upon the experiences of women living the policy, inhabiting the domain and should not shy away from the uncomfortable, areas which emerge and do not seem to fit with current orthodoxy. In this study these were to be the over-riding question of how to construct a system of punishment without infantilising women by arguing for their exemption on essentialist grounds or on grounds of responsibility for childcare alone, and the issues raised by a minority of women who commit economic crimes despite being relatively affluent, a minority who make a rational choice that crime pays more than low-paid work and is worth the risks entailed and those who commit serious violent crime in situations which are not about self-defence.

Updating the picture of the structural factors of women's lives and assessing current

policy developments in the light of these has been one of the tasks of the study. The second was to complete the circle by building a theoretical account of gendered punishment from data from a diverse group of women, bridging the gap between proposed policy and their social, family, community context. Community has become one of the most fluid of buzz words in penology (Worrall, 1997), here interrogated to communicate the shape and constraints of women's lives.

At political and theoretical levels feminist debate has been fierce. At the level of method a yawning gap has opened between feminist writing on epistemology and theory production, and the nuts and bolts approach of the standard texts on research methods. Feminists established a research ethos which transformed the way that research topics are chosen and negotiated, participants' experience of the process and the nature of theory production, yet have added little in terms of method. For a time the only ethically defensible method of feminist research was deemed one-on-one, face-to-face interviewing where, at the least, the researcher was closely linked with those they wished to research or preferably engaged in research which mirrored her own everyday experience, "forc(ing) us to locate our own auto-biographies and our experience inside the questions we might want to ask, so that we continually do *feel* with the women we are studying"(McRobbie:1982:52). Feminist ethics and methodology generally constitutes a plea for small-scale, in-depth, interview based research as *the* most appropriate way to carry out non-oppressive research with women *and* to minimise dissonance between researcher and researched. Yet this over-exposes some areas of women's lives leaving others as the poor relations. It is not enough to explore only the areas of society with which we are comfortable where

we may research without compromising academic integrity when few women have that luxury (Finch,1991; Jayaratne,1983; Stanley and Wise,1983). Elements of feminist participatory research ethics are so compromised in the prison environment that they cannot realistically be claimed for a prison based research project for example allowing women time and space to reflect on interview transcripts when all post is opened and a proportion read by prison officers.

In practice feminist researchers continue to utilise a wide range of methods such as woman-centred surveys to establish the scale of hidden domestic violence as a challenge to under-representation in official statistics (Hanmer and Saunders,1984), quantitative methods in general (Jayaratne,1983), and multiple-method research (Kelly,1990; Reinharz,1992). For others, greater pluralism is accompanied by a turning back to multiple methods as a conscious means of ensuring that feminist research is taken seriously in the mainstream. Kelly (1990) called her change of heart a 'journey in reverse', emphasising the strengths of research grounded in a range of sources and approaches.

Feminist Research for Women Prisoners

For Reinharz (1992:204) "(M)ultiple methods are used by many feminist researchers because of our recognition that the condition of our lives are always simultaneously the product of personal and structural factors". This seemed particularly so for women whose personal biographies interacted with the structural constraints of society and then the prison system. In illustration Liebling's (1994) work on prison suicide

identified an under-recording of suicide verdicts amongst women relative to men. Survey research had failed to explore the reasons for suicide attempts. Considering the greater rate of psychotropic drug use for female than male prisoners and exposing the greater use of 'open' verdicts where psychotropic drugs have been prescribed, Liebling takes us a stage nearer to understanding why female deaths in custody are under-recorded as suicide simultaneously documenting - adding-in - women's experiences.

"One of the most significant changes in our understanding of prison suicide, ... has come about as a result of a change in emphasis in research from statistics and recorded information alone to an ethos of listening and trusting accounts of feelings and circumstances from those who are closest to the problem being studied. This can be done systematically and rigorously, without losing the reality of prison life as experienced by prisoners. The outcome is a person-centred understanding which staff and prisoners can 'recognise' (Liebling,1994:8).

Voice based work need not preclude examination and presentation of quantitative data. Feminist research can demonstrate how women are mis-represented at the level of both description *and* explanation. Research on women prisoners frequently focuses on psycho-sexual factors. Mental health problems are discussed without reference to social or economic factors, 'diagnosed', in the words of one study, using "a battery of instruments" in search of a 'behavioural syndrome' in women who self-mutilate (Coid et al,1992:1), or borderline personality disorder (Dolan and Mitchell,1994). The absence of structural factors in these studies locates the symptoms and behaviours described firmly within the individuals, emanating from their psyche, weakening the relation to external circumstance. The experiences of women within the Criminal

Justice System call for research on the multi-faceted nature of women's lives, roles and responsibilities, the fragmented nature of womanhood and different experiences of prison regimes even within the same institution (Carlen, 1983) and to interrogate this against the allegedly linking, totalising experiences of women prisoners by comparison with men (Genders and Player, 1987).

Accordingly this study addresses the key concepts set out in the previous chapter: universalism and difference; punishment and reform; community and social structure (note that these are not necessarily oppositional or binary). It was designed to address the evident gap in the consultation process about community prisons, to improve the quality of information about women prisoners' social networks and support systems, to continue the process of 'gendering' penal policy in the light of external social conditions for women prisoners of the mid-1990s. In addition I took on a broader mandate of theorising the role, nature and enactment of punishment through regimes and institutions in response to the women's concerns for a just distribution of punishment.

METHODS

Research Questions: Aims and objectives², multiple methods

In light of the quantitative methods used in the two studies which had looked at community prisons and support systems explicitly in relation to women (Blud et al, 1992; Dodd and Hunter, 1992), it seemed timely to substitute qualitative methods, to give women the space to talk about home, to question whether all women would want to be held near home. Given the significance attached to the latter study in consultative documents on community prison policy it became clear that further research was needed to inform the policymaking process. Where policy options are explored through a highly structured or 'closed' methodology the danger is that what women are *permitted* to say within the bounds of a tightly structured study may be construed as the most important thing they would have *wished* to convey with an unfettered choice. Finch urges caution where research could potentially have adverse effects for women particularly in,

"...social policy, where research often is oriented towards some kind of policy change, and where therefore the possibility of damaging women's interests is a real one. More generally, the fact that it is more often women than men who are on the receiving end of social policy means that the idea that feminist research should be research 'for' women has particular resonance" (1991:199)

²See Appendix B for detailed research objectives.

Her point also illustrates the importance of assessing change in penal policy within a wider context; looking at the relationship with social policy where it most clearly impacts upon women; through policies relating to employment, income maintenance, and arrangements for providing primary care to others. In starting this study my principle aim had been to evaluate the relevance of community prisons for women by exploring women prisoners' social networks and experiences of 'community', in anticipation that what if anything 'community' actually meant was likely to vary when dimensions of 'race', class and sexuality were explored. Additional aims were to explore issues closely allied to the maintenance of community ties: visiting, movement of women around the system, the quality of social and familial relationships, resources available to prisoners and those providing them with social support.

Questions to be addressed were to include not just who was providing support for women removed from the community but whether they had a recognisable community in the first place, and how they had experienced custodial punishment, whether family and community relations were constitutive or ameliorative of the punitive element of custodial punishment?

Specifically then I wanted to understand whether women in prison came from safe environments and wished to return there, whether 'home' was a relevant concept for women in prison, whether they had stable networks and relationships which sustained them through prison? Was there a common pattern of experience or differences along lines of 'race' or class? How would the development of penal policy look when we are critical of the term 'community' as we must understand it in the 1990's: as a

construction of the political right and now the centre or (Christian Democrat?) left (Hughes, 1996)? Is community to be merely a readily available source and site of free 'care'; capable of forming the basis of government policy, of underpinning pared-down, stigmatised social welfare provision? Who takes responsibility for family and community matters in the mid-1990's, what are the patterns for white and black women, what range of economic positions do women prisoners occupy? What are the realities of women prisoners' social networks and support systems outside of the prison, what are the realities of women's roles and responsibilities: do women receive care and support as well as give it?

Broad 'puzzlements' and research issues informed my framing of an interview schedule. Data was collected initially around these research questions but with a reflexivity inbuilt through a grounded approach to data analysis, albeit one with a limited scope at the start. One of the clearest and earliest themes to emerge was a determined refusal of an administrative criminological approach to tinkering with regimes, or prisoner distribution, with a narrow or shallow focus. In response to the women's clear preference for engagement with the broader or rather deeper issues at work the two stages of critical theorising were honed down and centred around the concept of 1) community; its relevance to women prisoners and 2) women's experience of punishment through imprisonment and through inclusion and exclusion from community, from family.

Given the foregoing defence of multiple methods (Reinharz, 1992; Kelly, 1990) in providing a more complete, triangulated and policy-relevant approach the following

range of methods were initially selected: literature review, the analysis of demographic data; focus groups with the sentenced population in two women's prisons; semi-structured interviews with 50 sentenced women in the same two prisons and discussions with relevant pressure groups. Aggregating quantitative data held on LIDS (the Local Inmate Data System) at all female prison establishments, (see below and Chapter Three) would provide basic demographic information about the female prison population to stand alone as a piece of research, but also to facilitate choice of fieldwork location and sampling for semi-structured interviews, for this reason, a quantitative element and hence multiple methods were proposed. The methodological approach of combining qualitative and quantitative methods has seemed less important as the study progressed and as I began to see where the theoretical strengths of the study lay. In the end the quantitative data has contextualised the main study rather than retained great significance as a stand-alone piece of research.

The redefining of the study's focus has meant extending the areas of literature to be reviewed and revisiting that which had already been reviewed to reflect the growing importance of questions around punishment; looking at community as both a site and source of punishment, engaging with debates about the punishing community, and revising the literature on regimes to consider the deeper questions of what it is that punishes women during a prison sentence and how to enact justice, losing sight neither of women's agency nor the constraints on agency.

Negotiating access

Access was facilitated by my initial thesis supervisor, Chris Wilkinson, joint director of a Home Office research project exploring and auditing the needs of women prisoners (Morris et al 1995). She helped define the initial project proposal and attended a meeting at Prison Service Headquarters with me to discuss the proposal. As a non-Home Office researcher agreement to release LIDS data to me was conditional on the research being officially commissioned, though without financial remuneration. The demographic profile was carried out six months before fieldwork began, making certain issues clear including which prisons were likely to hold black women. Whilst the population profiled and that sampled seven months later had changed, some patterns would remain. I requested access to two prisons: an open training prison, a closed local prison/remand centre with a third local prison/remand centre if further participants were needed. Prisons were chosen to include short and long sentenced women, include sufficient black women, and to avoid prisons which had recently been the focus of other research. The Prison Service made initial contact, introduced the main focus of the research and established a governor grade contact. In each case I organised a preliminary visit to discuss the particular nature of the prison, negotiate the siting and conduct of the research and meet an officer-grade liaison contact. At these meetings I was provided with a current LIDS printout of the sentenced population as a sampling frame for interview.

The quantitative study: Setting a demographic context through the Local Inmate Data System

The efficacy of community prisons is based on a largely unchallenged assumption that physical distance is the most important factor in maintaining the assumed ties with family and community. A population profile was proposed, a) to give insight into distribution of women by demographic and sentence length variables, of significance were the women's prison population to fall through the short-lived but dramatic reduction in the use of short prison sentences for non-violent, non-serious offences instigated by the soon-to-be-repealed sections of the 1991 CJA, and b) to contextualise the key issue of community as a site and source of support. Prison statistics providing annual information about the female prison population do so in the same format as that for male prisoners and do not indicate where women are held in relation to their home area, nor do they tell us anything about the populations of individual prisons. However, every prison establishment operates a discrete Local Inmate Data System (LIDS) tracking daily changes within their population of inmates. The system provides a constantly updated record of the population in each establishment, the movements of inmates both into and out of the prison and records demographic and sentencing information about each woman. The information is not held centrally. I proposed to collate the major demographic variables from the LID systems of the 12 women's prisons: area and sentencing data comprising sentence length; main offence; ethnicity; address; type of address and alpha code³ (which tells

³Records remain active in the system for six weeks after an individual has been discharged or bailed. These were identified and excluded. Where duplicate cases containing a factual difference were found, the eventual entry was chosen to maximise the usefulness and accuracy of the data. Where one entry was sentenced and the other not, the sentenced entry was chosen as the most recent information. Where cases were given with both a 'home' and 'reception' address the entry with 'home' address was entered. The vast majority of duplicate cases were of the latter sort. One establishment provided an incomplete dataset with

us current status, i.e. 'present', 'at court', on 'temporary release', 'unlawfully at large' or 'in police custody').

This part of the study came to occupy a less central position as the research focus shifted to focus less on community as a site and source of support than as a theoretical concept in need of deeper exploration. The addition of major research questions centred less on the distribution of *prisoners* and more on the philosophical underpinnings to the distribution of both *imprisonment and punishment per se* again diminished the importance of this part of the research, rendering it more a contextualising methodological exercise than a key piece of research in and of itself.

The qualitative study

The fieldwork establishments and arrangements

The first prison, a large closed, local prison/remand centre, was close to its Certified Normal Accommodation, becoming even more crowded shortly after I finished interviewing there. Women served the full range of sentence lengths in a large, modern though ill-maintained building, in an urban setting, well-served by public transport. There were different wings for different categories of prisoner: sentenced, remand, medical wings, a punishment block, a unit for pregnant women and a mother

two variables missing: sentence length and alpha code. Most importantly, the alpha code tells us whether the record is that of a prisoner who has left the prison (been discharged or bailed) but whose record remains active within the system for six weeks. For eleven out of twelve establishments only those who were current, at court, temporarily released, unlawfully at large or in police custody were included. For one closed training prison the alpha code was missing so all cases were included. Hence the actual figure of occupancy in this prison would be lower than that shown. Footnotes have been used to indicate where the omission might affect analysis.

and baby unit. Approximately half the population were on remand resulting in a high turnover and unstable population. The large catchment area meant women could be over a hundred miles from home. The prison was visited by many outside agencies, gave some women daily release to attend college, others were employed inside the prison by external companies but most worked to maintain and clean the prison, cooking and washing clothes for inmates, sewing for other prisons. Education facilities had been praised but at the time of the study conditions were descending into a state which HM Chief Inspector of Prisons was later to describe as parlous, never to be repeated.

During a long, hot summer the slit windows, narrow corridors and inadequate ventilation meant the atmosphere inside the prison was tense, the heat at times unbearable. Communal areas were bleak. Women spent most of their days working and much of their evenings locked into cells, denied access to the battered television and video, the only form of routine informal entertainment on wings. Education classes and worship took place off-wing in the early evening. Various crises occurred during the fieldwork, a raid on a drug trolley, whole prison searches, blanket cancellation of home leave, curtailment of movement around the prison. Times when women had to move around the prison to get to work, use the shop, or return to landings en masse were noisy, threatening to women unused to prison life. One woman sentenced here years before found the prison much easier this time around, but others described it as unbearably tense by comparison with earlier times.

The second was an open training prison, an old, handsome building in open

countryside, with large grounds and an adjacent prison farm sited a mile and a half from the nearest bus stop in a small village, five miles from a mainline train station, seven miles from the nearest town. Visitors found access difficult. With less than a hundred women when I arrived this prison also became extremely full over the course of eight weeks reflecting the sharp upward trend in the women's prison population during 1994. As closed prisons hit maximum capacity many women were transferred from closed to open conditions. Extra beds were added to dormitories, reducing privacy still further. Use of the grounds was strictly regulated. Open status meant that trusted women could leave the grounds, for work, and agreed leisure activities. The population profile indicated few black women at this prison yet during the fieldwork, a third were black women showing that the population could be changeable, underlining the limitations of the snapshot view. Most were from the urban south east yet located in a rural setting. To an extent this was compensated by more generous Temporary Release and home leave arrangements in the open prison sector and during the latter part of long sentences. In open prisons the population is unrepresentative of the population as a whole, weighted towards non-violent offenders. Women serving first sentences for non-violent offences may be transferred into open prisons early in a sentence. Those serving long and life sentences spend the latter part of sentences in open conditions. Only those deemed to present no risk to security are held in open prisons, those who present problems are swiftly transferred back into closed conditions, a Damoclean threat, manipulated in disputes between women and a source of power for staff.

Focus groups and sampling for interview

I planned to make initial contact with all sentenced women in both prisons by letter (see Appendix A) delivered during lock-in time inviting them to attend a group session where I would further explain the purpose and design of the research. The sampling design was planned as a two-stage stratified random sample using a random starting point and a fixed sampling interval. The first stratification by 'ethnicity', the second by information on social support and family/community ties collected during the group sessions, for example women with and without partners, family support, and dependent children. Differences in family support systems cut across basic demographic strata therefore to explore women's concept and experience of community it was important that different levels of family and community support were included. This information is private in nature, a hidden attribute of the population, difficult to access without spending more time than I had been granted in getting to know women individually. To stratify according to these differences I planned to ask women attending groups to fill in a pro-forma giving details of their level of support from others. However, the first prison refused the request to mailshot and organise groups for all sentenced women because of the scale of the operation. The result was a major design revision, abandoning the plan for focus groups with all sentenced women. This meant losing the second stratification, using the LIDS printout to stratify by 'ethnicity' only, using a random sample of one in five white women and one in three black women⁴ to address the under-representation of black women in prisons research

⁴ I condensed the ethnicity categories into 'black' and 'white', leaving 'White' as it was and aggregating the Black and Asian categories including 'Chinese' and 'Other'.

to date. This stratified random sample would also generate a range of ages and sentence lengths with the proviso that longer sentence lengths amongst black women would slightly increase the proportion of long-sentenced women in the sample. In practice different forms of support and community networks also emerged.

Field work began in the first prison three weeks after the planning meeting. Security had tightened considerably following a serious breach of security. This erased one problematic ethical issue, that of key-holding. I had not wanted, but was expected to carry keys and was concerned that this would undermine my status as an independent outsider, raising similar power issues to those during my time as a key-holder in a probation hostel. Given the recent security breach keys were not forthcoming, the decision was effectively taken from me. Consequently movement around the prison was even more restricted and problematic than normal in a closed prison. Additionally a third of women sampled had been released, transferred or moved onto the psychiatric wing demonstrating the rapid change in a local prison. Both women from the psychiatric wing later became available and were interviewed, the others were replaced by the next woman on the sampling frame.

I sent each woman selected a letter and flyer (see Appendix B) asking her to attend a group meeting. Groups were organised separately for black women and white women in case black women were reluctant to discuss issues around 'race' in a mixed group and so that I could address explicitly why I felt 'race' to be an important and neglected factor. Given the number of the sample who had moved on the liaison officer re-organised the groups, merging the separate groups for black women and

white women. Clearly, at this stage, I was approaching women through a gatekeeper. Structural barriers were causing problems. Disappointingly only ten women attended group sessions, seven agreed to participate. All non-attenders in this prison, and all women in the second prison were then approached personally on the wings, most non-attenders eventually took part, interviewed on the second meeting, some on the third. It became clear that some women found groups threatening or had not attended because of prior commitments, suspicion or unwillingness to negotiate their way to my location. Several talked in interview about their loss of individuality in prison, about being treated as a homogenous group, as 'prisoners', 'inmates'. It is perhaps not surprising that few women attended the groups.

The participants: Individuals and clusters within the sample

Fifty sentenced British women prisoners aged between eighteen and late forties were interviewed. Throughout the study women are identified by first name only, a pseudonym. Some biographical details have been anonymised or altered without changing the substance of the stories, for example, precise ages and sex of dependent children. Black women formed thirty percent of the sample.⁵ Foreign national women were excluded. Almost two thirds had dependent children. Over half (fifty four percent) were in their twenties, twenty eight percent in their thirties and almost a fifth in their forties. Only one was under twenty one though young adult women form thirteen to fourteen per cent of the population (Dodd and Hunter, 1992,

⁵This figure is slightly higher than the three to one ratio of white to black women overall (including foreign nationals) indicated by both my population profile (see Chapter Three) and the National Prison Survey (Dodd and Hunter, 1992). Elsewhere the proportion of black British-resident women has been estimated variously at between thirteen and eight per cent (Maden, Swinton and Gunn, 1992; FitzGerald and Marshall, 1996).

see Chapter Three). Women in their twenties and forties are slightly over represented.

In total the women had sixty three dependent children under the age of sixteen and thirteen over sixteen, two were pregnant, both due to give birth before their earliest date of release, one had a six-week old baby with her in prison. Over a fifth had three or more dependant children. Dependant children were cared for in a slightly different pattern than that indicated by the National Prison Survey 1991, possibly due to the smaller sample size. Most adult children did not live with their mother but the women still formed part of their support network, helping care for grandchildren in some cases. A third had no children.

The women were serving sentences of between twelve days and life and had spent between four days and thirteen years in prison. A third were serving short sentences, less than twelve months (thirty two per cent), a third medium sentences, one year but less than four years (thirty four per cent), twenty eight per cent were long sentenced women serving four years and above with a further six per cent serving life. Twenty women (forty per cent) had problematic (by their definition) drug, alcohol or solvent dependencies. Forty per cent had lost all or most of their possessions whilst in prison, with a further four per cent losing some of their belongings. Six had been in local authority care. More than a fifth described domestic violence as a significant part of their life events, and six disclosed childhood sexual abuse. This last in particular will be an underestimation (cf. Morris et al, 1995). The research schedule was not designed to initiate discussion of abuse unless women chose to raise it for themselves. I felt ethically constrained from raising issues requiring more ongoing

support than I was able to offer. In prison women are liable to be removed from interviews and locked up at any time for operational reasons, circumstances which do not fit with an ethical obligation to offer support. Distress can be exacerbated by lock-up with potentially dangerous consequences for women in single cell accommodation.

At this stage I wish to introduce my grouping of the women into five clusters, a research finding that I was alerted to by women's own observations rather than a planned analytical strategy.⁶ Although it is unorthodox to introduce research findings in the methodology chapter I set out the broad clusters here to inform the reading of the subsequent data chapters with a form of diversity which cross-cuts the information on ethnicity and sentence length which accompany each quotation. The focus upon women as individual research participants is a familiar device in feminist research bringing women to life as individual case studies. With women prisoners it facilitates the tracing of routes towards imprisonment (Carlen, 1983) or away from it (Eaton, 1993). The clustering or grouping here reflects socio-structural factors and life experience rather than the behaviourist categories of early prison research in which male inmates were described in various typologies including "the square the cool and the life" (Heffernan, 1972); and women as butch or fem' lesbians (Ward and Kassebaum, 1964), or as pseudo mothers, daughters, sisters in the "family" groupings of a women's reformatory (Giallombardo, 1966). Nor is it to be confused with the cluster analysis of psychological research used with women prisoners to identify clusters of psycho-pathological symptoms (Coid et al, 1992). Rather it is in recognition

⁶Twenty-two of the 50 women are introduced in detail in Appendix A, the remaining 28 appear in brief biographical detail, in the form of the header line from their NUD.IST file.

of the ways in which the women shared social, affective and structural positions in common.

Many communicated a belief that there *were* different groups of women within the prison system. I have chosen to ignore some which seemed at best stereotyped, at worst dangerously inaccurate, for example the characterisation by some white women of any black woman sentenced for drugs importation, and/or with a family connection to any of the Caribbean islands, as 'a Yardie', or the extension of this soubriquet to any black woman using drugs within the prison. However, other ways in which women described commonalities or clusters of women were borne out both by my own observations within the fieldwork period and by continually recurring themes in interview. Observations such as Lucy's seemed accurate, who felt that she and a minority of others had reasonable lives, whereas she saw around her, "*people (who) they've just grown up, and they've had their kid, and they've got their council flat and they, you know, go on in the way that their parents do and they've had no life at all.*" In fact some women's lives eclipsed Lucy's view of what would constitute '*no life at all*' (as a suicide risk counsellor within prison she was well aware of this). For some, family stability or continuity and access to social housing would have addressed some of their most pressing problems. From the opposite perspective Clare, who Lucy would probably have described as having "*no life at all*" felt that positive regime developments were "*only for the privileged people*", such as Lucy herself. Five clusters are identified. The differences between them are not perhaps startling, life is not that convenient. The women are not fixed for the rest of the study in the arrangement set out below. This arrangement is for the purpose of introduction, then

is drawn upon where appropriate throughout the study. Sometimes individual voices come through and at other times different groupings and themes: sentence length; ethnicity; mothers and non-mothers emerged as more potent to the questions under consideration.

Cluster 1 Sorted, supported, employed

The first and smallest cluster represents women with relatively close, supportive networks of family and friends. These were women living in the mainstream, relatively fortunate, most were employed or with a partner who was employed, were well-supported both inside and outside prison with family members or friends who had rallied round. They described situations of shared responsibility for finances and domestic matters and support from a partner or family members. Most had accommodation to return to with people able and willing to look after housing, possessions, and care for any children. Co-operation on such matters was not unusual before the sentence, and was often reciprocal. Generally they had shorter, if any, criminal records. Other women superficially shared elements of this group's positive features but with hidden problems explored below.

Cluster 2 Things fall apart: a shaky safety net

A larger group had the outward signs of a family network or a partner, or appeared to be managing on their own but upon hitting problems found that the safety net was no longer there, was deeply flawed or had fragmented. Those with family networks were

often the one who had dealt with problems or held things together. Most faced problems on release, sometimes alone despite their earlier support of others. Some were single women with only distant social relationships with family and who therefore were extremely financially vulnerable at time of crisis (Lucy, Lynn), who were themselves the financial lynchpin (Carol, Jane, Lara) or managing financially through crime or illegal benefit claims (Eva, Lorna, Janine).

Cluster 3 "Chaos" or isolation

The third cluster is somewhat contradictory including both women who were extremely socially isolated with little if any social support at problematic times and those who had a lifestyle which is often heavily penalised by the courts; seen as chaotic, involving dangerous or the 'wrong sort' of relationships and seemingly characterised by an inability to cope or distinguish between positive and negative social contacts (easily stigmatised, cf. Bristow and Esper 1984). There may seem little to choose between the previous cluster with problematic family relationships and this with problematic non-family relationships but the level of exploitation described by the women in this cluster was particularly acute, especially in non-family relationships .

This size of this cluster would have been much greater but for the number of women who fit both this description *and* had a serious drug addiction and who are therefore grouped separately in recognition of the specific additional problems they faced. Clusters 2, 3 and 4 were especially fluid. Women moved between them. Both Susan and Samantha moved from cluster two, from being employed, with family support to

four when their drug use took over and they became unable or unwilling to function as they had previously. Both lost their jobs, lost established friends and the support of their families after previous failed attempts to persuade them to stop drug use.

Cluster 4 Drug-fuelled, drug-ruled?

Women grouped together by way of their drug addiction, or serving long sentences as a result of dealing or the aftermath of drug-encultured lives were the largest cluster. Here women ascribed most of their problems and their route into prison to their drug use. There is a degree of overlap with the next cluster. Janice who left home at fourteen could have been included in the next cluster but for the fact that she did not make explicit whether her home life caused her drug use or whether her drug use arose as a response to homelessness or to events after leaving home. Several women in this cluster had criminal records but were serving a first long sentence for dealing, supplying or importing drugs when earlier they had been users. Esther was serving ten years for manufacturing drugs which she denied in a personal capacity but admitted living on the proceeds of her partner's manufacture and dealing of crack. Others attracted relatively short sentences for less serious offences committed to fund their own or their men's addiction. Their social context rather than their own drug use underlay their drug-related charge, for example Charlie, convicted of supplying drugs after agreeing under implicit threat to conceal them in her house for a dealer acquaintance.

Cluster 5 Childhood trauma: adult pain.

The final small cluster is of women who described their adult lives as wholly dominated by the events of their childhood. Here drug use arises again (Josie) but is explicitly linked to childhood events. Several women in this cluster had been in care, discharged to an unsettled life often facing further personal danger and receiving little help until the point of crisis, which in some cases came in the form of an extremely serious offence at the bottom of a downward spiral, they were: Jenny (serving seven years for arson); Lesley (serving six years for arson) and Stacy (serving life for murder).

The exercise was not to devise categories then fit women in but rather to reflect the way that data seemed to group and in which related themes or events seemed repeatedly to draw upon the same interviews. A few women did not really fit into any of the clusters illustrating the contradictions and the difficulties in seeking patterns and explanations. Carlen's (1983) early work in the single Scottish prison drew heavily on the fierce domestic tyranny of the ideologies of Scottish home and kirk to explain the particular nature of the imprisonment of poor women, those with border line mental health problems and alcohol-addicted women for petty and persistent offending.

This study also includes women serving long sentences for serious offences, somewhat neglected within the burgeoning literature on women prisoners, and women who occupy the middle-ground between the extremes of petty offending and the most serious, violent crime, those with long records, those whose first offence is one of those viewed most seriously by sentencers. Drug importation for example is a serious, routinely imprisonable offence, even though it is still generally a response to

poverty or financial crisis. Are these the markers of desperate gambits for more desperate times, of women who do not fit with an updated version of the same message (Carlen 1998), a sign of the wider penetration of a drug and crime culture or neglect of a more complex pattern of female offending (Hedderman and Gelsthorpe, 1997)? These growing trends must be addressed alongside the continuing trend for the imprisonment of non-violent, petty offenders which can only sensibly be met with a call for decarceration. This study explores all of these issues drawing upon evidence relating to all the women. Some were more voluble than others on some of the issues raised and therefore are more heavily quoted but at various intervals summary evidence is presented for all the women.

Interview design and conditions

Lofland and Lofland (cited in Gilbert, 1993) use the term 'puzzlements' to describe the questioning, probing thoughts which inform semi-structured or open interview approaches. Initially I explored the research questions by expressing these 'puzzlements' as questions, then grouped them thematically. An example being:

- who do women have contact with in their everyday lives?
- what tasks are there to deal with on a day to day basis?
- what degree of social isolation?
- who deals with money issues?
- are there neighbours/friends/relatives who provide support?

These were grouped as a theme around day-to-day routines and contacts and introduced by asking about 'an ordinary day' (see Appendix B for interview schedule).

Some issues were derived from a sense of factors likely to structure women's

experience of support networks and community, others from the policy context, the literature and talking to voluntary groups. The schedule was adjusted in response to the first few interviews. Areas covered in the interview guide were:

- Housing/area/neighbourhood
- Relationships/caring
- Daily routines/experiences
- Wider social networks
- Economic responsibilities/decision making
- Community
- Support in prison
- What happened to people left behind
- The sentence/prison
- Community prisons (and punishment)

The last of these was broadened in later interviews in response to the way that some women interpreted it, as raising wider issues of punishment for women. Before going into the field, research student peers looked critically at my interview schedule, at the ordering of question areas and suggested changes. The section of the interview dealing with the relevance of community prisons was designed to address the concerns of Blud et al (1993) but adopting a feminist methodological approach, allowing women to talk. This section of some of the early interviews became information giving: I outlined current ideas about mixed-sex prisons, and alternatives such as small hostel-type units and asked women what they thought of the ideas. At times this felt unsatisfactorily narrow and programmatic when the preceding focus of the interviews had very much been about personal experience and discussion had usually shifted to questions of fairness, of the distribution of punishments, of the risks and calculations women make on a day to day level and to the role and meaning of punishment. To move back to a hypothetical scenario about 'this type of regime or that' felt inappropriate at times and where women did not seem able or willing to talk

at this hypothetical level I let them interpret it in a way that related to their own situation. In response the interview schedule became a looser guide and I followed up the issues of punishment in greater detail.

In this sense I did not follow a rigid interview structure and in looking for themes and patterns I could not conflate each interview in the same way with the policy issues implicit in the early research questions. For the purposes of policy-analysis this clearly poses problems, albeit problems (or rather richness and diversity of data) that I anticipated to a limited extent when I designed semi-structured interviews and which feminist research is designed to develop by using open or semi-structured research methodology, rather than constrain, through closed, structured approaches to highly complex issues.

Interviewing conditions were far from ideal. The first eleven interviews took place in a small office with half-glass walls in a noisy, busy, open-plan area used for group sessions and meetings with outside agencies. There were frequent interruptions, some interviews were cut short by the demands and vagaries of prison life. The rest in the first prison were carried out in a spare sparsely furnished office on the landings where the cells are. Occasionally, I would interview someone in their cell, two women were interviewed on the hospital wing. In the second, open, prison most interviews took place in the evening to fit the daily work routine of a training prison. I was usually restricted to interviewing after the evening meal in the probation officer's room. Consequently I did not see as much of the daily life here as in the closed prison where for several weeks I spent whole days from mid morning until the evening, sometimes

as late as nine pm. Several interviews took place in other locations around the open prison including the grounds, the dining room and the attached hostel where some women spend the latter part of their sentence. I offered women the choice to be taped or not, explaining that taping would mean that the study could draw upon their own words. Most agreed to be taped and were shown how to switch off the tape at any time they wished, although no-one actually did this. Ten women preferred not to be taped. I generally initiated switching off the tape, usually in response to a feeling that the interview was at an end, occasionally to a feeling that someone had become uncomfortable with the tape but was not comfortable about switching it off herself.

DATA ANALYSIS

The Quantitative Data: Cleaning the data and developing the quantitative variables

The quantitative analysis took up a six month period before the fieldwork began. In this period of time I developed various sets of descriptive statistics by cross-tabulating and recoding raw data using SPSS. This heavy investment of time and energy is not really reflected in the limited end use of the data to contextualise and facilitate the qualitative study but which has been justified by the direction taken in my theorising of the qualitative data in response to the meta-narrative which emerged.

Nevertheless, there had been limited attention to the overall picture of the women's population and the findings were interesting in and of themselves. The population can be categorised in many different ways: by age; ethnicity; sentence length; main offence. Each prison was considered in view of these variables and portraits built up

of single establishments and establishments grouped by function: remand centres; local prisons; closed or open training prisons. Datasets were generated over a period of several days rather than the single date requested, consequently this is not a census. Two establishments provided a printout some time after the other establishments (see Appendix B). However, the data, once checked for duplication has value in that it profiles women prisoners independently of the male prison population and addresses distance from home.

Age was calculated from date of birth, ethnicity reproduced from categories chosen by women from a card shown to them at the point of reception. The system of categorisation stands half way between codes which reflect nationality and codes which reflect ethnic group and traverse national boundaries such as 'black' and 'white'. White women from other European countries cannot indicate this unless they choose the amorphous category of 'other' ⁷. British women of mixed black-white parentage face a confusing choice of descriptor, with no code to reflect this unless they choose the catchall of 'other' or 'black other'. Women described as 'black caribbean' or 'black african' may be British born and resident.

Ethnic categories were recoded as 'white' and 'black' to facilitate comparisons.⁸ The

⁷This is only an issue if the system was intended to improve the services to prisoners in some way as well as having a monitoring function. Language barriers can also exist for white women and caused considerable problems for several white European women in one of the fieldwork prisons during this study.

⁸ I use 'black' as a positive term rather than the negative connotations of the term 'non-white' used in 1993 in the official guidance on the use of the codes.

h o m e o r r e c e p t i o n a d d r e s s ⁹ o f each woman was recoded into a simple 'UK' and 'Non-UK' category and cross-tabulated with the recoded category, 'black/white'. It was not my concern to establish nationality as my interest was in connections with home and support systems in Britain. With hindsight this was a mistake. Nationality data could have enabled more reliable judgements about the proportion of black British women in the population rather than relying on country of origin as indicated by home or reception address.

Main offence categories were initially condensed into twenty eight codes.¹⁰ 'Attempted' offences and 'conspiracy' offences were categorised with the substantive offence. Hence 'attempted murder' is coded as 'murder' and 'conspiracy to kidnap' is coded as 'kidnap'.¹¹ These were then further condensed. During the process of re-coding a range of the most serious offences were grouped.¹² Single offence codes such as arson and terrorism were joined with categories such as 'violence against the person', and kidnapping/false imprisonment/abduction¹³ as a rational way to describe a group within the population which might attract longer sentences and require particular resources, services and regimes and for whom experience of domestic violence might

⁹At the point of reception into prison women are asked for a reception and a home address. In each case the home address was used unless there was a reception address in which case this was accepted as a substitute.

¹⁰Table 3.5 in Appendix B, Section 1 sets out full sentencing data.

¹¹The exception is 'assault with intent to commit robbery' which has been coded as an assault for the less serious offence.

¹² See Appendix C - Codebook for the method used.

¹³Offences included within this category were: murder, manslaughter, violence against the person (assaults and wounding), sexual offences (including against children), other offences against children, arson, kidnapping/abduction/false imprisonment, terrorism, explosives offences. A distinct category for weapons offences was retained and combined with violence offences such as affray and violent disorder to retain the distinction between these and direct violence against the person.

be a particularly important issue. Sentencing data was further re-coded to accord with categories relevant to policy and practice, for example twelve months is the point at which probation service throughcare is enacted, two years triggers sentence-planning.

Information on geographic origin and prison location was compared using address data which generally indicated whether this was a home or reception address. Home rather than reception address was used by preference but reception-address-only cases were also treated as indicative of geographic link.¹⁴ Entries giving an overseas address were treated as having no connection with this country. Most entries named a city, town or smaller village which I traced using a map and compared to prison location. Each entry was categorised by county, region and also on rough judgement of place size into: city, large town, small town in a rural area, or village/hamlet in a rural area based on size and road and rail links indicated on a road map of Great Britain - a time-consuming process which has not really been reflected in the limited use made of the resultant data. Again because I re-aligned the study and posed it at a much more theoretical and, I would argue, more meaningful level of questioning both the issues of community and punishment.

Analysing the Qualitative Interview Data

After seven interviews I drew out main themes and adjusted the interview guide, to expand my consideration of punishment. I transcribed all taped interviews personally

¹⁴'Reception' address refers to the address the individual was at immediately before entering custody. Many cases appeared twice in the data, once with a home address and once with a reception address. Many of these were the same address, where different they were often two addresses within the same town or city.

and entered the data into a qualitative data analysis package; NUD.IST (Non-Numeric Data. Indexing, Searching, Theory). NUD.IST was used to organise the data. The package preserves participants' words whilst allowing the researcher to index, and then search and retrieve across a whole set of coded interviews. This confers one of the advantages of the survey researcher upon the handling of qualitative data but is no substitute for the researcher being immersed in her data, having a grasp of the whole interview, a sense of the person who has spoken the words.¹⁵ Devices such as keyword searches in qualitative data analysis packages might shorten the process of indexing the data but risk building upon superficial meanings. Careful, reflexive reading and hand-indexing of each interview on screen preserves the context, the inter-connectedness of data in the building of an account and subsequent theoretical interpretation. I rejected the keyword search facilities and used NUD.IST as a repository for the data, a tool for managing the hand-indexed data and a visual representation of the emerging linkages between themes and questions.

Reflecting upon research questions gives an initial way of interrogating data. Emerging issues were re-framed as further research questions to be turned back upon the data and the process repeated. The nature of qualitative data analysis is that theory is developed incrementally, always in relation to the data, preserving emergent ideas as part of the eventual theory. This has not been grand theory research, rather, middle-range theories were explicitly addressed in the interviews, two examples being my hunch that women had more problematic experiences of 'community' than official

¹⁵This was demonstrated at a training session for the data package where the trainer made a face-value interpretation of a quote from one of my interviews to demonstrate that, in qualitative analysis, the soundbite is everything. They interpreted the quote in a way that from my knowledge of the woman concerned and the rest of the interview, was inaccurate. This served to reinforce that the researcher has to build the meaning of the analysis through careful trawling and re-trawling of the interviews, drawing out and building up a structure and a framework of analysis directly from the data in the most fundamental sense but without elevating the 'quote', the soundbite, over and above the whole.

discourse has allowed and the notion of women as financially responsible despite seemingly chaotic lifestyles. Throughout data analysis I revisited whole interviews, to read and regain a holistic sense of the women. Writing the short biographies which formed the basis of the clusters outlined above helped in this process. Setting research questions against the data often in practice meant return to a card index of biographies, sifting and re-sifting, asking, 'does this woman fit, if not, why not, 'how do I need to modify the proposal' - for example that good social support outside the prison will generally translate into a high level of social support inside prison or that women with good support reaching into the prison are more likely to become privileged within the prison, gaining more from their sentence than those with poor support networks whose focus and energy is necessarily directed outside prison?

A dilemma has been the amount and type of biographical information given each time a woman is quoted in the study. Do we always need to know a woman's ethnicity, number of children, what her offence is and her sentence length? I always give the woman's sentence length to locate the issues of contact, home links and home return under consideration. The women's ethnicity is specified as either black or white so that, having deliberately over-sampled the black women, they do not then fade back into the text of the study. Other factors are raised where appropriate to give context, that is, where I as the translator of the voices have deemed it appropriate. I have tried always to reflect the overall sense of interviews, and subsequent conversations with participants to modify the account.

I wanted to analyse data both to portray women as individuals with stories and routes

into their present situation but also to consider patterns and themes relevant to 1990s Britain. Welfare retrenchment, an expanding prison population, a particular and still emergent view of community (Worrall, 1997), and local social structures are constitutive elements in reforming punishment and in maintaining law and order (Hughes, 1996). These give a policy and theory led justification for thematic analysis through which the whole emphasis of the thesis shifted to a sustained focus upon the nature and notion of community and the role and potential for a fair penal response to women's crime. In addition methodological and epistemological justification is given by the ways in which data fit together as issues and themes recur, relating to the same individuals who shared features in common. On first reading, the short clustered biographies may seem supportive of the practice of seeing women in the criminal justice system in largely relativist, domestic terms; a focus which is dealt with critically throughout the study but which proved important for setting the scene and reflecting the women's descriptions of what and who was important to them.

ISSUES OF VALIDITY

Research Design and Conduct

In qualitative research the paradigms and benchmarks of validity and quality in quantitative research must be re-considered, made relevant to the alternative field of enquiry. Lincoln and Guba translate the classic considerations of internal validity, external validity, reliability and generalisability into related values such as transferability for qualitative research.

Assessment of previous research sets the study within the context of extant theory and allows anticipation of common place explanations and findings and subsequent changes. For example, the influence of a different social, economic and policy context given the ten to fifteen year period since earlier research on women in British prisons (Carlen 1983). Previous research can provide a validating context although it may need to be repeated for a new time when a different social or economic context, a different set of social or penal policies emerged, matured and had time to impact.

This study required Home Office approval for access. The original proposal was passed without substantial changes though with some criticism of qualitative methods as 'naive'. This might indicate that the research questions were uncontroversial, overly-attuned to Home Office and Prison Service thinking. The suggestion that the community prison issue was of interest came from the Home Office but interpretation of that brief was derived from previous experience of working with women ex-prisoners and women serving community sentences. Neither previous study of the community prison issue study allowed women to discuss in-depth their circumstances prior to imprisonment, the nature of their social support, or what sharing 'some facilities' with men might mean in practice.

The voluntary groups¹⁶, Women in Prison (WIP) and Women in Special Hospitals (WISH) were approached as part of the process of exploring research questions, the

¹⁶The Black Female Prisoner Scheme and Women Prisoner Resource Centre were unavailable at this time, but contact was made with these two groups at a later stage in the first fieldwork prison where both organisations were working.

community prisons issue and the possible concerns about mixed-sex provision.¹⁷ Contact with relevant voluntary organisations lends validity by confirming that the research questions were considered relevant by groups who work with women prisoners on a close level. The issues were considered important at the time of the research. For example, WISH confirmed that sex-mixing posed problems for women in the Special Hospital sector.

Sampling Validity

Collating quantitative data gave more accurate information about the population of individual prisons.¹⁸ I was thus able to avoid some of the problems in other research projects. The population of some prisons does not include Black women in a proportion which represents their ratio within the prison population. The demographic profile facilitated choice of research sites to include black women allowing me to consider, not only annual prison statistics which present data about women prisoners in a format derived from the majority, male population, but at my own, more detailed, more recent demographic data to assess the representativeness of the interview sample relative to the demographic patterns in the female prison population in its own right. For example, sentence length and offence show different patterns for women which can be obscured by the grouping of data in the pattern drawn from male data. By drawing on data derived from women alone I was able to see a different pattern

¹⁷ See Appendix B for a fuller account of the issues raised in these meetings.

¹⁸ The Office of Population Census and Surveys on behalf of the Home Office (Caddle and Crisp, 1997) has since carried out a demographic profile of the female prison population using a different methodology to that of this study outlined in chapters two and three. Although the OPCS study took a more focused approach, with particular concern for information relating to women as mothers, they produced findings which help to confirm the validity of some of the key findings of the population profile carried out for this study.

of offences and sentences.

Interview Design and Protocol

The protocol for the process of research (see Appendix B), covers the way that contact was made with interviewees and interviews conducted, how the research was explained and presented and how data was treated to preserve confidentiality and anonymity. Meeting women individually before interviews meant that at the stage of the in-depth interviews the participants had already met the interviewer, heard about the research, expressed an interest and had time to think about the issues involved. Very few women decided not to take part. It was clear that the research methodology had to facilitate the voices of women prisoners and that 'open' interviewing methods were to be used to allow women to develop their own thinking about the issues. The interview guide was designed to be reflexive to the women taking part in the research whilst being structured around broad issues which are clearly of relevance to the policy context, particularly women's support networks and experiences of community, factors overlooked when policy had been proposed and extended to women. Focus groups would have increased the validity of the in-depth interviews by confirming that interview topics were indeed grounded in the women's experiences. The two groups which took place were useful but this stage was undoubtedly compromised in the field.

The Validity of Findings

In the final write-up validity can be drawn from the extent to which the findings or

analysis explain and locate policy in a critical context. The primacy of family considerations and the greater burden of external responsibilities for women prisoners has been confirmed by several different pieces of research utilising different methods and theories (Genders and Player,1987; Hairston,1991a, 1991b; Blud et al,1993; Morris et al,1995). This helps to confirm the validity of the general findings that women experience particular concern for their dependents during imprisonment and that negative impact of a regime upon women's ability to maintain contact can cause particular hardship for women with children, the majority of women prisoners (Caddle and Crisp,1997). More specifically, aspects of the findings about regime preferences are confirmed in others' work. Hayman's (1996) work on medium-sized units found a degree of support, with women wanting to influence their social groupings and settings within a reasonably predictable regime with the minimum of arbitrary punitiveness. The unpredictability of sentencing for some first-offenders compared with a paradoxical predictability of short prison sentences for the drug-addicted women supports the call for sentencing review and reform (Carlen, 1998) and confirmed the problems that women face in accessing community sentences.

After the fact: Reflections on the study

All research involves adjustments to circumstances in the field. In prison the researcher can change little about the environment yet change is a constant feature of prison life. One prison was large, almost full to capacity, with a transient and highly diverse population; the other a working prison where most of the women worked all day, most interviews took place in the evenings. Fieldwork was stressful at times and

always challenging. In the first prison tensions were raised at times by the extremely hot weather combined with a clampdown on security. Where the women would normally have been able to sit out in the grounds for periods of time this was not allowed over the summer of this research. In addition, part way through the fieldwork all home leave for women in the prison was cancelled in response to press speculation about abuse of the privilege and media speculation about the merits of a particular case.

The fieldwork period, as expected was problematic, including several weeks in the first institution where I was clearly not in the right place to make contact with the women selected. I had not anticipated the level of problems, and clearly did not spend enough time there before the fieldwork to get a feel of the cycle of events over the course of a week. Had I done this I could perhaps have re-negotiated the site of the interviews immediately without effectively spending several weeks trying to compensate for a very difficult setting. The interview rate improved dramatically once the site of the research was re-negotiated. At this stage I felt that I could begin to approximate a feminist approach, making contact directly, introducing myself, answering immediate queries about the research and my motivations and path to the research.

With hindsight I had tried, initially, to combine two approaches to sampling for interview. By constructing a random interview sample but also wanting to carry out some kind of second stage of sampling the issue became confused. When the first prison objected to the size of this task the need to rethink quickly became apparent

as conditions made this impossible and so I decided to introduce the impetus, aims and practicalities of the study at individual meetings.

Looking back I would question why I aimed the research only at women imprisoned at the time of the research given the emerging importance of drawing links between women in prison and women who are either ex-prisoners or serving community-based sentences and therefore living with similar issues in the community. However, the boundaries of the project were drawn up in recognition of the very specific experiences of women in prison. The issue of 'community', and what community might or might not mean to women was not raised in either of the studies which first addressed the issue. The issue of prison visits has been a proxy for a more open discussion of what constitutes community and what type and level of social support women would be likely to experience within different regime options. Bringing women (and men) geographically nearer to their (presumed) support network has been the measure assumed to allow prisoners the enactment of 'community' and to constitute 'community imprisonment'.

This study was based on the adoption of community prisons as a principle for reformulation of the prison estate allied with the (short-lived) possibility that restricted use of custody and expanded use of community sentencing enshrined in the Criminal Justice Act 1991 would reduce the female prison population giving sufficient flexibility within the existing female estate to implement change. Redistributive change generally comes about only in periods of time where current accommodation is sufficient to meet demand. At the start there seemed an obvious gap in knowledge,

in that no-one knew how relevant community prisons, the new big idea in penal policy, might or might not be to women prisoners. There had been little attempt to explore the complexities of women prisoners' social support networks or the full range of their social roles in relation to their ability to enact citizenship or to resist social exclusion and marginalisation to play a full role in an inclusive society. Then, with the partial repeal of the 1991 Criminal Justice Act, the prison population began its inexorable rise towards the current record (and rising) population and the opportunity for change appeared to recede once more. The challenge was not to allow such short-term fluctuations to distract from the questions which must be asked and answered and in this case the study clearly had to address the more fundamental issue of the impact of developing a gendered or feminist approach to penal philosophy, the opportunities and the possible pitfalls which lay therein.

Conclusion

In its final conception, the study is a return to the more sociological studies of the early to mid 1980s and is intended to add to our understanding of women prisoners' roles and responsibilities, their experience of community and the impact of imprisonment upon this; and to examine the current theoretical basis underpinning our use of imprisonment for women, how imprisonment relates to the practice and processes of social exclusion. This is best approached by listening to women prisoners talking about their experiences and their response to punishment, both their own punishment and the wider practice of punishment as an expression of 'natural' justice and/or social censure. Where the study has been extended from its original conception is in response to the broader issue of the purpose and implications of punishing women as we do, and in order to ask whether and how we should punish women in proportion to their actions, their intentions, motivations and circumstances and with regard to their active citizenship and the dangers of diminishing or infantilising them.

CHAPTER THREE

A DEMOGRAPHIC PICTURE OF THE FEMALE PRISON POPULATION IN ENGLAND AND WALES

Introduction: The official statistical context

This chapter sets one section of the study's data, the demographic profile of the women's prison population in October 1993, in the context of the official statistics of the past decade, establishing the context for the rest of the study. Inevitably the profile has dated, however, as the first time¹ that some aspects of prison-held data on women prisoners had been aggregated, it raised interesting issues, some of which remain relevant today. The female prison population has all but doubled in the five years from 1993 (n = 1561) to 1998 (n = 3105) (Home Office 1999a) whilst the male prison population has seen a rise of 45 per cent in the same five years (Home Office 1999b). Women remain a tiny but increasing minority, rising from 3.9 per cent to 4.9 per cent of the prison population overall from 1995 to 1998, and forming seven per cent of receptions into prison 1998 (Home Office 1999b, provisional figures for receptions). Thus women prisoners continue to pose a particular challenge given the operational difficulties of accommodating such a distinct minority combined with the high levels of need identified amongst women prisoners (Morris et al 1995, and see chapter eight of this study). A quarter of women prisoners are on remand. Of sentenced women prisoners in 1998, 35 per cent were convicted of drugs offences,

¹Caddle and Crisp (1997) censused the female prison population in greater depth at the end of 1994.

19 per cent violence against the person and 17 per cent theft and handling (Home Office 1999b). This reflects the longer sentences for offences of drugs and violence and hence the accumulation of such women within the prisons (Hedderman and Gelsthorpe, 1997). The most common offence amongst women received into prison remains theft and handling. Drugs offences are more common amongst women than men prisoners. There have been dramatic reductions in the numbers of women received into prison in default of fines, with an average of only four women in the system at any one time, and 372 receptions for 1997, against 1,370 receptions in 1995 (Home Office 1999b), a welcome trend in the face of a rising female prison population. Women from all ethnic minority groups make up a quarter of the female prison population (but under a fifth of the male population), and fifteen per cent are women of foreign nationality (compared with eight per cent of the male population). The small baseline numbers of female young offenders can result in large fluctuations (and scare-mongering headlines of rampant female youth) year on year, for example a 24 per cent increase 1997 to 1998.

The rationale behind a population profile

Each year the Prison Service publishes aggregate statistics for the whole of the prison estate. These allow us to see both a snapshot of the prison population year on year and the throughput of those admitted during the year. The Prison Statistics are greatly simplified for the purpose of publication with data categorised and presented in a way that is relevant to and was developed in relation to the 95-6 per cent majority, male population. Information about women prisoners is presented separately in the official

statistics but utilising the same categories as those used for the male population. In places this simply means that we must look closely to ascertain difference; for example, at the different pattern of women's offences and sentence lengths. At other times this means that information which might have been judged relevant if drawn from the female estate independently, for example data relating to numbers of children, care and support arrangements in the community, is not presented, raising interesting issues for any independent study of the female population. How are we to understand the nature of the female prison estate and the imprisonment of women in Britain when access to raw data about the female population has been limited and defined within the parameters of the majority, male population? The recent compilation of statistics about women and the Criminal Justice System as a whole (Home Office 1999b) under the requirements of Section 95 of the 1991 Criminal Justice Act is to be welcomed.

There are several reasons to aggregate data prison-held data for the female prison population. Each prison holds raw data on the Local Inmate Data System (LIDS). The value in bringing together such data was that only part of this 'live' information was aggregated for the purpose of the annual Prison Statistics. Some of the non-aggregated data are particularly pertinent to the issue of community prisons; for example the home area of each prisoner. Comparing this information with the location of the prison where the woman was being held revealed how far away from home the female population was being held. It was also likely that different patterns for female prisoners were being obscured by the way the annual Prison Statistics are presented. Finally, in a study of this nature it was useful to know the nature of the population held

in each establishment for the purpose of selecting fieldwork sites and sampling for interview. We are often in a position of uncertainty about the likely impact of general prison service policies such as the move towards community prisons upon the female prison population. The data held on LIDS appeared to be of use in exploring questions raised by early 90s policy developments.

This rest of this chapter sets out a picture of the women's prison population based upon this data, followed by in-depth consideration of several sub-groups:

- women serving less than 12 months;
- life sentenced women considered both separately, and with;
- long term sentenced women;
- the female remand population;
- young adult women (under 21) and female juveniles (15-17);

The chapter then outlines the geographic spread of the population, comparing home addresses with location in the estate. Other sections cover women serving sentences for drug offences and 'serious' offences, a composite category reflect violence against individuals and other serious offences, developed to contrast with the catchall 'other' category used in the official statistics which covers a wide range of non-serious offences.

The demographic profile

Women prisoners by age

The women's ages ranged from 15 to over 70. Most were young, almost half aged 21-29 (43 per cent). Young adult women under the age of 21 formed 14 per cent of the population.² Young adult women are considered in further detail below. The numbers of women in each age category declined as age increased. There were only nine women aged 60 and over.³

Women prisoners by ethnicity

White women formed three quarters of the whole population. This proportion held true across both sentenced and remand prisoners. Black women collectively formed a fifth of the population. Asian women were in a very small minority, just under two per cent of the population, with another four per cent of women categorised as 'other', a category used primarily by women of mixed race.

The overall figure for all ethnic minority women collectively is very much greater than their presence in the wider British population and cannot be wholly explained by the number of women who would appear to be foreign nationals according to the address data collected for this study. This is a problematic way to judge nationality, a problem

² Young adult women are considered in detail in a separate section below.

³ See Table 3.1 in Appendix B, section 1 for the age analysis in full detail.

which continues to plague the Criminal Justice System. See chapter one for further discussion of the over-representation of black women in prison (cf. FitzGerald and Marshall, 1996 for a consideration of the methodological problems attendant on this issue).⁴

Women prisoners by country of origin

The great majority of women gave UK addresses on reception. (See Table 3.2 in Appendix B, Section 1 for full Non-UK information by country.) Three quarters (73 per cent) of sentenced women were categorised as 'UK white' and a fifth (21 per cent) as 'UK black', Only six per cent of sentenced women gave a Non-UK address in reception. Five sixths were black women, one sixth white women. That relatively few women gave an address overseas at the point of entering prison would immediately suggest that British black women are hugely over-represented in prison if they really did form a fifth of the population. Other studies suggest that six per cent was likely to be an underestimate of the numbers of foreign national women in British prisons (Maden, Swinton and Gunn, 1992; Fitzgerald and Marshall, 1996). Official figures for 1998 suggest 15% (Home Office 1999b).

⁴See Table 3.2 in Appendix B, section 1 for a full breakdown by ethnicity. Throughout the chapter I have referred to the ethnic categories used in the LIDS system.

Women prisoners by main offence

Dobash, Dobash and Gutteridge claim that

... the sort of reforms of prison regimes that seek to make [prisons] as much like 'outside' as possible ('almost human') seem tortuously pointless when the virtual abolition of prison should seem an achievable goal for a prison population, the majority of whom are remanded for social and medical reports, and *the majority of whom have committed relatively minor property or behavioural offences*" (1986:214, italics added).

Indeed the largest group of women in the population at the time of this study were remanded or sentenced for offences of theft, handling or receiving, fraud, forgery or deception, a quarter (24 per cent) of the whole population, almost one third of the remand population. However considerable numbers of women had been charged with offences of violence against the person and a range of other serious offences. This can help to explain some of the rise in the female prison population given that increasing numbers of women serving longer sentences will accumulate within the system (Home Office 1998) and has been advanced as partial explanation of the rising female population (Hedderman and Gelsthorpe, 1997).

The offence codes are of intrinsic interest as they allow us to view in greater detail than the annual prison statistics the types of offences for which women were serving prison sentences, or were remanded. Later sections in this chapter deal in detail with drugs offences and a composite category grouping together serious offences of

violence, excluding drugs offences.⁵ A fifth of women overall were charged with drug offences including possession, supply, and importation (22 per cent), another fifth with the 'serious' composite offence code. Most offences were present in a similar proportion in both the remand and sentenced populations. The exceptions were drug offences, 15 per cent of women on remand but 25 per cent of sentenced women, indicating a relatively high chance of receiving a custodial sentence, a figure which had risen to 38% of sentenced receptions in 1998 (Home Office 1999b). Other criminal' at 13 per cent of the remand population but only 5 per cent of the sentenced population, indicating a 'shifting' out of the custodial system at the point of sentencing for lesser offences.

The number of women remanded or sentenced at this particular point in time whose main offence code indicated debt (rates/community charge) or fines (including TV licence evasion) was extremely small but this conceals Pantazis and Gordon's (1997) finding that two thirds of all women who appear before the courts are initially charged with non-possession of a television licence making this a major route during the mid-1990s into prison by way of fine default. This reflects the limitations of a 'snapshot' approach. To portray the significance of imprisonment in default of fines requires a longitudinal analysis of throughput. Sentences in default of fines, or for non-payment of poll tax or television licences, tend to be very short, often of only a few days and therefore although there are very few women in prison at any one time in default of

⁵This is a composite category developed to represent serious non-drug offences. See the section on this group of the population below for explanation. The offences included here are murder, manslaughter, violence against the person (all assaults), all sexual offences including those against children, other offences against children, arson, kidnapping/abduction/false imprisonment and terrorism/ explosives offences.

fines, the throughput in any one year is much higher but has fallen dramatically in the three to four years since Pantazis and Gordon examined the issue.

In absolute numbers women who pass through the prisons in default of fines every year present a very different picture. They form a substantial proportion of women sent to prison in any one year. No doubt analysis of all offences not just the main offence code would reveal a larger proportion of sentences for fines, but very few women at any one time are imprisoned as a result of fines or debts alone. It would be interesting to establish how many women serving sentences for theft and fraud related offences had other convictions for debts or unpaid fines. Morris et al (1995) found a third of their sample of 200 sentenced women prisoners had debts prior to their imprisonment, and two thirds reported living solely on benefits but did not explicitly link this to the nature of the offence.

Dobash, Dobash and Gutteridge's (1986) claim is at once both accurate and unrepresentative. When considering an incarcerated population, the throughput of prisoners is one issue and the composition of the population at any one time is another. They raise different questions and imply different regime needs.

The populist notion of the female prison population in Britain is one that focuses on throughput. It is frequently cited on television news bulletins that a third of women sent to prison are there in default of fines. This is a throughput figure, for women serving very short sentences. At any one time such women are present in the population in very low numbers. This can tend to disguise the overall trend which has

been for a lengthening of prison sentences for women and the presence of a relatively large proportion of women serving long sentences (of over four years) in the population at any one time.

The throughput of large numbers of women held in default of fines, and the overuse of remand for women who do not pose a threat to the due process of the law under the terms of the Bail Act mean that over the course of a year a large proportion of the female population move through the system very quickly making the population both diverse and unstable, an issue which impacts upon all women, but particularly women serving long sentences.

Women prisoners by sentence length

The largest group were those held on remand, a third of the population. Almost half of all young adult women (under the age of twenty one) in prison were held on remand. Another large group were those serving sentences of less than one year. These two groups combined formed almost half of the adult female population, for young adult women the figure is over two thirds. The number serving sentences of less than three months was relatively small at three per cent of the population. A larger group were serving three months but less than one year (13 per cent). Women serving less than twelve months formed 16 per cent (268) of the population.⁶ Almost half for theft/receiving/handling or fraud/forgery or deception with fewer serious

⁶ Of 268 women: 27 were serving one month or less; 15 serving two months or less; and 3 serving less than three months. 70 women were sentenced to 3 months but less than 6 months and 123 were serving between six and twelve months.

offences than in the wider sentenced population (8 per cent). The remainder were spread across the range of offence codes including the seven women sentenced for debts/fines. Initially it seemed the Criminal Justice Act 1991 would reduce numbers serving short custodial sentences in favour of community based sentencing. In October 1992 there had been a dramatic fall in the female prison population. However opposition to key sections of the Act and recurrent messages about the rightfulness, if not the efficacy, of imprisonment reversed the trend - producing an exponential rise in both the overall and the female prison population, a trend accelerated by repeal in the 1994 CJA of key sections of the 1991 Act relating to sentencing practices. Had the initial downward trend continued, removing short-sentenced prisoners from the population with a similar reduction in the use of custodial remands the potential for a reduction in the female population would have been dramatic particularly in the number of young adult females in custody. Rather, the 1998 Prison Statistics demonstrate an inexorable rise continuing at a faster rate in the female than in the male population (Home Office, 1999a).

Workable data showed eighty-one life sentence prisoners.⁷ The great majority of life sentence prisoners were white. Surprisingly, seven out of the ten black women were asian. If there were to be a special lifers facility for women, the numbers of black women would be low, but not as low as in some of the present establishments. Given the large numbers of black women serving four years and over (excluding life) any

⁷ This excluded those certainly held in a secure training prison which provided incomplete information. The LIDS data showed 10 women whose offence code was murder. As this establishment held only sentenced prisoners all ten would have been sentenced to life. We cannot tell whether they were 'current' or 'discharged'. The figure therefore was most likely higher, and has since risen to 137 in 1998 (Home Office 1999b).

establishment for long term inmates plus lifers would contain a relatively large number of black women, many of whom would be foreign nationals convicted of drug importation. Over a third of life sentenced women were in their 40's and 50's. Only 3 were young adult women (under 21). Most were in the middle or first phase of their sentence at the closed training prisons generally used for that purpose. Only eleven were in the final stage at the open training prisons. The number of life sentence prisoners per establishment ranged from seventeen to two. In a facility aimed solely at lifers, young adult women would be very much in the minority, a minority of five in 1998 (Home Office 1999b). Unsurprisingly the offence range for lifers was extremely small. The vast majority (93 per cent) received a life sentence for murder, attempted murder or conspiracy to murder, with the rest sentenced for arson, terrorism or explosives offences.

Life sentenced women and long term female inmates (LTIs) serving four years and over were also considered as a group. Numbering 316^b in autumn 1993, just under a third of the sentenced population, they were held in all establishments except the three remand centre/locals. Almost half were serving over 6 years but less than 10 and a further quarter were life sentence prisoners. There were 109 women serving sentences of ten years and above including life, thirty were black women.

There were far fewer young adult women and this group was older than the general female prison population. Over a third of those serving long sentences were black

^bIt is likely that the higher end of the sentencing range would be increased by the inclusion of missing sentencing data from one of the closed training prisons which was likely to be holding significant groups of life sentence prisoners and foreign nationals serving long sentences for drug importation.

women, although very few black women were life-sentenced. Many of those serving long sentences would have been foreign nationals but two-thirds gave UK addresses. Even allowing for the unsatisfactory method used here to estimate where women originated, if long and life sentenced women were brought together in one or two designated institutions then UK based black women might be present in greater numbers than in many of the current establishments, possibly reducing the isolation of black women in some of the current female estate, but raising the issue of why British black women are receiving long sentences in disproportionate numbers. The ethnic mix of this group shows a considerably reduced proportion of white women (58 per cent). Correspondingly the greater numbers of black women broke down into: 16 per cent black african, 12 per cent black caribbean, 7 per cent other, 4 per cent black other, 3 per cent asian indian and 1 per cent asian pakistani.

The majority of offences for this group fell within two large categories: the serious offence code (41 per cent) and drugs offences (44 per cent). Almost two thirds of the 'serious' offences were of murder/attempted murder/conspiracy, the remainder were mostly of manslaughter/violence against the person or arson, there were small numbers of offences against children, sex offences, kidnapping and terrorism. The vast majority of drug offences attracting such long sentences were offences of importation. The rest ranged across burglary, robbery, theft/fraud/deception, customs evasion and 'other violence', representing 15 per cent of long term women inmates.

If grouped together life sentenced and long-term sentenced women might form an appropriate target for specialist regimes and resources. Women in Prison responded

to the Community Prisons Consultation Paper in favour of large, city-based, women-only, multi-functional prisons. Their overtly reformist agenda is that only a very small number of women prisoners warranted custodial sentencing in a fair and just sentencing system and therefore one or two prisons should suffice.

The number of long-term female prisoners during the 1990s certainly make such an establishment or establishment(s) look feasible in terms of numbers. The National Prison Survey 1991 (Dodd and Hunter, 1992) refers to 44 per cent of respondents who reported that their visitors had experienced difficulty in travelling to visits. City based establishments could only improve that position for visitors. Regimes and institutions planned around this portion of the population would include a significant proportion of the black women held in British prisons and most, possibly nearly all of the sentenced women who are foreign nationals.

Sentencing and ethnicity

In the lower sentence bands white women greatly outnumbered black women but the ratio closed as sentence length increased beyond four years. For sentences of six years or more (excluding life sentences) black women outnumbered white women. The pattern reversed again for life sentences with the vast majority being white women. This is likely to be explained for the most part by the concentration of black women in the higher sentence bands who are also foreign nationals and serving long sentences for drug importation. This would certainly be a useful focus of further research, as would comparison of the sentence lengths of white foreign nationals and

black foreign nationals serving sentences for drug importation.

Young adult women (aged under 21)

Young adult women formed 14 per cent of the population. Most were aged 19-20 (71 per cent). A quarter were aged 17 and 18. Three 15 year olds were serving sentences of between 3 and 9 months at two different prisons, one open and one closed. Four 16 year olds were serving between 3 months and 3 years at four different establishments, three closed prisons and one open prison. It is extremely worrying that girls as young as fifteen are held in adult prisons with little meaningful separation of young adult women prisoners from adult females in some establishments which are nominally categorised as YOIs within adult prisons. These practices result in very young women being exposed to the full range of life in an adult female prison, arguably a manifestation of the attitude that women's prisons are not real prisons and women prisoners not real prisoners (Carlen, 1994). Almost half were on remand. Many are likely to come from fragmented home backgrounds and as such may receive relatively little support from home despite their age. However, closeness to home area also facilitates other important matters such as the right to due process and connection with others such as the home probation service for the purpose of reports and bail applications (Casale, 1989).

In a community prison system based on the sex-mixing of institutions the issue of age-mixing would also need to be addressed. If the female and male systems were in any way to be combined, the current practice of age-mixing in the female system could

potentially bring young adult women into the same institutions as adult men. This was happening at one establishment in the mid 1990s where young adult women were held at the same time that the establishment released LIDS data to me and where there were facilities shared, although used at different times, by men and women. This establishment no longer holds women (HMPS, 1999).

Most worryingly, the male population at this establishment had been deliberately constructed to contain a high proportion of sex offenders who would otherwise form a vulnerable minority in other establishments, held in isolation under Rule 43 of the Prison Rules for their own protection. At this establishment a large number of men who posed a clear threat to women were able to participate in a fuller and freer regime as a result of their critical mass within the establishment (Hayman, 1996). It is particularly repugnant that young adult women, many of whom will be especially vulnerable⁹ were ever held in such close proximity to men who posed a direct and very real threat to their safety should security arrangements ever have broken down as they had in April 1990 during riots at Pucklechurch remand centre.

For young adult women the 3:1 ratio of white women:black women was somewhat different, 88 per cent were white, 12 per cent black. Only one young adult woman was Non-UK in origin. The lack of foreign national women may explain the smaller number of black women in this population sub-group.

⁹Morris et al (1995) found that nearly a third of their sample of adult women had been sexually abused prior to their imprisonment. The strong links between childhood abuse, experience of local authority care as a child and prison for adult women have been explored by Carlen (1987). Arguably, for a young woman to have reached the stage of being in an adult prison, she is more rather than less likely to have experienced these traumatising life events.

Two thirds of young adult women were on remand or serving less than twelve months, 82 per cent being either remanded or serving less than two years. Young adult women on remand were spread across six establishments, three quarters were concentrated in three prisons. One establishment reported only 15 remand prisoners, one of whom was under 21. Provision of appropriate bail places and bail information schemes is of particular relevance to young adult women. This part of the female population could be greatly reduced were more stringent conditions placed on the use of custodial remands for young adult women.

Had the Criminal Justice Act 1991 led to community based sentences replacing short custodial sentences for non-serious and non-violent offences the female young adult population would almost disappear. At the time of the profile only 44 (18 per cent) young adult women were serving sentences of two years and above although slightly more than this were charged with offences which fall within the 'serious' composite offence category. A third were sentenced for theft/handling/receiving and deception/fraud/forgery.

Women charged with 'serious' non-drug offences

The total number of women charged with these offences came to 346 (20 per cent of the population). For 38 of these sentencing data was not provided by the prison. Of the remainder a third were remanded, just over a third serving sentences of four years

or more and a fifth serving short to medium term sentences.¹⁰ The sentence range reflected a similar proportion of remand prisoners as the whole population at 33 per cent. Life sentence prisoners were by far the next largest group at 27. The distribution of this group of women through the prisons is outlined in Table 3.10 in Appendix B, Section 1. Only one individual in this group gave a Non-UK address at reception making this group rather different from the population as a whole. Correspondingly the range of ethnic codes differed with more white women (87 per cent). A growing body of evidence suggests that female acts of violence are often situational, often domestic; the response to an accumulation of factors which might be best addressed through community sentencing but which should not be ignored if custodial sentencing results.

Women charged with drug offences

Just over a fifth (378 women) of the total population were charged with drug offences. The initial offence codes distinguished between offences of importation/customs evasion involving drugs and all other drugs offences including possession, supply and intent to supply. Almost two thirds (63 per cent) were offences of importation with the remainder being offences of possession or supply.

The age range for women charged and/or convicted of drugs offences shows a slight bias towards the older age cohorts in a similar pattern to that of the 'serious' offence

¹⁰Sentence length is missing for 11 per cent of this group who were held in Cookham Wood, a closed training prison. It is likely that many of these would have been serving sentences of four years and over.

code group. Young adult women formed only 3 per cent of this group and only one woman was aged over 60. Over two thirds of those charged with importation had UK addresses on file¹¹, although this figure requires caution for the reasons outlined earlier in the chapter. This figure rises to 96 per cent for other drug offences.

The distribution of the female population through the female prison estate: Summary of differences between establishment groups

Some of the differences between establishments are explained by their function as open, closed, remand or Young Offender Institution as well as adult prisons.¹² Six establishments held remand prisoners: one holding almost half of all women on remand where they formed 53 per cent of that prison's population, making for a very high throughput of population both here and at another which held just over a fifth of the entire female remand population. Other institutions held 14 per cent, 9 per cent, 6 per cent and 3 per cent of the remand population. In areas where the local prison holds a large remand population it is likely to create pressure for sentenced women to serve their sentences in more distant prisons rather than the local prison with its high turnover and diverse population.

Eleven out of twelve establishments held young adult women. Consequently they are spread very thinly throughout the system. If we assume that young women have the

¹¹The country of origin for Non-UK women breaks down as 8 per cent Americas/Caribbean, 6 per cent African, 4 per cent unknown, and 2 per cent from mainland Europe. In terms of ethnicity the proportion of white women drops to 43 per cent.

¹²Table 3.10 in Appendix B, Section 1 and the longer exploration provided there describes the establishments.

same level of need as young men for an appropriate regime and environment then various issues are raised by their presence in adult prisons. Young women appear in all six establishments holding a remand population. In all cases they formed a minority, more striking in three establishments where they were only four, nine and ten per cent respectively of the population in each.

Establishments differed dramatically in their population of black women although they were present throughout the system, from four to 39 per cent, with one establishment holding only one black woman and another only two. In part this is due to the concentration of foreign national women in some prisons and their exclusion from open prisons.

The geographic origin of the female prison population

Greater London accounted for over a fifth of the population as a whole and in most population subgroups, with the exception of young adult women. Most individual regions outside London contributed less than 10 per cent of the population excepting the North-West (sixteen per cent), this region and Greater London together accounting for almost half (43 per cent) the population. Thirteen per cent came from the West or East Midlands, with no female establishment in either region in 1993.

Distance from home

One hundred women from the sentenced population (8.5 per cent) were held at

distances of more than one hundred miles from home. This is a relatively small number and proportion given the prominence given to the wide spread of the female prison estate. Of little consolation to those individuals who are so far from home, the more serious issue is the location of many existing female prisons in rural areas with the attendant problems of travel for visitors and for the women themselves when they travel to and from home leave or temporary release for educational courses, training, official visits or additional home visits. Travelling such distances is particularly arduous for visitors bringing children to see their mother and also for the children themselves.

We can see the distribution of the population and sub-groups of the population across the country, and the origin of each establishment's population. Obviously this information tells us nothing about the strength or quality of the link with the named place, nor anything about how appropriate or inappropriate it would be for a woman to return there, nor about the level of support for the woman which lies in that region.

Type of area

This variable was developed to reflect the variation of services and resources in home areas and to indicate how difficult it might be for visitors to travel to the prison. See Table 3.12 in Appendix B, Section 1. All places within Greater London were coded as 'city' to reflect the quality of the transport network, the concentration of services and resources upon the capital and the density of the road transport network around the capital.

Over half the women came from cities, (including those from Greater rather than central London). Overall the female population reflects an urban spread with three quarters naming an address in a city or large well-connected town. This leaves a tenth of the population with the difficulty of maintaining ties with a rural area. The records for life sentence prisoners indicated wide geographic spread across the country. Most counties generated only one, or at most two, women sentenced to life. The exception was Greater London with 17 (21 per cent).

A fifth of life-sentenced women gave addresses in rural areas compared to a tenth of the general population. The problems of maintaining ties during a life sentence must be particularly acute when most training prisons are situated in rural areas, posing problems of access for all visitors. This must be compounded when a fifth of the lifer population indicate ties to rural places where public transport and services are likely to be limited at the journey's beginning as well as at the journey's end. External support networks are of particular importance to life-sentenced prisoners, the geographic origin of female life sentence prisoners raises particular questions. Most life sentenced women have been convicted of murder. Most of the murders that women commit are of a partner or relative. It may therefore be that many women serving life sentences are unable, or do not wish, to return to the area from which they came. Circumstances also change during a life sentence. The question of disparity between the data recording home area and ties with those on the outside is of particular relevance. Only by interviewing life sentence prisoners could the degree of change in circumstances and the level of outside support be gauged. Given their small numbers and wide geographic area of origin an establishment aimed at life

sentence women would require provision for visitors travelling large distances, raising issues of cost, accommodation, facilities on arrival and provision for the children of women life sentenced prisoners. The issue of resourcing visits would clearly be paramount.

Young adult women by region

The home distribution of young women is surprising in some respects. Greater London has a lower score for this group than for the group as a whole. Common-sense explanations for this group might have predicted that the sort of vulnerable young women who are likely to end up in prison would be drawn to London. The highest number gave addresses in the North-West and Yorkshire/Humberside. Those of No Fixed Abode formed the next largest group, only then followed by Greater London, with the Midlands almost at the same level.¹³ Young adult women were also predominantly urban. When young women were compared with the whole population there were slightly more individuals from towns and fewer from cities.

The home areas of women held on remand

The distribution of remand prisoners relative to their home area is of obvious concern given their entitlement to five visits per week, their unconvicted status and their need for due process in relation to the case against them. Women were remanded from

¹³ The number of young adult women of No Fixed Abode was slightly higher than indicated above. Those who indicated an area (for example NFA, London) were coded by area rather than as NFA. The actual figure for NFA is 33 or 14 per cent.

eleven regional areas to six prisons. Just over a quarter of the women on remand at the time of this population profile were being held in prisons which fell outside the region of their home town.

Casale (1988, 1989) has concluded that there are serious obstacles to the right of women on remand to due process before the law. With few prisons where women may be held on remand they may be held at long distances from their home area, obstructing contact with legal representatives and probation officers who visit clients to prepare reports for the court. Most of the female remand population were held in the nearest prison available in 1993. To reduce problems with due process and family visits we are looking at a re-configuration of remand accommodation and the possibility of women being held on remand in every female prison raising further issues as the high turnover of remand prisoners has an unsettling effect on the sentenced population, on regimes, and particularly on women serving long sentences. The only sensible option is reduction of the female remand population to as low a level as possible, an increasingly remote possibility as the number of women on remand continues to rise (HMPS 1999). The remand population was an area targeted for reduction by prudent use of custodial remand under the Criminal Justice Act 1991. Reinstatement of this aim would arguably have a stabilising effect on regimes. The provisions of the Bail Act are being overlooked for the many women held in custodial remand who receive non-custodial sentences and have arguably been held on remand unnecessarily. The provision of more bail places for women could accommodate a further section of the female remand population. Bail places in general were expanded up to the early 1990s. A period of retrenchment halted this trend and saw

the remand population continue to expand. Union pressure for expanded staffing of bail hostels in the early 1990s made it much more difficult for the voluntary sector to provide bail places, as staffing costs doubled under requirements for double staffing at all times.

Conclusion

The continuing expansion of the female prison population hides some recent trends. According to Hedderman and Gelsthorpe (1997), a bifurcation of the courts' response to women derives from a reluctance to fine women which holds some women down-tariff and pushes others up tariff. On the one hand, fewer women are received into prison in default of fines, and there was a degree of growth in the use of community disposals for women in the early to mid 1990s. In their analysis of sentencing patterns for men and women they found that women were less likely to receive custodial sentencing than men, but also that women sentenced to custody were accumulating within the system as an increasing proportion of women were sentenced for drugs offences which attract longer sentences. On the other hand, women continue to receive short custodial sentences, rather than community disposals which have reached a plateau rather than continuing to expand as hoped, remaining problematic and under-used for women despite their suitability for community sentencing on the basis of their offence and previous sentencing profiles (Home Office 1999b). The expanded and re-configured female prison system holds enough capacity for the projected increase in the population only until the year 2001 (HMPS, 1999) and many of the issues outlined thus far remain pertinent and problematic.

CHAPTER FOUR

LIFE BEFORE PRISON: FIFTY WOMEN PRISONERS

Introduction

This chapter explores the social, material and emotional circumstances of the women's lives before prison. The main themes of the chapter are the ways in which the women's lives before prison were constrained, limited or enabled by links with others: friends, family, kin, neighbours and voluntary or state agencies. To an extent this updates earlier accounts but here the emphasis is upon interrogating assumptions about community, social networks, roles and responsibilities for women in ways which both challenge and accord with the view of women prisoners as marginalised from society, domesticity and acceptable family models. To strengthen the context in which the following chapters must be read, the women's material conditions before prison are explored here and provide the backcloth to the rest of the study.

Women describe their physical surroundings: their homes, estates and neighbourhoods as the site for the enactment of a range of social situations, social linkages or social isolation; for problematic alliances; supportive relationships; violence and exploitation both within and outside their homes. The women have already been described (in chapter two) as clustering in terms of their degree of isolation, their experience of social support, relationship to the labour market, to criminal activity. Throughout this chapter I explore these issues in greater depth, and establish the

women's experiences of relationships, responsibilities and multiple-roles before prison as the foundation and context for later interrogation of the potential for a positive ethos of punishment. For reasons established in the introduction the substantive qualitative part of the study begins here with an exploration of life before prison taking as its focus both the physical fabric of where and how lives were lived and the social nature of those lives. Whilst Wellman and Leighton (1988:57) reject the significance of neighbourhood and the physical environment in structuring life experiences in favour of social network analysis which "...takes as its starting point the search for social linkages and flows of resources", Stacey (1969) acknowledges the likelihood of a link between the structure and experience of local social relations and it is this approach which has been adopted. I began by asking the women to tell me about where they were living before prison, with whom, and how they were living. The chapter is organised around the areas of: housing and neighbourhood; money; partnerships and other relationships including caring for children; childhood and personal histories; social networks as adults.

Housing, neighbourhood and homelessness

"It was horrible and the only place to put the settee and the chairs was under the window, and she was starting to climb onto them. The council fitted child proof locks but they wasn't very good. I opened the window one day and it just flew right open. So I was glad I lost that flat." (Janice, white, one child, four years/armed robbery, describing risk to child in high-rise flat)

The great majority of women were housed before their prison sentence. However,

their housing situation was very different and far inferior to that of the general population in terms of security of tenure. Local authority tenure formed the largest group followed by private renting and then home ownership or living in the family home. Very few owned their own home or lived with parents in owner-occupied accommodation whilst more than two thirds of the general population live in owner-occupied accommodation. Twenty per cent had lived in private rented accommodation and twelve per cent were of no fixed abode immediately before they came into prison. Alarming, this latter figure had risen to more than half at the time of the interviews¹ (see chapter six). Only those living in owner-occupied accommodation communicated any real sense of choice about where and how they lived. This usually went hand in hand with a reasonably well-paid job of their own, or a steady relationship where both partners were working and making financial contributions to the running of the household, however, only a very few women had been in this position.

Others lived in reasonable housing or had lived in reasonable stability before their prison sentence even if in circumstances which were not ideal. For example, Charlie, a white woman with two young children in her late twenties had been living apart from her partner because it was "*better for claiming*", they had been rehoused as a family whilst she was on bail awaiting trial in anticipation of the second child's birth. Many women even some of those who represented themselves as having relatively good and stable housing before prison, had found it had at times been a source of stress. Lynn, a white professional woman in her late forties was one of the few owner-

¹This in part reflects the number of women whose sentence length meant they were unable to claim housing benefit long enough to retain tenancy of an empty property. Women with private sector and council tenancies were equally vulnerable to becoming of no fixed abode during the course of their prison sentence (see Table 4.5, appendix B).

occupiers. But for her the pressure to keep it all going led to her crime.

"I thought I was the only person in the world that could commit such a terrible crime but the amount of women that have committed the same offence, so many women and a lot of them are, erm they commit thefts or, to get money I suppose to support themselves, to support their children. And mine was just to support me and I found as well, owning property, erm as I say, you have to pay mortgages all those sort of things and the pressures on you to keep paying, paying, paying you have to earn more and more and more each year and the cost of living goes up so much and you have to work very hard to survive." (Lynn, white, eighteen months/fraud)

Behind the raw figures of who had what type of housing tenure lies the more immediate and significant issue of the condition and neighbourhood context of the women's housing. Few of those living in rented accommodation spoke positively about their housing or the areas and neighbourhoods where they lived. Many found themselves in neighbourhoods which made them and their children vulnerable, and on occasion their experiences proved too overwhelming to deal with any longer.

"Before the private rented flat, I had a council flat but it got burgled so many times I just walked out of it. The last time they took everything, even my photo albums. I walked in and I just couldn't handle it". (Linda, white woman, one child, six months/theft)

The stress of this degree of harassment led Linda, a white woman in her late twenties to volunteer her keys, vacate her secure council tenancy and leave with her young child for temporary accommodation, locally at first then in a different area *"but I come*

back. That's my problem, I always come back - it's your area that you know." Caught between the push and pull factors associated with a familiar but threatening and crime-ridden neighbourhood, in Linda's case, the problems triggered her removal from the relative security of a local authority tenancy into the vagaries of the private rented sector where paying for repairs that the landlady would not carry out, plus bills caused financial problems. In other cases too the move into a problematic neighbourhood was triggered by a descent through the housing system into a position where a woman was offered what was effectively last chance, hard-to-let accommodation. Rachel, in her mid twenties with a toddler, rendered herself 'intentionally homeless' following a messy burglary which she suspected was linked to the landlord who used it as reason to keep her £600 deposit and first month's rent,

" They'd ripped all the babby's toys up, threw paint up the walls, silly things you know, sawed the metal legs off me chairs. ... And in that last week I got out of the house, I went to my mum's and because I'd got out the house a week before I was due I'd made myself homeless, right. So I goes to the council and they're saying you've made yourself homeless we've got no right to house you, but we'll put you in a hostel. I said "no I'm not going to a hostel". So anyway I go and stay at me mum's and probation go and get me this house in a shitty little area and I moved in and that, then I'm not entitled to a grant because although I've been homeless I've been staying at my mum's so I weren't really homeless."
(Rachel, white, one child, 21 months/drug importation)

Further problems followed for Rachel in this area of a Midlands city, which was associated with hard drug use and high crime rates. For many of the women both housing and employment patterns were generally unstable, and a period of

homelessness had been a relatively common experience, even if they were not amongst those who were homeless at the start of this particular prison sentence. Lorna, a black woman in her late twenties with one child had been happy with her pre-prison accommodation despite the area, *"I was living on an estate which is in (inner city area, south-east) it wasn't too bad. The block was a bit high rise, but erm it was my first flat. And your first flat with your own key, you love it obviously don't you."* However, to reach that point she had had to battle, from an earlier time when she,

".. was squatting .. at the time and then they kicked me out of there, and I came back to (her home borough) and I went homeless and I spent 14 months in a (bed and breakfast) hotel, spent fourteen months exactly and then got my flat, they offered me a flat in (another area) and when I went in it was like "House the whites, fuck the blacks" all over the walls and all the electrical fittings had been dug out. Somebody had been squatting there, and when I went to the bathroom it said "please knock as cockroaches may be bathing". I thought no way, I said to my aunt, carry these keys back to the housing office cause I ain't taking that.. I'm sorry you know what I mean, wouldn't take that and then went up, I phoned up my case worker and she says "oh, you wasn't meant to have been offered that property", and I says "oh, and if I accepted - being as you told me I could only have one offer - you'd have given it to me wouldn't you?" She didn't answer me and I got (pre-prison accommodation) anyway. Another set of mind games, that's all it is."
(Lorna, black, one child, five years/drug importation)

In some cases domestic violence underpinned a woman's unstable housing situation. Going beyond the most restrictive definition of homelessness as actual rooflessness to include those of no fixed abode, those sleeping on friend's floors and those in temporary accommodation only six out of the fifty women had been homeless at the

point of coming into prison. Debra, a black woman in her late twenties was one of them. She was living in bed and breakfast accommodation with her three children having been forced to go into hiding in emergency accommodation to escape prolonged and extreme domestic violence and losing her council tenancy in the process. She was then moved into bed and breakfast accommodation where she found the peace and even minimal self-determination that she was able to have there to be a respite after the violence. In the course of these moves Debra lost some furniture, and her personal things, *"my baby pictures, that hurts, and clothes, I don't know where those things are, the kid's beds, the settee are all gone"*. Annie, in her mid forties was also living, *"in a bed and breakfast"* with her two teenage children following eviction after a dispute with the council over rent arrears. The council finally admitted a mistake had been made and having re-let her old house offered alternative accommodation on a different estate. Moving into this new area was a daunting prospect.

Interviewer *"I just wondered if the property you've been offered was big enough."*

Annie *"Oh yeah it's big enough, it's (names estate). It is a, I mean the road, it's full of crack houses, people's always getting shot there, that's the only thing I worry about, but I'll try and get off of there."* (Annie, white, two children, six months/theft)

Many of the women described such problems with neighbourhoods. For Annie, living with her two teenage children in such an area meant keeping herself to herself, relying on family rather than any wider social network, *"The only people I'm close to is my family, cause they're the only ones that can really do anything for me apart from that."*

Problematic neighbourhoods could feel manageable through familiarity, as Annie said of her old area, "*it was rough but I knew where I stood*" a new and problematic area with old ties broken could make women feel even more vulnerable. Despite Wellman' and Leighton's (1988) contention, the physical context provided by neighbourhoods, the lack of resources, shops, agencies, and safe play areas for children in the local areas had made life before prison particularly grim for many of the women. Some had been engaged in battles to be rehoused, relocated into better areas. Few succeeded. As well as worrying about the social effect of her area on her children Mary had been battling in vain to have medical evidence about the effect of damp housing on her daughter's asthma taken into account,

"It was on a council estate, a block of flats, erm there's a lot of drug dealing going on there, round there so really it's a rough, you know, rough area, but now that I'm in prison maybe my friend (who is looking after the children) has got a better chance of getting out because erm how can I start, erm I was living in like a block of flats and it was walking alive with cockroaches." (Mary, white, four children, six adult children, ten years/drug importation)

For those living in council accommodation or other social housing, problematic location and poor quality of the housing offered seemed to have become an increasing problem over the course of their housing 'careers' which had often spiralled down rather than up. Previous prison sentences and periods of homelessness ended with women being rehoused into hard-to-let properties in need of repairs, and in rough areas, on sink estates or into high-rise flats. Few seemed to have travelled a reverse route into better accommodation unless under their own financial steam, a process

which could in itself cause problems as women like Carmen went into debt to secure decent accommodation.

Carmen, a black woman in her late twenties was a lone parent with two children. In six years she had been moved repeatedly by the council from bed and breakfast accommodation to hard to let property, to short-term private lets as a result of fleeing domestic violence. Living on benefits she worked intermittently cash in hand during school hours. With no secure tenancy in sight she borrowed money to raise a deposit and pay advance rent on a private property which "*needed fumigating*" In her own words,

"I did a lot of the repairs out of my own money, because it was private property let by (an agency). The amount of repairs that needed doing, they took no notice of it, so erm basically one thing leads to a next thing and you need to make money so you go ahead and you do so. You know and that's when I did it (the drug importation) and that's why I'm in prison. You see half of the repairs that I had done in the flat came out of my own, my own pocket anyway." (Carmen, black, two children, pregnant, two and a half years/import drugs)

The housing context at this time was the dwindling and increasingly poor quality supply of local authority accommodation following the introduction of 'Right to Buy', the rapid shift towards market rents in the private sector and the scaling down of state subsidies to increase pressure on social housing providers to move them towards marketised provision. The route to being housed or merely sheltered in this ad hoc, piecemeal way usually involved the culmination of multiple problems, sometimes lasting the entire adult life of relatively young women, some of whom had come out

of care, grown up in or run away from abusive or unstable families with few personal or material resources to help start a settled adult life. Before looking further at this I continue my focus on the women's basic material resources before prison by looking at the related issues of money, jobs and roles and responsibilities in relation to handling finances in general.

Money, benefits, work

"I used to get £73 a week to keep five of us. I couldn't live on it so I used to go shoplifting, whatever I got I used to sell. And then I ended up into prostitution. Thank god I didn't turn into drugs, that's one thing that I never ended up into. But I did turn to prostitution, just for my children. To keep the food going on the table, to keep the clothes going on their back." (Mary, white, four children, ten years/drug importation)

Most of the fifty women were in receipt of means-tested state benefits. For most, this meant Income Support plus Housing and Poll Tax (as it then was) Benefit as most also lived in rented accommodation. Those who were single parents were largely responsible only for themselves and their children although a few had been in a position where they supported a partially-resident man from the limited money that was meant for them and their children. Most were in prison for criminal or unsanctioned economic activities to supplement paltry benefit levels - shoplifting, benefit or credit card fraud or as a result of failure to pay fines - the source of a particular sense of injustice. Carol, a white woman in her late thirties lived with her husband and three children. They had accumulated debts for rent, poll tax and basic amenities during her husband's periods of unemployment. Carol usually worked for others in canteens and mobile cafes, living away from home during the week in an attempt to clear the debts which had spiralled during her husband's most recent period of unemployment. To work in a mobile cafe effectively means taking on everyday business costs, paying ground rent, buying the food. On previous occasions Carol

had made good money and been able to pay off debts. This time she made so little money that she could not afford the petrol to return home for three weekends running and found herself stranded, eating left-over food from the cafe. On days when there was no food left over she did not eat. During this period she missed the last payment of a fine in respect of poll-tax arrears and was arrested and sentenced in default of fines when she could finally afford to return home.

"I feel so stupid and ashamed and yet I've done nothing wrong. I'm only guilty of having no money you know ... he lost his dole money for six months, bang, automatic but erm they wrote a letter saying it wasn't your fault you were made unemployed you'll get your money and that was four weeks later we were still waiting, we were still waiting on it and I'd applied for Family Credit ... we ended up with over a thousand pound rent arrears for the caravan. And we just didn't move from then, I mean that was us stuck" (Carol, white, three children, twelve days/fine default/poll tax arrears)

Some, like Carmen above had made a one-off attempt to clear debts, through carrying out a drug importation promised to yield £2000-£5000. As all been caught none had received payment. For a minority their criminal activity was so habitual that they did not in any real sense live on benefits alone but on their combined earnings from benefits and, for example, shoplifting or credit card fraud. For example, Elaine, a white woman in her late twenties with three children used stolen credit cards and cheques. She described a clear economic motive but also described herself as addicted to using stolen cheque books and cards saying that she would sit and think "right what do I need to buy" and spending most of the day out, "shopping", eventually for things that she did not need. Without this criminal activity Elaine and others would have been living in poverty in any normative sense of living on below half average

earnings. Most were living below what would be recognised as the breadline by many of those writing on poverty and income (e.g. Middleton et al, 1997). Few became cash-richer by their activities. Overall the fifty women were largely drawn from the poorest women in Britain. Eva, a white woman in her fifties was in receipt of disability benefits, her adult son lived with her. She also provided care and support for her elderly mother and worked cash in hand as a care assistant, "for the money" but also for the satisfaction of working. She was sentenced for deception in relation to receipt of disability benefits whilst working.

Writing about women's financial circumstances is therefore complicated, and has usually been undertaken in a way which ignores the minority who commit economic crimes habitually or go above and beyond survival levels of criminal activity. Several of the women in this study were working full-time before their current prison sentence and so are lifted out of the category of social exclusion, if only on the narrow criterion of paid employment (Levitas, 1996) and into the financial mainstream, most of these women were serving sentences for relatively large-scale fraud of their employers. Sarbjit, an asian women in her early thirties was married with two children. Both she and her husband worked. They were owner-occupiers, money was not tight and they had good family support and a close social network yet she was serving nine months for de-frauding her employer of a large sum of money. However, the majority of women prisoners, indeed women processed through the Criminal Justice System are living on the economic margins of society, existing by virtue of marginal, often illegal economic activity even the most mundane of which - the evasion of the television licence fee - can lead indirectly to prison (Pantazis and Gordon, 1997).

In some cases a straight-forward definition of whether or not an individual or family is living below the poverty line is difficult. Should the unofficial income and cash in hand payments of money made through criminal activity or benefit fraud be taken into account. In each case it seems clear that without these extra sources of income the families in question would most definitely be in poverty (Cook, 1987). The women in some of the families would probably experience even greater deprivation given the unequal distribution of resources within family units and the presence of exploitative and violent men in some of their lives (Graham, 1987). Mandy, a white woman in her late twenties lived with her violent husband and three children. Both adults had long-standing heroin addictions and her husband held Mandy 'responsible' for raising the money to pay for drugs for both of them. She did not dare to return home without his drugs. She described herself as working (shoplifting) everyday, selling what she stole and buying drugs before being able to return home. She had numerous previous convictions for shoplifting and had served several short prison sentences, initially as a result of feeding her husband's drug habit, then developing her own along the way. Although she had a relatively large amount of money coming in Mandy felt very poor as most was spent on drugs.

In many cases the problem of low-income is linked to a range of other issues. The boundaries between the women's social problems broke down as they described how one or a series of inter-connecting sources of pressure combined to create another or to constrain the choices that they believed were available to them at the time. Bristow and Esper (1984) caution feminist researchers against imposing their own values and coping strategies on women who make choices in straitened circumstances. Nowhere

can this be more apt than for some of the women whose experiences form the basis of this study, as, clearly powerless and painted into increasingly small corners, their choices constricted. However this is not the whole picture and the women occupied a whole range of positions on responsibility and choice of action in their own situation. Clare, a white woman in her early twenties had been living a fairly chaotic life-style moving between the north of England and London, sometimes signing on, at other times not if she was trying to avoid the police, at one point she had absconded from prison and been on the run for several months. She described herself as a habitual shoplifter who would "*always thief*" and a drug-user. She was serving a sentence for fraud. She had also been posing as a prostitute and then robbing punters at the cashpoint but had not been charged with this offence. Her young daughter was formally cared for by her own mother as she did not feel ready to change her lifestyle to care for her daughter. Jasinder had a relatively well-paid job and supportive family who had always provided for her but she and her partner wanted a more lavish lifestyle, for which they risked the consequences,

"when I left university to when I came here, I was working as a trainee manager in a firm in London, and they didn't know anything that was going wrong and I was on bail for almost a year so there was no need for them to know and I obviously didn't think I'd come to prison and my solicitor, the probation officer, the barrister everybody said you'll probably just get community service." (Jasinder, asian, two years/fraud)

The portrait of the hapless woman prisoner can be promulgated all too easily doing justice neither to the range of roles and responsibilities that women undertake in the face of difficult circumstances nor those who made a conscious choice as some few

women had, that fraud or theft or handling stolen goods was the easiest route to day to day economic independence. Others refused to be sidelined from societal norms, portraying their actions as motivated by the desire to offer their children what society says they should have, by alternative means if necessary (Merton 1938).

"I worked on the side, cash in hand, part-time jobs, warehousing, cleaning, I used to take my son to the cleaning job. I couldn't manage on benefits, no one can, not when a pair of shoes costs £20, if you buy Clarks, which I did. And then when he was growing and needing bigger clothes and eating more, he was eating more than me". (Kate, white, one child, seven years/import/supply drugs)

"And the shoes, I always used to have to go Clarks and Start-Rite and spend twenty pounds, when she's like three and four years old on a pair of bloody shoes. I couldn't just go on the market and buy her a little cheap pair, I just couldn't do it because they wouldn't fit her. So I've always had that problem and that's why I started dealing with crime." (Nadine, black, one child, two years/conspiracy/commit robbery)

A refusal to compromise children's needs was a recurrent theme in interviews. Kate and Nadine both expressed it in the simple but fundamental terms of a pair of good-quality shoes which seemed to represent the difference between scraping by and providing for a child in the way that they wanted. In one group session three mothers discussed the problems of managing on benefits.

Charlie, *'I can say to you I know I'm going to offend again, I'm 99 per cent certain, because I can't live on benefits'*, another adding, *'This is the 1990s. I'm not seeing my kids go without, women are going out there and getting what they need'*. Later in an individual interview Nadine

added, *"what that other girl said about being sure she would re-offend again. I can really relate to that."*

To end up separated from children and in prison can seem to contradict this emphasis upon providing for children. Yet many of the women, and particularly the lone parents, spoke as providers, many justifying their criminal activity as a refusal to live in poverty with their children. All agreed they could not live on benefits and provide for their children as they deserved. Few were qualified or able to secure work which paid well enough to cover childcare, unless the work was undeclared and benefits claimed in addition. Few had regular work immediately before prison, Nadine was typical,

"I'm on Income Support most of the time and I'd probably get a little job on the side as well just to support myself. But erm I'd come off the social and I'd got myself a charity job, I was a charity worker for about four, five months and I was really enjoying it you know." (Nadine, black, one child, two years/conspiracy commit robbery)

The loss of housing and other benefits which accompanied formal, declared work meant that signing off Income Support to take the low-paid, part-time work available was not seen as a viable financial option. Whilst some represented crime as a fall-back position in times when they considered themselves to have no choice, others saw it as an easier or more accessible route to providing for children in the way that they wanted than via the job market,

"I always remember it (the first time I went out pick-pocketing with a friend) and I sat there and looked at the money. I had like £200 and I was going, this is more than my week's wages, because my poor wages was only something like £50 odd per week, this was in like 89 and I

thought god. Anyway, I went back to work Monday to Friday and at the weekend I would go back out with my friend." (Esther, black, one child, ten years/supply drugs)

The marked differences in the women's labour market involvement both reflected and reinforced the variable quality of social networks. The women who had been working or studying full-time before their prison sentence were mostly those with good social networks and social support. A social network helped the women with children to juggle work and childcare. In itself the workplace can be a source of supportive relationships. That most of the working women had full rather than part-time employment is interesting given the growth of part-time employment in recent years; perhaps reflecting several factors: an unwillingness to disclose part-time, unofficial employment held by women who were benefit claimants or the low wages, or the low level of income disregard, high cost of childcare and subsequent benefit trap which operates around part-time employment, making much declared part-time work unprofitable for women with children in receipt of benefits.

A fifth of the women described how they had to provide for the men in their lives. For some this meant raising the money to finance the men's drug dependency.

"I lived with a man but I got rid of him... he was on drugs, and he was going too far, he was getting too expensive. I was keeping him, he was the children's father." (Annie, white, two children, six months/theft)

In addition, many took sole responsibility for managing household finances.

"It got so that I wasn't bothering asking because he's so tight with

money, he always pretends that he hasn't got money but he must have because he doesn't spend it", (Elaine, white, three children, four months/deception)

Elaine was in a long-term relationship with a man who lived with her most of the time. She was reliant on benefits and had three dependent children. Her partner worked and maintained his own accommodation. Elaine ran her household and described herself as organised and in control for much of the time but with a recently burgeoning reliance on stolen credit-cards to bridge the gaps. She had little or no financial input from her partner who nevertheless lived with Elaine and her children for much of the time. Half of those living in nuclear units described themselves as taking all responsibility for finances immediately before they came into prison. Most were relatively isolated as a unit with little positive support from wider kinship or social networks. Six described their partner as a net drain on the household, taking out more than they put in. Almost all of these women were imprisoned for offences which were an attempt to raise money. Several others took sole responsibility for administering household finances although the men contributed their financial share. In only a very few cases did it seem that the men in the household both paid and administered their share of financial responsibility.

" Basically my husband's never been able to cope with money so I've had to do everything. And of course when things happen it just gets too much, and usually I've always managed to find money, this is the first time in my life ..." (Carol, white, three children, twelve days/fine default/ poll-tax arrears)

In several cases even when women lived in a form of nuclear unit and the man

contributed financially, she was handed, or had to ask for, a finite and usually small sum for housekeeping, rather than the financial responsibility being shared. Given the pattern of household management in the nuclear units and the lack of choice for single parents nearly all of the women took sole responsibility for the administration of finances in their household, *whether or not* they were in a co-resident relationship. Graham (1987) found over half of a sample of lone mothers felt themselves to be better off than when they had lived with their partners. She stressed the women's new-found control over resources to be the differentiating factor. Despite a reduction in gross income, many ended up with higher net income to spend on children and household necessities. That perception was echoed by those women in the present study who 'managed' by supplementing their official, permitted income by criminalised means.

"I pay everything, all the bills, and the food, and when I run out of money I have to shoplift the food and I hate that. And I'm not doing it no more. He says that he's had to do it now and I said you can do it then, I'm not doing it any more. I have to give him money for his cans. I say to him you just keep yourself in fags and even that doesn't happen. He thinks I've got a lot of money coming in, I'm sure he thinks I'm working or something and I've never worked". (Linda, white, one child, six months/theft)

It has not been the purpose of this research to investigate why women commit crime but clearly one factor is sole responsibility for finance in the context of below subsistence levels of benefit provision, poverty and the same forms of social exclusion: poor labour market prospects; few educational qualifications; few employment-related skills which are associated with male involvement in crime. The

sole responsibility of many for household finances, combined with the exploitation of some by men in their lives means that they have been vulnerable to ways of trying to survive that are illegal and which bring some women into contact with the criminal justice system for relatively trivial reasons (Pantazis and Gordon 1997). Women's experience of unemployment has been a neglected field (Morgan, 1996), however, feminist criminology has demonstrated conclusively that women who commit crime are largely on the margins of society - socially and economically excluded (Carlen, 1983; Cook, 1987) with Home Office surveys now confirming that women see poverty as a prime reason underlying their criminal activity (Caddle and Crisp, 1997).

In this context, I turn to analyse the women's social support before prison in greater depth, first by tracing the threads of their adult positions back into childhood to give a sense of progression and to convey the way in which early problems may be compounded by the experiences of early adulthood, sometimes alleviated but more often compounded, forming a palimpsest of past and present issues.

Early lives: degrees of difficulty

"My mother taught me well, she taught me about violence, she made violence acceptable, and I took it a stage further and I killed someone."

(Harriet, white, life/murder)

The complexities of earlier family relationships often shaped the women's current situation. Sometimes the problems of childhood were one in a range of factors. For others, such as Harriet, the fallout from early experiences had been fundamentally life-

shattering, setting in motion a train of events which they directly linked to their current situation. A minority disclosed seriously abusive experiences in early childhood or adolescence.²

"Well I used to get erm abused and everything I just kept running away, I wouldn't go back home then the police'd pick me up and take me back." (Alison, white, five years/GBH)

Several women identified dangerous and abusive early lives as a clear trigger for the start of a downward spiral in their life, offering their own family-related causal explanations for the general shape and nature of their adult life. Josie, serving the latest in a series of short sentences for shoplifting, was sexually assaulted by her stepfather when she was sixteen,

"My mum didn't believe me, she said he was drunk, he didn't know what he was doing but I know what he did to me. I go to my mum's now and I look at my dad and I think you bastard." (Josie, white, one child, six months/theft)

In response to this Josie left home at sixteen, and *"went into squats, anywhere where there was drugs, to numb the feeling."* Eight years on she had a long-standing heroin addiction, her mother looked after her five year old child during the times when she was actively using heroin and during her numerous short prison sentences for the habitual shoplifting which funded her drug use. Her child's father, who was violent

²This will be an under-estimation of the women's experience of abuse as I did not ask directly about childhood abuse because of ethical concerns set out in chapter two, so it was only raised if the women chose to answer general enquiries about family relationships in this way.

towards her, was serving a long prison sentence for a violent offence. Her only source of support in prison and as a reliable source of child-care was the problematic unit of her mother who had not believed her account of abuse and the step-father who abused her. For others the experiences of early family life were less extreme.³

Those who came from dangerous family backgrounds, who had experienced abuse, or who left the care of the local authority with inadequate preparation for life outside of the care system had generally been isolated in the extreme before prison. An abusive family of origin was for some followed by further abusive experiences as young adults. Several of the women had been in local authority care and were discharged with little support at the age of sixteen. For both Josie and Alison early relationships after leaving care quickly became either exploitative or abusive "*I wanted security from him, all I got was good hidings. He got me at a tender age*". (Josie, on starting a relationship with her son's father aged 16). There is with little room for doubt that it was their vulnerable state which attracted violent men to identify them as easy sources of income through prostitution and organised shoplifting.

"I was sleeping with this guy, he promised me he was going to look after me and, eventually I became like his prostitute, I was doing it to look after him, in return for him looking after me sort of thing." (Alison, white, five years/GBH)

Relationships as adults were sometimes just unsatisfactory rather than abusive. In

³However, the two women who arguably provided the two most extreme examples of abusive early family lives have not been discussed here as they both had mental health problems, and were medicated at the time of interviews.

common with all women, the women in this sample made a range of choices. Some stayed in relationships that they described as being fairly hopeless but still *something* when they had little else. Others left or ended relationships preferring to be alone. Few of the women described themselves as being in stable relationships with supportive partners and this added considerably to the burdens upon them.

"He needs to change. He's got an alcohol problem, he doesn't think he does but he has. He's not violent with it or anything. He'll go on a binge, disappear for 3, 4 days then come back and think it's alright".

(Linda, white, one child, six months/ theft)

Unsurprisingly the women with better experiences of childhood generally came forward into adulthood better equipped in terms of social support both from family and in the shape of relationships formed in adulthood. However, some of those with little support from family or a social network immediately before prison had chosen a degree of estrangement from family relations for various reasons, disapproval of lifestyle or sexuality, differing values, a desire for complete independence even in times of difficulty.

"I haven't really got anything to say to them, d'you know what I mean. I don't know it's, it's just kind of empty, you feel like you really love them because they're your family, but there's not anything there really."

(Lucy, white, three years/fraud)

A need or desire to be separate from families led some of the younger women to be adrift or independent from an early age without a family network that they were able

or willing to rely upon. In a few cases the women had chosen or drifted into lifestyles which were considered unacceptable by their families or had rejected their family's lifestyle or belief system, opening up a distance between them and any informal or flexible but reliable, non-state safety net. However, in more cases the reasons for family estrangement were in no way about choice, as in Harriet's, Josie's and Alison's. Some women had resorted to criminal networks when conventional routes failed,

"I tried to go to college but I couldn't get a grant I couldn't get any help and then working here I couldn't support myself and then of course because of where I was living which is where I wanted to live because I knew people round there I just ended up doing this you know to survive." (Lucy, white, three years/fraud)

The more problematic of these responses for the women were when new social networks revolved around drugs and or crime to pay for drugs. Samantha a white woman in her early twenties with one child worked for five years after leaving school in a reasonably well paid job. Her parents,

".. have got money, so I always had everything I wanted when I was growing up. Then I had a baby and wham, suddenly fifty pound a week has to keep you. I couldn't manage, I got in with a certain crowd and got into this, chequebooks and that. Then you get used to the money, I was spending, oh god knows what and then fifty pound a week doesn't go anywhere. Plus last summer I got a bit of a drugs problem. So then you need the money to buy the drugs and it's just a vicious circle. You just go deeper and deeper into crime". (Samantha, white, one child, on Judge's remand awaiting sentence, later sentenced to custody/fraud)

Whereas Samatha's friends could see that she was getting out of her depth and encouraged her to restrain her drug use, and initially looked after her daughter when she was arrested, but other women were encouraged and then exploited by 'friends' who took advantage of their position,

"You see when I come in here, I'm an ex-heroin addict so I know a lot of friends like that I, ... so erm people who knew that I'd come in (to prison) suddenly started using my house. So you can imagine that when my landlord and my sister went to collect my stuff it was full of syringes, I mean they'd literally been just coming off the street knowing there's an empty house right next to where you score. Cause I mean you've got a street where you score your drugs and I live by the football ground so it's just two minutes away. They were all just going up there and having sessions, drug squad raided it." (Rachel, one child, white, 21 months/drug importation)

The categorisation of drug, alcohol and solvent use as 'problematic' reflects the women's own judgements; being applied when they described themselves as addicts or heavy drug, solvent or alcohol users, spoke of drug use as linked to their offending, to debts, causing or deriving from relationship problems or violence, or resulting in problems in looking after children or their own interests.

"Once like your head's straight and you think back to how you was. I mean I didn't beat my son or anything but I erm, I neglected him attention wise and everything and emotionally because I didn't have time for him because I was more interested in the drugs. And that's the biggest thing I have to cope with is coming to terms with all that. I look at his picture on the wall upstairs and it's like 'oh god I'm sorry mate'

d'you know what I mean, and that, but I think I've come to terms with it now, but that's the bit.. thinking what I put him through....one of the joys of motherhood." (Tracy, white, two children, four years/GBH)

Forty per cent (n = 20) of the women described themselves as having an extremely problematic level of drug, alcohol or solvent use. Those women who referred to using cannabis alone or who had used other drugs in the past but who saw their circumstances at the time of the interviews as unrelated to drug use, have not been included in the category of problematic drug use.

"I've always taken something, I've just got an addictive personality. I go over the top. From 16, 17 it was alcohol then other stuff. Whatever I do I go right over the top. I'm straighter now than I've ever been. I just have to find something healthy to get into." (Kate, white, one child, seven years/import/supply drugs)

Only two of the twenty women with problematic drug, alcohol or solvent use described good social support, the vast majority had little positive social support on the outside, a third more than expected if there were no positive association between the two factors.

In chapter two the women were categorised into three forms of living arrangement: nuclear unit, single person and single parent with roughly a third in each. On the basis of their accounts I then categorised each woman as having 'good support' or 'little positive support'. This was not an exercise in counting numbers of social contacts but of listening to the women's judgements about the quality of their social

support. At the crudest level, but a level which is indicative of the situations of women prisoners, just over a third (38 per cent) spoke in positive terms of their support networks before coming into prison whilst almost two thirds (62 per cent) spoke of social isolation, separation or estrangement from family, indicating that there had been very little positive support for them in their day to day lives before prison. In many cases this was a more complex undertaking than where women had talked *only* of extreme social isolation and lack of supportive social contact in their lives. For example, several had a social circle based around heroin use, but then went on to distinguish between this and 'real' friendship or support, seeing it more as mutual exploitation of tolerance in the face of extreme social exclusion.

"When people are using drugs there's usually a circle, but they're not friends, just people you know. One junkie knows this junkie and that junkie knows another". (Debra, black, three children, Judge's remand, then sentenced eleven months/social security fraud)

Debra appeared to have had little positive support in her life before prison, reflecting *her* judgement of the quality of these 'friendships' and her almost total isolation from any potentially positive relationships. During most of her adult life Debra, a black woman with three children, had been isolated through domestic violence, *"I just sat down and took it, you try to hide it, I thought it was only happening to me"* unable to see much of her mother, to whom she had been very close. In contrast, Mandy, spoke in largely negative terms about her life with her violent husband, but has been categorised as having 'good support' from both her own family and her in-laws, seeing them daily, being supported through domestic violence, provided with substantial child-

care and indirect financial support in everyday life, and accommodated at times when she left her marital home. She described her own need to kick her drug habit and leave her violent husband rather than social isolation as the key to understanding her situation.

For some women, life-events had diminished or disrupted positive family networks which might, in other circumstances, have been a source of support. In the face of limited social or economic resources, a traumatic though not unusual life event such as bereavement had been enough to throw women like Carmen and Rachel off course. Carmen described her life as starting to fall apart when her mum died as she lost her closest source of support having left her home area with its large black community for a predominantly white area. Whilst she preferred this area in some ways and had created a role for herself taking dance classes, she also felt the loss of family and community. She described shutting her door and living as a black woman in a white area, making her home a "*cultural*" space for her and the children.

With her mother's death the connections between her and the wider family began to dissolve. With long-standing housing and money problems, the loss of her key support person exacerbated social and cultural isolation, Carmen's debts accumulated and her problems spiralled. The death of Rachel's partner left her facing funeral costs, feeling distraught and disorientated. When she then lost her job as a result of admitting a criminal record she decided to risk a much more serious crime than ever before and agreed to a drug importation,

".. tell you the truth when I did the trip I was neither here nor there.

You know like I can remember the morning leaving, looking at (my daughter) thinking, nah just don't do this, this is not the sort of thing you do. If anything I've always been a shoplifter and that's it. And then I thought, no you're just being negative go on, go out there and get a couple of grand and sort yourself out. Come back, caught. No couple of grand, no nothing. Er, like sometimes you get yourself into a rut and like the only jobs I've ever done is care assistant or I've worked in a supermarket which I hated. I didn't stick that out. I like working with old people, but it's so poorly paid." (Rachel, white, one child, 21 months/import drugs)

Events which would shake anyone could be shattering for women with little social support, negligible social or financial capital and with exploitative 'friends' all too-ready to suggest an 'easy' way out. The irony being that the cost in social and financial support to families of supporting them and their children once in prison was probably more than would have been needed to avoid the situation in the first place.

The ratio of black or asian women to white women with good social support outside prison was almost exactly equal (1:1.1) although there were twice as many white women taking part in the research (1:2.1). Over a third of the black or asian women described good social support outside the prison, meaning that four fifths of the women with little positive social support were white. It is easy to assume that black family and community networks will be stronger than those of white women through cultural and religious factors and by way of increased solidarity in the context of a white, racist society. A degree of difference did seem to be apparent; the black women generally lived in closer proximity to other family members, saw more of them and were provided with more childcare, yet this is to overlook the stresses and strains

of generally higher levels of poverty, poorer housing, homelessness and unemployment amongst black communities, arguably reducing the potential for support. And, in this study, the fracturing of some of the black women's social networks through domestic violence, homelessness and being re-housed away from families showed that these potentially positive features of black communities could be undone by the same sort of problems that faced white women.

Male violence was directly responsible for some of the dire material circumstances outlined in the earlier part of the chapter: insecure and inadequate housing; frequent moves and financial duress. Some lost all their material possessions in order to escape from violent domestic relationships and also lost close daily contact with supportive family members,

*"I had a lot of support from my mum and that, she'd, you know visit, because **I didn't like going back into my home area, erm, because of my son's dad**, my mum used to visit me up in the other area every weekend, you know so erm, you know I got a lot of support from her and my sisters and that." (Carmen, black, two children, pregnant, due to deliver baby before earliest release date, two years/drug importation, . Emphasis added)*

Attempts to escape domestic violence could result in isolation and precipitate fragmentation of family and social networks. For some this experience at an early age panned out across their adult lives and was still having ramifications ten to fifteen years on.

"I left my husband when I was 25. I've, I've had quite a struggle. My first

husband, the reason why I separated from him it was because he used to beat me and I ended up in a battered wives." (Mary, white, took six (now adult) children into refuge with her, ten years/drug importation)

In addition to those who had *reached* adulthood with the odds heavily stacked against them, others had seen their lives fragment as adults through the effects of domestic violence, addiction and entrapment within drug-using circles, or economic exploitation. We must also acknowledge that some women go to prison through making bad judgments or being willing to see criminal activity as a risk worth taking in order to survive, supplement income or have a higher standard of living than that afforded by conventional means. The effects of social isolation would seem to be that women are left particularly vulnerable to the sort of debt and stigmatised or criminal coping strategies which constitute the main routes into prison for British women (Caddle and Crisp, 1997; Pantazis and Gordon 1997). When social isolation is compounded by sole responsibility for struggling households, by sole care of children with little or no support and in particular, by exploitation from 'friends', acquaintances or partners who take more than they contribute financially, then the route to prison is one taken all too easily. However the view of women as simply involved in crime through victimhood is over-simplistic and one which has an inherent risk of infantilising women contrary to the evidence of them as resourceful and responsible in their everyday lives before prison.

Explaining crime

"I come from a good family as well. I mean my dad's a well-known

businessman down where we come from. My mum's a teacher so there's no reason for me to like, be in here, sort of thing. I've had a good life. My parents are still together, I've never been abused or anything like that, I find a lot of the women that I meet in here come from broken homes." (Jasinder, asian, two years/fraud)

Women with supportive backgrounds often talked in terms of the difference between their own lives and those of the women around them, what they perceived to be the majority experience, of poor social support and disrupted family lives. And within that distinction came a finer grading between those who were addicts and those who were merely poor,

"A lot of us are in here not because we're junkies, or we do certain things to maintain our habit. It's to look after our kids because we cannot manage on the money that we get. Right now I beg my sister (who is looking after Lorna's child as well as her own), don't even bother go on the street and do nothing, you know what I mean. Don't even bother, just go back to college because she's finding it hard." (Lorna, black, one child, five years/drug importation)

These few women, for the most part communicated a sense that women with very little or nothing to depend on outside prison, had understandably become involved in or chosen crime as way of life, whilst they, who had no excuse were more deserving or at least accepting of punishment, but not necessarily punishment through imprisonment.

"I've always been a shoplifter". My brothers don't understand, they're

straight. You either choose the good road or the bad road and once you choose the bad road it's hard to get off (Donna, black, one child, five years/drug importation)

Several of the women who took a straightforwardly economic view of what they were doing or had done for most of their lives also viewed punishment and prison as an occupational hazard.

"I know I can get money, and I know the way I can get it, if I go to jail it'll only be a couple of months which isn't too bad." (Clare, white, one child, eleven months/fraud)

Although this was a minority view it does expose the issue of there being some women within the prison system who are familiar with the system and who think through the likely response to their actions. This is not to say that they are always in control of their actions. The woman quoted below linked much of her offending to her fluctuating drugs habit. But even when not using drugs Clare described herself as "*just a constant thief*" and fully expected to have continuing involvement in crime, seeing it as the way to survive without having to change her behaviour or limit her rate of consumption of clothes, alcohol, drugs, night-life. She "*can always get money*" and believes that if she is careful will only get short sentences for what she does to get money. In this she is illustrative of women who end up in prison having had more than a passing involvement in crime. Although the causation of it is complex and not the focus of this study it would be a misrepresentation to imply that all women are unjustly punished unless we allow a continuing representation of women in the Criminal Justice System as completely hapless and as victims who lack any degree

of agency in their lives.

"It got so that I thought what the hell am I going to work for? I'm earning (through crime) like two, three, four hundred a day, and I'm slogging my guts out for like not even a quarter of that (in 1989) during the week and I thought sod it, and I just stopped. Just stopped going to work but then getting involved in crime you know you move onto other things, you get to, you get to this stage where it becomes like excitement, and you know, you just get further and further involved and then the drugs start coming in. Right cause then I started taking drugs, cause they were doing it, and so I did it." (Esther, black, one child, ten years supply drugs)

This is one aspect in which the women fell into the clusters introduced in chapter two (and described fully in Appendix A). A few portrayed themselves as choosing crime because it was easier and more lucrative than working in low-paid jobs and because the hazard of punishment, although real, was intermittent, whilst the access to money through crime was everyday. Several others who had been working and earning reasonable money were imprisoned for defrauding their employers and offered no justification of their actions; recognising that they had none, accepted that they should be punished and only took exception to the nature and futility of the punishment. Another cluster described themselves as out of control in response to life events, the presence of violent, controlling, criminally active men in their lives or drug addiction. Two others fit the familiar description of severely damaged and sexually abused women, now diagnosed as having psychiatric conditions. Both described themselves as acting out their inner distress, hearing voices and feeling compelled at their most disturbed to set fires, both were serving long sentences for arson, both were self-

harming, high suicide risks, in need of care rather than punishment, lost in the system.

Conclusion

Given the picture of social support for some but social isolation for many others outlined here it would hardly be surprising if the experience of imprisonment was related to the degree of support available, yet against this must be explored the argument that imprisonment is a uniquely punitive experience, a great leveller with the potential to humiliate and bring down any individual, whatever their circumstance, who is driven through the gates. Some women move from 'care' to prison with little in-between (Carlen, 1987). 'Home' may be the site of violence, abuse or neglect, home - in the sense of a roof - may have been lost during the course of a prison sentence (Wilkinson, 1988; Eaton, 1993). For some home area may hold little but unemployment, poverty and poor housing, whilst others may have supportive family and a sense of community waiting for them. The broader picture of female responsibility has been neglected: objectives included exploring women's roles as wage-earners, as full-time mothers excluded from the workplace rather than contented benefit claimants, as the holders of housing tenure and as care providers for people other than dependant children. In the next chapter the women's experience of social support during their imprisonment is explored.

CHAPTER FIVE

SOCIAL SUPPORT IN PRISON: THE RELEVANCE OF COMMUNITY

Introduction

"...communities are defined not only by relations between members, among whom there is similarity, but also by the relations between these 'insiders' and 'outsiders'; who are distinguished by their difference and consequent exclusion." (Crow and Allan, 1994:7).

Throughout this chapter I explore the women's experiences of social support and community whilst in prison. Part of this endeavour involves looking at the level of women's preoccupation with the outside world relative to their concern for what is going on inside prison. It may seem unusual within a study focused on the nature and purpose of imprisonment to query the extent of women's focus on their time inside but this is integral to assessing the relevance of a particular form of incarceration, 'community imprisonment'. After all the tenor of most forms of enquiry with women prisoners is the minutiae of what happens inside (Devlin 1998) as the ritual humiliations, violations and privations of prison clearly shape and impact on the women's days, months, or years in the case of a long sentence. These are, as Carlen (1998) argues, the means by which the penal screw is turned and gendered. Yet women do not all experience prison in the same way, and we need to explore the extent to which differences are related to the nature of life before prison, to the length of the sentence incurred and to the differences between prisons. Not all experiences

are as dismal nor as overwhelmingly life-shattering as those portrayed in Carlen's 'Sledgehammer' or Devlin's 'Invisible Women'. In addition to which a largely unexplored focus is the inter-penetration of informal support into prison life when prisons can in few senses continue to be described as total institutions cut off from the outside world (Jacobs 1977). To interrogate the concept of community still further the actual and potential reach of the support of family and friends into the prison forms the focus of this chapter.

It is true to say that few of the women had much in the way of positive social support before their prison sentence. For many the problems surrounding their lives before prison did not stop at the prison gates but would go on to set the tone for their time in prison. To state this is not necessarily to come down on one side of the 'pains of imprisonment' (Sykes, 1958) versus 'importation' debate (Clemmer, 1940) but to argue that they co-exist. Those negative factors which accompany women into prison will increase the level of problems inside the prison whilst those which derive from the prison system and regime itself will militate against any attempt to deal with the former through the more enlightened elements of a regime. The context during the 1990s has been that overcrowding in the service generally has become particularly acute in the women's sector where the population has increased at a faster rate than in the male section (HMPS, 1999). Overcrowding, institutional factors such as the ban and continuing restriction of temporary release and home leave since the mid-1990s followed outbreaks in the male system, media attention to alleged drug-dealing by a woman on home leave and an escape of a woman with Category E (high risk) status from Holloway. These plus the continuingly punitive disciplinary response to women

within prisons (Home Office, 1999b) means that some of the few women's prisons in Britain have been judged to border on inhumane containment by Her Majesty's Inspector Sir David Rowbotham (for example see Home Office, 1997a; Howard League, 1996). Towards the end of the chapter I wish to consider the extent to which the experiences of women prisoners in this study were determined by the nature of their time inside relative to their experiences before prison and in the light of this to ask how relevant and appropriate they judged potential changes to the organisation of imprisonment? Implicit in the debate is the relationship between their lives before prison and the potential for imprisonment to be a purposive rather than merely punitive penal strategy. This entails re-focusing on the problematic nature of community for women (Campbell 1993), on what is expected of women and what is seen to be due to them, reflecting assumptions about women as citizens and tapping into the distinctions between rights, duties and community membership laid bare by Lister (1997) during her development of a feminist notion of citizenship.

Social support as a continuum: consistent from the outside to inside

It proved important in the last chapter to begin analysis of everyday social support - and hence the assessment of the relevance of community - with the women's accounts of day to day living prior to imprisonment, rather than what had happened to them in a time of crisis. This ensures that previous isolation and lack of support is not overlooked for women whose family members or friends might since have pulled together *in response to* a prison sentence. Both the knowledge of support in theory and the concrete manifestations of support such as the arrival of a letter could have

an emotional impact,

"There's not one person, not a friend or relation that's turned their back on me. Everybody's been really supportive, so although I'm in here and I do feel alone in here, I know that I'm not you know. I know that I've got all these people that, they're outside, that believe in me and that makes it much more bearable to be here." (Ellen, white, one child, three years/breach trust)

Based on the women's assessments of the amount and quality of support from family and friends, or other elements of a social support network - perhaps a religious figure, or other acquaintance - I categorised the amount of personal contact and financial support each woman experienced whilst they were in prison as high, medium or low (see Table 4.2 in appendix B, Section 2).¹ In most cases good support outside prison translated into medium or high levels of personal support in prison. Where this was not the case, distance from home or preoccupation of those in the social network with caring for the woman's children was usually the reason. A few women chose not to have their family visit to spare them or dependent children the distress of seeing them in prison, or to allow the children's carers to focus resources on the children or because they personally felt ashamed. Women with positive family and other social support networks but who were imprisoned at some distance might receive letters and/or financial support in the form of private spends but few or no visits, reducing their overall level of support from high to medium whilst in prison but without losing the

¹This excludes the groups which exist specifically to support prisoners and excludes provision of childcare as this could militate against women receiving personal support where resources were focused upon children.

sense of being supported.

"We are a close family and I think we're even closer now. I dunno, I mean you hear a lot about people losing their family and their family don't want to know but my family have been brilliant. They come up every weekend, they won't see me go without a visit or anything like that." (Michelle, white, eighteen months/fraud)

Michelle was in her early twenties with a white-collar job in the service sector, living at home with her parents. Her family had been shocked and upset that she had got into debt and then begun to defraud her employer rather than come to them for help. She described them as a 'close' family but one which did not address problems. Her arrest, charge, conviction and sentence had prompted a more honest level of communication. Good social and family networks outside prison were, for the most part, translated into high levels of contact and support during a prison sentence, even for those held at a distance or transferred around the system. This was often maintained through considerable sacrifice by the families themselves,

"They've all done it together really, and my other brother's had to help my husband with money, cause he can't survive on seventy four pound they give him, and that's, all the visits up here, it's like costing him twenty five, thirty quid petrol money every week. Then we've gotta take the kids out for six hours so it's been, it's cost a lot of money, my brother's been giving him a hundred pound a week and it's still not, he's still sitting there with no money left. I think he's had it harder." (Liz, white,

five children, nine months/offence anonymised ²)

Women like Michelle and Liz with close family lives before their imprisonment were well aware of their fortunate position in seeing that level of support continue by comparison with women like Sam who had very little support or whose limited or problematic social network had faded away on their imprisonment.

"It's nice to have family. I envy those girls who've got their mothers here all the time, every week, every fortnight, never want for anything. Me, I can't ask my family for a bra even, you'd think I was asking to see the Pope" (Sam, white, three children, life/murder)

Like Sam, of the twenty nine women with low levels of support during their sentence, twenty three were those who had described little positive social support outside the prison suggesting an association between low internal and external levels of support. Debra had seen little of her mother, the main positive influence and support in her life before prison because her violent ex-partner was extremely controlling and kept her isolated. Consequently although she was surrounded by people they were "... a circle, but they're not friends, just people you know. One junkie knows this junkie and that junkie knows another". Then there were women like Clare who had arguably exhausted her mother and grandmother's goodwill before coming to prison, "*she don't want me turning up at the doorstep drugged up out me head and all that*". Clare caused further estrangement from her mother by her own response to prison, supplying drugs to other inmates, absconding, going on the run.

²Some offence categories are so rare that to name them would effectively identify the individual sentenced in a given year. In this case, this does not imply a serious offence.

Interviewer *"Has your mum kept in touch this sentence?*
Clare. *She did do but when I went on the run and then I*
come back here and I found this letter saying that's
it don't expect me to do anything else.

Interviewer *Have you managed to see your little girl?*
Clare *Not down here I don't expect my mum to bring her*
all the way down here. But I did in (the north), I'll
see her when I go out." (Clare, white, one child, eleven
months, fraud)

A substantial proportion of women prisoners come from the margins of society, only to be further marginalised by the after-effects of imprisonment (Wilkinson, 1988; Eaton, 1993). Recent research confirms that a high proportion of women continue to bring problems of drug dependency and unresolved issues from abusive and violent histories with them into prison; and largely take the same issues, unresolved, back out in to their everyday lives (Morris et al, 1995). Attempts to solve their problems during a period of imprisonment, for the most part, fall foul of the stronger imperatives: to run a secure institution (Hannah-Moffat, 1995) to process inmates; and to regulate female behaviour more closely than male prisoners convicted of more serious crimes (Genders and Player, 1987; HMPS, 1999). In addition, the short sentences served by a high proportion of the female prison population means that long-term problem solving needs to be addressed outside prison to stand any chance of success.

Not all patterns were set by the situation before prison. Effectively eight women had experienced a reversal of levels of support, from high to low or vice versa. For example, two women with poor social support networks outside prison, including one

who had been in local authority care, experienced high levels of personal support in prison through regular visits, money paid into private spends for their use, telephone contact, regular letters. Both were serving very long sentences; their immediate family was supporting them and planning to help on their release despite earlier family problems.

"My family have tended to follow me, wherever I've gone they'll go, you know which is good because they can afford to do that, and they can, some people can't, can't afford to travel up to (the south-east) or wherever, but it is important, visits are the most important thing, having contact with your family, you know. When I first started there was no phone so you couldn't phone them either. You know, which was, you could only write letters." (Stacy, white, several years into life sentence/murder)

By contrast, six of those with 'good' social support before prison had few visits and little practical support in prison. Looking closely it was possible to see features which explained and distinguished their situation from those where close relationships and high levels of support before prison had continued. In three cases the woman was imprisoned at a long distance from significant family members or friends. Whilst this in itself could perhaps have explained the disparity, we have already seen that family and friends will travel considerable distances to provide support. Rather, Samantha had decided to spare her parents the distress of seeing her in prison,

"My mum hates this place, she gets really upset and it's not fair on her and I don't want my daughter to come here anyway. She thinks I'm in hospital. She says on the phone 'when you're better mummy you can come home'." (Samantha, white, one child, convicted/Judge's Remand, later

sentenced to custody/fraud)

This is not to say that Samatha lacked support but rather that her parents' support for her did not reach into the prison itself but rather was channelled towards the care of her daughter and maintaining her housing. Therefore its impact on Samantha was to save her excessive worry about her housing and the care of her child as her parents cared for their grand-daughter and targeted their financial resources on paying for childcare when they were at work and making up the shortfall in housing benefit. As a result Samantha had high quality care for her daughter from people who were close to the child and would not be homeless on release. In Rachel's case support was also being focused on care of her child rather than herself in prison, she however was aware that her family were in a difficult financial position,

"I don't really send Visiting Orders out because I think for them to come (over 100 miles) to visit. They might as well spend the money they would spend on the babby you know. And cause same as all these (all-day) kids visits, my family can't get up so what's the point of them coming up and dropping her off at half nine, hanging round and then coming back at half three to pick her up. It's just a lot of money and they're on a tight budget anyway cause they've got an extra mouth to feed." (Rachel, white woman, one child, in care of maternal aunt and grandmother, 21 months/import drugs)

Whilst some women had sacrificed their own visits as an accommodation between competing demands for family time, there were far more who had very limited support available to them. For most this was not a matter of choice. Jude's first contact with her children after sentencing had been terribly traumatic for all of them,

*"it must have been about three months at least after (sentencing) to my first seeing them. They came on a children's visit, I was still here then, and oh it was terrible, the officer's had to separate them from me then "I went to (a closed training prison) and I was there for sixteen months. I didn't see them (her children) once in the sixteen months ... even though it wasn't what I wanted it was better for us that period of time. My biggest daughter was asked (during a welfare visit) if she would prefer to see me all the time or whenever, and she said she'd prefer to see me, you know, **whenever**, sort of thing. I speak to them everyday."* (Jude, white, three children, ten years/import drugs. Emphasis in original)

A long gap in contact then arose because the care arrangements for the three children were complicated. Although she chose to interpret such a long gap in contact with her children as having helped them to settle with their carers and therefore as having some positive aspects to it, it also meant that Jude had not initially known about various breakdowns in care arrangements which had led to her mother gaining care of the two older children. Jude would be faced at the end of her sentence with having to re-build relationships after three and a half years away. As her mother was preoccupied with the care of two of Jude's three children and could not feasibly travel to the distant prison where Jude spent the middle portion of her sentence she was left to do her long sentence with little support for herself.

Most women like Jude who were virtually alone in prison, with no practical support and very little emotional support had not chosen for it to be this way. Women with limited support in prison were especially reliant on prison-based services and external agencies for help and so were particularly vulnerable to any constraints upon these, to regime deficiencies or communication problems. However for one or two, their

isolated position in prison reflected choices they had made about living their lives separately from family, Lucy refused to accept help from her wealthy family before she was in prison, *"I've got quite a posh family and that, who could probably have helped me but I refused to ask them, I don't think you should do that. ..."* Her determination to be independent before prison led to the point where she found that she could not afford her accommodation, could not find regular work, was refused a grant for college and turned instead to organised cheque-book fraud through friends who had contacts. This led to a three-year prison sentence. Once in prison, Lucy valued visits from her family but this did not patch the emotional distance between them, and she was equally determined not to be drawn back into dependency upon them on release.

Whilst some looked back from the prison at friendships and social networks and reassessed them as *"not real"* or as exploitative, other women found that it was their friends who had come through for them so that friendship could be an *additional* source of support but represented the *sole* means of support for some women with such abusive family backgrounds that they were unwilling to have further contact with family.

"I said to my friend when she was here last week, I said please don't forget me, don't leave me in here. I was surprised because two months before we had an argument and I told her never to bother speaking to me again, ever again but as soon as she found out I was in prison she come up here to see me, like the day she found out she phoned up and said she'd come up straight away. So she must be a friend." (Alison, white, five years/GBH)

Some of those abused as children remained in or renewed contact with their family. This could be a source of great stress, but without it they would have been extremely isolated in prison, left wholly reliant on such schemes as official prison visiting and the psychological counselling available inside some prisons. Janice, a subdued and sad-looking young white woman in her early twenties had run away from an abusive home situation at the age of 14 and spent years moving from squat to squat before being housed when pregnant into a high-rise where she became depressed. She developed a serious drug habit and was serving four years for an armed robbery,

"My mum keeps asking me why I did it. I keep asking myself the same thing and to this day I don't know. I don't know what was going on in my head. I think it was the drugs and I was short of money." (Janice, white, one child, four years/armed robbery)

Whilst life before prison had been pretty desperate and her home life before that even worse, Janice was now reliant on her family again as they were caring for her child and she had to go back there for home leave in order to see her daughter. Of prison she said that her first week in a large closed prison had been "horrible", but overall after six months in a closed training prison and almost eighteen months in an open training prison, she reflected,

"I'm glad I come into prison in a way because it's shown me what drugs do to you. I wasn't looking after my daughter properly, I was palming her off onto all my friends so I could go out and have a good time, get off me head all the time" (Janice, white, one child, four years/armed robbery)

For Jenny, the increasing level of stress at the prospect of a visit from her parents was palpable, and could precipitate deterioration in her already precarious mental health to the extent that her symptoms of self-harm and hearing voices worsened and she went onto the hospital wing. In that she chose to continue sending out visiting orders, this seemed preferable to her on some level than complete isolation from the outside world during her seven year sentence.

By contrast, Ruth's position reflected choices that many women make for more positive reasons. Her day to day life was largely independent from family networks. This was incidental to her prison sentence rather than contributory. As a professional woman in her late 30s, Ruth lived and worked several hundred miles away from her family and tended to see them back in the north rather in the home environment she had made in the south-east. Consequently, she was able to conceal her prison sentence from her elderly parents and had limited support from other family members due to distance. Various friends were storing her belongings and she stayed with them during home leave. She did not expect them to visit as she felt that she had put her friends out enough, and so did not send out visiting orders,

"In my position at the moment I suppose it would have been nice to, I mean I would have had visits if I'd been nearer home but then I would have missed having the freedom here (in an open prison) as such, but for me it's not really an issue. I'm sure it would have been if I were married and had a family. Family contact would be very important for children." (Ruth, white, six months/chose not to disclose offence)

Ruth was dependent on voluntary agencies to help solve her undoubted housing

problems. Single, with no children she found herself a low priority for social housing and lacked the money for a deposit for private-rented housing. On a practical level the provision of support for women by outside agencies including that of the probation service, was fragmented and often unreliable. The probation service is charged with providing formal throughcare for those serving sentences of more than twelve months but their input at the start of a sentence was often delayed (Morris et al, 1995), and began at the point where housing and money problems had worsened. Identification of need and co-ordination of services remains problematic and in this vacuum help from family and friends is the only way that many women can rescue their possessions, deal with housing issues and sort out financial considerations and childcare arrangements.

Child Care as a form of social support

Contrary to early fears about the care of women prisoners' children, it now appears that few women lose children to the care of social services or foster parents whilst they are in prison (Dodd and Hunter 1992; Woodrow, 1992; Morris et al, 1995). Most women serve short to medium prison sentences. Of those serving long sentences a substantial proportion are women who are foreign nationals not-resident in Britain and without dependent children in this country (HMPS, 1999). There can be no justification for local authority care to be the default mechanism for the care of women prisoners' children. Fear of this outcome continues to haunt women and may result in women concealing problems with childcare or even concealing children's existence. Such is the fear of losing children as a result of a custodial sentence that few women

would want the statutory services to become involved with childcare if it can be avoided. Janine's fifth child was born in prison during the early part of a seven year sentence. She absconded with the baby during a Temporary Release from prison when he reached the upper age limit for the Mother and Baby Unit and was threatened with foster care because neither her own mum or her mother-in-law who were caring for her four older children were prepared to take the new baby. Subsequently re-imprisoned Janine had not seen as much as she hoped of her children despite being located in her home city. The threat to take her youngest into care meant that she would not seek statutory support with visiting. When informal mechanisms break down desperation can force women to reconsider. Sam's ex-husband consistently failed to turn up for visits when he had promised to bring her children to see her and she was very reluctantly starting to think about statutory help with contact.

"They say they want you to keep up the bonds, well that's bollocks. What they say and what they do is two different things. It's alright saying it but...I'm going to have to get someone involved, I need to see them (her children). But I hate social workers, I do, they're interfering old bags" (Sam, white, three children, life/murder)

Caring for the children of people in prison is probably more complex than survey research has indicated (Dodd and Hunter, 1992). Woodrow's (1992) research indicated the instability experienced by some children as the result of stresses upon carers. However, in this sample of fifty women prisoners only seven had experienced a change of caring arrangements for their children. Others had fairly fluid

arrangements anyway, involving more than one location and a range of carers who performed different roles or shared the care out across the week or with changes for school holidays. Unforeseen events also affected care arrangements.

Dependant children were cared for in a slightly different pattern than that indicated by the 1991 National Prison Survey (NPS) (Dodd and Hunter, 1992), possibly due to the smaller sample size. The two sets of results are not directly comparable, the NPS 1991 recorded each category of care, sometimes using vague categories such as 'relatives' rather than per child. In this research 'relatives' consisted mainly of the maternal family (see also Caddle and Crisp, 1997) with more of the children being cared for by their father at the time of the interview than the NPS 1991 found.³ The snapshot can hide the process and changes that lie before and may follow on. Most commonly in this study childcare was provided by the woman's husband or partner or a member of the maternal family. Only six women had partners who were caring exclusively for their children, others had a mixed package of care for their children including some input by the children's fathers.

The level of support provided to women outside prison in this case did not reliably indicate the likelihood of childcare being provided during the sentence. If that had been the case the predominantly poor levels of social support would suggest that many of the children would have to be taken into care. In fact this was not the case. Very few children were being formally 'looked after' by social services, although the

³Table 4.3 in Appendix B, Section 2 presents more detailed information on carers alongside those from the National Prison Survey 1991 (Dodd and Hunter, 1992).

number was slightly higher than in recent research by Morris et al (1995). Sometimes there was more support forthcoming for children now that their mother was in prison than when the woman had needed it before her sentence. Janine (see above) had little support in prison herself and had been accustomed to managing with little support before prison from the two fathers of her five children. She had some help from her parents and earned money on top of benefits through part-time work. In a period of time when she had not been managing she attempted a drug importation. The father of the youngest two was now helping his mother with childcare in a way that he had not helped Janine as a single parent, when the "*shoe was on the other foot*".

"My mum give up her job to have the three oldest ones, but she still gets Child Benefit and Income Support. My mother in law, she's working and they give her like money for the nursery, ... you know their fathers are out there somewhere and they have to put their bit in. He (the father of the younger two children) still lives at home with his mum, so she automatically, he buys the kid's clothes and things like that. He didn't do it for me when I had them" (Janine, black, five children, seven years/import drugs)

The irony of this situation is that help with childcare costs was forthcoming so that a carer could stay in work. Some of the women with low social support outside prison were able to ask relatives and friends to care for children. This crucial but indirect support did not always translate into personal support for the woman herself but perhaps indicates that a residual level of support remains or is made available in a time of crisis. This is arguably some evidence of 'community' in the sense that is familiar from the literature of care in the community: that family forms the frontline of

care provision (Lewis and Meredith 1989).

Penal policy increasingly advocates that the basis of prisoners' distribution should enable them to be near their families and communities. The emotional and financial costs faced by prisoners' families have begun to emerge (Davis:1992, Woodrow:1992). In common with other forms of community based support for those in state institutions these are mostly women standing by their men: husbands, sons, brothers. In the case of male imprisonment, women are providing care for their own and male prisoners' dependant children and maintaining the home until their release (Matthews,1983; Davis,1992; Dodd and Hunter,1992; Shaw,1992).

For the children of female prisoners the picture is less settled and more complex (Woodrow:1992, Catan:1988, 1992). In this research male partners were the most significant category of carer but still stood at only a third. The National Prison Survey indicated that children were cared for by their father in only 17% of cases (Dodd and Hunter:1992). The reasons may be several, a third of women in this study were lone parents, there may not be a male parent on the scene, or they may be working or otherwise unable or unwilling to provide care. It may be felt that other family members can better care for a child or children. In some cases in this study other family members cared for children to enable men to keep on working or precisely because there were fears for how well the children had been or would be looked after.

The placements of female prisoners' children frequently break down (Woodrow, 1992). At a disturbed time in their lives children may find themselves on the move again.

Seventeen women had more than one child. In seven of these cases the children were split up and in the care of more than one person. The insecurity of placements for children has been commented upon elsewhere (Woodrow, 1992; Morris et al, 1995). In this case only eight children had been moved by the time of the interviews. This is not to underestimate the disruption faced by the children of women prisoners. Sixteen children had moved schools as a result of where they were living whilst their mother was in prison. Others were known to suffer disruption whilst their mothers were away,

"They miss out on school, when I'm away they miss out on school, they miss me obviously, basically he just lets them run about looking like bags of shit cause he don't know how to do the washing....But they've been all over the place. Like my mum's had the oldest one, she can't have the three of them together because they fight and argue as well. When she's had all three of 'em we've had to split 'em up. My mum's got the eldest one and his two sisters usually have one each, but where his dad's died now, he's got the other two at home with him, at the moment, as far as I know." (Mandy, white, three children, four months/theft)

Location close to home for female prisoners may mean raised expectations for levels of support to be provided for prisoners possibly entailing further hardship for those families who have financial problems even without the pressure of caring for another child or children. Some of the women's relatives were receiving benefits for children. Some received child benefit only. The impact on an already unsettled child of feeling itself to be a financial or emotional burden can only be imagined (Woodrow, 1992). In the case of this study the most significant single category of carer was the women's

husbands or partners, who were mostly but not exclusively the children's natural fathers as several were biologically unrelated to the children they cared for, effectively rendering them lone parents for a period of time. Four other children joined their fathers for the period of the prison sentence although their mothers were no longer in relationships with them. This could be problematic, Jude feared renewed violence from her ex-partner and anticipated problems getting her youngest daughter back. Maternal grandparents were looking after almost as many children as male partners. The benefit of providing a more detailed breakdown of the people providing care for children is that we can see for the most part that the carers, other than the children's fathers, are maternally related. The significance of this is that they are likely to be the same people who are or would be expected to provide support to the woman in prison. In some cases this had clearly limited the level of support experienced by the woman herself.

Barriers to maintaining contact

"When (my husband) worked, the firm had a van, he used to have to empty all that out of the work stuff and put all covers and stuff for the kids to sit on, and it was four hours up there, four hours back and an hours visit. I said to him don't do it, don't put the kids through all that for an hour. So I didn't have a visit for five weeks, I kept on and on at them up there that I needed to see the kids. My brother wrote to the governor here and said look she can't see her kids, he really pushed it and then after five weeks I got here." (Liz, white, five children, nine months/offence anonymised, in open prison one hour's drive from home)

Undoubtedly, for those women lucky enough to have close relationships and a support network of even one or two individuals, being located close to home can be the key to maintaining contact with those who need to see them and those who can offer and implicitly act as support during a prison sentence. However it is not the only route. Location close to home does not guarantee the maintenance of relationships and can mean a different form of privation for women serving long sentences in unsuitable conditions,

"I was hoping to go to college or university and get some more qualifications and do some things that I've been interested in for a long time and haven't got round to doing because of being a mum, you know, and an addict, but I can't do it. As soon as I go to college I get shipped out. The only way you can be here is if you work and even then it's not guaranteed so what can I do. I mean I'm not going out to be a plumber I know I'm not so that means, you know, I can't get anything out of this place. Except hope for my first parole." (Kate, white, one child, seven years/import/supply drugs)

Tension exists between trying to stay close to family and trying to get the most out of as devastating a life-event as a seven to ten year term of imprisonment. For Kate the matter should have been relatively simple. Imprisoned in her home town, her family lived there and were supporting her in prison and caring for her son. She was in a prison where a number of women went out to college through day release. However instead she found herself resisting transfer to a distant prison to serve out the middle portion by stressing her usefulness as part of the 'works' team which carried out maintenance around the prison. The nature of the current female prison estate is such

that women have had few choices about staying close to home whilst they serve a long sentence which usually involves movement through three-four large establishments at the beginning, middle and end of a sentence. To fight to stay close to home could mean foregoing the more positive options available during a long sentence if that meant staying in a prison which was oriented to a high throughput of prisoners, women on remand and those serving short sentences. In any prison there can be tension between the need for help from inmates to maintain the prison and their desire to gain something during their time inside that will improve their life-chances on release. There are also women who at present have to forgo the comfort of visits in order to get through a sentence. As we have seen many women lack this basic measure of support. For others the issue is more complex, entailing choices between support for themselves in prison and care of their dependent children even when they imprisoned as close to home as current provision allows.

Mary, was just beginning a ten year sentence for drug importation, again an attempt to clear debts. At the time of interview she was imprisoned in her home city but was about to be transferred to a prison 150 miles away to serve the major portion of her sentence,

"They (the children) didn't like the idea at first because they knew that it was far for them to come and see me, but then, it's better for them. They'll settle down with my friend better, you know, if they don't see me so much. And plus I will settle down to do my sentence, you know cause at the minute in here I'm up and down. I'm thinking about my children, how they've got on there, I'm listening to the news in case I hear like anything has gone wrong." (Mary, white, four dependent children, ten

years/drug importation)

Others found the prospect of family seeing them in prison too much to bear, Jasinder had applied as a 'trusted prisoner' for temporary release so that she could go home to see her parents,

Interviewer *"Have your parents been to visit, have you had visits?"*

Jasinder. *"No I won't let them come here, everybody except my mum and dad come here, they want to see me erm but I mean it's bad enough for them sitting at home worrying about me, if I let them come here they'd see the big gate they'd see the windows, the tall brick buildings, I think it would devastate them. At least I mean the TR's are Ok we get them once a month for a week you know it was brilliant, it kept their mind at ease knowing that I was well and everything erm I haven't seen my parents for three and a half months, erm and they're desperate to come and see me but I won't let them. It would be too traumatic for them and for me."* (Jasinder, asian, two years/fraud, cancellation of all TR/temporary release meant that she had been unable to see her parents)

Material conditions on leaving prison: Housing, homelessness, jobs, money and debt

Previous studies have followed up women after release (Wilkinson 1988; Eaton 1993; Morris et al (1995) where this study has not. However, documenting women's fears about the outcome when they returned home or tried to negotiate access to housing if homeless, highlighted the degree of change which had already taken place by the time of interview when the effect of imprisonment on the women's housing situation had already been devastating. Twelve per cent were homeless before their

imprisonment. Over the course of their sentences the women's housing situation had worsened considerably. A further forty two per cent had lost their housing without replacement by the time of interview. By the end of their sentences this figure would have risen even higher. Women in the private rented sector had fared the worst followed by women with local authority or housing association tenancies.

"It's terrible actually, that beginning part of the sentence, my outside probation officer didn't come up until January which means I would have been here about six months and she said what about your current home. I said ha, I could have done with you six months ago, too late now, I've lost it all." (Shirley, white, one child, two years/supply drugs)

Losing a tenancy could mean not only losing the roof over their head but also possessions, furniture, clothes, personal effects, paperwork, children's toys, with devastating effect upon children at a time of particular turmoil, *"that was the most upsetting for my daughter I think because little toys she'd had for years, little mementoes, I've lost all her school reports. No-one can replace them you know."* For some, like Shirley, almost everything was lost or had been bundled indiscriminately into black plastic bags for storage by a landlord, or the local authority, often with little guarantee of safety,

"my friend happened to turn up when the landlord was throwing everything out on the street and a policeman was there and my friend showed him this letter saying look she's in prison will I put everything in the garage so they agreed between them and they put everything in the garage and a week later the council evicted it all. For a debt of three pounds a week, d'you know what I mean. It just about crept into double

figures." (Shirley, white, one child, two years/supply drugs)

Overall, women with no dependant children had fared much worse than women with children, experiencing a much stronger shift from being housed to being of no fixed abode than the women with children even if their lives had been relatively settled before prison.

"So I'm dreading going out to be honest (laughs). Cause also then all the pressures start, I've got to sell the house (to repay a compensation order), find a home, somewhere to live." (Lynn, white, eighteen months/fraud)

However in the mid 1990s this position was worsening for single parents. At the time of the interviews twelve of the women with dependent children expected to be of No Fixed Abode at the time of their release. Only two women with children had been in this position before their custodial sentence. Few were hopeful about the prospect of securing accommodation before release. Sentence length has been one of the prime determinants of the risk of losing accommodation. In the past the relatively secure tenancies associated with the public and housing association sector were more likely to be sustained when prisoners could claim housing benefit for a longer period and as most women serve short sentences they would not necessarily have lost tenancies although they were likely to accrue rent arrears. Cuts in housing benefit entitlement for prisoners in the mid 1990s (from twelve months to thirteen weeks) have meant that many more lose their tenancies. For women this is particularly the case when they are single parents and more likely to have sole responsibility for a tenancy, meaning that both they and their dependent children face the stress of homelessness and

temporary housing on the woman's release.

Conclusion

Women underlined the importance of having people on the outside, not only them defend their housing and possessions and to smooth the way back into society on release, but also to keep up morale and to provide support into the prison at an emotional as well as material level. It is almost too obvious to say that without a level of support from someone, there seems little chance that women can either cope in prison or feel confident that their lives may be relatively intact or at least not considerably worsened on release. Social capital can and does exist in the sense of social support between people. In many cases when women are imprisoned from a position of social isolation, social exclusion, and economic constraint, the limited social capital available to them cannot cross the barriers constructed by custodial institutions. Economic constraints reduce the level of support. The mechanisms to maintain contact require financial resources: the funds to purchase telephone cards; relatives and friends' ability to support women in prison; to pay for visits over and above the additional costs incurred when providing direct financial support, the costs of caring for women prisoners' children.

The focus in this chapter upon the experience of imprisonment and the impact upon social networks reflects the intensity and passion of Carlen's preoccupation with the nature of the everyday experience of imprisonment over the past twenty years. It is difficult to engage critically with her radical proposition that imprisonment is the crux

and crucible of gender-oppression without appearing to step back into the safe realm of administrative criminology, liberal reform, ineffectual tinkering with a fundamentally flawed and unjust system. However, there is a sense in which focusing on the nature of everyday life inside prison may be something of a red herring because it is women's past and future experiences which most determine their life chances and shape the prison experience.

Location close to home may not therefore alleviate as many problems for imprisoned women as for imprisoned men. For women in prison 'community' and 'community care or support' may be absent because they are the providers of care and support to others with little for themselves in return. Considerable evidence now exists that in terms of providing care in a range of ways women do not so much *have* community as *embody* community (Pascall,1986; Finch and Groves,1983; Lewis and Meredith,1988). A 'community' prison system which ignores this fails to address women's social reality. Without exploration many pertinent issues remain at the level of conjecture, and penal policy for women prisoners is once again formulated in a vacuum, or in the light of what appears appropriate for men.

The changes set out above in material circumstances and relations with children and others represent one aspect of the experience of punishment. The punitive nature of these outcomes force us to face the unintended consequences of a system of justice. The aspects of imprisonment which potentially punish women doubly through their greater levels of responsibility for others, and the way that punishment is shaped and experienced by life before prison are explored in greater depth in the next chapter

- where I ask what is the place of imprisonment, what is the ethos of punishment for women and why. Accepting these deleterious aspects of imprisonment, I begin the weighing and measuring of the purpose of punishment against stated aims in an attempt to reach a judgement about the nature of punishment by imprisonment (and explore essentialist versus materialist feminist debates) and the prospect for a feminist penology (Howe 1994), postmodern or otherwise in chapter seven?

CHAPTER SIX

"THE HURTING THING": EXPERIENCING PUNISHMENT

Introduction

"The harder you make the regime, the more people think of doing things to the contrary, I just don't see the point. And the harder you make the regime the more embittered people come out, but it's like part of the whole thing. The harder you make things in here the worse people are going to come out." (Sadie, black, two years/drug importation)

The purpose of this chapter is to explore the nature of the punishment inflicted through imprisoning women, firstly through the accounts of imprisoned women themselves and then through further consideration of their experience of regime provision and the factors which make for a solely punitive rather than rehabilitative, or just experience. Early debate about the genesis of the characteristics of custodial institutions led to a dichotomous position: the observed characteristics of institutional life were judged to result from factors which are extrinsic (Clemmer, 1940) or intrinsic (Sykes, 1958) to the prison: the debate between an 'importation' model or a 'pains of imprisonment' model. Are prisons a repository for society's most troubled individuals or an intolerable model of deprivation impacting on all who find themselves there, creating 'pains' to be negotiated and survived. Do prisons contain or corrupt their inmates? The process of inspection (Home Office 1997a, 1997b) demonstrates that the degree

of corruption exerted or punitiveness extracted depends upon which prison, how crowded or well-run it is and the main characteristics of the regime. However, the high level of various needs which women bring into prison with them (Morris et al 1995) mean that we cannot blame all on the prisons. We are faced with the task of trying to decipher which of the problems facing women prisoners derive ultimately from their lives outside prison to be exacerbated by imprisonment, and which are generated by the nature of the regimes they encounter within prison or the loss of support from people outside ? How do the two interact? The challenge here is to recognise and respond to the extent of women prisoners' needs (Morris et al, 1995) neither ignoring the difficulties of such a task nor failing to recognise the power of prisons to transform and undermine benign or well-intentioned, whether these be woman-centred, liberal-feminist reform programmes in Canada (Hannah-Moffat, 1995) or the application of male-derived programmes and institutional designs as in 'new generation' panopticon style prisons in the US (Jackson and Stearns, 1995).

This chapter builds towards chapter eight's consideration of appropriate prison regimes for women through an examination of the way in which women experience custodial punishment. Throughout this chapter I consider the nature of custodial punishment through the themes of loss, roles and responsibilities, the impact upon children and mothers, the nature and impact of time served. The themes established here prepare the ground for a more philosophical consideration of the nature and meaning of punishment potential for a more positive, principled and proportionate mode of punishment in the following chapter.

Feminist theory, and the work of black feminist theorists in particular (Spelman, 1988), has increasingly recognised and reinforced the need to build theory from diverse perspectives in search of "counter-hegemonic cultural practice" (hooks, 1991:22. Hooks refuses the de-politicising of 'difference' in postmodern discourse, insisting on the pervasive and resistant forces of racism in structuring difference. Accordingly I ask to what extent it is the failure to recognise and respond to the women's diversity which shapes the experience of custodial punishment? Are women prisoners to be seen as 'essential women' universally constrained and enfeebled in the prison setting or as a diverse cross-section of the female population with different reactions to and experiences of imprisonment? Are they predominantly socially excluded, marginalised, doubly-punished in court and in custody and therefore experiencing important similarities with each other; or does their membership of diverse, sometimes marginalised groups or communities outside the prison system over-ride their status as prisoner? Are they to be seen as imprisoned women or as criminally active people serving their just deserts? As prisoners whose needs and limited rights derive from their imprisoned status or as female citizens, temporarily removed from the social and community situations to which they will return?¹ What then is the nature of custodial punishment, which aspects of women's selves, roles and rights are punished, removed, damaged by imprisonment or potentially developed or enhanced despite it?

Interviews initially focused upon the women's circumstances before prison. In describing family, home, job or the lack thereof, it became clear that for many these

¹ Whilst this might suggest the need for a separate section on black women's experiences, their accounts are integrated throughout the chapter to reflect the greater degree to which their concerns were along the same lines of those of the white women: for their children; for the effect on housing; relationships; for a positive purposive punishment. Later discussion in the chapter draws out the debate relating to diversity and universalism in the approach to regimes for women.

were the circumstantial and explanatory framework surrounding the offences for which they had been sentenced. Similarly, I had little need to ask women to describe what punishment meant to them when they had already begun, for the most part, to describe the ways in which prison punished them in relation to *both* their life circumstances *and* their offences. Most related the offence to their wider circumstances and then made reference to the nature of the punishment they had expected and received. As in most social theory of punishment, for the women who took part in this research, the weak link between crime and punishment was a source of puzzlement.

Punishment through loss of role and control

One of the major impacts of imprisonment emerged as loss of responsibility and control in a number of areas. Chapter Four established that most of the women took sole or majority responsibility for their finances, for parenting, and, amongst those who were housed, for household management. It follows therefore that these same women had a lot to lose in terms of responsibility and control of their lives when they entered prison. As many of the women controlled household finances even in two-adult households and tried to keep bills paid in the face of indifference or irresponsibility from the men they lived with, the prospect of what awaited them on release, even after a short sentence could be extremely dispiriting,

"I'm really scared of going out. In here, they (the other prisoners) keep saying you should be leaping around but I'm not. Since my overnight (stay at home) I've been depressed thinking about all what I've got to

sort out. He's let all the bills pile up. I'd paid half the gas bill, it was for a small amount and I said to him just pay the other half. It's only £47 and it's still sitting there on the table. The phone bill's £100. I'd paid it just before I came in. " (Linda, white, one child, six months/theft)

Others had found that those left outside had been unable to safeguard tenancies and possessions. Therefore the experience of punishment was a dwindling away of anything that they had managed to acquire before prison.

"I mean I'd worked and I'd bought all my things and I'd always kept receipts as well, I kept receipts for everything, you know accumulated things over the years and the children did too, and then just by somebody's say-so, you just lose it all. You know you just lose everything, things that can never be replaced as well, cause I always used to think about it as well in the early part of my sentence, if I lose my flat and all my belongings, I'll die, that'll be the death of me, but the way I look at it now, is sometimes OK it hurts to think of it, but I haven't lost my children so that's the main thing, and you know I haven't lost my life neither, so I suppose with the bit of strength I've got left now, (laughs), I'll have to plod on again, when I get released." (Jude, white, three children, ten years/drug importation)

Despite disruptions from violent ex-partners women like Jude had established a lifestyle with a degree of control and autonomy through part-time and later full-time work. This is not to say that all had control of their lives as they would have wished before prison. Some women depicted themselves as unable to control their lives, barely getting by from one week to the next, or not getting by at all without supplementing their benefits with offending. Where drug use followed and

exacerbated initial problems of family breakdown, abuse or poverty the outcome of imprisonment and therefore the experience of punishment was likely to be a worsening of their situation on release and an even greater experience of punishment as privation. Given the state of the women's prisons in the mid 1990s (Home Office 1997a, 1997b), those with few economic or social resources to insulate themselves against the undoubted deprivations of imprisonment would encounter the full unmitigated force of custodial punishment. Loss of roles and responsibilities which had engendered pride, a sense of resourcefulness and success in the face of often over-whelming odds was then one of the key aspects of the actual sense of punishment, the day to day living out of a prison sentence. The roles and responsibilities set out throughout the thesis are multi-faceted and often complex. Some women juggled the various elements of their lives; caring for children, grandchildren, neighbours, elderly relatives with work and/or household responsibilities just as women in the wider population must. Before beginning her two year sentence Jane, in her early forties had worked part-time, cooked for and looked in on several elderly neighbours. Her four children - teenagers and young adults - plus a son-in law and one grandchild lived with her. On top of all this she was most concerned about the impact on her elderly parents,

"It was very hard for them because as I said my mum depends on me a lot and my father. Cause my sister, my sister's married and she's local but a bit further than where I am so the only person my mom sees is actually me all the time. So she felt lost, cause I did everything, I bathed her, her hair, I looked after her clothes and everything." (Jane, black, four children, two years/offence not disclosed)

Loss of these complex facets of identity to become just another 'body' on a prison landing impacted particularly hard. Continuing worry for how others would perform in their absence was a strong element of the women's representations of punishment. In addition there was a more personal, self-focused sense of loss, which derived from scepticism, often downright denial of the possibility that a woman had ever been someone other than a prisoner, an offender.

Loss of identity and worth

"That's the most hurting thing as well, especially when you've worked and paid taxes and insurance as well. But when you come to prison, oh no, you've never worked, you've never paid tax, it's all 'oh we keep you, it's our taxes that pay for that food you throw out the windows.' They don't understand that normal, living, working people, or a single parent, working decently, it can happen they don't see it, because you wouldn't be in prison." (Jude, white, three children, ten years/drug importation)

Perhaps more fundamental were these feelings that individuality, rights, citizenship were lost for the duration of the sentence and beyond. Whilst this sense of loss was experienced through the women's own sense of shame at being imprisoned, "*I feel so stupid*", such feelings were compounded by the knowledge or fear that the outside world has norms and standards which do not admit prisoners and ex-prisoners into the category of 'ordinary decent people' and which negate the roles of mother, and citizen, and impose instead all-pervading negative images and assumptions,

Kate *"I want to know how he's getting on, is his work good?"*

You know how people's minds work, they think we're all horrible mass murderers. The headteacher probably thinks I'm some right horrible bitch. I'd like to walk in and say I'm his mum."

Interviewer *Then you'd be a real person?*

Kate *Yes. (Kate, white, one child, seven years/import/supply drugs)*

Those who were mothers lost the care and intimate daily knowledge of children,

*"I'm totally out of control of my own life because I'm, my son is an extension of my life. I can't make, I **cannot** make any decisions for him and that's the terrible thing of being in here." (Ellen, white, one child, three years/breach of trust)*

Chapter Five posited a clear link between the levels of external and internal support for women prisoners. Few of those with poor social support outside prison received high levels of support in prison. Occasionally women had a higher level of support than before prison, but these were the exceptions. For many the support of family on the outside was often exhausted by providing care for their dependent children. Those women with little external support were highly dependent on the prison and therefore vulnerable to any additional forms or levels of punishment which they felt accompanied their sentence.

"People just don't realise how totally helpless you are in here. You can't sort anything out. If you want to make a phone call you can't just make a phone call at any time. You're totally dependant on people outside. And if you ain't got no-one, well what have you got, fuck all" (Sam, white,

three children, life/murder)

Helplessness and loss of control are indicated as negative factors for women's mental health in a recent review of research (Herbert-Kenney, 1999). Speculation that women feel Sykes' 'pains of imprisonment' even more keenly than male prisoners, is in part due to the loss of control deriving from lack of support from the outside (Genders and Player, 1987) but also to loss of relationships with children, to women's particular embeddedness in caring and responsibility for others and the degree of sole responsibility implied by a larger than expected concentration of lone parents in the prison population (Caddle and Crisp, 1997) and this study's sample of women,

"The relationship between me and the three older ones are different because I grew them up, d'you understand, I was with them most of the time. But the two younger ones, I weren't with them that long, d'you know what I mean, so, ... that I'm more concerned about." (Janine, black, a lone parent of five children, seven years/import drugs)

It is almost impossible to convey how acutely women feel the loss of intimate and everyday contact with their children's lives.

"She starts at secondary school in September, she was eight when I came in. The little one was five, she was still like my baby you know. And the next that I see her again she's this tall eight year old child, you know. That ending of the baby stage is taken away." (Jude, white woman serving ten years, lone parent of three children)

If harshness and punitive affect are to be the standards by which the degree of punishment implicit in a prison sentence is measured, then losing touch with children's lives and missing stages of their development is undeniably one of the most "successful", that is, the most keenly felt aspects of punishment. Certainly a desire for the prison experience to be a wholly punitive one would appear to have been the case if outcomes rather than stated aims were measured during the 1990s. Carlen (1995) has argued that issues around pregnancy and motherhood are neglected in prisons, that to address them would mitigate against the unwritten ethos that women's imprisonment is not 'real imprisonment' which allows the effects upon women to be glossed over. The damaging of bonds with children is one way in which a sentence of imprisonment can have permanent impact and which should be further explored given the belated though welcome survey of mothers' experiences in prison in 1994 (Caddle and Crisp 1997).

Acute feelings of loss were tempered by acknowledgement that the strain of imprisonment is shared with those providing childcare.

"My mum's surprised at how fit and well I look in here. I said 'it's because it's easy, no stress, no responsibilities. I don't have to be a mum anymore'. It's my mum that's got the hard job, being a working grandmother." (Kate, white, one child, seven years/import/supply drugs)

This is not to detract from the impact of prison, Kate had at another point discussed the negative impact of *"what one year in here does to you"*. Rather, it is to recognise that for many, life outside was hard as well. Some elements of that hardship are

inevitably handed on to others when a mother goes into prison. The effects of the women's imprisonment upon children was a major cause of stress and fear. This was exacerbated when access to information about children was poor, or when childcare arrangements broke down as they did for several of the women.

"First of all they was at three different sets of friends, separated, cause my partner was going to take them but he works nights and it seemed it would be best that they went to my friends and then after that, there was loads of problems because the kids were starting going down to their dad's at weekends and my youngest daughter started saying things and doing things to mess my partner around, 'you know you can't tell me what to do' so he got a bit pissed off about it and decided that they can go to their dad's for the remainder of the six weeks." (Lorraine, black, three children, three months/driving whilst disqualified)

In these ways the experience of punishment through imprisonment would indeed appear to be relative - qualitatively different for those women who were mothers through their inter-connectedness and continuing sense of responsibility for their children's well-being.

"To me, if you're a woman in prison with children, it's your kids that get the raw deal really. It's your kids that do the sentence not you. Really, you know, you're OK. We're not at any harm or anything, but it's the kids, mentally and emotionally and that. It's done to them." (Jude, three children, ten years/import drugs)

The impact on the women themselves was sharpened and deepened by their fears for the impact on children and their feelings of guilt and indebtedness to partners,

friends and family providing childcare. In some cases women could not bear to know the full impact upon their children,

"When I'm there for the weekend I start to prepare them for me going, I say 'now you know mummy has to go back to work after tea. Do you want me to put you to bed or would you like to wave goodbye?' So I start preparing them earlier in the day and usually they just stand there and wave to me and I drive off. What happens behind the door when it closes I don't know. I don't like to ask because it would upset me. But I don't think she has temper tantrums". (Charlie, white, two children, two and a half years/supply drugs)

Loss of status and identity as a mother was confirmed by the attitudes encountered in prison staff whose values communicated it clearly. The accusation had been thrown at Lorna by a prison officer that *'you wouldn't be in here if you cared for your kids'*. In addition to a sense of injustice at the use of custodial sentences for petty or first-time non-violent offences, women like Lorna who accepted with realism that serious offences like her drug importation warranted the use of custody were nevertheless embittered by the sense of injustice in the day to day assumptions and prejudices of prison staff. The accumulation of intrusive and offensive comments and petty restrictions served to carve an additional, unsanctioned layer of punitive affect from the actual time to be served.

Real time and prison time

The classic notion of time is another key axis of the experience of imprisonment.

Time pervades considerations of imprisonment from sociological studies such as Cohen and Taylor's (1972) *Psychological Survival* to executive planning documents like 'Doing Time or Using Time' (HM Chief Inspector of Prisons, 1993). Here it came across just as strongly but linked to considerations of real life. In the end analysis, there being no escape from reality, whether for those serving a few days, weeks, months or even years. However, the nature of the time to be served cannot be ignored in the women's accounts. Which remained the most real to a woman, the life inside or the life outside of prison, seemed largely dependent on the length of sentence. For certain groups of women in particular circumstances the focus remained firmly on the outside. For many of those serving short sentences anything which went on in prison was largely an irrelevance, regime activities had nothing to offer but meaningless distraction in the face of the destruction wrought by a short but devastating loss of circumstance - jobs lost, children distressed and disrupted, time wasted,

"I haven't got anything to take out with me, I'm going out to no job. I'm going to have to start all my training all over again, I don't feel that I've got the confidence to do that, to actually see it through. To go into a room and say I'm so and so, so and so and I've done this and I've done that." (Lorraine, black, three children, three months/ddq)

Conversely, during an earlier, longer sentence the same woman noted the impact of punishment through the passage of time, measured through the ageing of her children,

"When I first went to prison my youngest child was only six months and my other child was - I've got three - she was two and a half and my son

was three and a half. And I came out and they was like five and six and three."

The passage of time in relation to children was counted out in the small change of daily developments missed or witnessed after the event,

"I speak to him every day on the phone. I mean he's only small and he just puts one or two words together but he's getting to that point. See, I've missed all that." (Ellen, white, one child, three years/breach of trust)

or developmental milestones anticipated, imagined,

"One of the main things I've been thinking about since I've been in prison is when she actually starts her periods, you know I'd like to be there for her cause I was worried that her foster parent won't explain that situation she has a 16 year old son she doesn't have any girls, you know it was really worrying. But it just happened, ... last weekend when they said there were signs, it's something I'd like to have been there for, you know cause she's eleven now." (Jude, white, three children, ten years/import drugs)

Time also manifested in the accumulation or stagnation of problems, of unpaid bills and debts,

"I'm still like three hundred and fifty pound in arrears. But while I've been in prison I haven't really worried about it, I mean that's what stressing me out because I'm going to have to go out and I've got all them problems and I mean at the moment I'm vulnerable, because I mean I've got this four and a half grand (debt) plus I've got this three

hundred and fifty pound loan that I've got to clear off." (Nadine, black, one child, at end of two year sentence/conspiracy commit robbery)

Relationships could deteriorate over time or with the pressures of supporting the imprisoned woman or caring for her dependent children. For some few women time in prison could be a respite from difficult relationships or from trying to keep on top of their responsibilities but they knew that they would be greeted by the same problems when they left prison, as no-one else would take on the responsibility in their absence. Although most did not want to escape real life many wanted their lives to be different on release. In the end problems would only wait and accumulate with the loss of housing and possessions, the fracturing of relationships with children. A few did relish the opportunity to escape for a while, describing prison as a haven, but a pointless haven, and a haven only in contrast to external problems, because they recognised that there was no real escape.

"I find the pressures from outside hit you like a blanket whenever you walk out...I'm just pleased to be back (in prison, after home leave) and away from all the pressures that people place you under... as I say, prison has done me a favour, I've met some nice people and it's given me a break and it's not solving my problems at all." (Lynn, white, eighteen months/fraud)

In the rare few cases where the pressures of real life were being adequately taken care of outside, there was almost a sense of a holiday from the pressures of real life.

"I was really, really busy and then as I say I sat back in here after I

*knew the sentence and I've had a rest in here; a real, real rest. And now I think when I go back it's going to take me a little while to get back in because - it **was** busy. I'd get back from work, pick the kids up, cook dinner, give them a bath, homework, you know and then there's washing, ironing everything else, so it's been a rest in here. A **real, real** rest."* (Sarbjit, asian, two children, nine months/fraud. Emphasis in original)

Such a response would seem to be possible only where external roles, needs and responsibilities had been left in the charge of a supportive spouse, parents or other relatives; where good social support outside prison had translated into good social support inside prison and in addition, where the prison regime was such that the woman felt safe and settled, passing the days and experiencing imprisonment, custodial punishment as little more than the meaningless passing of time. However, for some of the women whose lives had been the most disrupted, the most terrifying and out of control, it was the time in prison which felt like "*this break*" Acute deprivation, fear and countless additional punitive experiences can accompany time spent in a prison with a collapsing regime or a prison imbued with a punitive ethos or disdain, hatred even, for women prisoners. For two or three of the women in this study even this represented more security and safety than they have known outside and as such there most certainly was a continuum of punishment of which imprisonment did not necessarily represent the nadir (cf. Howe 1994).

More commonly than the idea of 'a rest', prison was described in terms reminiscent of stasis², once the initial shock and disruption had subsided and fear abated some

²The Chambers Dictionary (1993 edn.p. 1685) defines stasis as, 'cessation, arrest, esp of growth, (maintenance of) a state of equilibrium, or a constant state, in punctuated equilibrium, the period of equilibrium or no change in evolution (interrupted by a period of rapid change).

women felt that the nature of the punishment had been exacted during this period of time, the damage done in a relatively short time. This extreme punitive tactic was then merely compounded, extended by the rest,

"What a year does to you in here, five years isn't going to make any difference. You know it's just going to make you more alien to the world outside you know." (Kate, white, one child, seven years/import/supply drugs)

Punishment was commonly experienced as a meaningless exacerbation of real life, adding further problems on top of those which had structured and constrained the women's lives before prison. Yet for some women the undoubted disruption had given way to a sense of opportunity in prison settings where external college courses were an option. This could rapidly turn into thwarted opportunity as the vagaries of the dispersal system relocated women away from college courses which they had started or refused them temporary release as a mass action rather than on a case by case basis when individuals abused the privilege.

"Getting in here and given the opportunity to go to college and like give myself something you know, I really did want that degree you know and now I can't have it I've got to start that again somewhere else. And by the time I get out of here I'll still be on the access course." (Lorna, black, one child, five years/import drugs)

Work schemes which felt like real work were popular, those provided inside prison by outside agencies, or where women could work in real settings outside the prison through the use of temporary release. For women who had not been able to establish

work credentials outside prison, working for a real employer was an attractive prospect.

Decay in the system: Punitive aspects of regimes and environments

To make judgments about the relative influence of external and internal factors in structuring women's experiences of punishment, we must consider the punishing elements of prison regimes rather than just punishment in the abstract or measured through loss and absences by comparison with everyday life.

Inconsistencies between the way that different women experienced the same prison regime emerged. Explanations of differing fortunes within the same prison were ascribed to a whole range of factors including personal motivation, knowing your way around the system, the mood of the prison management, 'race', demeanour, personal resources, support from others and luck. Several of the women talked about the role of staff perceptions of them as inmates: those deemed to be serious about change being given chances, those who were (relatively) fortunate outside the prison being awarded the redband of trust and enhanced status inside the prison, getting the best jobs and a place on the "privileged" wing where self-catering was allowed. Black women described how white staff resented their going out to college and how they faced stringent checks on their whereabouts which ignored the dual sites of one college and resulted in several black women being withdrawn from courses as a result of checks which judged women to be missing when they were at a different college site. Although the small numbers of women in this study require caution, the black

women did tend to be more concerned with the educational opportunities on offer, proportionately more of them were engaged in courses or working towards qualifications within prison or at colleges outside prison.

The experience of lock-up for long hours in single cells, or of non-drug users sharing a cell with drug-users can be acutely punishing. For Sally, a white woman in her early forties, the first few days in prison were terrifying. She had been judged suicidal and put onto a medical location. In practice most of the other women located there on arrival were to undergo the process of de-toxing from hard drugs rather than for more conventional medical reasons.

*"I've committed a crime, I know I've committed a crime but I'm not a drug addict, I'm not a junkie and I should never have been put in with that lot. And I did read the bit the probation officer showed me, where they said I was suicidal, you know, which I probably was, I admit if I probably could have done it I would have done, but not because of what happened to me, **because of where they put me.**"* (Sally, white, six months/deception, emphasis in original)

To the uninitiated the power of ritual security measures designed to humiliate and degrade impact without warning (Eaton, 1993). Sally conveyed complete bewilderment at being treated as one more item on a conveyor belt, processed along with women who come in and out of prison on a regular basis.

"A couple of days after I was there, it was only days, they came in and did a room search, a room spin, and you had to strip, and they put this

towel about that big (indicates handtowel size) in front of you like that and you had to strip, and your knickers as well, and that, I mean you had to sit on this chair, four chairs lined up in the middle of the room while all these officers that looked like bloody men turned your room over and went through all your things, that was just, that was next to being raped as far as I'm concerned, that was just awful."

Sally wanted the particular distress and fear of those who have no experience of prison to be taken into account on arrival. Clearly therefore, the impact of what goes on inside the gates is extremely important. It is also possible to question whether a relational approach is fair or just. For women who did not have children, there are also dangers inherent in representing custodial punishment as more acute and therefore more punitive and less justifiable for mothers.

"..what's the better of the two evils, because what you're dealing with is two evils, you can't bring kids into jail you just can't do it, you can't do that, so, what? Anybody who's got kids doesn't go to jail? Well what about us that doesn't have kids, you know, if you've got kids you go and live in a hostel with them and you do your time sort of there, you know. But what about us, why are we going to jail, are we being criminalised because we don't have children?" (Harriet, white, life/murder)

The crux of the issue around punishment for women is whether we represent a relative approach as being a 'real world' or a 'more feminist' approach, in recognition that most women have children and greater caring responsibility in general than men, and therefore experience imprisonment in relation to those responsibilities; or whether a more classically rationalist view is taken, of women as citizens bound by universal

rules and sanctions.

Evaluating impact: The implications of gendered experiences of punishment

Based on a study of the decision making processes of girls and boys, and women and men, Gilligan (1982) has argued that girls and women think in a inter-connected, relational way about ethical issues, conflicts of interest, disputes. She found them less willing to take a disinterested, objective stance, more inclined to take account of the effect on others in practice. They formed judgements and made decisions in light of the needs and interests of those who would be affected to a much greater extent than did the boys and men. In general Gilligan found that girls and women were more likely to take a relational position on both abstract questions of right and wrong, good and bad, and the outcome of processes for those involved. But does this approach leave women in a further double gender-bind, treated more leniently where there are children, in danger of being infantilised if punished as *mothers*, exempted from the expectations of citizenship, penalised more heavily where, as Harriet, put it,

"I've stepped outside my role, I disappear because I'm not a mother, I disappear because I'm not a wife." (Harriet, white, serving life for murder)

Herein lies a potential double edge with a danger of overly focusing on a narrow domestically-focused range of gender-role issues to the neglect of the wider socio-economic aspects of women's lives and the changing patterns of women's increasingly diverse and public lives throughout the 1990s. When diversity is expressed only in terms of who women are rather than what they do, women can be posed as passive

not active citizens. However, we can also turn the issue around and focus on the limitations placed upon women's ability to control their own lives and finances and to have sufficient resources to withstand crises like the bereavements which pushed some women in this study further into debt. Lone parenthood, through the associated factors of low income and high unemployment is the single most significant risk factor for taking women into poverty. Lone parenthood then structures and sharpens the experience of imprisonment through the accompanying problems of arranging childcare provision within often constrained family and social networks, or in reconstituted families where lines of responsibility may be confused.

Whilst the nature of imprisonment, the detail of the regime structures the days, weeks, months for women serving longer sentences, so many of the women who pass through prison each year are serving short sentences that the experience of imprisonment is more likely to be closely and meaningfully structured by the nature of what they will meet when they pass back through the gates. The accounts in chapter five from women serving sentences of four and five years and longer seemed to indicate that ever-present, pre-prison problems had to be given up to others, or allowed to recede from their minds for some of the time that they were in prison in order to get through the time. As the point of release approached these once again took on renewed strength and significance and the knowledge of time wasted became more acute. As Jude described it, she realised that she would have, once more, to start from square one, to "*plod on*".

Diversity versus universal factors in structuring the experience of imprisonment

To return to the question of which approach: women prisoners as homogenous, as 'prisoners first and foremost or as diverse women, with diverse needs we must ask whether diversity has greater meaning within the penal system along the lines of age, race, nationality or along the lines of sentence length, personal needs or social problems? If "first principles" of punishment are to encompass a forward-looking agenda focused on aiding change, then women cannot be regarded merely as inmates, 'cons' or prisoners whose identity outside of the prison may be hived off or ignored. Chapter eight considers how best to address diversity within a social justice model and within a realist acknowledgement of women's offending. In choosing to over-sample black women for this study I anticipated that 'race' would be a highly significant factor.

Certainly the black women who took part in this study described problems with obtaining appropriate skin and haircare products and meeting dietary preferences and requirements. Those attending college on temporary (day) release felt that they were subject to higher levels of surveillance than white women. Apart from these issues, for the most part black women spoke in very similar terms to white women about concerns based on childcare, relationships, money, housing and homelessness, the impact of long sentences, the futility of short sentences by comparison with the problems which lay outside the prison. All these impacted upon and sharpened the experience of punishment through imprisonment. It was in this sense that the hardship of being a black prisoner that came through most often: the hardness of the

regime as Sadie described it at the start of this chapter, the missing of children, the loss of housing and possessions, the feelings of futility when regimes did not hold anything positive for them, or when efforts to gain something positive in a particular location were thwarted by transfers around the system, or by the tightening of security. The lack of an overwhelming sense of difference may of course have been because they were talking to a white researcher. At the first introductory meeting with each woman I had raised this issue and generally met with comments that black women should be included in all research and that they would like therefore to be included. This does not guarantee that the black women who participated felt able to discuss racism with me, but the above instances of failing to recognise difference in black women's basic needs, in institutional colour-blindness and heightened levels of surveillance would suggest that at least some race-specific issues emerged.

Despite the presence of young offender institutions (YOIs) within the female system, age-mixing has been commonly practised by the location of these within adult prisons to avoid even further loss of economy of scale, and to keep young adult women (those aged under the age of 21). The fear of 'contamination' which underlies the more rigid separation of young men from adult male prisoners does not seem to apply to the contamination of young and relatively inexperienced female under-21s by proximity and mixing with older women. It has not been of sufficient concern to prevent *de facto* age-mixing in the women's system. As a result younger women are largely denied specialist regimes and educational input or attention from staff trained and experienced in working with young people. Young women it would seem are expected to be more grown up than young men. Their needs are expected to be gender rather

than age related. A particularly worrying aspect of any move towards the mixing of male and female institutions is that the policy of little meaningful age-segregation within the female population would potentially bring vulnerable, very young women into contact with adult male prisoners.

Howe (1994) argues that the better thought out postmodern feminist positions, such as that of Judith Butler, are capable of improving on assumptions that all women are the same without becoming paralysed from action by endless splitting down and down into ever smaller subgroups.

"The aim then, is not to abolish foundational categories but rather 'to interrogate what the theoretical move that establishes foundations *authorises*, and what precisely it excludes or forecloses'. For example, a political or representational strategy which resorts to a universal 'we' must be exposed for its highly ethnocentric biases'."(1994:173, emphasis in original)

To apply this specifically, what do we authorise on their behalf, what will result, when we speak of 'women prisoners'? What will those in positions of power assume about them, about their needs, about the appropriate way to contain or treat 'women prisoners'? What messages will result from the influence of dominant social mores when we refer to 'women prisoners'? What is lost by failing to maintain the sense of the diversity of women prisoners?

Conversely, we could ask just how diverse are women prisoners? Are we missing the point that women in prison are more connected to each other via imprisonment and

by poverty, by drug use, by debt, than divided from each other in the categories of identity politics? If the question in every case is what is lost and what is gained when women are spoken of in an undifferentiated way, we can also ask what would be lost were a treatment focused regime to return? Equally we must ask is such a model possible given the compromises emerging in the Canadian system (Hannah-Moffat 1995; Shaw, 1999)? What would be lost and gained by a strict 'just deserts' approach to sentencing which took no account of gender? What will result if we start to speak of young adult women prisoners, long term sentenced women prisoners, black women prisoners, black overseas women prisoners, black, long-term sentenced women prisoners, mentally disordered women prisoners on remand? Will a more diverse and appropriate response follow, will needs be better met, will a complete paralysis of reform-minded action result, will it be something in-between? Will anything result except a proliferation of labels? Will adequate regimes follow? Will further stereotyping result?

Conclusion

The effects of punishment can be rendered disproportionate to the crime by way of the punitive nature of imprisonment, shaped by the ethos, institution and regime which receive the individual woman prisoner. However, the circumstances of the woman's real life also shape and structure the experience of imprisonment to a greater or lesser degree dependent on factors of sentence length, the degree of additional punitive affect inherent within the ethos and regime of the prison environment, and the social resources available to insulate some few, more privileged women from the

deprivations of imprisonment. The women in this study did not confine their feelings, the meanings drawn from their experiences of punishment to tinkering with existent operational, distributive arrangements, nor to alleviating the symptoms of imprisonment but instead conflated their views about regimes with their opinions and experiences of the role and nature of punishment as a wider concept. The separation of operational and philosophical justification means little to women in prison. The one is shaped, often undermined by the other, by the apparent injustice and contradictory distribution of punishment. Regime issues take up much of the day to day attention of women prisoners as they try to understand, survive and negotiate the daily routine of over-crowded and dirty or distant-from-home prisons and I return to these in Chapter Eight. Yet, for many women, these issues pale by comparison with the broader issues of who is punished, how and why, therefore any broader consideration of punishment must address the issue of first principles. Chapter Seven takes up this challenge.

CHAPTER SEVEN

THEORISING PUNISHMENT: A GENDERED PERSPECTIVE

Introduction

"I just think to myself, I just don't see the point in prison, I don't see the point in prison. Yes, there are those that, perhaps for their own misdemeanours, perhaps need to be kept in because they're not learning. They're not learning that you don't do that, that is wrong. But I don't know I just think there has got to be a better way round it." (Sadie, black, two years/first offence of import drugs)

In this chapter I consider women's accounts of the validity and purpose of punishment to involve women in debating the first principles of punishment. Through their accounts the validity of classic penal theories are interrogated to ask whether women must be treated or punished, deterred from crime or helped, even allowed to move on from their socially, economically constrained circumstances? The impact and implications of the recent theoretical developments of leftist communitarian and feminist approaches to penalty are considered in relation to the practice and reform of women's imprisonment. The potential for change through punishment is addressed. The claims of a rehabilitative and even a deterrent element to custodial punishment have long been undermined and so we must ask how elements of these might be rendered valid and what the extant principles underpinning imprisonment should be? Both this chapter and the next debate the extent to which such judgements should be

explicitly gendered, formulated in a classical gender-free mode or developed out of essentialist notions of female values as relational and subjective rather than objective (Gilligan, 1982).

Two distinct schools of thought are considered over the next two chapters. Where they coincide is in their reconnection of crime and punishment. The first is communitarianism and the second is the postmodern feminist penalty of Adrian Howe (1994). Both are examined for their potential to contribute to a progressive, penal policy: a policy which supports rather than breaches the often fragile, economically constrained links between women, their support networks and their community settings. The consideration of punishment set out in this chapter builds on that account. During the course of this chapter women's beliefs about punishment are examined. I begin with a brief revisiting of key ideas about the imprisonment of women. Initial attempts to understand the evident disconnection of crime from punishment produced the discourse that women were being sentenced in proportion to their non-conformity with expected gender roles and behaviour (Smart, 1977; Heidensohn, 1985). The dislocation of punishment from crime becomes evident from even a cursory consideration of who gets which sentence. As an example, community-based sentences for serious, violent offences were handed down to some of the women at the probation hostel mentioned at the start of the thesis.

In this study custodial sentences were imposed upon women convicted of non-violent offences and minor, first-time property offences. Evidently the sentence of imprisonment can be completely arbitrary; unrelated to offence severity, recidivism,

intent, agency or control. Women are more likely than men to be imprisoned at an early stage of a criminal career, indeed even for a first, petty offence, when no career is in evidence. Pantazis and Gordon (1997) have argued that it is poverty which explains why two thirds of women appear before British courts for non-payment of the Television Licence fee. Their tracing of the route into the system offers a clear example of the feminisation of poverty leading to the criminalisation of poor women and to the importation of one of the most fundamental axes of need into the British prison system.

In the previous chapter I set out evidence that the punitive aspect of custodial punishment may continue to be experienced as privation of the body as well as disciplining of the mind. When women (and undoubtedly men) are unfortunate enough to be allocated to particular prisons at particular points in time their experience of the punitive effect of imprisonment may be doubled, trebled even. Not merely the allocation of, but also the experience of punishment can be *this* random. Weberian notions of punishment becoming increasingly rational and proportionate gloss over such throwbacks to more punitive times. Garland (1992) describes Foucault's analysis of the emergence of imprisonment as Weberian in spirit. His representation of punishment portraying a dramatic switch from punitive, vengeful action over the body to a rational and proportionate regulation and control of mind, occupation and behaviour. For Garland (1995), this over-states the rationality of the modernist approach and the replacement of old-style with new, punitive features but despite this caveat he defends the ability of mature institutions to self-regulate, indeed describes self-regulation as a defining feature of late-modernist society in resistance to the

nihilist post-modern propositions that values cannot be elevated above the self-interest of the governing body, that the state cannot stand separate from its citizens, that power and control are inherently punitive, subjective, value-laden. The question then becomes should a humanitarian society use the mechanism of punishment to effect more than a symbolic and punitive action. Should it seek to deliver such a purposive penalty in a fair and proportionate manner, reflective of societal values and an agreed relationship between communal and individual rights and responsibilities before the law? Such rationalist arguments have time and again failed to address issues of diversity producing a retreat to the post-modern position which ultimately lends itself to political stasis (Alcoff, 1988). When posed as the route to true understanding of women's continuing plight in the penal systems of the west it produces only a hopeless appeal to abolitionism and effects paralysis of practical, reformatory measures in the flight to theory (Howe, 1994). The modified question then becomes how to formulate the first principles of penalty in recognition of diversity without such a retreat to endless relativism, without infantilising women by positioning them outside the requirements of the law, citizenship and community? As a starting point the women's accounts of the effects of punishment are further examined building on the previous chapter's examination of the nature of punishment - the aspects of imprisonment which constitute the punitive element of the official punishment, the degree of differential impact, the role of patterns of social support and external networks reaching into the prison in mitigation of punitive affect.

Seeking Rational Punishment

Most of the women sought to understand the link between their criminal actions,

"...my, my crime is theft from an employer and half the time I didn't actually know I was doing it and then I had to see a psychiatrist, well when I was arrested. And he said I was suffering from hysterical amnesia when I was taking the money, and he felt that it was a cry for help but, er, it went, it sort of went on over two years, when the pressures of the job were - I started up the department as assistant and (managing) it was a job that I didn't apply for." (Lynn, white, eighteen months/first offence/fraud)

and their punishment,

"Now that I've come to prison I suppose I can go out and say well I've done my prison sentence. I suppose it's something visible, everybody wants something visible to see you've been punished visibly whereas people didn't know that I'd paid the money back." (Lynn, white, eighteen months/fraud)

The context and antecedents to the event or train of events were often uppermost in the women's minds. Howe (1994) reminds us that the revolution within recent mainstream criminology has been to demonstrate that punishment as a social phenomenon cannot be explained by reference to crime or its mitigating context but rather reflects wider and deeper political trends and imperatives. Punishment is not proportionate: either in the macro sense, to trends in crime rates; or in the micro sense to an individual's offence and offence history. As such the analysis of crime has

little to tell us about the official explanations and justifications for penal policy, and, it has been assumed, rather more about the underlying biases, controls and power struggles expressed through sentencing and punishment. Although many of the women in this study had enough experience of the criminal justice system to be extremely sceptical of any sense of logic or proportion in the sentence of the court, there often remained a vain hope that punishment would be based upon a principle of reparation or rehabilitation. Others betrayed a naive trust in the rationality of state penalty.

"I offered to pay the money back about £150 a month, ..., but there was no compensation order made which seems ridiculous, they were going to get £150 a month back. I know it would have taken me a long time to pay it back but then, plus I would have kept my shop, it wouldn't have cost them money to keep me in here and if I go out and I've got no shop I'm just going to sign on the dole, it doesn't make sense." (Sally, white, six months/first offence/deception of state benefits)

Reparation was generally seen as a positive response to women's criminal activities; fairer in to proportion to the non-violent nature of much of the women's offending. As a penal strategy it made sense in terms of giving something back to society, to communities, or directly to those who had been wronged.

"... there's girls here that have paid back the money. Sold their house or something and paid back the money and they still get sent to prison, now I can't understand that, because if you've actually taken the step. You've said yes I'm guilty, I'll pay it back, you've paid it back, shown remorse and you know, why then is, they being sent to establishments

like this because that's a waste of money and they go out and they have nothing because they've sold their house and so, you know, it's, it's quite the whole, it's quite an experience, it really is an eye-opener." (Sarbjit, asian, nine months/first offence of fraud)

In this view the element of compulsion, the giving up of time or material resources formed a justifiable and positive element of punishment rather than the punitive nature of imprisonment with its wasted and meaningless passage of time. Some few women looked back and saw their lives before prison as a series of disasters. In this context the breach in the everyday fabric of their lives could be an opportunity for a positive outcome.

"I don't blame anyone. I'm not blaming anyone for this. I just want to move on. I'm just looking at this as an experience. I want to learn from it and change". (Debra, black, on Judge's Remand for benefit fraud, then sentenced to eleven months custody)

This was particularly the case for those who had used custody as an opportunity to break a drug habit. A period in custodial remand had meant an enforced withdrawal from regular crack use for Tracy, she managed to keep this up during six weeks on bail and so felt that,

". Obviously it's doing me some good in here. It can, it like, like alright you've got drug rehabs and everything, like you can go out and do a sentence in a drug rehab. I seen people go out of this place to a drug rehab and they're back in here ... it's something I needed because drug rehab wouldn't have worked. Maybe probation, because by the time I

went up for my sentence I had sorted myself out. Then that would have helped but I needed to come in here on remand to sort my head out."

(Tracey, white, four years/GBH)

Yet there was a sense in which those who had been drug-addicted and responded to the prospect of a prison sentence with an effort at change then felt that their efforts went unacknowledged. In this respect there was evident in the women's accounts a strong discourse of hoping for and supporting mitigation as a principle.

"Unfortunately the prison system, in a way, has helped, but hasn't helped because when I gave up drugs in summer last year (in response to being charged) I massively changed my lifestyle, you know totally reverse to what I was used to, erm went from being quite, you know rolling in the old money and rolling in drugs to virtually penniless erm claiming the dole and working as a volunteer." (Sharon, white, fifteen months/supply drugs)

Some had expected mitigating circumstances to be taken into account in court and had their hopes raised by the optimistic projections of solicitors or the non-custodial sentencing recommendations of probation reports. However, few sought to justify the extension of leniency to them as women, nor usually as mothers but rather in relation to offence type and resentment at jumping the sentencing tariff. Motherhood was generally felt to strengthen the case for prison to be used only as a sentence of last resort, and for the full sentencing tariff to be used (including community sentencing to cause less harm to children) before a custodial sentence was awarded. For those who found it almost impossible to stay away from the drugs which were available in prison the route to making changes lay outside of prison,

"They just look at you in court and think 'oh shoplifting - give her six months'. They never look behind it and 'oh, has a drug habit, give her rehab, give her a chance'. They just send you here where you've got no chance." (Josie, white, six months/theft)

All of these women had been regular, addicted users of hard drugs. As such their accounts had an additional dimension to those of non drug-using women. Some, like Sharon admitted that their drug use had been exciting, pleasurable, something they had been unwilling to give up, and ultimately argued that the route to change lay within. For others, however, hard drug use was a symptom of their powerlessness to effect change on their own without support outside prison in the real world. As such there was not a common sense in which drug use was seen as mitigating of custodial punishment. Rather it was presented as a contextualising factor; one to be ignored at the peril of a prison system which would see women returning on a revolving door principle unless the roots of their problems were addressed either through their own motivation or with help.

The more usual sense in which mitigation was used as a point of principle was where women felt that a course of action had been understandable in context to a reasonable person.

"Nothing's ever looked at, that is, are there reasons behind it or not? You know there's girls in here, that's been counselled because they've had problems and then they take money. Well it's all related, but that's not taken into account." (Sarbjit, asian, nine months/fraud)

Women with mental health problems were thought to have strong grounds for mitigation and a good case for sentencing to incorporate an element of social work - long out of favour with policymakers and ministers - for a compassionate rather than merely punitive response. This might be in circumstances where alternative life choices were so constrained as to be non-existent, where women had suffered extreme violence or extreme poverty or both, or had such horrendous childhoods that they had reached adulthood with few, if any, personal or social resources. Women with neither social capital nor the wherewithall to manufacture any as adults were the source of pity from those who felt themselves to have had better chances. In these cases help rather than further hinderance was demanded by a sense of what was right, fair, and most importantly what would help to effect change for the future.

Failing to find a link between crime and punishment or seeing other women around them who appear to be harshly treated, bolstered women's perception of prison as unfair and overly punitive. Few drew a dividing line between talking about their punishment and their crime. They called for punishment to make sense in some way, not just in relation to their crime, but to the circumstances of their crime and their lives, past, present and particularly future.

"There's a lot of things closed to me now. I couldn't go back and study (a professional qualification) because at the end of the day I wouldn't be allowed to practice. And I think to myself well what was the point of the punishment if I can't learn from it and say well OK I made a mistake, I'm going to learn from it and I'm going to do better. All the things that you perhaps aspire to, say right I'm going to get a secure job, all the secure jobs are out the window for you, you can't do them because you have

a criminal conviction. (laughs). And you think to yourself you make a mistake and you fall down and they hold you down because all the things that are worth standing up for, you can't do. It's mad. I laugh at the whole thing, because none of it is geared towards the betterment of society in general." (Sadie, black, two years/drug importation)

In the search for a purpose to punishment other than mere retribution women feared and often believed that they were more harshly treated by the courts than men in the same position. Having served an earlier medium-term prison sentence Lorraine was nearing the end of a three month sentence which followed a period of 'going straight' and training as a counsellor.

Interviewer *Three months seems like a harsh sentence for Driving Whilst Disqualified.*

Lorraine *"Yep, the courts are a lot harsher on women, they don't take into consideration, you know, children or, er what you've done, especially if you're an ex-prisoner, what you've done to er, you know, sort your life out. It takes time, especially when you've been in, you know, criminal activity for so many years but if that person has got the initiative, yeah and the enthusiasm to change her life or change his life they should be given the opportunities to do so and they should be given the chances, so when they do come back into court they should be given chances. That's all I was asking for, is one last chance, you know and I didn't get that chance and it's knocked me for six, it has knocked me for six."*
(Lorraine, black, three months/DDQ)

When women prisoners experience imprisonment as harsh, disproportionate to their offences, or as tariff-jumping, the whole endeavour of legitimate punishment is

undermined. For women who were accepting of the risks for themselves it was seeing other women who "*shouldn't be here*" which compounded the sense of injustice. Not everyone was taken by surprise at their punishment. Women like Clare who expected to live by the means of small-scale fraud and habitual shoplifting calculated and accepted certain risks.

Interviewer *Have you ever been involved with stuff like cheques?*

Clare. *I have before, that's what I got nicked for, cheques, but they've gotta prove that I, that they were from a burglary, which it won't go no further cause my prints or nothing, the law ain't got nothing to do with me so, but they've gotta send off to forensics see if they can prove (it), but there was three of us and they've all gone now, so ...*

Interviewer. *Because you can get long sentences for that sort of stuff, doing cheques and that.*

Clare. *Yeah I don't bother with that*

Interviewer *I suppose you don't know how it's going to change though, if you get a lot of short sentences whether in the end they'll put a long one on you.*

Clare. *Yeah, but it's like the judge has cleared everything now. I mean I got six months for shoplifting, three months for each and I've been waiting, I've got nothing outstanding. So I can go out and get a whole new record again (laughs). No I haven't got to come back to jail. (Clare, white, eleven months/fraud)*

Lower level risks such as defaulting on fines, failing to pay poll tax bills or buy a

television licence resulting in the use of imprisonment for women were a particular cause of anger and frustration at seeing the alleged pinnacle of the punishment tariff in use for such low-grade offences. Overall, judgements that the nature or circumstances of specific offences or individual women's circumstances were undeserving of *imprisonment* did not mean that the legitimacy of punishment as a principle was queried wholesale. However, the practice of punishment often was. The rationing of imprisonment according to the principle of 'just deserts' has failed to prevent sentencing anomalies. The principle of serving the public interest has failed to prevent the Crown Prosecution Service from pursuing petty offences or to deter prosecutors and sentencers from using imprisonment for petty, non-violent and first offences. The outcome is particularly evident in the female prison population who are "... generally young, criminally unsophisticated, and (who) were mainly in prison for property offences." (Morris et al, 1995:i)

Reforming punishment

The women's views did not then undermine the legitimacy of punishment in principle. They did not even call for greater leniency for women in general in relation to men committing the same crimes; nor for the abolition of imprisonment for women but rather supported the search for rationality, proportionality and a logical sentencing tariff. Fully aware that women *in toto* have a very different offence profile and a much lower range of offence seriousness to men it seemed that they rationalised that a sense of justice rather than leniency would be most effective in reducing the female

prison population in line with the principle of proportionality. Without this the whole endeavour would remain invalid in many women's eyes. What then are the principles by which punishment should be shaped? Proportionality and purposiveness are established as two underpinning themes. What of the classic theories of deterrence, retribution and rehabilitation? What happens when these are set against the women's accounts of their own needs and their judgements of the punishment merited by their offences and social situations?

"The thing about prison is, I think it should be punishment. I don't think it's punishment enough. I mean this definitely doesn't deter me from ever doing anything again, it's my own feelings about my, I physically couldn't ever walk into a bank or somewhere again but this doesn't deter me at all. I find the better life you have on the outside, the less this does bother you I think, I mean a lot of the junkies and people like that have a very bad time." (Lucy, white, three years/fraud)

A range of views emerged about the actual deterrent effect of punishment and its legitimacy as a principle. In the majority of cases the women represented the idea of prison as a deterrent in principle, not wanting to return, those who had been imprisoned before saying that they had tried to avoid returning, with success over a number of years in some cases. Others had found that a deterrent was insufficient in practice. Some of those like Lucy who passed their sentence relatively easily, keeping occupied, obtaining qualifications and having a philosophical outlook, felt undeterred as individuals by the experience of prison, and had evidently not found the risk of prison to be enough of a general deterrent to prevent the crime in the first place. The shame of being caught, charged and prosecuted through the courts was

sometimes represented as the more effective deterrent for the future. In other cases everyday life had been such that women could see no other way to live, unable to make changes through barriers of addiction or compulsion from others, usually men - either partners or acquaintances. For mothers the deterrent effect seemed stronger but again could not over-ride all the pressures of poverty, crisis, environment and criminal networks. A small minority of women described their criminal activity as habitual, as economically driven in the face of high risk of imprisonment by children's needs or by drug habits; whilst several had made a conscious decision to commit crime rather than take low-paid jobs or live within the poverty-limit of state benefits.

"It don't really bother me cause I know I can get money, and I know the way I can get it, if I go to jail it'll only be a couple of months which isn't too bad." (Clare, white, eleven months/fraud)

Those, like Clare, who represented their criminal activity as considered, as conscious, also described their reaction to the prospect of punishment as being a considered risk. In practice the theoretical deterrent effect must compete with other, more immediate, more intense pressures. In Charlie's case the risk of custodial punishment was the better of two evils as she hid class A drugs for an acquaintance rather than refuse or give evidence against him and face reprisals.

" It was my choice but I was scared of the person. At least I knew when I came out that I wouldn't be looking over my shoulder, he wouldn't be coming round with a shotgun when my kids were there." (Charlie, white, two and half years/supply drugs)

The classic penological claim that imprisonment is an effective tool in the attempt to reduce crime rates has been consistently undermined. Empirical evidence of growth in both criminal statistics and the size of the prison population has undermined the claim of a *general deterrent effect* by demonstrating that the two do not operate in inverse proportion to each other. This has been particularly the case with regard to the United States and the UK who have mirrored and buttressed each other's expansionist prison programmes. High rates of recidivism following imprisonment negate claims of *individual deterrent effects* (Home Office, 1999a).

Annie *"Well it's definitely not a deterrent, there must be other ways.*

Interviewer *Have you ever had any other..?*

Annie *Oh I've had probation but instead of giving me probation when I was young when I would have needed it they're giving me probation now and I'm, I'm too, I'm not having younger people than me telling me (what to do)" (Annie, white, six months/deception)*

The concept of retribution was shored up throughout the 1990s in Britain by the advent of Michael Howard's 'Prison Works' philosophy and most visibly enacted through the hasty repeal of sections of the 1991 Criminal Justice Act designed to restrict the use of custody to punishing violent and sexual offences and persistent recidivism. Victims and the public in general were to have the right to see those who offended against them serve custodial sentences - a position teetering on the edge of revenge where the offence does not in and of itself warrant imprisonment.

"So although as I say prison isn't the answer, I know society demands

it, because society wants to see people punished, that's why you had people hung and lynching mobs and things like that." (Lynn, white, eighteen months/fraud)

Retribution had generally been interpreted by the courts as retribution *through* imprisonment rather than any more positive sense of retribution in the form of reparation to victims or communities.

"Why we can't be given sentences where it's like a community service or something like that where we're still involved with being outside? With the outside world. We're so cut off in here, you know it really doesn't change anything. All you do is wait." (Kate, white, seven years/ supply/import drugs)

The majority of women accepted that they would be punished for their offences. Few had very radical views. Reparation was generally seen as a legitimate, more positive and civilised aim of punishment; one which contributed to the wider project of supporting communal resources and social capital. Whilst the idea of 'giving something back', atonement has recently been revived it was highly unpopular over the previous decade when only imprisonment was judged to form real and adequate punishment.

Related incapacitacionist arguments estimate the benefit to the community of the projected criminal activity prevented during the incarceration of recidivist individuals. Such 'Cost-Benefit' analyses which posed prison as more cost-effective and more 'real' than community sentences gained ground during the mid to late 1990s. Developed

in the US and applied in the UK particularly in relation to the small, hard-core of recidivist male juveniles these were popular with police frustrated in their attempts to prevent single person crime waves on sink estates. However, they bore a very real outcome for adult women, whether in court for first offences, petty offences, non-violent offences as they continued to be swept along by the expansive sentencing patterns set up elsewhere in the Criminal Justice System.

Interviewer *Did they not consider anything but custody?*

Lorraine *No, no, probation did, probation considered a probation order combined with community service, but it wasn't taken seriously.*

Interviewer *Did the judge say why?*

Lorraine *Just that it wasn't sufficient.*

Interviewer *Had you ever had anything like that before?, like probation?*

Lorraine *I never had probation, no, I had community service for the first Driving Whilst Disqualified I got community service for (that), because I actually got found guilty on that, I went not guilty. No I never had probation. (Lorraine, black, three months/DDQ)*

There is the undoubted sense that with a range of punishment options available, there should be a proportionality as well as some sense of progression with imprisonment being held in reserve, if not quite the option of last resort. The intervention of professionals combined with unacceptable structural problems in the provision of the

full sentence tariff, particularly the lack of women-only community sentencing options (Home Office 1999b) helps to explain some anomalous outcomes. For a first offence of fraud Janet received a nine month prison sentence.

"In his report (he said) probation was not what I needed, I don't need probation I'm a (professional person) so I'm not going to need the help of a probation officer...so they couldn't put me down for probation really so that went against me in a sense. My health worked against me for community work, because my doctor didn't feel, she didn't know anything about what community work entailed and she just put I was in no condition to do (it) due to my high blood pressure and everything else, cause like my health deteriorated because of the case, the stress and that, not knowing what would happen and everyone saying no way that won't happen, you'll never get a custodial sentence and here I am."
(Janet, black, nine months/civil offence)

Feelings of injustice derive from the perception that women are being denied access to some of the available community sentencing options. Assumptions that women will not be able to juggle childcare and community service and the bias in schemes towards 'male' activities prevent women from properly accessing the range of community sentences (Home Office 1999b). The presence of even a few women serving short, socially meaningless prison sentences for civil offences or first, petty criminal offences means that the notion of purpose or legitimacy is further undermined and resentment grows.

A minority of women's lives outside prison had been so problematic that rather than being a deterrent the criminal justice system had actually turned out to provide a better

prospect of gaining help or access to services, a listening ear, via the throughcare of the probation services and the counselling available through the psychological services. In the most desperate cases, imprisonment provided greater relative security, safety and a better chance of three meals a day than circumstances before prison. Is another of the classic discourses of penalty rehabilitation is viewed as the re-fitting of an individual to the common norms of society. In contrast, the bottom-up, grassroots approach would seem to view rehabilitation as *help*. For some women in the context of desperate personal circumstances,

"I haven't had as much support as I should and in fact I'm no better off now than I was outside. Everything I've done I've had to do myself. I've brought the kids up on my own. The council, I've been fighting since 1986 (to get housed, following domestic violence), still no result, erm, jobwise I've had to try and fight to get just even a little part-time job. Since my mum died I've not had a counsellor to sit and talk with, no-one's ever told me how to go about having one." (Carmen, black, two years/import drugs)

Women with drug or alcohol addictions generally recognised these as the source and fuel for their criminal activities and wanted some degree of help whilst acknowledging that it was impossible for change to be forced upon them. To draw upon one woman's case in some detail, Alison was in her early twenties. After an abusive childhood, teenage years spent in the care of the local authority, inadequate support on leaving care and having her own baby being taken into care against her will she was unsurprisingly set on the road to adulthood with deep-seated personal problems and little positive social support. She had an alcohol addiction and worked as a prostitute, she had a criminal record for shoplifting and previous violent attacks and had received a five year sentence for a very serious assault on another woman with a weapon.

Interviewer *"You said prison is for punishment, do you think this is what you needed, would something else have given you more help?"*

Alison *"I don't know because I've never had help off anything else, this is the first thing, you know, where I've had help, so I wouldn't know about other things."* (Alison, white, five years/GBH)

Outside prison she had been unable to address change, unwilling to stop drinking, despite encouragement from friends who had feared the eventual outcome of her violence when drunk. Her view of prison as a source of help as well as punishment was bolstered in court,

"The psychiatrist and the judge said that I've got to have psychiatric treatment, he said to try and keep me in here now because I've got to receive help. I said I know that I can't cope (with moving prisons) because one of my problems has been being moved around you know. You know I build up confidence in you and then I'm moved to another prison and then I've got to start again. And it's not going to help me you see." (Alison, white, five years/GBH)

However, to interpret imprisonment as the only site and source of help is a dangerous and unrealistic approach. The magnitude and nature of women prisoner's problems only serves to underline this (cf. Morris et al 1995). Most but not all women with drug or alcohol addictions portrayed their addiction as a response to intolerable situations of personal violence or abuse in their past or present lives. Change or reflection in prison takes place away from these pressures. Returning to the same conditions or

their aftermath after prison reduced the likelihood of maintaining change. Several, including Alison described the enforced halt in their lifestyle, the time to reflect in prison or make contact with the psychology services as helping them to make connections between the ways they thought about themselves and behaviour which they knew to be deeply self-destructive. Others were hoping to receive help through the penal system in the form of community-based sentences; an opportunity for time, a structure and a degree of compulsion to address their addiction. Some were unrealistic about such sentencing, investing the responsibility for change in others. Mandy thought that she would be incapacitated from shoplifting by a day-centre order,

"I shouldn't have got another prison sentence, I've done prison sentences before and they ain't done me no good. I've gone straight back out and done the same thing. I should have got that day centre because it would have helped me a lot more. I would have got a lot more out of it as well because I need to sort me head out, d'you know what I mean." (Mandy, white, four months/theft)

Mandy argued that if she was unable to steal the goods to sell to buy drugs, then her problem would be solved. In part she was reacting against the failure of earlier prison sentences to effect change in her life. She wanted compulsory drug counselling built into her sentence, she had not approached drug agencies in her own right. Others like Alison recognised that wider issues needed to be addressed: getting out of violent relationships which fuelled addiction; changing friends, environments and social contacts. Debra's prison sentence scuppered her hopes of receiving a day-centre attendance order to continue the process of self-examination she had begun on remand. In her view a positive purpose would have been served by further help which

seemed unforthcoming and hard to access in her everyday life, *"there should be more places where women can go and talk. They always seem to be so far apart those places. A lot of women can't, can't afford to travel"*. Having sunk so low and begun in prison to explore the reasons for her repeated entrapment in violent relationships and addiction she wanted to continue the process, to have someone to talk to, for punishment to have a purpose and to invest in her's and her children's futures. *"I really do want to change. I can't say I'll ever be free of the drugs, but I don't want to be addicted. I won't inject again."* In this she had reached the point where she was willing to address change through harm reduction strategies rather than abstinence - the basis of much community-based drug work. In many senses this may be more realistic given the environments and pressures women face on release, but it is an approach which does not fit with the drug-free requirement of prison based programmes in response to the overt stress on security and prisoner management.

Most prisons, with home leave, temporary release, visiting by outside agencies and work programmes can hardly be described as total institutions, although individual regimes may have a totalising and exclusionary effect. Nevertheless prison represents a point of rupture. As such prisons are limited in their ability under even the most progressive regime to respond to many of the requirements of a humane and purposive penalty, to procuring effective and enduring change. In this case is prison ever to be justified as a form of punishment, how is it to be delivered and in what penal and social context?

Punishment with a purpose: Legitimacy and proportionality

The idea that punishment should contribute to the 'betterment of society' is a perennial one. Interest in the precise calculation of its applications has Benthamite (1789) origins. Analysis of the links between rights and responsibilities under democracy, between the individual and community has its roots in Rousseau's 'Of the Social Contract' of 1762 (1984, trans. Sherover), developed further in the contrasting approaches to community solidarity of Tönnies (1955) "*Gemeinschaft und Gesellschaft*" and Durkheim's (1900) subsequent examination of the role of punishment in securing compliance with and punishing infractions of societal norms. Penal philosophy requires that we ask to what extent, if any, punishment should be about the future, not just in the sense of deterrence but in terms of damage limitation and even positive outcome. Feminist criminology, for the most part, has sought to demonstrate a continuum between the social control and coercion of women in wider society and the concentration of power that lies within the prison (see for example Cain, 1990; Howe, 1990, 1994; Eaton, 1993).

In an exception to the trend, Carlen has berated this argument as "peripheralizing the study of 'prison as punishment'." (1994:136). Yet when asked about their lives in general the women in this study portrayed their offences in the context of the social antecedents to crime, moving seamlessly between discussion of their lives, their criminal activities and their punishment. Their accounts vary, some see imprisonment as 'not so bad' relative to other experiences, others as the worst experience of their lives. Unsurprisingly there was no consistent resort to this 'continuum' versus

'rupture'debate on imprisonment (see Chapter Nine) yet demand for the principle of a rational and just penalty was not abandoned. The majority saw some place for imprisonment within the system of punishment - but only as a measure of last resort, in the face of consistent recidivism, or when there was little to mitigate the choice of crime as a career, or in response to serious, violent offences and then only when conditions were humane, just and aimed at positive outcomes rather than solely punitive affect.

Despite the high proportion of women passing through the prison system each year on very short sentences there are women, like Alison above, and Kate, serving long sentences of four years and above for undeniably serious offences of violence, large-scale drug dealing, importation of hard drugs or serious violent offences not defensible as self-defence or provocation through domestic violence. Whilst still a minority, this group of long-sentenced women is growing and accumulates within the system, within individual establishments. Arguably they constitute a sub-section of the population with different needs, remaining relatively static for months at a time as the other larger number of short-sentenced women form a constant flow passing in, through and out again around them. Carlen (1998) has argued for virtual abolition to a single establishment in England and Wales for around one hundred women meaning abandonment of imprisonment as a valid option in the punishment continuum in all but the most "heinous" circumstances. This establishes a precedent for women to be treated differently, to be further essentialised. Denial that women commit serious and violent crimes, that women can be recidivists, career-criminals, that not all women are hapless victims, and can act with agency is problematic as a route forward. Whilst the

circumstances of a young woman like Alison's life undeniably explain her route to a five year sentence, they neither remove the fact of victimhood from the woman she assaulted with a weapon, nor the seriousness of her actions. In essence it is far too late to halt the process which brought a young woman like Alison into prison, but not too late to help her make changes for the future. Both Carlen's (1998) latest work and Devlin's (1998) account of her tour of women's prisons are focused upon the day to day experience of being in prison. Whilst accepting that we should not be distracted away from the overly punitive nature of daily life in prison for women neither should we reify it as the locus of all evil in the lives of Britain's poorest women. Neither will we find the solution within the walls no matter how hard we try, nor in the denial of some women's active involvement in and choice of criminal ways of life which a civil society has the right to refuse and sanction.

The late 1980s and 1990s have seen increasing pressure for community-based disposals to be demonstrably punitive, a macho-pressure to match imprisonment measure for measure through the increased restrictions upon freedom of movement of curfew orders and experiments in tagging, and increasingly complex and invasive sentencing through combined orders and orders which involve an element of treatment (Worrall, 1997). The women who took part in this study were concerned that judicial attitudes excluded them from certain community-based sentencing options. Although there are now studies of women's involvement in community sentencing options (HM Inspectorate of Probation, 1996) there has yet to be a comprehensive review of women's experiences of punishment in the community. There is justifiable concern that women may either be escalated up tariff by receipt of the more serious

community-based sentencing options or excluded from the range of community sentences as these may increasingly be judged unsuitable for women who continue as partners, wives and mothers outside prison where in sentencers' eyes these softening roles may be temporarily shed for the period of imprisonment.

For Worrall, as for Lacey (1988), the double edge of community is that it has exclusionary powers which may be enacted against anyone who fails to subscribe to majority values, and majority values may be oppressive in character. In relation to crime there are "two clear sides" (1997:58), with ".. nothing in the appeal to community which offers any fundamental criticism of oppressive traditional sexual divisions of labour or social practices of racial intolerance and exclusion. Club membership is not equally available to all, despite the powerful rhetoric to the contrary" (Worrall, 1997:48). The view of community at the moment then is that there is no way back into societal acceptance once the boundaries have been transgressed. The impermeability of that boundary is what affirms community. Boundaries function for that purpose (Young, 1996). The notion of shaming in the work of Braithwaite (1989) relies upon the offender having somewhere to return, having once been included. The now well-rehearsed spectre of children progressing from the system of local-authority care to adult imprisonment, and from the juvenile to adult courts leaves some outside that potentially rehabilitative framework; citizens who have reached adulthood outside of acceptable norms of social inclusion.

Conclusion

The delivery of penal sentences, particularly sentences of imprisonment to standards which do not undermine any positive, purposive aspects of an integrated system of punishment is perhaps a gold standard but one which the women in this study argued to be their right. The accounts set out here convey their vision of what punishment could and should strive to be: purposive and positive, associated with routes away from crime, yet realist, justifiable and justified, cognisant of the context of criminal activity. Their perceptions of the penal system in which they are embroiled accord with the contemporary, social analyses (Garland, 1990; Howe, 1994) that beneath the stated aims of punishment, the classical, rational notions of retribution, just deserts and rehabilitation lie other, power-riven and social-control oriented agenda. However the women have also drawn upon these classical ideas to discuss what they need or deserve from punishment, refusing the nihilist vision of penality which might derive from a postmodern approach and demanding a coherent and progressive penal policy.

As important in this dual process - developing an adequate penalty for women and maintaining scrutiny of, and action upon, the processes of punishment - is to ask, which of these are the most important, which strategies and responses are the most appropriate, the least harmful and harmful for whom, for the citizen who is to be punished, for communities, for society?

CHAPTER EIGHT

POLICY AND REGIME OVERVIEW

Introduction

"Overcrowding meant that some women spent their first night at Risley - for some their first night in gaol - in the segregation unit. Constructive activities were lacking." (The Howard League, Editorial, 1996:179)

The recent period of exponential growth in the women's prison population has brought overcrowding and the collapse of positive and purposive regimes. During the 1990s practice if not policy shifted rapidly away from the broad recommendations of the Woolf report which prompted this study and the early 90s ethos of reduced custodial sentencing and diversion from prison enshrined in the 1991 Criminal Justice Act. At Low Newton in late 1996 the Chief Inspector found a population of 57 women doubled up in single cell accommodation designed for 36, only a third of whom were sentenced, *"the vast majority in default of fines or serving other sentences of less than twelve months"* (Home Office, 1997b: para. 4). The women spent nearly all of their day locked up in the overcrowded living accommodation as a result of the breakdown in regime activities caused by too low a ratio of staff to inmates, and the use of staff to escort prisoners to and from court and other establishments. The male remand centre on the same site refused to release their staff to alleviate the pressure. In these circumstances this study looked to be of relevance only to a deepening understanding of the structural and personal factors affecting the lives of women prisoners. The

response in 1994 to my questions about prison regimes gave cause for concern at what proved to be the start of a nadir for several institutions within the women's penal system. In the period which followed, the parlous condition of Holloway prison prompted a despairing Chief Inspector of Prisons to refuse an inspection and to lead his team out of the prison in protest at the conditions they found there (Home Office 1997a). The Inspectorate ordered a thematic review of the nature and organisation of women's imprisonment (HM Inspectorate of Prisons, 1997) whose report and recommendations resulted in the establishment of a Women's Policy Group (WPG) whose functions were strengthened and enlarged within the Regimes Directorate established in 1998 (HM Prison Service 1999).

The shifting climate of penal policy since the mid-1990s has meant that major reformulation of the female prison system in the context of a reduced prison population was effectively mothballed. In place of the principle enshrined in the 1991 Criminal Justice Act of reserving custody for serious offences, and recidivists whose criminal careers escalate in seriousness (Pike, 1993), came, for the duration of the Howard years and beyond, a policy stance of 'Prison Works'. An overtly punitive form of retribution was adopted. Incapacitation through imprisonment reached the agenda in practice. Sentencers responded with a general increase in the use of imprisonment for both women and men, with a faster rate of increased custodial sentencing for women (Home Office, 1999b; HM Prison Service, 1999). The number of women serving longer sentences has also increased (Hedderman and Gelsthorpe, 1997) and therefore possibilities for reform receded during the mid-1990s. A degree of change continued at an operational level through the piecemeal clustering of facilities, with the

removal of women from some establishments (Risley and Pucklechurch) and the creation of additional units for women prisoners on male prison sites for areas which previously lacked a female establishment (for example Winchester). Most commentators on women's imprisonment raise concerns about the safety and adequacy of sex-mixed regimes for women (NACRO, 1991; Tchaikovsky, 1991; Hayman, 1996). Co-incidentally one of the new establishments was located in an area where some of the women in this study had expressed a need for a women's prison to facilitate contact with family, and with local educational, employment and housing agencies as they approached release.¹ Hayman (1996) included an analysis of the success and approach of Winchester in her consideration of community prison policy.

This chapter addresses how best women's imprisonment should be organised; whether and how regimes should respond to the evidence that women experience prison in different ways and with differing levels of punitive affect? Earlier explorations of social factors, family ties and support networks are set against a consideration of prison regimes, the relevance and implications of a community prison network and the increasing diversity of women's experiences of family and community. At the heart of the issue is whether or not women prisoners are to be viewed in an essentialist way, or in their diversity; whether they are to be defined as prisoners or as women.

Full Circle: Community Ties Rejoin the Agenda

It now looks as though penal policy may come full circle, the Prison Inspectorate's

¹One even suggested the very unit, an ex-YOI which has now been converted for women's use.

thematic review redirected attention at the question of the special nature of the female estate, at management of the estate, deployment of women prisoners, further underlining the relevance of family and community ties and support for women prisoners (HM Prison Inspectorate, 1997). The issue of how best to accommodate women prisoners re-joined the active policy agenda at a time when the pressure of over-crowding looked to be overwhelming an increasing number of women's establishments, some of them such as Low Newton and Risley the very ones already operating mixed-sex sites. Women in this study expressed fears that access to facilities, protection from harassment and security would be compromised in a mixed model. Certainly there are justifiable concerns that sex-mixing produces increased security levels to guarantee the safety of women who do not otherwise merit secure conditions. Safety, and loss of appropriate regimes for women, in deference to the greater numbers of men in a mixed system, continue to be major concerns. However, greater mixing of the two holds the potential for siting those women for whom external support is available and relevant closer to home. The women's reactions to the prospect of further integration are explored below.

"A women's prison's a women's prison."

"...I don't think they should mix the men and women in the same prison where they can actually see each other. It depends what you're in for, because you can get a lot of problems in prison (compared) to what is out of prison, and prison's the only place you can't escape from... a man and woman on the same (charge), I mean it's bad enough a woman and a woman, especially if it's co-defendants and stuff." (Carmen, black, two years/drug importation)

Given the wide and thin dispersal of female establishments, the independent proposals by Woolf to strengthen family ties raised the prospect of further integration of the male and female prison systems. In Canada's only federal prison some women indicated that they would choose to be in a sex-mixed prison rather than be held up to a thousand miles from their external support networks (Shaw, M., 1992) and in this study some of the women complained about the impact of the relatively small distances from home that arise in the English system. Hayman (1996) compared the regimes of two English prisons with one Dutch penitentiary. In each case the women were held in a separate part of the prison from male prisoners but must share some facilities to greater or lesser degree. Consideration of the potential dangers of sex-mixing was strengthened when the Home Office echoed the idea that women prisoners should form one of the groups to be held as near to home as possible and that greater integration would be an expedient way to house a minority of the total population.

By 1992 two studies had addressed the community prison issue finding that women's preferred regime improvements included better education, more pay for work, being nearer home and the option for conjugal visits (Dodd and Hunter, 1992) with 'being near to home' the most preferred choice in another study (Blud et al, 1993). Access to extended visits was also a priority. The issue of community prisons for women has always raised the separate but parallel issue of sex-mixed prisons. The general consensus being that economies of scale are impossible in small units for women unless they are attached or merged with male units or prisons. Therefore sub-dividing the current female estate into smaller and more numerous units to bring women closer

to home is not generally considered a viable option unless increased costs are offset or a way is found to bring female prisoners closer to home without having to open new units at all. A third of the women questioned by Blud et al (1993) had a "distinctive least preference for contact with male prisoners" yet in 1992 some shared-siting of male and female prisoners was already practised within the system. At that time women were held in the high security Durham H Wing sited within the male prison and in separate wings at Risley and Low Newton remand centres.² Safety, security and privacy were high priorities in the women's thinking about the impact of sex-mixing.

"All the problems in my mind are, there could be rapists in there and whatever, and men serving a long sentence that haven't had sex for years, and I might be attacked. So that is a concern but you know, if I was segregated..." (Shirley, white, two years/supply drugs)

With the high level of previous physical and sexual violence reported by women prisoners (Posen, 1988; Morris et al, 1995) fear of abuse holds particular resonance for a considerable proportion of female prisoners. Some of the women's impressions of sex-mixing were formed from hearsay about institutions where women and men are held on the same site - principally Durham H wing.

"It (would be) a prison within a prison for women just like Durham. You're segregated all the time, you can't move freely, they walk with you all the time, you've got everything in that one wing. I've seen people come back from Durham and they just, they're not with it at all... Risley's

²Women were hurriedly removed from Pucklechurch Remand Centre when their safety could no longer be guaranteed as male prisoners rioted in the parallel male unit during the disturbances of 1990.

the same isn't it?" (Clare, white, eleven months/fraud)

"They've got them like cattle in Durham. They're all boxed in, one on top of the other, apparently they're having a really hard time with men slopping out through the windows, things like that." (Sadie, black, two years/import drugs)

"...they (the male prisoners) wank in the food, and what they do out the windows ain't nobody's business. They think we're (women serving life) all nonces up there." (Sam, white, life/murder, talking about Durham)

Based on hearsay or not, women raised valid issues of concern, that women in a minority in an institution or considered a lower priority would be subject to further layers of restriction, that male prisoners would (be encouraged to) hate and despise them, to see them as legitimate targets for verbal abuse and would experience chronic high-level harassment, that food prepared for them by men would be defiled, that women serving long-sentences would (and do) suffer psychological damage through long-term confinement in unwarranted high-security conditions. A principle thread of the Woolf report was that, "...the Prison Service must set security, control and justice at the right level"(Woolf and Tumim, 1991:para 1.148),

As the majority of female prisoners pose no discernible risk to the public, and rarely commit the type of violent or sexual offences that the 1991 Criminal Justice Act recommended punishable by imprisonment, there are increasing grounds for the scaling down of the female prison enterprise (NACRO,1991). The call for abolition, either in total or to a much reduced and remodelled system is common in the

academic and campaigning literature around women's imprisonment (Van Swaaningen,1989; NACRO,1991; O' Dwyer et al,1987; Carlen,1990a; 1998).

Regime-deprivation was another concern for many women. A 'regime' is taken here to mean more than just the need for the prison to process people through the everyday requirements of meals, association with other prisoners and lockup for the purposes of the staff requirements and security. For a prison to claim that they are operating a regime necessitates the provision of activities over and above this basic warehousing of prisoners. To a large extent regimes are concerned with the daily routine of feeding, clothing inmates and servicing and maintaining the prison itself. These are all inward-looking activities. Educational or leisure activities are the first to suffer when problems of security, staffing or staff morale become problematic. The 'housekeeping' activities, supportive of the running of the prison "must" continue. When we begin to think about regimes in relation to the purpose of imprisonment as a prelude to thinking about punishment there are two key areas to be considered: regimes as they impact upon life inside prisons; and as they impact upon the life that women prisoners have led and will lead again outside prison. Those who had already experienced the difficulties of maintaining a differentiated regime in a large, arguably, multi-functional women's prison saw potential problems in adding gender segregation on top.

"I mean if you did mix the two, things like going to exercise, going to work, all that would have to be separated wouldn't it. It would be quite complicated. I mean you saw what happened today because they were short-staffed. Everybody was locked in." (Jasinder, asian, two years/fraud)

Women feared that the difficulty of getting on with a long sentence would be made even harder by continual hassle, by fear and unnecessary daily reminders of life on the outside,

"You can imagine, we'd be able see them out the windows. They'd all be shouting, there'd be all the abuse and women don't need that. It gets you thinking about your own on the outside and you can't do that, especially if you're doing a long time. You have to cut yourself off, forget all that." (Sam, white, life/murder)

The Special Hospital sector represents a different setting from that of prisons but there are clear parallels in many of the issues to do with mixing men and women in a secure setting: harassment; inadequate regimes; access to facilities.³ In the two Special Hospitals with mixed wards, Women in Special Hospitals (WISH) argue that moving onto these wards is perceived as progress for the women; an opportunity to measure their ability to cope with a 'normal' environment. Yet the normality of that environment must be questioned, the men held in Special Hospitals are unrepresentative of wider society, a high proportion having convictions for violent and sexual crimes against women. Although women may return to a one on one situation of living with a man whose behaviour is violent and sexually violent towards her, the conditions on a mixed ward in a Special Hospital cannot be likened to normal life. Growing numbers of women released via the Regional Secure Units (RSU), all of which are sex-mixed also experience a sex-mixed regime with only one or two women

³Women are always in a minority on mixed wards in two of the three Special Hospitals in England and regularly report harassment and lack of privacy to the support and campaigning group Women in Special Hospitals (WISH), who work on behalf of women held in the Special Hospital and Regional Secure Unit sector of the mental health system.

in some RSUs. WISH fear that women who fail this litmus test and request transfer back onto a single-sex ward or back into hospital are judged unlikely to cope in 'more normal' circumstances, that is, in the outside world.

In the prison system, as a worst-case scenario, opponents of the practice of sex-mixing fear that women's safety cannot be guaranteed, as at Pucklechurch in 1990 and that women may be used as tools in the men's therapy - to acclimatise men to being with women and to allow their ability to regulate behaviour towards women to be observed prior to release. WISH found that the agreed policy to limit the number of men with violent crimes against women held on the mixed-sex wards had been breached. There is good reason to fear that such experiments might appear within the prison system. Hayman (1996) provided evidence of Prison Service willingness to house women in shared site facilities with a high concentration of male sex offenders at Risley. The only rationale appearing to be that male sex offenders as 'vulnerable' prisoners in the wider system required a critical mass to be guaranteed safety and an adequate regime. Such lapses of concern for women signal deference to the needs of the male system and underline the need for absolute vigilance from external agencies on behalf of women prisoners. Whilst Hayman (1996) supports the maintenance of separate regimes for women; in the case of Winchester she describes how the siting of women in a small unit adjacent to a male prison had provided some economies of scale through clustering different regimes on the same site without compromising the women's safety as women.

Most of the women in this study did not mind the idea of being offered the *choice* of

a safe placement in closer proximity to men, but nearly all raised the issue of those women who could not cope, and had fears about implementation. Most resented the notion of an *imposed* proximity to men.

"Some women don't like being around men, some women couldn't handle it. I mean if you had the choice, if you could turn down a place there I think it sounds like a really good idea. I mean it's like, it sometimes gets really annoying being surrounded by women all the time." (Lucy, white, three years/fraud)

The issue is whether safety could ever be guaranteed and of course whether 'choices' exercised under such skewed and constrained conditions are really choices at all, are reversible so that women asking to be relocated back into women's prisons could do so without jeopardising their chance of parole, enhanced regimes, regime opportunity or temporary release. In this study women feared that regimes would be tailored to the men, that women would service the prison whilst men were given the higher paid jobs and more meaningful educational, training and working opportunities and as at present that the maintenance of the prison would set the agenda,

"I think we'll just turn into housekeepers for the men. I really do. I just think that we will get all the typical female jobs, the cooking and the cleaning and the whatever and the men will go out to work, or the men will do real work jobs and then they'll come home and you know it will be just like, even though they're not actually sleeping together, the women will be doing everything else. They'll be doing the cooking, they'll be doing the laundry, they'll be doing the home work. And it'll get a message to them, because what'll happen to their education. I really

see it as ten steps back for women, community jails." (Harriet, white, life/murder)

Here we see the fears that women serving long sentences might, under the pressure of running a differentiated regime, lose the limited educational and training opportunities now available to them. Avoiding this poses a challenge at both the level of organisation and operation.

Models of imprisonment: The housing of a minority

A successful, progressive model of female imprisonment is an elusive thing. Hayman (1996) has described elements of the Dutch penitentiary system as coming close to this ideal by comparison with the British system where early attempts at a community prison system for women consisted of the creation of a new dedicated female unit within an existing male prison in England. This added to the existing establishments of the female estate where male and female prisoners were already held separately but in close proximity. This is of course only one possible interpretation of how a community prison system for women might look. Alternatives proposed to the current⁴ British arrangement of women's prisons have included: small, community based units utilising a higher-security hostel model (Heidensohn, 1987; NACRO, 1991); abolition (Van Swaaningen, 1989) or virtual abolition to around 100 women housed in one multi-functional female-only prison (Carlen, 1990a, 1998) and small women-only units independent of the male system, retaining the function of prison rather than hostel

⁴Or twelve plus several units where women are housed in a small unit on the site of a predominantly male prison as at 1999.

(Hayman 1996). O'Dwyer et al (1987) favour one central unit with improved facilities to hold the whole of a much reduced female prison population. This option of a large multi-functional model was also proposed by the pressure group Women In Prison (WIP) in their response to Home Office (1992a) consultation about the proposed Community Prison model.

Chapter Three demonstrated that at the time of the profile in autumn 1993 a significant group of women were serving long sentences (four years plus including life). Since that time the number of women serving long sentences has continued to rise (Home Office 1998). These are women who would arguably benefit from the enhanced facilities which could be provided at a large multi-functional prison for women. The pressure group Women in Prison has called for such a model to be in an urban location and to utilise frequent home leave rather than expecting women's support networks to interpenetrate the prison. Greater use of temporary release would facilitate opportunities for education, training and rehabilitation outside prison, in 'real-life' settings. Whilst this certainly has its attractions, not least the prospect of enhanced regimes, Holloway - the one establishment at present serving a truly mixed population and multi-functional purpose, trying to accommodate each and every category of woman prisoner - has comprehensively failed to maximise its potential, in so-doing it has had a far greater punitive effect on the many women whose needs it has failed (Home Office 1997a). Women serving long sentences in this study communicated the distinctiveness of their situation and their need for a stable and purposive regime not disrupted by the constant change of remand prisoners and short-sentenced women. Some found the expectation that they would partake of the regime opportunities and

reveal themselves to all and sundry to be intolerable in a diversely populated prison,

"I'd do the (drug counselling) course if it was one to one but it's all bed and breakfast (short-sentenced prisoners) down there. I ain't going down there to talk my business, my drugs and that for all the bed and breakfast lot to go out and be blabbing it round the street and then back in here. Some of them are in and out that often they've probably done longer than me if you tot it all up and I'm doing life." (Sam, white, in early stages of a life sentence for murder)

With little or no opportunity to establish the necessary safe, confidential context and ground-rules of a therapeutic or self-help group some of those most desperate for help were unwilling to accept it in the presence of women not facing the seriousness of a long or life sentence. A degree of commitment to the group, to other women serving long sentences was required. Here the construction of a group had not worked. Sam, facing many years in prison had needs which were at odds with those of the stream of short-sentenced women passing around her on their way through the prison system.

In addition, those serving life sentences in this study found the idea of serving the whole sentence in one prison to be an intolerable idea, akin to stagnation, providing no sense of progression towards release. An alternative would be a unit based approach. Reducing the size and increasing the number of current establishments without going as far as the small family style units derided in recent criminological literature (Howe, 1994), could add flexibility to the current estate and enable long-sentenced women to move through two, three or four such units, providing a sense of progression through the different phases of a long sentence, with the option of a

local unit to be guaranteed for the closing phases of a sentence.

Punishing women: Women as essential women, 'prisoners' or 'women prisoners'

On a theoretical level, Lacey's work on common goals and values may paradoxically offer a route to theorise the incorporation of diversity. In her search for a legitimate basis for state punishment Lacey (1988) considers the necessary checks and balances on the amount of state intervention necessary to safeguard individual's freedoms. She turns to the issue of common goals,

"..it will sometimes be the case that a fuller adoption of common goals and values will straightforwardly detract from the amount of freedom individuals and groups have to pursue different goals and forms of life - but that is not necessarily the case. For often, a common commitment to providing a certain level of goods and services in the context of health, education and welfare, or facilities or subsidies for the arts and sports, will increase the opportunity for diversity and development at the personal level. Once again we should be suspicious of the collective/individual, public/private dichotomies which our thinking has inherited from classical, liberal thought." (1988:174)

Could it be the case that prison is one arena where women are actually better able to express their diversity and have their specific needs met within a commonality, within the "certain level of goods and services" mentioned by Lacey? Or, to place a more circumscribed interpretation on the principle, is there a minimum level of common provision which must be freely available to all before individuals are able to express choice? This draws upon Marshall's (1981) notion of social citizenship, that

a minimum level of welfare provision is necessary before individuals are able to participate within society to a level which constitutes social citizenship. Within the context of the limited rights and constrained responsibilities of those who are imprisoned, this could be seen as the issue of individualism versus communitarianism writ close within the confines of the prison.

Even if it is the boundaries of identity politics: gender; 'race'; class, which most structure women's experiences; are specialised regimes tailored towards identity-groups the most appropriate response? The ultimate small unit which could bring seemingly like-minded women together is the house system. When, as at Cornton Vale, the enforced proximity reinforces the narrowest nuclear family-based definition of femininity this holds the potential to be the most oppressive model of all (Carlen,1983; Genders and Player,1987; Howe,1994) and is failing in Canada to deliver the planned empowerment model of female imprisonment (Shaw, 1999). The opposite response would be to argue that it is the fact, the extended moment of imprisonment which must be addressed and to look at what women need during the time that they are prisoners, not what they need as women, as black women, as working class women, as lesbian women. The response of black women, working-class women and lesbian women to just such a universalising approach in second-wave feminist theory and action cautions a considered response (Lorde, 1984) yet it seems necessary to ask whether the situation of imprisonment is sufficiently 'special' to justify a different response from a different philosophical basis? If so, should this be premised on the evidence that women prisoners have different needs and form a very different population to the male prison population?

As an example of an essentialist approach to women prisoners the Inspectorate report on Low Newton (Home Office, 1997b) called for the training of a dedicated staff cohort for work in the female prison system. Most radical suggestions for reform within the female prison estate have the potential to be Janus-faced. If a gender-sensitive staff cohort understood and were better equipped to respond to women prisoners' needs, then this would appear a sensible, even vital development, albeit one which furthers the view of prison as an appropriate site for dealing with externally-generated needs. Yet if women's needs are narrowly or ill-defined from an essentialist view of women prisoners, if women are further stigmatised and entrapped within a limiting model of femininity - assumed to be domestically located, emotionally and psychologically needy and to have few inherent strengths - then the outcome could be equally as disastrous as the ill-conceived experiment with the new psychiatric model of Holloway in the 1970s. The missing aspects of this focus on staff-prisoner interaction are the broader, structural situation faced by women and the impact of the physical organisation and distribution of women prisoners.

Lacey (1988) calls her vision "a common commitment to providing a certain level of goods and services". Is it possible to provide this "certain level" within the confines of prison. What would be the necessary preconditions? A large prison and diverse regime with activities aimed at the different sub-groups of women prisoners is one option. Taking most women out of the system is another. Between these two lie other options. These are explored through a further consideration of diversity: through opening up the issue of universalism versus difference, and the potential for alternatives to this binary and divisive model to be developed (Lister 1997).

This study began as a consideration of whether or not any of the proposed models of a community prison system for women were likely to work, to sit well with the realities of life; that is, reality inside prison and, more importantly, outside prison. To reiterate a key point from the introduction, most women serve short sentences and although this research is concerned with women *prisoners*, they are only women who are at that time imprisoned. Virtually all women who are at any one time in prison will have spent and will spend most of their lives outside of the prison and therefore to react to them only as prisoners or as prisoners whose needs must somehow be met in the duration of a short prison sentence is unrealistic in the extreme. This has two outcomes. The first - that there is a need on some levels to disaggregate women prisoners, perhaps not along the lines of identity politics, but more along the lines of sentence length - a notion rejected by Carlen and Tchaikovsky over the course of their campaigning careers on the grounds that most women currently being imprisoned should not be in prison at all. Therefore, the argument goes, with those women removed we will be left with a rump of around 100 women convicted or accused of unusually "heinous" crimes (Carlen 1998). I will go in the next chapter to argue that this over-simplifies the women's prison population to an unhelpful degree, removing notions of agency and over-homogenising women's criminal activity.

Universalism versus specialism in regime design

The issue of prisoner choice and responsibility within prisons is a troubled one. For Sim (1994) the concept of responsibility of necessity implies that the prisoner is free-floating, unconstrained by the extant system with its inequalities and power relations

when the opposite is largely the case. Here I will consider in the light of the data set out throughout the study how best to cater for women prisoners' diversity through regime provision. Larger prisons are assumed to afford better opportunities for specialised regimes. In individual small units there is little opportunity for progression through the different stages of a sentence as a result of the low differentiation of activities available. The assumption is that women cannot enact a voluntary differentiation in such surroundings. However, Hayman portrays a case where the internal security arrangements are loose enough to allow voluntary association, facilitating a degree of choice. By contrast, this study's large fieldwork prison aspired to a highly differentiated regime which was becoming increasingly restricted during 1994. The amount of lock-up time increased, activities were routinely cancelled. Under these conditions there was little if any time for women to associate freely. Social relationships were therefore dictated by the style of the living accommodation. Some women experienced extreme isolation locked-up for long periods of time in single cell accommodation, others were at risk of bullying and intimidation during lock-up in dormitory accommodation, a possibility which manifested in a later inspection report.

Compare Hayman's (1996) account of a relatively small unit for 40 women prisoners at Winchester. Previously used as a Young Offender Unit for young men Winchester is described as secure for its women inmates, separated as it is from the male prison by a thick external wall. Established under the rationale of a community prisons approach and clustering of units Winchester could be small enough to fall foul of the charges of oppressiveness and lack of choice levelled at the small unit, house or

'cottage' model (Howe, 1994) with its attendant problems of high levels of surveillance and potential for oppressive social control by staff or other inmates. Particularly where characterised by limited regime activities and long periods of time locked in-house this is perhaps more aptly described as a house-arrest model. Yet Hayman portrays some degree of 'responsibility' in action at Winchester, women deciding for themselves how to spend their free time within the unit. She suggests that the size of the unit, the relatively relaxed attitude to internal security, and the rights accorded to the women (keys to cells to allow unfettered use of communal sanitation) were sufficient to avoid the tension and claustrophobia of the 'house system' where ten to twelve women share a house which is locked at night (associated with high levels of suicide at Cornton Vale in Scotland). Despite the small number of women held, Hayman argues that diversity was enacted as women formed natural alliances and exercised choice over their association with other women within a regime and unit design which was formulated loosely enough to allow this to happen. Small size and lack of overcrowding meant free time or association was easier to guarantee than in an over-stretched regime, tense with over-crowding or over-differentiation. The relatively open regime within the closed environment meant that women had greater freedom to enact diversity of their own accord, within the small population. To draw upon Howe's (1994) criteria that we must interrogate what we authorise when using foundational categories such as 'women', in this instance, Hayman infers that a homogenised view of women had not been authorised. It would appear that a regime of this sort can - properly resourced and run - strike a balance in which choice may be exercised with a degree of agency by inmates within what is by no means a highly or formally differentiated regime.

In this study's 'open' fieldwork prison, diversity of association was evident in the evenings when women congregated in groups in different parts of the prison. By contrast, this is difficult in closed prisons where women are not allowed to move freely around the prison and may be locked up for long periods of time alongside women with whom they would not normally choose to associate. Holloway, with its apparently highly differentiated regime and ambitious programme of activities has been heavily criticised for the poverty of opportunity which came to operate in practice under the effective collapse of the regime, long periods of lock-up and the habitual cancellation of regime activities (Home Office, 1997a). Its very diversity was identified as a problematic factor - size and diversity of regime do not in and of themselves guarantee choice. Within the prisons in this study black women tended to associate with other black women, although not across national boundaries. Black overseas prisoners and black British women did not seem to mix socially during association times.⁵

Which *are* the important categories here? Are they the categories of identity politics? Do connections *across* the boundaries of imprisonment structure the experience more than the site and nature of the imprisonment itself? Or, do other divisions related to the processes of criminal justice - sentence length; geographic location - take on greater importance for the duration of a sentence of imprisonment; or is it more those factors which relate back to the causation of criminal activity: drug use, social exclusion, economic closure?

⁵Although they have not been included within the main body of the research, I had informal discussions with a small number of overseas women, they had such an acute degree of problems over and above those of the home prisoners that this research could not adequately address them.

Where regime interventions proceed in ignorance of inmate culture, material circumstance and financial plight, with no mechanism for continuance outside the prison then any potentially positive outcome can be undermined, wasted in relation to the pressures and strains of the real world which await women on release, particularly women serving short sentences who do not at present receive throughcare. One such woman was Debra, a black woman with three young children who had developed a heroin habit in the face of deep depression and extreme domestic violence. She had been having psychotherapy during her four months on remand in prison, a time which she described as *"this break"*. During this time she said that she had been,

".. learning how I tick. The psychotherapist told me that I just push all the problems back in my head. I don't deal with them. It's very true. I'm learning to like myself, I used to hate myself."

Awaiting sentence Debra hoped that her offence of deception (of social security benefits) would be punished in a positive way, that she would receive help through a probation and day centre order where she could further address her problems and her drug abuse. Instead a short custodial sentence was awarded. With time on remand taken into account she was to be released three weeks later, with no probation support, no day centre referral, no help with her addiction and no continuance of the counselling she had commenced in prison. She would be released back into the context of homelessness, the struggle to avoid further drug use and the violent ex-partner who had hounded her before she came into prison - her four months on remand had been pointless. Some black women's experiences and hopes for change to be achieved through purposive punishment were structured by domestic violence

and drug addiction, rather than issues of 'race'.

The question, in relation to imprisonment, is how best to meet the needs of a diversity of women when diversity does not necessarily divide along the lines of the identity politics which we have come to take for granted as the appropriate categories of the radical element of social policy analysis and action. Morris et al (1995) suggest that need is largely derived from women's circumstances outside the prison. This study supports that finding but equally that the different prisons can have dramatically different effects upon the same women, provoking "situational crises" (Herbert-Kenney, 1999) such as Sally's suicidal feelings "*because of where they put me*" on the locked medical wing of a closed prison contrasted with her ability to cope in open conditions. Closed regimes with over-emphasised security arrangements place insurmountable barriers to dealing with external problems. It is worth considering that universal approaches to social problems can be the most positive for a diversity of women, citizens. These do not by definition deny diversity but rather, when formulated more flexibly allow the exercise of responsibility (bearing in mind Sim's caveat of pre-existing conditions) and the enactment of diversity by women themselves rather than having it imported to the prison for them. Howe (1994) proposes that the foundational category of 'women' should always be qualified by the detail of what may and may not be supported by use of the term. Paradoxically it may be through Hayman's conception of a universal regime that women are able to structure their own experiences, within regimes, to exercise choice for themselves. In smaller units (but larger than the house model of small, self-servicing family groups), the requirements of the institution could be more easily contained, taking on some features of the hostel

model where residents are more self-responsible. The self-maintenance and servicing required by a large and complex institution militates against purposive, outward focused regimes whilst the habitual siting of open regimes in rural settings necessitating extensive travel to jobs, official appointments and visits poses further problems, reducible by urban location.

In acknowledging that small units can be uneconomic, as cell accommodation is lost to the replication of separate facilities and activity centres for women; Hayman's account falls foul of the charge that she is seeking to fine-tune a fundamentally flawed enterprise. To draw on Scheurich's (1996) Foucauldian policy archaeology approach, once again the issue of the delivery of punishment is separated from the broader and fundamentally *shaping* issues of punishment and justice thus undermining the validity of her critique by separating and prioritising administration over the development of 'first principles' (Genders and Player, 1987).

Hayman uses the term 'responsibility' and there is certainly an element of the 'responsible prisoner' (Coyle,1992) argument about this approach to regime management. She constructs a convincing case for the benefit to women prisoners of participation in open regimes even where situated in closed prisons. Arguing that such regimes are possible in small units which also allow women to be imprisoned closer to home, it does not automatically follow that the effects of regimes should be separated from the actual or purported effects of punishment and imprisonment. If one of the purposes of imprisonment is successful resettlement then the regime must be outward-looking, foster good links with education, training and housing agencies

and be combined with generous access to temporary release. Whilst the additional punishment of a closed prison regime and unnecessarily high level of security may be compensated by enlightened regime elements, but Hayman's own suggestion that small male prisons be emptied out and redesignated for women, thereby losing the excessive security aspect associated with mixed regimes or sites is infinitely preferable.

With regimes collapsing under the pressure of highly differentiated populations, it may be time to make the case for smaller units to cater for women on the basis of length of sentence. This directly contradicts the conclusions drawn by Morris et al in their recent study (1995) who expressly reject the notion of sentence length as a valid rationale for organisation of the female estate. Morris et al (1995) took women's needs as *prisoners* to be at the heart of their Home Office funded study but found these to be largely determined by their out-of-prison needs. The logical conclusion of taking in-prison needs as seriously as out-of-prison needs is to divine those needs and devise a regime system to meet needs rather than containment requirements. As a necessary caveat the current size of the female prison population does not foment change neither does the presence of women whose throughput time is so short that they can neither attend to nor benefit from the regime. The long-term vision must be enshrined within sentencing practice rather than contained within individual units vulnerable to collapse under pressure of numbers. The population has to reduce dramatically before a reformulation could be attempted with any real chance of moving towards a fair system of imprisonment. The resultant model of imprisonment cannot be fair if the distribution of punishment is not. Such a liberal account, implying faith

in the modernist project of self-regulating institutions (Garland 1995) is highly controversial in 'post-modern' times. However it is the route which I defend here and in the final chapter as worthy of serious consideration given the nihilist 'rabbit-in-the-headlights' alternative of abandoning the possibility that policy may be based upon rational choices made for and on behalf of others and that some values are more just, more legitimate than others. A further caveat is that selective, social disenfranchisement of the sort long recognised by T.H. Marshall and underpinning current notions of social exclusion (Young, 1999) will nullify the claims to legitimacy of any reformulated modernism for modern, diverse times (Morrison 1996).

Where regimes go beyond the model of servicing the prison and merely *occupying* prisoners to attending to prisoners needs, they tend to focus on issues of psychopathology or drug use, to a lesser extent on gender and motherhood, doing little to alleviate or address problems of social deprivation, poverty or lack of housing except to refer prisoners to outside agencies with all the attendant problems of access and communication. Women are to a large extent viewed atavistically in regime development rather than in relation to their responsibilities or in relation to socio-structural needs and factors. The question is, how appropriate is this given evidence that the female population experience severe and multiple social problems (Morris et al, 1995). Carlen continues to argue that the ideology of women prisoners as domestically minded but deserving of 'real' punishment,

"..also increases that dependency by not taking women's employment needs seriously. Too often, the refrain that women are more concerned about personal relationships becomes a self-fulfilling prophecy. III-

equipped to provide for themselves, many released women prisoners go back to an unsatisfactory (or even dangerous and destructive) relationship in order to get a roof over their heads, or, maybe, just a bed for the night". (1995b:223)

The evidence relating to women prisoners now makes a choice between the two models of importation or strain completely untenable. The marginalised nature of women prisoners cannot but fail to be a deciding factor in shaping the female prison population yet the way that women are imprisoned would appear to exacerbate their problems when overcrowding and regime breakdown conspire to produce additional and overly punitive degrees of imprisonment. Equally, to underestimate the power of unresolved and deeply rooted problems from earlier life, and the problems of poverty and inadequate housing from life on the outside is to gloss over the defining features of women's lives presented here and elsewhere.

The question, in relation to imprisonment, is how best can the diversity of women imprisoned experience a prison system which allows them to be dealt with appropriately for their different needs but primarily to experience justice. Needs which have largely arisen outside the prison cannot be dealt with in isolation from their societal context but neither should imprisonment be suffered which needlessly exacerbates and fails to handle the release and resettlement of those in its charge. It may be worth considering a returning theme within social and penal policy that universal approaches to social problems can be the most positive for women, without denying diversity. Paradoxically, in relation to prisons it may be through the conception of universal regimes based on a system approach with differentiation

enacted at the level of units (prison or hostel) that women are able to structure their own experiences, within contrasting units, and to exercise choice for themselves.

Regimes: interaction with purposeful punishment

The twin aims of secure containment and returning women to society as useful, law-abiding citizens can result in inappropriately high security combined with intrusive, albeit 'empowering' therapy. Inwardly focused therapeutic interventions can be experienced as further punitive affect in the context of surveillance, control and imbalanced power-relations (Hannah-Moffat, 1995). That British women prisoners are more heavily regulated under prison rules (Home Office, 1999b) depowered, under high surveillance and at times unimaginable levels of control is now well-established, and constantly reinforced by women's own accounts (Devlin, 1998). Where therapeutic interventions take place in the context of a punitive ethos, an over-concern with high-security, that is, a context largely set outside the psychology department by the prison officer body then the major element of punishment will continue to be experienced as overly punitive whatever the efforts made elsewhere, a closing down of options rather than an exploration of new possibilities. Such a context can only undermine positive interventions as women retreat into themselves and into inmate friendship groups as the only line of defence. The issue remains, how to construct positive regimes for women without a further intensification of surveillance and control of their everyday activities and identities as women, as feminine subjects within the prison system? When an avowedly liberal-reformist, but feminist approach to the complete reformulation of the Canadian federal system for women yields de-powering

levels of surveillance (Hannah-Moffat, 1995) forcible strip-searching by male officers and a climate of fear of women inmates (Shaw, 1999) then caution is required.

Carlen (1994) warns that the representation of women as concerned only with personal relationships undermines the development of adequate regimes and acknowledgement of the deep structural inequalities of women's lives outside prison. However, women do speak relationally, not exclusively so, but to deny their involvement with others is to deny the complexity of their situation. The issue is to acknowledge that most women are under-supported once in prison, many bring with them the aftermath of poor social support outside prison, are the net providers of support in many cases and as such have greater needs, but needs which are often derived from *their* greater levels of responsibility than male counterparts. Such levels of responsibility have personal and affective aspects but are also economic and social involving both engagement and dislocation with key structural features of society: employment; housing; income; childcare provision and implying action above and beyond the Criminal Justice System.

Just what is it that positive regimes for women can and should seek to achieve? Recent overcrowding and impoverished regimes within the female prison estate in Britain in the late 1990s sets the practical and theoretical consideration of this question within a challenging context. Genders and Player (1987) argue a fundamental mismatch between the treatment of women in prison and their day to day concerns and experiences. The stated *raison d'etre* of imprisonment is not admittedly to tailor regimes to women's concerns but to contain them securely and attempt to release

them as law-abiding citizens. The balance between these twin aims fluctuates. Secure containment has been in the ascendancy during the late 1990s. This has produced a parlous state of affairs in which prison after prison has been condemned by the Inspectorate for failing to achieve even the minimum requirement of humane containment let alone an adequate regime and care of the more vulnerable women. Regime outcomes which mean a loss of choice are not surprisingly unpopular. Most women want greater agency not diminished responsibility; their view being that they already have too little power, are infantilised. A basic level of confidence about what is happening in the outside world regarding accommodation and particularly childcare must be in place before women can benefit from positive regime choices. On both of these points Morris et al's (1995) focus on information exchange from the earliest stages - in court, in prison reception, and during induction through into the prison sentence itself is crucial.

Conclusion

There appeared, from the interview data, to be a cluster of ideas that women feel must be tackled before successful, purposeful regimes for women prisoners can emerge. The first of these is the removal of women from the system where imprisonment offends against ideas of natural justice, fine defaulters for example, those whose sentences belie the use of prison as a last-resort with few or no previous convictions. This should operate in tandem with the wider use of community sentencing for women and recognition of the need to tackle drug addiction. Secondly that women serving long term sentences need a stable regime which is not disrupted by the constant

coming and going of women on remand or those serving very short sentences. Thirdly the reduced use of remand in custody for women, in line with the extant principles of the Bail Act. Fourthly, positive regimes which offer consistent access to facilities and the opportunity to pursue qualifications without women being shipped around the system unnecessarily but with the option to move on to separate units to represent different stages of a long sentence.

The drive to rework regimes to fit with feminist principles of penal policy runs the danger of co-option if the validity of sentencing most women to custody is not constantly held in question. Few would now argue that imprisonment helps most women to avoid further crime, at least in part because prison regimes fail to address the embeddedness of female criminal activity in the wider social context and economic conditions of women's lives. In short the question of regimes cannot be disconnected from the broader and deeper issues of the validity of punishment, the distribution of punishment and in particular the validity of custodial punishment for the majority of women convicted of minor property offences.

For a 'community' approach to imprisonment to have any material relevance or positive outcomes for the prison population it must be underpinned by social networks⁶, by people with sufficient resources to visit prisoners, to provide them with material support and care for their children and other dependants. There is little point in re-designing the way that prisons are organised in order to bring women closer to home

⁶The distinction between social network and sense of community has been explored in a small but growing literature from the perspectives of both sociology and social psychology (McMillan, 1996; McMillan and Chavis, 1996; Brodsky, 1996).

if family lives have been destroyed by the impact of a prison sentence, if 'home' and 'community' are dangerous or unaccepting, or cannot or will not provide social support, visits to the prison or other positive input on a greater scale than at present. Equally if community is to be a central plank of penal policy at any point in the near future, it is important to be realistic about the type of communities that prisoners experience outside of prison and the impact of imprisonment upon their ability on return to play a positive role in their communities. Ideally community and social networks should play as broad and varied a part in the lives of women prisoners as anybody else. It should be a reciprocal relationship, with the possibility for reacceptance and reintegration. Ideally we should be able to move away from a narrow view of community as something to be protected against criminal 'outsiders', against sections and elements within society who threaten the social order, or as the site of punishment as it currently exists in the discourses of community safety and community sentencing.

If the concept of community is to have any sociological relevance it must hold the possibility of an inclusive, restorative relationship to and with those who have been socially marginalised in Britain. Women prisoners are clearly at the bottom of the social order. Many lack even the social support available to male prisoners provided by a female partner and face the added worry and burden of picking up responsibility for childcare. Reinharz (1992) reminds us that feminist social policy must tackle all areas of state intervention in women's lives; ensuring that theorising about women in prison remains connected to the wider picture of women's lives in Britain. In a reciprocal theory-building process policy analysts must think in terms of the potential

for women to be further impoverished, criminalised and prisonised by policy and economic developments and criminologists must retain the sense of women in the criminal justice system as embedded in society, returning to communities, community settings. This should manifest in awareness of the revolving door for women who serve short sentence after sentence, the lasting impact of any sentence of imprisonment (Eaton 1993) including where that is the first and only sentence served and the constraint of choice for women perhaps involved in "alternative structures and economic networks based on the economy of illicit drugs (which) results in a new and oppositional kind of embeddedness, that of *criminal embeddedness* (Worrall, 1997:59, emphasis in original).

CHAPTER NINE

PUNISHMENT, GENDER AND CITIZENSHIP: A THEORETICAL OVERVIEW

Introduction

Most of the women who took part in this study were reminiscent of those interviewed for studies of women's imprisonment over the past eighteen years or so, in that they, for the most part, were living on the margins of society (Carlen, 1983; O'Dwyer et al, 1987; Carlen 1998; Devlin, 1998). In current terminology, most were socially excluded although continuing to perform that most socially inclusive act of child-rearing; therefore ranking amongst those who would be credited in any moves towards citizen's income and broader concepts of an active, valid citizenship rather than the current litmus test of economic activity (Levitas 1996). Having established a degree of continuity in women prisoners' lives the passage of time means that we should not assume all remains the same. Critical, sociological study of female imprisonment in Britain has been shaped by the work of Pat Carlen. In introducing this study the debt was acknowledged but the particular circumstances of Cornton Vale and Scotland in her early work must also be recognised, underlined by the spate of suicides amongst young women held on remand at Cornton Vale in 1996 and 1997 and the abolitionist stance which underpins all of her work acknowledged. The possibility that there are other facets to women prisoners' lives, other patterns within sentencing which may have *legitimately* emerged over the last fifteen years should be explored. Are women prisoner's lives in the mid-1990s as uncompromisingly bleak as Carlen (1998)

continues to portray? The nature and sense of social exclusion may have lessened, deepened, or altered. Women may speak in different ways of their choices in current social contexts. In one sense this study was an exploration of women prisoner's position in Britain in the early 1990s with an additional brief to bring together women's experiences of social, family and community support and their views about punishment in order to take a first step towards the practice of involving women in debating the first principles of punishment albeit in a limited fashion. In a study delineated in the context of penal policy of the early 1990s in relation to the community prison issue as a single element of likely changes in the women's prison system this has been enacted in limited fashion. This tightly drawn boundary was stretched by the women's refusal, inability even, to distinguish between operational issues and points of principle, by their sense of how justice might look when operational and philosophical boundaries merge, and by their recognition of injustice in sentencing when they saw it in action. The limitations of this study's engagement with the issue of penalty are therefore mine, and any points of advancement are theirs.

Drawing up an agenda for penal reform from the experiences of women prisoners rests upon the feminist principle of involving women as active research participants and partners in prison research; a body of work which has focused rather more upon internal reform of regimes (Morris et al 1995) rather than the search for feminist first principles of penalty. To go beyond this has thus far seemed to exclude women as first-hand partners in the endeavour and rather, fallen back upon critique and extension of the extant body of theory (Howe 1994). In her most recent work Carlen (1998) was belatedly admitted into the women's prisons of England and Wales and re-

engaged directly with women prisoners on the issue of regime reform without losing sight of the wider project of sentencing reform as the route to radically reducing the rate of female imprisonment. In this, her engagement of women prisoners with issues of penalty remains to an extent implicit in the twin projects of regime reform and abolition of imprisonment. The process of engaging women explicitly in debating the basis and underpinning principles of penalty, the nitty-gritty of who deserves to be punished, when and under what theoretical model largely remains unexplored. This linking of micro and macro in social policy analysis has a relatively short history (Maas 1994) but has the potential to bridge the gap between theory and experience. It also holds the pitfalls of elevating experience as all and as endlessly diverse, taking us back to a post-modern relativism and away from social structure, risking the abandonment of attempts to theorise and go beyond the re-telling of experience thus paralysing action and reform. In an example of the latter challenge to extend user involvement in policy reform from the mere collection and re-telling of experience, a recent study asked those living in poverty to share their understandings of poverty and what causes poverty, and going beyond this, to join in the process of proposing principles and practice for reform (Beresford et al 1999).

Over a decade ago Genders and Player called for "...an examination of first principles in order to produce new directions for change" (1987:175). Those first principles have yet to emerge. Debate has progressed, deepened and become more complex as post-structuralist feminist theorists have questioned even the foundational categories of 'women' and 'prisoner' (Howe,1994) opening up the question of whether "first principles" should be developed in relation to women as a homogenous category, for

all prisoners: male and female, for the management and staff who deliver, enable or hinder regimes or for women who are currently imprisoned in all their diversity?

Women prisoners are key, but often silenced players in the construction of a feminist, fragmented, but socially and historically situated penology. As an adjunct to this, the development of gendered theory in Heidensohn's (1995) view demands a concentration upon masculinities, as the assumed norm within penology. I would accord with this to a degree. The effects of living with, accommodating, feeding and often supporting a constrained and proscribed masculinity, disconnected from domesticity and parental responsibility were the dominating *modus operandi* shaping the lives of the women in this study and others. This macho, child-like but violent version of patriarchy has a devastating effect in many women's lives, leading some towards prison as they attempt to keep things together with little support, and sometimes much violence and unreasonable expectation. The ability of others to avoid further prisonisation and criminalisation was constrained by men's demands. For Heidensohn (1995: 78), "(n)othing should be excluded from this process, least of all such highly charged concepts as gender", and so the effects of masculinity demand an overt focus. The challenge is to juggle this with Howe's (1994) exhortation that women, however grouped, homogenised or divided must remain on the agenda now that they are finally there. The ultimate challenge of feminism re-stated for the 1990s, is to continue the exhumation of women latterly ignored and arguably entrapped in late modernist times and institutions without adopting the nihilism and fatal relativism of a post-modern approach. Again for Heidensohn,

"(A)n apter term would be a partially postmodern project. By that I mean that feminist influences are fragmented and diverse; their greatest force lies in the questions they pose and hence their deconstructive capacity. Postmodernism, however, suggests no history, and that is certainly not the case." (1995:78)

What I will argue in conclusion to this study is that in the process of documenting, or of *deconstructing* the circumstances of women prisoners, a limited, a constrained or to use Heidensohn's word, a "*partial*" reliance upon post-modernism has been of use in challenging essentialism; but that in *reconstructing* theory and policy we must turn away from this and the direction in which it leads us for reasons outlined in further detail below. In its place I propose that a small body of work is appearing which holds a more realist potential than the post-modern project without taking us back into the shadows of a radical, uni-feminism where all women are equal but some are more equal than others. The authors here are those who have retained the reforming zeal of feminist-liberalism but harnessed it to a leftist collectivism instead of the atomising forces of earlier liberal reformism (Lacey, 1988; Assiter, 1996; Hayman, 1996). A diverse leftist collectivism should be able to recognise diversity yet be unafraid to acknowledge situations in which commonalities rather than divisions are the factors which will lead to positive reform and paradoxically hold greater potential for the expression of lived diversity. Others such as Gordon Hughes (1996), struggling to produce a leftist communitarianism from community-oriented concepts and policymaking; and Howe (1994) who attempts to keep reins upon post-modernism rather than allowing the nihilism and relativism unfettered freedom could also be seen as contributors to an emerging project where feminist theorists such as Lister (1997)

are engaged in resisting easy recourse to binary divisions in order to work within a reforming and applied policymaking community without losing sight of the basic inequalities with which British society is riven.

The limitations of a post-modern penalty

The proposed re-connection of crime and punishment which Howe re-opens effectively asks whether a feminist penalty should have the audacity and relentless optimism in the face of overwhelming evidence to the contrary to propose that a future model, ethos or principle of penalty could be more successful than those already tried as a proportionate response to crime? Howe's preferred route is through a post-modern penalty: one which is suspicious of foundational categories; rooted instead in a staunch refusal of the rationality of penalty as a stand-alone, potentially enlightened social practice or as the embodiment of principles of natural as well as negotiated justice. At the heart of Howe's route towards a feminist post-modern penalty lies her 'social injury' strategy.

"Its purpose would be to measure the injuriousness of imprisonment against the social injuries of women's daily lives by drawing attention to the specific, concrete circumstances of women's criminalised actions and of their imprisonment. It must address the particular localised regulatory issues which impact on these women - such as access to community-based orders or the abolition of pre-release and the replacement of remission with 'merit time' (Australian) - in the context of their socially-injurious life experiences." (1994:172)

In this Howe has the potential to address many of the requirements of social justice that a fair system of penalty recognise that crime is social and gendered. If enacted in practice only at the point of sentencing for each individual, then arguably the proposed societal level of action is lost. However, there are more problematic theoretical issues entangled in the first part of the quote above which can be read as a plea in mitigation of punitive sentencing for women. This approach requires that women's life experiences be laid before the court, whatever the offence, and tempts women to play the victim - perceived as the route to mitigation. It has been argued that it is indeed the meek, mild woman in court who is treated more leniently (Morris 1987). However, the arbitrariness of sentencing is such that this is no reliable way to guarantee mitigation and certainly no route to penal reform or to an engendered justice. Neither does it allow for the possibility of custodial sentencing as a fair response to women recidivists or those who commit serious financial crime with self-knowledge and a degree of relative choice between the limitations of a salary or wage and the pursuit of additional income through fraud, for those who make a knowing choice between low-paid work and regular criminal activity nor for women as men to be motivated by greed or a refusal to accept societally agreed constraints upon ownership and acquisition. Women's actions are described as 'criminalised' rather than criminal under the law. This suggests that it is the response to the woman which must be changed rather than the pattern of sentencing in order to render justice to women. In acknowledging the poverty of most female defendants do we overlook the minority who assess the odds and take the risk through want rather than need? Howe is in danger of representing women as being without agency which holds the potential for women to be infantilised, denied a basic right of citizenship; when, to address the

problem which Howe identifies, surely requires action at the broader level of social citizenship addressed in T.H. Marshall's (1952) classic exposition of the concept and in a recent feminist account by Lister (1997).

Less problematically Howe asks that we recognise, for example, that arrangements for community sentencing are inadequate, or that policing practices result in greater surveillance of certain community groups as indeed they are and do but again the moment at which to address this is not in court on behalf of the individualised, atomised woman. Asking sentencers to stand outside their own jurisdiction and take compensatory action in the face of "*localised regulatory issues*" does not address the need for a reliable, understandable and purposive system of criminal sentencing.

The challenge here is to resist binary categories, polarised positions. That prison should not be the punishment of first choice does not necessarily mean that a society is inhumane if women are subject to the expectations of citizenship; required to cede their right both to punish and be punished to the court. The difference between the risk of being caught and the shame of actually being caught and criminally processed were arguably punishment enough for some of the women in this study, but the same argument could equally hold for many first time young male offenders. The undoubted nature of many women prisoners as victims of society's gendered inequalities suggests recourse to differential treatment, but the theoretical basis on which this is to be developed, if at all, remains crucial. An approach based upon essentialist conceptions of women has inherent dangers in that courts may return to the representation of women as 'out of place', as needy and unbalanced, as necessarily

in need of therapy (Worrall, 1981; Eaton,1983; Allen,1987) a concern which the previous chapter argued to be borne out in Canadian experience of avowedly feminist, empowering regimes (Hannah-Moffat, 1995). The very real issues of poverty and social exclusion raised are broadly prevalent throughout society. They should not and can not be remedied each and every time at the point of sentencing for an individual by asking that individual to lay themselves bare and to mitigate their actions as a woman. It is undeniable that relative powerlessness in society skews the sentencing process, particularly with regard to race (Hood 1992) but remedying this injustice in a way which underlines victimhood only consolidates powerlessness leaving us to ask whether a fair and mutually supported penalty can be delivered? Can theorists or more importantly sentencers deliver a legitimate, proportionate system of punishment or do we have to admit defeat and see institutions and practices continue devoid of legitimacy, whilst defeated reformists continue to seek wholesale abolition ad infinitum as the only just, feminist, humanist solution?

The 'continuum' versus 'rupture' argument of imprisonment

Howe urges that we both consider a notion of a "punishment continuum", stretching from the prison back to Dahl and Snare's (cited in Howe,1994) notion of "the private prison" which results from the surveillance and coercion of women in everyday life *and* that "we must avoid the absurdity of infinite relativism: we must not forget that incarcerated women are more coerced than those outside the prison walls". Accomplishing this difficult task rests with an accommodation of political action for and on behalf of women prisoners with the "postmodern attacks on the category of

'woman' ". (1994:163).

This is not an easy task and one which remains a long way from the everyday world which sees the continuous shifting of women in and out of criminal justice and prison systems around the world (Stern, 1998). Using the category of 'the everyday', resorting to an appeal to influence 'real life' is one which Howe also recognises to have been challenged by postmodern feminist theorists. She accepts the contradiction of trying to stand between but continues to do so, defending the postmodern challenge to foundationalism by arguing that well-thought out postmodern feminist positions, such as that of Judith Butler, are capable of improving on assumptions that all women are the same without becoming paralysed from action by endless splitting down and down into ever smaller subgroups.

"Women prisoners then would not be bereft of representational efforts or radical movements on their behalf, at least not from Butler's poststructuralist perspective. A feminist penal politics informed by post-structural theories we could insist,... would still be able to demonstrate and make claims on behalf of women prisoners."(1994:174)

Howe's focus on the body and female resistance to social control through women's self-regulation of the body leads all too easily back to the medicalisation of women prisoners if a seamless theoretical continuum is proposed. There is a worryingly literal extension of the feminist postmodernist explanation of eating disorders - women taking control of their bodies in response to powerlessness, social control and societal censure - to the reasons behind the use of imprisonment for women. Most women are imprisoned on economic or drugs offences. Few are now imprisoned as a result of

actions that could be described as resisting "sexual subordination" unless we wish to travel down the route of economic crime as a choice, a gender statement, a position which is dangerously reminiscent of liberation theory and which would continue to miss the point about the feminisation of poverty, the criminalisation of poor women and the prisonisation of punishment: a "triple jeopardy"¹ for socially excluded women.

There are dangers in drawing such parallels between the policing of adolescent female sexuality, and that of adult women, as this also overlooks the serious offences which bring some women before the courts. The overt policing of female sexuality in court is more likely when women are the victims of crime than the perpetrators (see the work of Sue Lees). Gender roles and the perceived adequacy of motherhood would appear to remain the concern of the court. The treatment of young women allows consideration of the net-widening actions of the state systems of care in Britain and the United States, with clearly punitive effects on young women who step over the boundaries of accepted sexual behaviour (Harris and Webb, 1987). The theory of a two-fold social censure of female adolescence was derived from observation of girls brought before courts on non-criminal charges; being 'beyond parental control' and 'in moral danger', and the additional punitive surveillance of adolescent female sexuality in response to petty law-breaking. That the majority of women in the mid 90s were brought before British courts on a single petty matter of failing to have a television licence is a damning indictment of the social censure of women on economic not sexual grounds (Pantazis and Gordon, 1997). Indeed women who break out of

¹Norman (1985) used the notion of triple jeopardy in a very different context, to describe the life-long effects of gender, race and poverty as structuring dependency in old age for black women.

"sexual subordination", who experience social and economic success in their own right, or in partnership with others, are the least likely to be imprisoned. Women who remain trapped in poverty are the most likely to receive the sanction of imprisonment. Few would describe their actions as "breaking out" or resistance, but rather as entrapment, social closure, restricted choice and refusal to accept exclusion from a minimum standard of living for themselves and their children .

Where Carlen (1998:169) recognises only those few women "convicted or accused of unusually serious crimes" as the legitimate inmates of a future scaled-down prison system for women I would argue that this is unrealistic and not necessarily desirable on the grounds set out above of infantilisation and the dangers of travelling back down the road to a treatment ethic for women. If we accept the evidence that some women are recidivists, that some make active choices to defraud employers of relatively large sums of money, that not all who commit such everyday crimes as shoplifting to order do it with absolutely no alternative or to fund drug habits but may choose this more lucrative option in preference to low-paid jobs then we accept a degree of culpability which is ignored at the peril of following the road to judicial disenfranchisement of women. I would argue that greater danger for women lies ultimately with accepting gender inequality as reason to exempt women from agreed standards of justice, in which imprisonment may continue to be an option. If we also accept that some women will be remanded in custody rather than on bail because they do not appear at court - then all these are likely *additional* categories of women coming before the courts and into prison. Women commit crimes which may be explicable if we look to causation but which society may still decide merits punishment. In a just system there

would still be times when this will be punishment through imprisonment, albeit as one element in a wider societal programme (leftist rather than rightist communitarian) - in which social exclusion is recognised, penal policy is socially contextualised. Approached from a leftist rather than rightist perspective communitarianism stands a chance of recognising and responding to social realism, side-stepping mono-cultural models of civil society in the making (Hughes 1996) through inclusionary tactics such as reparation; but a reparation enacted through socially valued actions not merely exclusionary ones associated with shaming; that is, reprobation in a forward-looking sense rather than that expressed in the detached and pseudo-scientific sense of challenging 'offending behaviour' currently obsessing community-sentencing agencies such as the probation service. Unless we disenfranchise women from the rule of law as we currently know it or travel as a society down the increasingly unlikely route of total custodial abolition there will always be some women serving shorter sentences as well as those who are agreed to merit longer sentences on the basis of punishment as just deserts for crimes such as Janice's in which she held up an off-licence on behalf of others with a replica weapon. Whilst her own miserable life conditions were such to mitigate and merit understanding the fear and lasting outcome of such a crime for the victim would always be likely to merit custodial punishment. With Lacey's (1988) condition of inter-connectedness to society through the enactment of justice, disenfranchisement of women from the values which would underpin such a rational decision becomes a problematic road to travel. The alternative is neither oppositional to the principle of reducing the use of custody nor necessarily exclusive to achieving that aim. In the context of stressing the nature of most women's offences and negligible criminal records, on balance, and by any standard of justice, there should

be a net movement of women out of, not into, the prison system. This implies that greater use must be made of community-based punishments. In addition, for those women who will continue to go to prison the evidence of this study implies the need for a realism about the degree of social, economic and family support they are likely to receive in prison and for the Prison System to face outwards rather than merely expect support to be channelled inwards. Engaging in the 'joined up' thinking espoused in late 1990s government agencies implies a prison system which meshes with the other agencies of criminal justice, with community based initiatives, recognising the outward-bound nature of those whose care they temporarily receive, enacting a positive and outward-facing role rather than institutionalised thinking, rather than savouring and enacting the moment of imprisonment and the taking down of the prisoner from the status of citizen (Eaton 1993)

A diverse modernism?

In posing women as active, economic citizens, some of whom are socially excluded, and recognising the current inadequacy of definitions of social exclusion as remedied entirely through economic activity (Levitas 1996) and economic enactment of citizenship as the only valid option, the question remains of how to tap into the rights/responsibilities debate without going down a rightist route. I have raised the issue of what may be lost for women as well as what is gained from posing a differential treatment model. If an *a priori* case for the mitigation of women's criminal acts is assumed on the grounds of gender inequality then the need to establish such a case on philosophical grounds is side-stepped. To reiterate, some women commit

crime of the middle-order, that which is neither unusually heinous nor petty and victimless - for example, assaults, sometimes even GBH, armed robbery, burglary. Leaving aside for the moment any desire to compensate women for gender inequality in the form of mitigating circumstances and punitive affect in wider society; if we concede that women are capable of the full range of criminal actions then in a model of liberal citizenship women must take responsibility, account for their actions and accept the right of society to punish on the philosophical basis used by Lacey, that a positive conception of punishment has a role to play in the maintenance of a just and collectivist society. In seeking to devise a consensual and collectivised legitimation of state punishment Lacey challenges the main tenet of the classic liberal philosophical tradition, of,

"the recurring and fundamental preoccupation within the Kantian strand of liberal theorising about punishment - that individuals should never be sacrificed to a diffused social goal..."(1988:173).

Instead she posits that as individuals cannot and do not, in general, wish to exist in isolation from others, then they,

"...have a fundamental interest in the maintenance and development of a peaceful, just society to which they belong and through which their personal development and many of their interests are realised and indeed constructed, the alleged moral boundaries which dictate that individuals never be used merely as a means to social ends begin to dissolve. The problem of distributing punishments fairly, of course, remains." (1988:173).

Interestingly, Lacey refers to a peaceful, just society as having an active role to play in the *construction* of individuals' interests, that is, she believes that individuals' interests are, in large part, indivisible from those of wider society. Her conception of the individual as closely bound up with wider social processes is particularly apposite for women. Her very conception of justice is gendered in a way which could accord with the work of more radical feminist thinkers on the issue of justice (MacKinnon 1983; Cain, 1986; Heidensohn, 1986). Here we have a philosophical position on punishment which holds the potential to develop elements of Gilligan's (1982) argument that, from an early age, girls and later women think differently to men when asked to make ethical judgments about social situations. Much of the comment on punishment from women in this study confirms this relational conception of abstract social ideals such as punishment yet also demands a sense of justice as something which may be predicted and measured in a way which is commensurate with and proportional to criminal action, to proportionality of blame. Again it is important to hold onto a non-essentialist view, one based upon conceptions of communality, diverse citizenship rather than merely some mysterious essence of female values.

I have assessed and interrogated developments in penal policy which invoke women's external social networks as a source of support and a possible resource available to underpin and supplement penal policy in the light of what we know about women prisoners and the fragility of their social networks. Criminal Justice remains an area where the full range of constraints upon women must be continually assessed and fed back into the policy arena, into theory. Considerable evidence now exists that in terms of providing informal care, in its widest sense, women do not so much *have*

community as *embody* community (Finch and Groves,1983; Pascall,1986; Ungerson,1987; Lewis and Meredith,1988; Campbell, 1993). A 'community' or any other kind of prison system which ignores this fails to address women's social realities.

Construing the debate as being between prison as punishment and life as punishment has not been particularly helpful when women prisoners themselves relate the two. Constructing a way to reflect the complexity of women's view is something that Yeandle's focus on the "forms of support which figure in the social policy agendas of government and the providers of welfare" (1994:1) could help prison reformers to achieve because women prisoners generally represent the pressures of life at the bottom of the social, economic and welfare structure where the weight of too great an expectation bearing down upon too little support has weakened family and social ties for the socially excluded.

Eaton (1993) demonstrated that some women can and do move on to effect change in their lives following a period of imprisonment but this seemed to be in spite of their experiences of prison rather than because any positive purpose or outcome is associated with custodial punishment. As reactive rather than proactive agencies it is clearly beyond the remit of the prison service and the range of criminal justice agencies to transform social and economic circumstance for individuals. An additional problematic is that the exclusionary potential of communities (Crow and Allan, 1994) needs to be addressed if a reduction in the use of imprisonment is to be seriously contemplated and augmented by the growth of reparation schemes or Braithwaite's (1989) re-integrative shaming. Both approaches serve to make those who commit crime highly visible to victims and to communities in general and thus render them

vulnerable to further exclusion through the refusal of re-integrative attempts.

Enacting justice through sentencing reform

The women's responses to questions of change and rehabilitation point us away from a narrow focus upon penalty and towards a more integrated response, towards the joined-up thinking alleged to lie at the heart of the present administration's third way. If the women's views of rehabilitation as a goal of a legitimised penal policy are indicative of anything it is that a purposive, positive approach to punishment cannot exist in a vacuum but must be integrated with other community-wide initiatives towards change, not only with those of the community-punishment agencies but with non-penal initiatives such as those emerging from the Social Exclusion Unit (SEU).²

Underpinning the creation of the SEU was the report of the Social Justice Commission. The commission took as one of its themes: 'Responsibility: Making a Good Society' and drew explicit links between the high crime rates experienced in socially divided, demoralised areas and neighbourhoods and the need for a programme of social and economic restoration combined with enlightened and restorative criminal sentencing and the end to both overly punitive penal policy and hopelessly nihilistic 'nothing works' dogma.

An example of enlightened criminal sentencing demonstrates the kind of restoration

²The director of the Social Exclusion Unit recently referred to ex-prisoners as one of the vulnerable groups entrapped in the spiral of social exclusion (Social Policy Association Conference, University of Lincoln and Humberside 1998).

for the future that Cragg (1992) is talking about. In a joint venture with Community Service Volunteers the Home Office agreed to place young offenders in a voluntary work placement for the last month of their custodial sentence. 'Jonathan' is described as having moved from a life of recidivism to a full-time, socially responsible paid job by way of his placement. He extends the notion of purposive punishment by arguing for the scheme to be enacted as a pre-sentence rather than post-sentence option.

" 'If it wasn't for CSV I'd be back in prison already', he told us. 'They ought to get CSV into court before people go to prison. Unless they're really dangerous, give them community service first. If they don't do it, then it's straight off to prison. But they might enjoy it just like I did. It gives you the chance to grow up.' " (Commission for Social Justice/IPPR, 1994:333)

The Commission revives the idea of 'rehabilitation', combined with punishment as the route to community safety through reduced re-offending. In response to the nihilism and refusal of contrary evidence inherent in Howard's 'prison works' philosophy they offered what could be described as a 'prison doesn't work therefore something else must be made to work' view of punishment. In this crime and punishment are clearly linked to each other, and to wider social conditions through the concepts of 'social capital' and 'community capital'

"Social capital consists of the institutions and relationships of a thriving civil society - from networks of neighbours to extended families, community groups to religious organisations, local businesses to local public services, youth clubs to parent-teacher associations, playgroups to police on the beat. Where you live, who else lives there, and how

they live their lives - cooperatively or selfishly, responsibly or destructively - can be as important as personal resources in determining life chances." (Commission for Social Justice/IPPR, 1994:307-8)

In this the potential for an integrated approach exists which both recognises the impact individuals have upon communities and the reciprocal impact of communities, societal institutions and processes upon individuals, groups or sections of society. There is a support gap between community sentencing, where women have contact with a locally placed probation officer who liaises with relevant agencies, and short prison sentences where women are released with no ongoing support at the end of sentences of less than twelve months. This despite the use of short prison sentences for much pettier offences than the more serious offences often punished with community sentencing. A strong case of mitigation may result in a community sentence for a relatively serious offence. The additional punishment associated with imprisonment, and continuing punishment beyond the end of the sentence served, only embitters and entraps women prisoners, in particular those sentenced for very petty and/or first offences who perceive that they have been denied the enactment of the principle of a sentencing tariff or the barriers to due process as a result of being held on remand (Casale 1989).

A different approach is needed to invest input in those serving short sentences and to forestall the descent of short-sentenced women into the longer sentences which had befallen some of the women in this study - the majority who did not represent crime as a 'career' choice or fall-back position. Supervision and support aimed at reducing the damage caused by a first prison sentence is a worthwhile investment, demanding

action at the level of a mandatory sentencing code (Carlen 1998), requiring the use of non-custodial sentencing for those for whom conviction would be shame enough and where the offence does not warrant imprisonment under the repealed terms of the 1991 Criminal Justice Act. This is particularly the case where the unintended consequences of a first sentence of custody - loss of accommodation, possessions, ruptured social and familial relations might return a woman to prison again and again with no enactment of support from an external agency. In this way an element of Howe's (1994) social harm agenda is in-built and courts required to adopt such an approach with regard to all, not only middle-class women who might otherwise be deemed the most readily shameable and open to deterrence.

A different but allied response for those not diverted from custody would be to enact prison and probation throughcare on the basis of the cumulative total of custodial sentences over a two to three year period. When the next custodial sentence would mean that a total of twelve months imprisonment would have been served in that period throughcare is enacted however short the sentence. In this way recidivism would trigger probation supervision in a way that it does not under current sentencing practice. Alternatively a 'three strikes' approach could be adopted and adapted to encapsulate a positive rather than negative principle. In this approach the third prison sentence, however short, attracts continuing probation supervision. More radically an attempt could be made to break and reverse the cycle through mandatory diversionary measures (not merely the incapacitatory ones of curfew and tagging) akin to those outlined for use with young offenders by the Social Justice Commission (1994) above. Effectively this halts and even reverses the current practice of an escalating punitive

element in response to petty, hapless recidivism. Instead making a positive attempt to break a cycle of offending. Building a strong element of restorative justice through community service or work into non-custodial sentencing would have to be associated with measures for childcare provision for women participants, enacted formally, legislatively to overcome the resistance of sentencers to such placements and sentencing options for women with children.

Conclusion: Safeguarding justice for those who receive custody

Just as the women of this study refused the traditional separation of the administering of custody from either the philosophy of what penalty should strive to be or minimum standards of justice and proportionality so the refusal works in reverse. Sending only those women agreed to merit custodial punishment to prison does not remove the duty of fair treatment and purposive regimes within prisons. The problem of relying upon 'community' for which read 'family', to mitigate overly harsh or inadequate regimes has been established throughout this study through evidence of a high degree of strain and fracture in the family lives of many women. Even for those with family, the level of need in those left behind is exacerbated by the imprisonment of a woman who is often a key member of the socio-economic unit, if not its head. Correspondingly, families' potential to project support into the prison is further curtailed by care of children and financial burden. It is not realistic for the prison system to make the same assumptions about community and family support for women as it does for men. It is neither just nor acceptable to provide inadequate regimes for women on the grounds that close proximity to what may be highly problematic, abusive home lives are

women's only concern. It is completely unacceptable to jeopardise women's safety in seeking to do this, particularly that of very young women in bringing the (in practice) age-mixed female system into proximity with male prisoners on sex-mixed sites.

In Chapter Eight I proposed that justice within the system, enacted through regimes is wholly interwoven with enacting justice in sentencing, that women whom society agrees should not be in prison must be removed from the system through sentencing reform (Carlen 1998) as an *a priori* requirement of intra-prison justice. I would argue that the remaining prisons would do well to be organised on the basis of small to medium units of 40-60 women, abandoning both extremes of the domestically oriented house model and mixing with the male system. These women's units to be in urban locations, based upon Hayman's (1996) principle of self-determination with women holding keys to their own rooms, allowed free association so that diversity may be enacted even within a medium to high security setting. A network of units would allow women serving long sentences to move between units bringing a sense of progression and avoiding the stagnation and entrapment that some fear in the single multi-purpose prison proposed by their pressure group Women in Prison (WIP). The separation of functions should be enacted at unit level so that long-sentenced women needing to take part in stable regime activities would no longer be disrupted by the throughput of short-sentenced or remanded women. In theory the latter groups should be radically reduced in number in any case in any system which takes seriously the requirement to enact justice towards women in a serious and committed manner, with community and custodial sentencing linked, and with criminal justice linked to wider social policies rather than separated off through administrative criminology. Addressing current

anomalies by enacting support at an early stage could aid diversion of many women from unnecessary custodial sentencing. To conclude at a wider level, the growing social inequality increasingly evident throughout Britain combines with the inexorable rise in the prison population and resultant overcrowding to forge a volatile, crisis-ridden and inward-looking ethos within the prison service. This can only be at odds with efforts to strengthen community sentencing and reform custodial punishment. Attempts to bring the two together into a coherent whole continue to be resisted (Worrall 1997) by those who see executive input as undue interference with the freedom of sentencers to reflect (and shape) public approbation? Lessons in the intransigent power of repressive penalty and punitive gendering of women prisoners to undermine liberal reform in other countries should be heeded (Shaw, 1999). But in the face of the binary options of 'nothing works' or 'prison works', post-modernism or a retributive or treatment-oriented modernism David Garland's (1995) qualified defence of self-reflexive, self-doubting, late-modernist institutions looks increasingly like a realist compromise, worthy of defence against radical ridicule with the proviso that evidence from other countries of compromised reforms (Hannah-Moffat, 1995; Jackson and Stearns, 1995; Shaw, 1999) means that independent scrutiny will always be necessary. Despite oppositional feminist stances on the origins of women prisoners' victimhood, change is unlikely to arrive either through abolition or by piecemeal change. Reform at the level of institution or government body requires for efficacy a re-examination and re-establishment of first principles of penalty at the meta-institutional level of sentencing bodies whose decisions play out through the institutions and regimes of the women's prison system.

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APPENDICES

THE FIFTY PARTICIPANTS: MINI-BIOGRAPHIES

The participants: individuals and groups within the interview sample

Cluster 1 Sorted, supported, employed

The first and smallest cluster of women is those who were largely, though not exclusively, employed and who in addition had relatively close supportive networks of family and friends. These women tended to represent themselves as living in the mainstream, as relatively fortunate, either employed or with a partner who was employed, and as well-supported both inside and outside prison with family members or friends who had rallied round. They included:

Michelle, a young white women in her early 20s, no children, lived at home with parents and had a steady relationship. She had been employed in a white-collar job that she was satisfied with and was serving an 18 month sentence for her first offence, defrauding her employer. Life before prison consisted of work and the weekend social scene of clubbing and socialising, an expensive lifestyle which she now acknowledged had been beyond her financial reach, hence the offence. Michelle's only criticism of her family was that they did not talk about problems. In the aftermath of her offence they had not initially faced up to the likelihood of her receiving a prison sentence, but had supported her and eventually faced her culpability after initially blaming her boyfriend. Her boyfriend supported her in prison, visiting regularly. She had been allocated to an employment scheme and at the time of interview was serving the last part of her sentence in an open prison with a paid work placement which would continue on her release as a 'real job'. She would initially return to her parental home but intended to get her own accommodation.

Sarbjit, one of the the very few Asian women in British prisons, worked full-time, was married with two children. She described her home life as extremely busy, divided between her career and her children. She was serving an eighteen month sentence for a first offence of defrauding her employer.¹ Her standard of living had been relatively high and she described her life as intimately bound up with both her own and her husband's family. Her own mother was caring for her two children to enable her husband to continue working. They were attempting to conceal her imprisonment from her in-laws although this was proving difficult in such a close-knit family. Having lost her job, on her release she would work in the family business. Sarbjit was well-supported within the prison although she had chosen not to have the children visit the prison, not wishing them to realise where she was. She had recently begun to have home leave to see them.

Liz, a white women in her late twenties, was married with five children. She worked full-time looking after her children, her husband had been employed full-time before giving up work to care for the four oldest children during the time she was bailed to live away from home and then the subsequent prison sentence. She came from a

¹ This offence is one which women usually described as 'breach of trust', the actual offence is fraud but it is arguably the breach of trust which attracts the punitive response. All of the women who had defrauded employers stressed that this element was regarded as the most serious in court.

close-knit family. She and her husband had left their childhood area to give their children a chance to grow up away from what they saw as a crime-ridden area where most of their family had been in trouble. She had a nine month prison sentence, her first. The offence, to 'pervert the course of justice', related to an incident involving another family member. It was her third offence, she had two previous dissimilar convictions, in the previous twelve years. During her prison sentence the family devised a childcare rota for the five children, two of whom were under the age of three and to provide financial support. She saw the children through a combination of open visits (several hours in length, away from the prison) and home leave. On release the family would face financial problems although her husband's old firm had promised to re-employ him in the first vacancy to arise. She had four weeks of her sentence remaining.

Vicky was in her early 20s, white, with a professional job which included accommodation. She lost both job and home when sacked for her current offence of assault, for which she was serving a 12 month sentence, she was six weeks into her sentence and reasonably well-supported by her family, although imprisoned a long way from home. The offence was alcohol-related although she did not see herself as having a problem, one earlier incident had been dealt with internally at work. She would return home at the end of her sentence but did not wish to be dependent on her family again.

These women tended to describe situations where they shared responsibility for finances and domestic matters either with a partner or with family members. As such they generally had accommodation to return to, as someone else had been able and willing to pick up the burden of looking after housing, possessions, and caring for any children. Co-operation on such matters was not unusual before the sentence, and often reciprocal. Generally they had shorter, if any, criminal records.² The rest were: Janet; Maria; Ellen; Jasinder and Lorraine. Others outwardly might have looked as though they had similar supportive networks but there were hidden problems which are explored below.

Cluster 2 Things fall apart: a shaky safety net

Another, larger, group of women had the outward signs of a family network or a partner, or appeared to be managing on their own but had hit problems only to find that the safety net that might have been in place was no longer there, was deeply flawed or had been withdrawn. Those in families were often the one who dealt with problems or held things together. On their release they faced problems, sometimes alone despite their earlier support of others.

Sadie, young African-Caribbean woman in her mid 20s was serving a three year sentence for a first offence of drug importation. She had been persuaded to attempt the importation by acquaintances. Just before the offence she had dropped out of a highly pressureised higher education course and returned to live with her hard-working but unwell mother. She saw herself as her mother's protector, the only child still at home, trying to support her mother, emotionally and financially, paying bills and helping with the upkeep of the family home. Sadie worked on an employment scheme within the prison enabling her to earn some money, but this would come to an end when she was released. She did not want to be re-housed as an ex-offender, her only

²The issue of who is most at risk of imprisonment and the interplay between women's domestic profile in court and the eventual outcome of sentencing is discussed further in Chapter Four.

likely real choice. There was some tension at home since her offence and she preferred to be re-housed away from her home area. Now she faced the problem of rebuilding what had once looked like a promising career, without recourse to further grant money. She had a further three months to serve.

Sally was a white woman in her early 40s with her own small business which had recently expanded from a temporary stall to a small shop. She had three grown up children and was housing her daughter-in law and grandchild after an acrimonious split from her son. She had a long term relationship although this had been under some strain before her sentence. Economically she had felt that everything was coming together for her. This fell apart when she was accused of benefit fraud relating to the years when she was first starting her business and continued to claim benefit for her three young children as her earnings fluctuated so much that she felt unable to manage without benefit. She received a sixth month sentence for this first offence. Her accommodation was secure but she lost the business during the course of the bail period and the sentence, and her daughter and law and grandchild had moved away since she was no longer there to support (and protect) them. Initially Sally had very little support in prison and had been left pretty much alone to face her court case. However she had been reconciled with her partner and was optimistic about her personal life if not her career on release.

Elaine was a white woman in her mid 20s who looked after her three children full-time. Her long-term partner lived with her most of the time but maintained his own accommodation. He made little financial contribution and she, sick of asking for money, either did without or relied upon stolen credit cards and cheques. She was serving an eight month sentence for fraud in an open prison. She had four previous convictions, one previous custodial sentence 11 years previously when she was fifteen, and had fines and probation in the interim period. Her criminal activity had always related to wanting things that she could not afford, to give the kids "a big christmas", to have nice things in her house, to pay the bills and buy decent food whilst on Income Support. Her children were passed around friends for the first week of her sentence then her partner moved in to her house to look after them, he is not their father. She has little family support. When she leaves she spoke of having to manage "without the crime", and to negotiate a different financial pattern with her partner although she was reluctant to lose her independence by taking more money from him.

Gillian, an African-Caribbean woman in her mid 20s, had until recently been employed full-time in "nine to five" jobs. Her sisters lived close by and the rest of her family was split between Britain and abroad. Since she was sentenced more of her family including her parents have emigrated. This was Gillian's first offence, a drug importation for which she received five years, and had served two years in a closed prison at the time of interview. She related her offence to debt and to being the family member who bailed others out of problems, she was "too soft", providing her sisters with a great deal of support. When she lost her own job she was left with an unmanageable level of debt. Whilst inside she has lost her accommodation; most of her possessions have been stolen by "friends". She described herself as having little and diminishing support as her family re-located abroad. She had passed an access course inside prison and wanted to go into further education, on her release she faced homelessness, debt, unemployment and social isolation after being let down by her existing social circle.

Rose was a white professional woman, in her early 40s, she committed a first offence related to her employment and received a six month sentence. She had recently left a long-term relationship, was no longer securely housed and described a supportive circle of friends and physically distant but emotionally close family relationships. However she would be homeless on release and did not feel close *enough* to her friends to impose upon them. Effectively she would be alone. Neither would she ask her family for financial support and so could not raise the deposit needed for private housing, she was reliant on social housing, and as a single woman with no dependants she was having trouble finding an agency which would prioritise her.

Other women who could be characterised in this way included Carmen, Eva, Lorna, Carol, Jude, Jane, Lynn, Lucy and Lara. Some were single women with only distant social relationships with family and who therefore were extremely financially vulnerable at time of crisis (Lucy, Lynn), who were themselves the financial lynchpin (Carol, Jane, Lara) or managing financially through crime or illegal benefit claims (Eva, Lorna, Janine).

Cluster 3 "Chaos" or isolation

The third cluster is somewhat contradictory. It includes both women who were extremely socially isolated with little if any social support at problematic times and those who had a lifestyle which is often heavily penalised by courts (Carlen, 1983), seen as chaotic, involving the "wrong sorts" of relationships and seeming to be characterised by an inability to cope or to distinguish between positive and negative social contacts. There may seem little to choose between the previous cluster with problematic family relationships and this with problematic non-family relationships but there does seem to be a particularly acute level of exploitation to some of the non-family relationships described by the women in this cluster.

Margaret, a white woman in her late 30s, had one teenage child who was in permanent care of the local authority. It is likely that she had slight learning difficulties and had a long history of psychiatric problems and a long history of previous convictions for shoplifting. She was serving a six month sentence for theft and breach of probation in an open prison, and finding the open regime and the more fluid social relationships harder to cope with than the more structured regime of a closed prison. She had had several previous custodial sentences although had been given a sentence of Community Service the previous year in a reversal of the more usual trend. She described herself as vulnerable to exploitation by others and as always getting involved with "stupidness" going on around her. Before this offence she had been rehoused from B and B accommodation into social housing and a family member was looking after her property for her. Most of her life she had been looked after and housed by family members but this arrangement had recently broken down.

Nadine, an African-Caribbean woman in her late 20s had one child, who was in the care of Nadine's parents after being moved around various family members during the course of his mother's sentence in an attempt to keep him near enough to Nadine to visit. This eventually proved too disruptive and so he was being looked after at a great distance from the prison, Nadine saw him only when she had home leave. Nadine was serving a two year sentence for attempted robbery, had previous convictions for fraud, but this was her first custodial sentence for an offence that she denied. She felt that she had been accused because she was a black woman with a criminal record who was in the wrong place at the wrong time. In her home life

Nadine had a partner who she seemed a little unsure of, he had let her down badly by promising to visit and then not turning up. She lived away from her family describing the relationships as cool, and tried to get by with little support as a fairly self-reliant single parent unit, using cheque book fraud to get by. She had recently got a job, her first decent job where she could afford childcare and felt bitter that this had happened at a time when things were looking up. She was extremely protective of her son who had been abused as a young child and stayed away from the area where the abuse occurred although this cut down her family support.

Linda, a white woman in her late 30s with one child was serving six months for theft, and had previous custodial sentences, including a three month one the previous year. Her daughter goes into voluntary care for the duration of her sentence. Linda described exploitative friendships and extreme exploitation by her partner who has run up bills in her name, and appears to have sold or given away all her clothes during this sentence and in general takes money from her whilst refusing to contribute to the household. She did not have any positive or supportive friendships and her own family were not interested in her. She fantasised about just getting on a train with her daughter to start a new life in a new place, something she had done before to escape domestic violence.

Also in this cluster were Mary and Annie. This cluster would have been much greater but for the number of women who fit this description and had a serious drug addiction and who were therefore in the next cluster. The clusters are fluid and women could be seen as moving between them at different times, for example both Susan and Samantha moved from cluster one, from being employed, with family support to the fourth cluster, the one concerned with drug use when their drug use took over and they became unable or unwilling to function as they had previously. Both lost their jobs, lost established friends and lost the support of their families or were now regarded with extreme suspicion after previous failed attempts to persuade them to stop their drug use. Here women ascribed most of their problems and their route into prison to their drug use.

Cluster 4 Drug-fuelled, drug-ruled?

The next and largest cluster consists of women who have been grouped together by way of the predominance of drug addiction in their lives, or who were serving long sentences as a result of the drug culture in which they were involved and which funded their lifestyle. For example Charlie serving two and a half years for a charge of supplying drugs after agreeing to conceal drugs in her house for a dealer acquaintance, and Esther, serving ten years for the same charge which she denied but admitted that she lived on the proceeds of her partner's drug-dealing and knew what was going on. Several of the women in this cluster were serving long sentences for supplying or importing drugs when earlier they had been users, attracting short sentences for less serious offences committed to fund their own or their men's addiction..

Debra, an African-Caribbean woman in her early 30s with three children, had previous convictions but was serving her first custodial sentence for fraud. She was sentenced to eleven months with four weeks left to serve after several months on Judge's Remand. Debra had a 16 year history of severe domestic violence and resultant depression. As a response to this she had started to take drugs and ended up with a heroin addiction, and a history of suicide attempts. She had funded her addiction through fraud, her family relationships had suffered as a result. She had felt extremely isolated, cut off from family support as so many victims of domestic violence are,

isolated by her abuser and in her attempt to put up with and conceal the extreme violence of her relationships. She described only extremely exploitative social relationships with other drug users. During this prison sentence her family had looked after her children. She would be released homeless, needing to relocate with the children and with her ex-partner looking for her.

Clare was a young white woman in her very early 20s, with one child now in the formal care of her maternal grandmother. She had a relatively long-standing addiction to heroin, had a long criminal record and had served previous short sentences. She was currently serving eleven months for fraud with further charges pending although she expected these to be dropped for lack of evidence. Her partner was serving a four year sentence for armed robbery. Clare lived an unsettled life, moving between the north where she was a habitual shoplifter, and the south where she operated on the fringes of an urban drug and prostitution scene, rolling punters to score drugs. In one period she had tried to come off the drugs and done a period of rehab but relapsed. She described her early life as financially comfortable, unsettled by leaving her original home area, cared for by her grandmother but never settling. She did not anticipate staying off the drugs and had plans to meet other friends who were serving sentences as soon as they were released from a male Cat A prison and to return to the area where she could score drugs until her partner was released when she would go back north to join him. Her daughter was she said "better off" with her mother because she wasn't ready for the responsibility.

Mandy was a white woman in her late 20s with three children. She was a heroin addict having started when her husband started to allow their flat to be used as the local den. He was extremely violent towards her and she was responsible in his eyes, and fists, for earning the money to maintain his habit and later her own. She was serving a sixth month sentence for shoplifting, having had many previous sentences for the same. He had only a one week sentence to date, and held the Income Support books in his name because of her frequent prison sentences. He held this and fear of losing the children over her. She had tried to leave him and been supported and accommodated when she did by his family but he threatened, attacked and intimidated them too and so she went back. She had hoped for a rehab or a probation order with a day centre attendance order. The care of the children was divided between various family members and her husband. Drugs and violence ruled her life, she described her days as a constant round of shoplifting and fencing to earn enough each day to buy the gear.

Sam, a white woman in her 30s was serving a life sentence, she had dependent children. She too had experienced domestic violence and had a long-standing addiction to alcohol and prescription drugs, she could not remember committing the offence which happened when she was actively using drugs, she had experienced violent relationships and though now isolated in prison she described a social circle outside which had been chaotic and revolved around drink and drug use. She had extremely limited support in prison, was seeing little of her children but was fearful of social work involvement, the children were being cared for by their father.

Rachel, a white woman in her late 20s had one child and was pregnant. She was serving a 21 month sentence for drug importation. She had been a heroin addict but had managed to stay off drugs for two years until her partner died. This trauma and the expense of a funeral left her in a state of crisis and she committed the offence, a drug importation, in a daze, knowing that she was likely to be caught, but needing to

raise the money and not thinking through the consequences, she started using again whilst on bail. Now sentenced, her child was being cared for by her family, causing considerable hardship given their limited income and resources. Once regularly employed Rachel had a previous record for shoplifting when younger, receiving a fine, a conditional discharge and probation twice. She lost her job as a result of telling her employer that she had a record when something went missing at work. This was her first custodial sentence. She would go out to debts, and homelessness and with a young baby as well as her older child.

Janice was a young white woman in her early 20s, she had one child and was serving a four year sentence for armed robbery. This was her first custodial sentence, she had two previous probation orders. She described herself as a loner, and a drug user since leaving home at the age of fourteen. She was estranged from her family and at the time of the offence was living a lonely, isolated life with her child in bleak high-rise accommodation. She committed the offence with a group of acquaintances, one of whom gave Queen's evidence against her in mitigation, Janice seemed shocked in retrospect at what she had done and saddened at the way her life had been so far. Her child was now in the care of her family of origin, and she had to return there for home leave in order to see her daughter, which was difficult for her given the earlier problems at home.

The other women in this cluster were: Susan; Samantha; Shirley; Tracey; Charlie; Kate and Esther.

Cluster 5 Childhood trauma: adult pain

The final cluster is for those women who described their adult lives as wholly dominated by the events of their childhood, drug use arises again here but is explicitly linked to childhood events. As a fourteen year old leaving home Janice could have been included in this cluster but for the fact that she did not make explicit whether her home life caused her drug use or whether her drug use arose as a response to homelessness or to events after leaving home.

Sharon was a young white woman in her early 20s. She had had a drug addiction which she related back to her early life, when she was abused and went into care. Once in care her problems escalated, starting with solvent abuse she went on to major drug use, and dealing. She was serving a 15 month sentence for supplying drugs and described being charged as the impetus to wean herself off drugs during her period on bail. She had begun voluntary work and relocated to be away from the area where she was known as a supplier and a user. She appeared to be piecing together the early events in her life with the more recent events and trying to uncouple the two. On her release she would be homeless and wanted to do a training course although she had not yet found a place. She had four weeks remaining of her sentence.

Josie, a young white woman, early 20s with one child linked her drug use to abuse as a teenager. She left home in response and went into squats and began using drugs to try and forget. Eight years on she had a long-standing heroin addiction, and poor relations with her parents but was reliant on them for childcare whilst in prison and when she was actively using. Her violent partner was serving a life sentence. She had no other social support and had a long record for shoplifting to fund her addiction, this sixth month sentence was the latest in a series of short sentences.

Alison, a white woman in her early 20s, was also abused as a child, and began to run away from home in her early teens. She would be returned home by the police, no questions asked. She was eventually taken into care, as out of control, but then discharged unsupported, she became pregnant and had the baby removed from her care. She described this event as leading her to lose control, resulting in alcohol abuse, prostitution and periodic violent attacks. She was serving a five year sentence for Grievous Bodily Harm, her third and most serious violent offence and her first prison sentence.

Other women in this cluster were: Jenny (serving seven years for arson); Lesley (serving six years for arson) and Stacy (serving life for murder), all had been in care and released to an unsettled life often facing further personal danger and receiving little help until the point of crisis, which in some cases came in the form of an extremely serious offence at the bottom of a downward spiral.

The exercise was not to devise categories then fit women in but rather to reflect the way that data seemed to group and draw upon the same interviews. Donna did not really fit into any of the clusters.

An African-Caribbean women in her late 30s with two children, she described herself as "a shoplifter all my life", with a long criminal record and numerous and varied court disposals including one previous, distant custodial sentence. She was serving a five year sentence for drug importation, and described this escalation in offence seriousness as the result of a nervous breakdown when one of her children experienced a serious problem. She saw herself as having lost control of her life and went into serious rent arrears, the offence was an attempt to clear them although she was by no means living in poverty but only without the margin for error. She described a comfortable life style and a steady relationship, a close but disapproving family who were straight and who did not support her chosen way of life. Donna did not fit the 'sorted' category, unless you count persistent shoplifting with its attendant risk of punishment as employment by any other name. Neither was her life ruled by drugs. She was not isolated, nor particularly exploited, nor in the midst of a chaotic social scene. Rather she represented herself as very much in control, committing crime routinely to live a middle-class life, until a particular point of crisis, when what could arguably be described as a criminal *career* escalated by way of a serious offence which is routinely, if not always, punished by imprisonment.

The remaining 28 women in brief:

Lena: black woman, aged 18, first offence robbery, eighteen months, lived at home with mother, can return but may join father abroad for a while.

Harriet: white woman, mid 30s, life sentence for murder (thirteen years), no kids, family contact but few visits, had non-family support network.

Lesley: white woman, late 20s, six years, arson, many previous offences, mild learning difficulties, issues around abuse, needs supported accomodation, homeless, has family support, no kids.

Jenny: white woman, late 20s, five years for arson, no kids, psychiatric issues, abuse issues, waiting to be transferred to hospital, many previous, several previous sentences all for arson.

Annie: white woman, mid 40s, six month sentence, theft, done three, next day release, two kids with relatives in north west, from london, recently re-housed after bed and breakfast accommodation,

many previous sentences.

Carmen: early 30s, black woman, two years for drug importation, two previous offences of deception, two kids, aged eleven and eight and pregnant due to give birth before release. Homeless, long term housing problems and domestic violence.

Carol: white woman, late 30s, twelve days for fine in default of poll tax arrears, three children, with father at home, had been working away from family as husband is unemployed.

Charlie: white woman, late 20s, two and a half year sentence, supplying drugs, bailed for 22 months because pleaded not guilty to supply. Two kids: aged three and almost two, baby was six months old when sentenced, kids with her partner, their father. Served thirteen months.

Ellen: white woman, late 30s, one child, with partner, own house, partner gave up work, can return to family business but lost job, first offence, breach of trust, three and a half years.

Esther: black woman, mid 30s, 10 and a half years for drug importation, served two years, one child aged fourteen with maternal g'mother, previous custody for shoplifting and deception.

Eva: white woman in mid 50s, deception, claiming disability pension and working as care assistant at same time, on medical wing for some of sentence, one year sentence, council tenancy.

Jane: black woman, early 40s, two kids under 16, two over 16 but both still dependent plus daughter in law and grandchild, needs rehousing due to ex-husband. Two years, no previous, strong sense of community, had worked and can return to work, also cared for mother.

Janet: black woman in 30's, two teenage boys with maternal g'mother, retained own house by paying own mortgage, lost job due to offence, breach of trust, has debts.

Jasinder: asian woman, mid 20s, no kids, fraud, two years, first offence, partner /co-d in prison, has accommodation to return to, little family visiting by choice but has their support/acceptance, job lined up on release.

Jude: white woman, late 20's, three kids, two maternal g'mother, one with child's father her violent ex-partner, fears she will not get her back from his care without fight, ten years for drug importation, protesting innocence, homeless, lost possessions.

Kate: white woman, late 20s, one child, with maternal g'parents, seven years for drug supply and importation, homeless, worked at various things, some illegal, others cash in hand etc.

Lara: black woman, mid 20s, no kids, housing OK, drug importation (six and half years).

Lorna: black woman, late 20s, one child, with sister, was unemployed before, attends college on temporary release, five years for drug importation, previous for fraud, homeless.

Lorraine: black woman late 20s, three kids under age 10, with various carers, their father at the time of interview, three month sentence for driving offence, one previous prison, plus other offences.

Lucy: mid 20s, white woman, no kids, homeless, serving eighteen months for first offence, fraud, little family contact before but supportive now.

Lynn: white woman, mid 40s, home owner, now homeless, had worked professionally, eighteen

month sentence, done two months, theft from employer.

Maria: black woman, late 20s, two kids with maternal grandmother, first offence, homeless, drug importation, had been made unemployed, previous domestic violence, much family support.

Mary: white woman, late 40s, ten years for drug importation, four children under 16 and five adult children, homeless, friend has the four younger children, bereavement factor.

Samantha: white woman, mid 20s, one child under five, housed (parents paying rent). Fraud, drug problems.

Shirley: white woman, mid 40s, one teenage child, with sister, had drug problem, two and a half years for supply drug, has become homeless and lost possessions.

Stacy: white woman, late 20s, no kids, life, served ten years, homeless, consistent family support though care and disrupted family life and LA care before.

Susan: white woman, early 20's, no kids, has council flat, too scared to return due to violent partner, being evicted as has not been living there, 48 days for fines, also remanded on other charges, fines relate to soliciting, crack addiction.

Tracey: white woman with one child (with paternal grandmother) and baby in prison). Four years, three previous sentences, had given up tenancy to join boyfriend, domestic violence from previous partner, previous drug problem.

METHODOLOGY AND METHODS

Research Objectives

- 1 To consider what the concept of a community prison might mean for women prisoners.
- 2 To explore how relevant the notions of 'home areas' and 'family ties' are to women in prison.
- 3 To explore the issues and problems experienced by a sample of family and friends providing external support to female prisoners.
- 4 To gather the views of relevant statutory agencies and pressure groups on the options for the redevelopment of the prison system for women.
- 5 To add to theoretical understanding of factors which shape women's experience of community, prison and punishment.

Early exploration: contact with voluntary agencies.

Women In Prison (WIP) campaign towards abolition of imprisonment for women and judge each development in terms of how far it progresses women towards decarceration. In terms of policy their strategy is for the female prisons to be hived off from the male system and for a national strategy for female prisoners. Hence rather than fighting for the increased access of visitors and children to their mothers in prison, WIP campaign for women to be sentenced more flexibly than men, mainly in recognition of their less serious offending pattern but also in recognition of their greater responsibility for others on the outside.

The notion of a 'community prison', for WIP, means taking women out of prison and back into community settings at every available opportunity rather than bringing the community into the prison via voluntary groups providing services. Decarceration is the guiding principle behind their work. They had clearly been involved with monitoring the progress towards community prisons and expressed great concerns about mixed-sex prisons. They anticipate problems with guaranteeing womens' safety whilst maintaining adequate regimes with appropriate (ie. mostly low) security categorisation of women.

Women In Special Hospitals (WISH) work within the prisons as well as the hospitals as most women in Special Hospitals have been in prison before being moved to the Special Hospital sector. In two of the three Special Hospitals in England and Wales there are sex-mixed wards with separate sleeping arrangements but mixed day rooms. In addition all the Regional Secure Units take both men and women, there are usually a very few women in each one, sometimes only one or two women. The mixed wards in the Special Hospitals have attracted complaints of harassment. Subsequent complaints to WISH that incidents are not taken seriously have generated fears for women's safety.

ACCESS AND PROCEDURES FOR THE QUANTITATIVE STUDY

Negotiating access to the data from LIDS was a lengthy process, although one which involved me in waiting to hear the outcome of internal negotiation rather than in active negotiation as my contact in the Directorate of Inmate Programmes (DIP1) was supportive of the research. Negotiations went on simultaneously about how to supply the data and whether or not I should be allowed to access the data at all; should it be via data transfer into the university computer system, or in the form of hard copy printed off in each prison.

Under the terms of the Home Office' Data Protection Act registration, only Home Office researchers or commissioned researchers could be allowed access to data. To over come this restriction I agreed that the research should be commissioned (on a non-payment basis). The information technology and statistical section at the Home Office worked out the method for extracting the data from the LIDS at each prison and sent instructions to the twelve institutions holding women prisoners.

For the purposes of the research each female establishment provided a printout of their population.³ Putting these together I was able to provide a 'snapshot' of the female prison population with additional data, not available through the annual Prison Statistics and which had not been collected before by the Prison Service.

The profile was based on 1722 individual prisoner data entries. I requested a limited number of variables for the profile. These were: sentence length, main offence, ethnicity, address, and alpha code (which locates each individual as 'current', 'discharged', 'bailed', 'at court', on 'temporary release', 'unlawfully at large' or held 'in police custody'). Each dataset was examined for duplicate records, where these were found, one record was chosen,⁴ entered into a statistical package (SPSS/PC) and analysed. Additional variables were developed by recoding data throughout the throughout the process of analysis.

³One establishment provided an incomplete dataset.

⁴As the data was generated on different days by different prisons there was the possibility that some women would have been transferred and might, therefore, appear twice. Where possible I used the most recent record, for example if a woman appeared as both 'sentenced' and 'remand' then the sentenced record was used. The vast majority of duplicate records differed only in having a 'home' and a 'reception' address. In most cases these were the same address or different addresses in the same town which was not significant for the purposes of the study.

RESEARCH PROTOCOL

To have discussion with the relevant voluntary agencies as well as the prison service about the content of the interviews.

To use establishments which cover the range of women's sentencing experience.

To approach the liaison person in each establishment and seek permission to put up a flyer as a first stage of informing women and increasing their ability to make an informed decision about taking part.

To hold small group interviews in each establishment and use these to: explain my funding, probation background, why I am doing the research, what I hope to achieve, what I cannot hope to achieve, what they can expect of me, what I would need from each person who took part, confidentiality, publishing, reports.

To interview each person in an open way, to answer questions about myself, my motives, what I will do with the research, give women a choice about the use of a tape recorder and give those who agree control of the tape recorder, to be sensitive to times when they may wish to stop recording.

To agree the use of verbatim material, and to explain the use of pseudonyms and the changing of personal details to conceal identity and origin.

LEAFLET AND INTRODUCTORY LETTER

DO YOU WANT TO TALK ABOUT YOUR EXPERIENCES OF:

- Life on the outside**
- Keeping in touch - Losing touch**
- Home or Homelessness**
- Support networks**

I am a researcher from Nottingham Trent University (my name is Angela Bolton), and I am doing research about women in prison with the aim of affecting prison policy towards women. Your experiences on the outside might be of help in achieving this aim. I would like to talk to you about what is important to you on the outside, about housing, and keeping in touch and what might help.

I would like to talk to women of different ages, white women and black women, women with different backgrounds, with and without partners, families, support systems.

This research is being carried out to give you a chance to talk about your situation. About how prison has affected you and the people who are important to you. It would be your choice about taking part and what you say will be confidential.

I will be at (name of prison) in late June and July to explain more about the research. I would like to talk to about 30 women who are serving a sentence and I will make contact to explain more in person.

TEXT OF INTRODUCTORY LETTER

I hope that you don't mind me making contact with you through the prison. I have not been given your name by anyone, I have drawn out some names of women at (name prison) randomly from all the women who are here. I am a researcher from Nottingham Trent University, I also used to work at a probation and bail hostel for women and I am doing some research because of my experiences at the hostel and because of the women I met there.

The aim of the research is to try and make sure that women's experiences are taken into account when decisions are made about how the women's prisons should be organised. If you did want to talk to me I would arrange a time to do that, that fits in with your schedule. I would need to take up about an hour to an hour and a half of your time. I would rather talk to you in person about it so you can ask me questions but I wanted to send you some details in advance so that I won't just be approaching you out of the blue. I will be in the prison from the 22nd August onwards and I will come to introduce myself so that you know who I am. I look forward to meeting you in the next few days.

SEMI-STRUCTURED INTERVIEW SCHEDULE

(This sentence: length, is it first, first offence, remanded?)

1 Could you tell me something about the area where you were living and what it was like living there before you came into prison?

- how long there
- who living with
- area: what like, estate, facilities
- were family there
- settled there? was it home
- problems
- safety

2 Could you tell me something about your responsibility for other people before your sentence?

- who: what kind of care
- were they the person holding things together
- any help: formal, informal

3 Thinking now about how you were living could you tell me about what an ordinary day might have been like? What kind of things did you have to deal with?

- who see, what do, home work,
- who was important
- networks
- problems to deal with: violence
- isolation

4 Were there other people that you would say were important to you?

- partner
- children
- friends
- family
- where they lived: nearby/scattered
- and what were those relationships like

5 You've told me something about what your life was like, could you tell me about who took the everyday kind of decisions in your life?

-was it you/ other people, depend on what kind of decisions

- money
- housing
- problem sorting
- caring

6 How would you say you felt about how and where you were living before you came into prison?

- did you feel comfortable there
- would you say you felt part of a community
- would they have changed anything
- place in society

7 Have you had much support from people on the outside since you have been in prison?

- who-what kind
- problems
- do they still feel responsibility for people
- are they protected from problems on the outside

8 Could you tell me a bit about what has happened since you've been in prison, have you been moved around that sort of thing?

-what has happened to the people you looked after

9 would you say it mattered to you how far away from home you are in prison?

- where home would be
- visits
- experience
- what differences

10 How would you feel if you could be held nearer to home in a prison that also held men/

- good points
- bad points
- harassment
- shared facilities
- own experiences with men

(this last has broadened out to be about what they think would be appropriate for women/sentencing issues

- punishment
- impact
- role
- for women
- women as related to others

APPENDIX B:SECTIONS 1 AND 2

INFORMATION. TABLES AND STATISTICS

SECTION 1 THE DEMOGRAPHIC PROFILE OF THE FEMALE PRISON POPULATION

SECTION 2 DATA RELATING TO THE FIFTY INTERVIEWEES

Date of data printout by establishment.

Bullwood Hall	17.09.93
Drake Hall	17.09.93
Pucklechurch	20.09.93
East Sutton Park	20.09.93
Cookham Wood	20.09.93
Askham Grange	21.09.93
Durham	21.09.93
Holloway	22.09.93
Low Newton	23.09.93
New Hall	24.09.93
Styal	06.10.93
Risley	04.11.93

Ten establishments provided data within an eight day period. The last printout to be generated was from a remand centre and local prison in which the net movement of prisoners was likely to be outward to other establishments rather than inward. This reduces the likelihood of duplication but does mean that this cannot be described as a day profile or census. The issue of duplication was addressed by cross-matching dates of birth with place of residence.

Establishments anonymised and by type

1	open training
2	open training
3	open training
4	closed local/remand centre
5	closed training/remand centre
6	closed training
7	closed training
8	closed training
9	closed training
10	remand centre/local
11	remand centre/local
12	remand centre/local

Table 3.1. Female prison population by age

Age	Number	Per cent
15-16	7	0.4
17-18	73	4
19-20	158	9
21-24	328	19
25-29	405	24
30-34	276	16
35-39	194	11
40-44	132	8
45-49	74	4
50-54	39	2
55-59	26	2
60-64	5	0.3
65-69	2	0.1
70-74	1	0.1
75-79	1	0.1
Missing	1	0.1
Total	1722	100

Table 3.2 The ethnic profile of women held in British prisons

Ethnic code	Number	Per cent
White	1289	74.9
Black Caribbean	149	8.75
Black African	119	6.95
Black Other	63	3.7
Asian Indian	20	1.2
Asian Pakistani	7	0.4
Asian Bangladeshi	1	0.1
Asian Other	3	0.2
Chinese	5	0.3
Other	65	3.8
Missing	1	0.1
Total	1722	100

Table 3.3. Female Non-UK prison population by country of origin.

Country	Number
Nigeria	17
USA	16
Holland	8
Jamaica	6
Guyana	6
Colombia	5
Ghana	3
South Africa	2
Other Caribbean	2
Spain/Gibraltar	2
Canada	1
Belgium	1
Ireland	1
Pakistan	1
Benin	1
Unknown Non UK	11
Total	83

Table 3.3.1 Female Non-UK prison population by region

Region	Number	Percent
Africa	23	27.7
Americas/Caribbean	36	43.4
Other European	12	14.5
Asia	1	1.2
Unknown	11	13.3
Total	83	100

Table 3.4 Female prison population by main offence code

Main offence code	Number % of population	Number % of remand pop.	Number % of sentenced pop.
'Serious' composite code	346 20.1%	103 18.7%	243 20.8%
Other violence/weapons	29 1.7%	17 3.1%	12 1.0%
Burglary/house-breaking	132 7.7%	40 7.2%	92 7.9%
Robbery	107 6.2%	30 5.4%	77 6.6%
Theft/fraud/deception	406 23.6%	158 28.6%	248 21.2%
All drug offences	378 22.0%	83 15.0%	295 25.2%
Fines/debts	7 0.4%	-	7 0.6%
Other criminal	134 7.8%	74 13.4%	60 5.1%
Driving offences	31 1.8%	7 1.3%	24 2.1%
Holding warrant ⁵	150 8.7%	38 6.9%	112 9.6%
Other missing	2 0.1%	2 0.4%	- -
Total	1722 100%	552 100.0	1170 100.0

See Appendix C (codebook) below for full explanation of coding and re-coding process.

⁵ An entry of Holding Warrant means that the offence code is either not known or has not been entered onto the computer. These entries effectively meant that valid information about offence codes was restricted to 91.3% of the population.

Table 3.5 Women prisoners by sentence length

Sentence	Number	Per cent
Remand	552	32.1
Less than 3 months	45	2.6
3 months less than 1 year	223	13.0
1 year less than 2 years	237	13.8
2 years less than 4 years	206	12.0
4 years less than 6 years	53	3.1
6 years less than 10 years	154	8.9
10 years less than life	28	1.6
Life	81	4.7
Missing ⁶	143	8.3
Total	1722	100.0

Table 3.6 Women serving life, by establishment

Establishment	Number	Per cent of lifer population
New Hall	17	21.0
Holloway	17	21.0
Durham	13	16.0
Styal	12	14.8
Bullwood Hall	11	13.6
Drake Hall	5	6.2
Askham Grange	4	4.9
East Sutton Park	2	2.5
Cookham Wood	missing	
Total	81	100

⁶ No information for 143 of 144 Cookham Wood entries, the exception being sentenced in days.

Table 3.7 Women prisoners by sentence length and ethnicity⁷

Sentence length	White Number	%	Black Number	%
Remand ⁸	419	76.0	132	24.0
Less than 3 months	38	84.4	7	15.6
3 months less than 1 year	93	75.6	30	24.4
1 year less than 2 years	202	85.2	35	14.8
2 years less than 4 years	159	77.2	47	22.8
4 years less than 6 years	38	71.7	15	28.3
6 years less than 10 years	66	42.9	88	57.1
10 years less than life	8	28.6	20	71.4
Life	71	87.7	10	12.3
Missing	95	-	48	-
Total number	1289		432	
per cent	74.9		25.1	

Table 3.8 Young adult women by sentence length

Sentence	Number	Per cent
Remand	115	48.3
Less than 3 months	9	3.8
3 months less than 1 year	42	17.6
1 year less than 2 years	28	11.8
2 years less than 4 years	26	10.9
4 years less than 6 years	5	2.1
6 years less than 10 years	9	3.8
10 years less than life	1	0.4
Life	3	1.3
Total	238	100

⁷ Percentages refer to rows.

⁸ Ethnic code missing for one person, therefore this figure is one less than actual remand figure.

Table 3.9 Women charged with 'serious' offences by sentence length

Sentence	Number	Per cent
Remand	103	29.8
Less than 3 months	4	1.2
3 months less than 1 year	16	4.6
1 year less than 2 years	26	7.5
2 years less than 4 years	31	9.0
4 years less than 6 years	10	2.9
6 years less than 10 years	28	8.1
10 years less than life	9	2.6
Life	81	23.4
Missing	38	11.0
Total	346	100

Table 3.10 The distribution of population sub-groups by establishment⁹

PRISON	ALL CASES	ALL REMAN DS	ALL YOUNG ADULT WOMEN	YOUNG ADULT WOMEN ON REMAN D	ALL DRUG OFFEN CE CASES	ALL SERIOUS OFFEN CE CASES	LIFERS	LIFERS AND LTI's	BLACK WOMEN
1	110 6.4%	-	16 6.7%	-	21 5.6%	19 5.5%	4 4.9%	18 5.7%	7 1.6%
2	164 9.5%	-	14 5.9%	-	25 6.6%	12 3.5%	5 6.2%	12 3.8%	29 6.7%
3	83 4.8%	-	3 1.3%	-	19 5.0%	7 2.0%	2 2.5%	15 4.7%	22 5.1%
4	489 28.4%	259 46.9%	51 21.4%	33 28.7%	130 34.4%	84 24.3%	17 21.0%	86 27.2%	193 44.7%
5	129 7.5%	50 9.1%	29 12.2%	15 13.0%	13 3.4%	44 12.7%	17 21.0%	36 11.4%	17 3.9%
6	105 6.1%	-	16 6.7%	-	47 12.4%	24 6.9%	11 13.6%	43 13.6%	41 9.5%
7	208 12.1%	15 2.7%	32 13.4%	1 0.9%	56 14.8%	50 14.5%	12 14.8%	91 28.8%	54 12.5%
8	15 0.9%	-	3 1.3%	-	-	15 4.3%	13 16.0%	15 4.7%	1 0.2%
9	144 8.4%	-	-	-	49 13.0%	38 11.0%	missing	missing	48 11.1%
10	138 8.0%	116 21.0%	31 13.0%	29 25.2%	13 3.4%	22 6.4%	-	-	12 2.8%
11	50 2.9%	35 6.3%	14 5.9%	10 8.7%	1 0.3%	17 4.9%	-	-	2 0.5%
12	87 5.1%	77 13.9%	29 12.2%	27 23.5%	4 1.1%	14 4.0%	-	-	6 1.4%
Total	1722	552	238	115	378	346	81	316	432

Percentages refer to columns and describe percentages of the relevant population sub-group not the establishment population. Totals may not equal 100% as they have been rounded separately.

NB The actual number of cases will be smaller for prison 9.

⁹ Percentages refer to columns not rows, they may not total 100% exactly as they have been rounded independently. Percentages across rows will not total 100% as they are not exhaustive of the prisoners held in each establishment.

Establishments grouped by function¹⁰

There is clearly some crossover of function between establishments. Some could belong in either the closed local category or the remand centre category. I have divided the twelve establishments into groups by function to enable comparison of the size and characteristics of their populations.

The open training prisons; Askham Grange, Drake Hall and East Sutton Park held 21 per cent of the population. Holloway and New Hall as the closed local prisons held 36 per cent (618) whilst the closed training prisons held 27 per cent (472) and Risley, Pucklechurch and Low Newton as the combined remand centres/locals held 16 per cent (275).

The open prisons

The general pattern of the open prison population is that each of the groups that have been profiled appear to be slightly under-represented in the open sector. It therefore has the feel of a population drawn from the middle range.

In the three open prisons young adult women formed only 9 per cent of the population and in one open prison numbered only 3 out of 83 women. Life sentenced women, and long term inmates (LTIs) and lifers considered together, were slightly under-represented in the open sector. This could be a measure of their stage within sentencing but it would need an exercise in tracking to decide whether the recent trend is towards longer sentences. This report cannot attempt that analysis.

Considering offence codes, cent of the open prison population were serving sentences for drug offences. This is slightly below their proportion of the population as a whole. It is probably explained by the high proportion within this group who were Non-UK women and therefore ineligible to be held in open conditions. Similarly the open prisons had a lower than expected representation of women serving sentences for serious offences, a tenth compared to a fifth in the population as a whole.

In the open prisons 16 per cent of women were black. This ranged from 7 to 29 individuals across the establishments. These figures are low compared to the general population and ranged from 2 per cent to 7 per cent of the individual establishment populations.

Closed local prisons

This sector held just over a third of the population, representing the largest sector of the population. Only a fifth of the women were serving long term sentences and 6 per cent were lifers. This is in marked contrast to the closed training sector population. Exactly half of the women were held on remand. At one closed local prison the proportion of remand prisoners was over half and 15 per cent of these were young adult women. Young adult women overall formed 13 per cent of the population. Such a high proportion of remand prisoners must increase the problems of maintaining a stable regime. In this sector black women formed a third of the population. However, this is somewhat misleading as one prison held only 17 black women, whilst another held 193.

¹⁰ Figures given in this section refer to groups within the population of the establishments as they group according to function, open, closed local etc. Figures may overlap as they refer to cases which fit more than one criterion.

Closed training prisons

Four establishments fell within this category. At the time of the profile they held 472 women. Young adult women were just over a tenth of this sector. Life sentenced women were 8 per cent of the population, and long term inmates and lifers together formed a third of the population.¹¹ It would not be expected to find remand prisoners in these prisons but a small group appeared to be present at one prison, possibly awaiting sentence on judge's remand. One third of the population were drug offenders. Here we see the effect of the ban on open conditions for Non-UK nationals. Similarly those with the 'serious' offence code were present in greater numbers here than in the general population.

Although black women were a third of the population in these establishments overall, one establishment held only one black woman, whilst there were over 40 black women in each of the other prisons.

Remand centre/local prisons

As expected over 80 per cent of the population in this sector was remanded. Of these a quarter were young adult women reflecting the high proportion of this group who were remanded. However, less than half of the total remand population was held in these three establishments.

The remainder of the population here were serving relatively short sentences. There were no life sentenced women or long term inmates in this sector. Only 7 per cent of women in the remand/local sector were held on drugs offences, and a fifth were charged with 'serious' offences. There were few black women in this sector. This varied from 2 to 12 women in the three prisons.

¹¹Here the lack of data from Cookham Wood is likely to have altered the figures as a significant group of lifers and individuals serving long sentences is likely to have been present at Cookham at the time of the data being collected. Ten individuals serving sentences for murder appeared on the printout. The missing alpha code makes it impossible to say how many of them were current inmates at the time.

Table 3.11 The female prison population by geographic region of home area

Region	Population	Sentenced population	Remand population	Young adult women	Life sentenced women	Life and long-sentenced women
	Number %	Number %	Number %	Number %	Number %	Number %
Greater London	461 27%	324 28%	137 25%	24 10%	17 21%	88 28%
S. East	145 8%	112 10%	33 6%	16 7%	10 12%	25 8%
S. West	66 4%	46 4%	20 4%	13 6%	1 1%	7 2%
Wales	65 4%	49 4%	16 3%	16 7%	4 6%	10 3%
Midlands	115 7%	89 8%	26 5%	23 10%	6 7%	16 5%
Central/E. Anglia	70 4%	54 5%	16 3%	10 4%	5 6%	7 2%
E. Mids	70 4%	51 4%	19 3%	16 7%	2 3%	19 6%
N. West	274 16%	171 15%	103 19%	40 17%	13 16%	30 10%
N. East	62 4%	29 3%	33 6%	12 5%	4 5%	8 3%
Yorks/Humber-side	150 9%	97 8%	53 10%	38 16%	12 15%	31 10%
Scotland/Ireland	6 0.3%	3 0.3%	3 0.5%	-	-	1 0.3%
No Fixed Abode	147 9%	76 7%	71 13%	29 12%	6 7%	32 10%
Foreign nationals	91 5%	69 6%	22 4%	1 0.4%	1 1.2%	42 13%
Total	1722	1170	552	238	81	316

Percentages refer to columns.

Table 3.12 The female prison population by type of home area

Area type	Number	Per cent
City	899	52.2
Large town	395	22.9
Smaller/rural town	137	8.0
Village/rural area	35	2.0
Not applicable	238	13.8
Missing	18	1.0
Total	1722	100

Table 3.13. REMAND PRISONERS BY AREA AND LOCATION OF HOLDING ESTABLISHMENT.

Region	Number	Percent	Held in South East	Held in Yorks/Humb.	Held in North-West	Held in North West	Held in South East	Held in North East
Greater London	137	25	132	2	-	1	-	2
S. East	33	6	30	2	-	-	1	-
S. West	20	4	4	-	-	-	16	-
Wales	16	3	2	-	-	4	10	-
W.Mids	26	5	-	3	2	16	4	-
Cent/E. Anglia	16	3	16	-	-	-	-	-
E.Mids	19	3	6	11	-	2	-	-
N. West	103	19	5	4	12	77	-	6
N. East	33	6	2	1	-	-	-	30
Yorks/Humbs	53	10	1	26	-	1	-	25
Scot/N. Ireland	3	0.5	2	-	-	1	-	-
NFA	71	13	43	1	1	10	4	12
Non-UK	22	4	16	-	-	4	-	2
Total	552	-	259	50	15	116	35	77

Table 4.1 Quality and type of social support network of the fifty women prisoners

Category	N	%
Nuclear unit, little positive support	8	16
Nuclear unit, good support	6	12
Single person, little positive support ¹²	10	20
Single person, good support	9	18
Single parent, little positive support	13	26
Single parent, good support	4	8
Total	50	100

Table 4.2 Levels of support in prison by quality of social support before prison

Support in prison	Quality of social support before prison			
	'good' support		'little positive' support	
	N	%	N	%
Low	6	31.6	23	74.2
Medium	5	26.3	6	19.4
High	8	42.1	2	6.5
Total	19	100	31	100

Table 4.3 Who looks after dependent children?

<i>The National Prison Survey</i>		<i>This research: children by carer</i>	
		N	%
Spouse/partner	19%	19	30.2
Ex-spouse/partner	4%	4	6.3
Prisoner (in prison)	3%	18	28.6
Other relatives	52%	4	6.3
Foster parents	10%	5	7.9
Children's home/in care	2%	5	7.9
Look after themselves	7%	5 ¹³	7.9
Deceased	-	1	1.6
Other	14%	2	3.2
Not known	3%		

¹² Nineteen women in total are categorised as single people, without children in their usual lifestyle. Two women are categorised as single person although they had a child, but had formally relinquished care of the child to another person or to the local authority. Hence in the figures below for childcare a total of thirty-three not thirty-one women appear.

¹³ One of these children was normally fostered and stayed at her usual placement.

Table 4.4 Sentence length by quality of social support before prison

Sentence length ¹⁴	Quality of social support before prison			
	'good' support		'little positive' support	
	N	%	N	%
short	5	26.3	11	35.5
medium	10	52.6	7	22.6
long	4	21.1	10	32.3
life	0	-	3	9.7
Total	19	100	31	100

Table 4.5 Women's housing tenure A) before sentence and B) at time of interview

Housing tenure	A) Before Custody		B) Current Status		
	N	%	Same	Become NFA	Other tenure
Own/Family Home	8	16	6	2	-
Council	20	40	11	8	1
Housing Assoc.	5	10	3	2	-
Private Rented	10	20	2	8	-
No Fixed Abode	6	12	6	-	-
Housed with job	1	2	0	1	-
Total	50	100%	28	21	1

¹⁴ Short = less than twelve months, medium = at least twelve months less than four years, long = at least four years less than life.

APPENDIX C

CODEBOOK

VARIABLE 1 PRISON
LABEL: prison status

- 1 Open training
- 2 Open training
- 3 Open training
- 4 Closed training/remand
- 5 Closed training/remand
- 6 Closed training
- 7 Closed training
- 8 Closed training
- 9 Closed training
- 10 Remand centre/local
- 11 Remand centre/local
- 12 Remand centre/local

VARIABLE 2 TYPE
LABEL: addresstype

- 1 Reception
- 2 Home
- 3 No Fixed Abode
- 99 Missing Value

VARIABLE 3 ALPHA
LABEL: alpha code current status

- 1 Current
- 2 At court
- 3 Temporary release
- 4 Unlawfully at large
- 5 Bailed
- 6 Police custody
- 99 Missing Value

VARIABLE 4 SENTENCE
LABEL: sentence/months

Recode: sentence 2.

- 0 Remand
- 1 < 3 months
- 2 3-12 months
- 3 13-24 months
- 4 25-48 months
- 5 49-60
- 6 60+
- 7 life

Sentence 1.

- 0 remand

Numeric values for sentence length given as raw data in whole months

- 996 less than three months
- 997 less than two months
- 998 less than one month
- 999 life
- 99 Missing Value

VARIABLE 5 HOME REGION BY ADDRESS

LABEL: address

County by numeric code

99 Missing Value

Recode 1 REGION

- 1 Greater London
- 2 South East:
 - Kent
 - East Sussex
 - West Sussex
 - Surrey
 - Essex
 - Hertfordshire
 - Buckinghamshire
 - Berkshire
 - Hampshire
- 3 South West:
 - Gloucestershire
 - Dorset
 - Wiltshire
 - Avon
 - Somerset
 - Devon
 - Cornwall
- 4 Wales:
 - Gwent
 - South Glamorgan
 - Mid Glamorgan
 - West Glamorgan
 - Dyfed
 - Powys
 - Clwyd
 - Gwynedd
- 5 Midlands:
 - West Midlands
 - Warwickshire
 - Hereford and Worcester
 - Shropshire
 - Staffordshire
- 6 Central/E. Anglia
 - Northamptonshire
 - Bedfordshire
 - Cambridgeshire
 - Suffolk
 - Norfolk
- 7 East Midlands:
 - Nottinghamshire
 - Derbyshire

- | | | |
|----|---------------------------|---|
| | | Leicestershire
Lincolnshire |
| 8 | North West: | Cheshire
Merseyside
Greater Manchester
Lancashire
Cumbria |
| 9 | North East: | Tyne and Wear
Northumberland
Durham
Cleveland |
| 10 | Yorks/Humbs: | North Yorkshire
South Yorkshire
West Yorkshire
Humberside |
| 11 | Scotland/Northern Ireland | |

VARIABLE 6 AREA
 LABEL: type of area

- 1 city
- 2 town
- 3 rural town
- 4 rural
- 5 not applicable (ie. foreign national)

VARIABLE 7 ORIGIN
 LABEL: country of origin

- 1 UK
- 2 Europe
- 3 Americas/Caribbean
- 4 Africa
- 5 Asia
- 6 Other/Unknown

VARIABLE 7 AGE
LABEL: age at 1.10.93

Numeric value in whole years

Recode AGE 1

1	lowest - 16
2	17 - 18
3	19 - 20
4	21 - 24
5	25 - 29
6	30 - 34
7	35 - 39
8	40 - 44
9	45 - 49
10	50 - 54
11	55 - 59
12	60 - 64
13	65 - 69
14	70 - 74
15	75 - 79
99	Missing value

Recode: AGE 2

1	<i>lowest - 20</i>
2	21 - 29
3	30 - 39
4	40 - 59
5	60 - 79

VARIABLE 8 OFFENCE

LABEL: main offence

In all cases where a clear offence category exists (for example robbery) cases of attempted robbery and conspiracy to commit robbery have been coded with the main category.

1 Murder/conspiracy/attempted

Conspiracy to murder and attempted murder are included in this category the mandatory life sentence for murder (coded 999) will distinguish actual murder cases from those of conspiracy or attempted murder where a lesser sentence appears.

2 Manslaughter

3 Violence against the person

Includes ABH, GBH, Sections 18, 20, and 47 and non-sexual assault cases including assault PC.

4 Burglary/housebreaking

Includes aggravated burglary and going equipped to commit burglary.

5 Robbery

Includes aggravated robbery and attempted robbery.

6 Theft/handling/receiving stolen goods

7 Fraud/deception/forgery

8 Drug offences

Includes offences of supply, possession and possess with intent.

9 Importation of drugs

10 Other customs and excise

11 Sex offences (against child, eg. Indecent assault against child

12 Other sex offences (Indecent assault, rape, aid and abet rape)

13 Other offences against child (Cruelty)

14 Drinking offences (Drunk and Disorderly)

15 Driving offences (including drink/drive offences)

16 Fine default

17 Debts (TV/rates/community charge)

18 Prostitution offences

19 Breach offences (of bail/sentences)

20 Civil offences

21 Arson

22 Other criminal

23 Other violence (affray, riot)

24 Weapons offences

25 Holding warrant (offence unknown to prison)

26 Kidnap/abduction/false imprisonment

27 Terrorism/explosives offences

28 Death by reckless driving

Recode: OFFENCE 2

1 composite to reflect serious offences: (1,2,3,8,9,11,12,13,21,26,27)

2 other violence/weapons (23,24)

3 burglary/housebreaking (4)

- 4 robbery (5)
- 6 theft/handling/receiving stolen goods (6)
- 7 fraud/deception/forgery (7)
- 8 drug offences (8,9)
- 9 other (10,14,15, 16, 17, 18, 19, 20,22, 28)

VARIABLE 9 ETHNICITY
LABEL: ethnic group coded

- 1 White
- 2 Black Caribbean
- 3 Black African
- 4 Black Other
- 5 Asian Indian
- 6 Asian Pakistani
- 7 Asian Bangladeshi
- 8 Asian Other
- 9 Chinese
- 10 Other
- 11 Refusal/Unacceptable
- 99 Missing Value

Recode 1 ETHNICITY

- 1 White
- 2 Black
- 99 Missing Value