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Why Context Matters in the Trans Prisoner Policy Debates

by Sarah Lambie, September / October 2019

'Let women prisoners decide' on trans policy sounds democratic but follows a concerning trend of anti-trans groups using women prisoners for their own political agendas

In a recent [blog post](#), the Director of the Centre for Crime and Justice Studies (CCJS) argues that non-trans women prisoners should decide whether trans women should be able to 'share space' with them in prison.

To suggest that prisoners should determine trans prison policy sounds, on the surface, like a reasonable and laudable position. Certainly prisoners get very little say on the policies that impact their daily lives and should have greater opportunities to feed into decisions that affect their wellbeing. However, what the CCJS Director is actually arguing is that some women (i.e. non-trans women) should decide the fate of other (i.e. trans) women. The argument only makes sense if you already assume that trans women are not women – which is consistent with the Director's views as expressed on social media. But putting aside the noxious debate about whether 'trans women are women', let's consider the actual context of his argument.

Over the past year or more, mainstream media and social commentators been peddling [false](#) and [misleading information](#) about trans people in general and trans prisoners in particular. These reports—many of which are unreferenced, not properly fact checked and rely on anecdotal and decontextualized examples—consistently portray trans women as inherently dangerous to other women and as disproportionately likely to be sex offenders. This is the wider context in which the argument is made to 'take it to the prisoners.' But if you tell one group people that another group of people are sex offenders and then ask the first group if they want to share space with the second group, the answer is likely going to be no. This is particularly the case in prison, where there is little status lower than someone deemed a sex offender.

If we did put the question to prisoners, which specific prisoners are we going to 'let decide'? There is certainly no consensus on this issue outside of prison, so why would one expect there to be a consensus inside prison?

Prisons, like society more broadly, include people with a range of views, and this means that prisoners include people with both trans-positive and transphobic views. Prisoners are not immune to the discriminatory social norms that are pervasive in society. Though it may be unpalatable to admit, there are some prisoners who don't want to share spaces with a whole range of other women. There are white women who don't want to share space with black women; straight women who don't want to share space with lesbians; British-born women who don't want to share spaces with migrants. Are we also going to let these women decide and endorse a segregationist logic in prison? These kinds of identity-based separation strategies often result in greater punishment for marginalised groups, as evidenced in the enduring racial

segregation practices of [California prisons](#) and the [Virginia prison](#) which came under fire for separating women who were deemed too 'butch' / 'masculine'.

We should be very wary of arguments that pit one group against another, particularly in prison, where scarcity of support combined with competition for resources means that prisoners are routinely and actively discouraged from solidarity with one another. Keeping prisoners in conflict with one another and whipping up fear of marginalised groups is a classic strategy to ensure prisoners don't collectively challenge the system that is actually the real source of harm against them.

Prisoners have very limited autonomy and control over their lives when locked up. We should be supporting them to exercise greater agency, particularly around issues that increase their chances of surviving the harsh reality of prison. However, if women prisoners were given a choice about what issues they most want a say over, it is unlikely that trans issues would be top of the list.

It is concerning that many of the individuals currently bestowed with 'expert' status on trans prison issues have no experience of working directly with women prisoners, no credible history of researching trans prison issues, and very limited engagement with wider LGBTQ+ communities. Instead, these individuals regularly quote from 'reports' written by groups who have recently sprung up to 'defend the rights' of non-trans women in the wake of growing efforts to support trans people. Many of these groups make anti-trans arguments sound reasonable and legitimate to those who are understandably concerned by the news reports they hear but have little knowledge of the issues. These groups feed false claims that trans rights and women's rights are in conflict with one another, despite the fact that many women-only organisations and service providers have been successfully operating with trans inclusive policies for decades.

Many of these same trans critics, until recently, have shown very little interest in women prisoners or prison issues more broadly – but are suddenly 'concerned' about the well-being of women in prison. For those of us who have been working with women prisoners for decades, it's hard not to be dubious of their motives. If these groups are concerned about women's well-being in prison, where is their outrage about [male prison guards who sexually assault women in prison](#)? Where is their concern for the [appalling lack of support for women leaving prison](#)? Why are these groups not setting up campaigns, media strategies, fundraising pages and information websites to address the crisis of [women dying in prisons](#)?

Current discussions about trans prison policy are being reduced to a question of trans people's 'feelings' versus non-trans women's 'right to be safe'. But this framing mislocates the problem of danger. It not only denies the violence that many [trans people face in prison](#), but selectively takes the problematic behaviour of some individuals and attaches it to trans identities as a whole. Such framings portray trans women as if they are the greatest threat to non-trans women in prison.

As the CCJS Director [said to the Times](#): "Women who end up in custody are individuals who've often experienced quite grotesque and traumatic male violence so being asked to share their places of safety and refuge with individuals who they not

unreasonably consider to be male and a threat to them — regardless of whether they are or not — is deeply problematic.”

The implication here is that women’s prisons are places of ‘safety and refuge’ until trans women come along. Such claims deny the reality of prison life: the [mistreatment](#), [abuse](#) and [harm](#) that women face in prison. It also ignores the violence that non-trans women enact on other women, including the numbers of non-trans women in prison for sexual offences.

The CCJS Director and others are right to point out that many women in prison have experienced immense trauma. But claiming that separating trans women from non-trans women is necessary to protect women from further trauma, misunderstands how trauma plays out, particularly in prison, and misconstrues the processes required to heal from trauma.

Trauma and vulnerability, particularly in prison, can manifest itself in a myriad of ways. Survivors of violence can be triggered by all sorts of things; not just the appearance of a person who reminds them of their abuser, but a colour or smell, an article of clothing. Part of the process of healing from trauma is learning to differentiate one’s abuser from others with a similar characteristic and learning to distinguish between an object that reminds a survivor of her trauma and that actual event itself. This healing process is difficult for many survivors but is worsened by the oppressive, controlling and inhumane prison environment where any form of therapeutic support (if available at all) is structured by an overall punitive regime.

These challenges are heightened by the fact that prisons are filled with other people who have also experienced deep trauma with very little resource or support to navigate it. In these circumstances, many people respond to trauma not only through vulnerability, but also through conflict, self-defensive and sometimes self-destructive and violent behaviours. The reality is that hurt people often hurt other people. These painful enactments of trauma are prevalent in women’s prisons and will play out whether trans women are present or not.

The problem with framing trans women as an inherent or perceived threat to other women, is that this conflates problematic individual behaviour to group identities. This is a longstanding strategy for propagating discrimination and oppression. It is the same tactic that has been deployed by anti-gay campaigners, who portray gay men as paedophiles and lesbians as unfit mothers. The current demonisation of trans women in general and trans prisoners in particular follows a long history of stigmatisation and scaremongering, which dresses up prejudice and discrimination under the guise of concerns for safety.

The public at large doesn’t have time to fact check every media article they come across. So it is understandable that many people are being swayed by transphobic news articles and ‘reports’. This is made worse when such views are legitimised by people in positions of power who use their professional authority and access to media platforms to amplify and reframe trans-hostile views as though they are simply part of ‘reasonable debate’. The underlying problem is not a lack of debate but rather that the debate is being shaped by misleading and inaccurate information.

These 'debates' are not simply about philosophical or political differences; they are having a direct impact on prison policy and prison life. The current framing of these debates locks people into intractable positions that limit our capacity to confront the key problem that actually needs to be addressed: how to reduce both interpersonal and state violence and how to create real places of safety and healing in our communities.

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