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‘She Was Just Like A Lassie’ Analysing The Views of Cis-Women In Custody About Their Experiences of Living With Transgender Women In The Scottish Prison Estate

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The subject of transgender rights has recently come under increasing scrutiny in many parts of the world. Despite this, there has been no research that analyses this issue from the perspective of cis-women living alongside transwomen in prison settings. This paper addresses this omission by analysing the views of fifteen cis-women in prison in Scotland, living on halls of four prisons that also housed transgender women. Findings are analysed across a range of areas incorporating the acceptance, support and solidarity as well rejection, feelings of vulnerability relating to transgender people in custody. Responses analysed highlight a diversity of views, reflective of wider societal perspectives about transgender people. This paper has relevance for prisons systems housing transgender people, and provides unique insights into the complexity of performances of gender within the contemporary prison settings.

Key Words: women in custody, transgender people in custody, gender in prison

INTRODUCTION

Issues relating to transgender people in prison settings are receiving increasing levels of attention within both mainstream media and within criminal justice organizations internationally (Lamble 2012; Jenness and Fenstermaker 2014; Knight and Wilson 2016; Sumner and Sexton 2016; Routh et al. 2017; Apter 2018; Beard 2018; Jenness and Gerlinger 2020). This is in response to both increasing numbers of transgender people in society (Beemyn and Rankin 2011; Nolan et al. 2019) and greater numbers of transgender people in contact with the criminal justice system (Sumner 2010; Lamble 2012; Jenness and Fenstermaker 2014; Sumner and Sexton 2016; Jenness and Fenstermaker 2016; Forder 2017; Gorden et al. 2017; Jamel 2017; Routh et al. 2017; Apter 2018; Beard 2018; Jenness et al. 2019). This literature is situated within a broader research relating to the gender binary nature of most prison systems (Pemberton 2013) and gender and sexuality within prison (Bosworth and Carrabine 2001).

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Despite this body of evidence, there are no published studies that have analysed the views of people in custody who live with transgender people. This paper seeks to foreground the particular accounts of cis-women¹ who live in custody with transgender prisoner(s). The debate relating to transgender people in custody is shaped by two opposing positions, made on behalf of cis-women in custody. On the one hand, elements of the feminist movement claim that cis-women are at increased threat of violence due to transgender women being located in female prisons halls of prisons, and that female halls of prisons should only house cis-women. Conversely, opposing positions in this debate argue that transgender women should be housed in halls of their lived gender, and that efforts to prevent this from happening are gender critical and/or transphobic. Despite this, the voices of cis-women in relation to transgender prisoners are absent from the current debate in both mainstream media and criminal justice organizations. This paper seeks to redress this imbalance, and analyses the views of cis-women in custody rather than speaking for cis-women in custody or making assumptions about their views on living with transgender people. The ways in which prisons as social spaces might influence views of transgender people have not been explored from the perspective of cis-women or any other groups of people living and working in custody. This paper considers acceptance and/or rejection of transgender women by cis-women, including both positive perspectives (informed by first-hand experience of sharing space with transgender women) and negative views (e.g. questioning parts of the transition process). This paper seeks to analyse the tensions and contradictions within the views shared in this study, to illuminate the ways that being in prison shaped these views.

TRANSGENDER PEOPLE IN CUSTODY

Transgender people are housed in a diversity of ways internationally, with most research on this issue located within the US, and in particular, California (Sumner 2010; Jenness 2010; Jenness and Fenstermaker 2014; Jenness et al. 2019; Jenness and Gerlinger 2020). This research is based on sustained research engagement in relation to the experiences of transgender people in Californian prisons, research that provides a rich theoretical and empirical context within which the analysis of the findings below is contextualized. Within the US context, and where there exists research on transgender people in other jurisdictions, transgender people have tended to be housed in halls of their birth or lived gender depending on a range of factors. In England and Wales for example, in 2019 a new policy framework (the care and management of individuals who are transgender) was implemented (HMPPS 2019). This framework states:

All individuals in our care must be supported to express the gender with which they identify. Their preference does not oblige us to allocate them to a men's or women's prison or approved premises accordingly; it is one of many factors that may influence such decisions. (2019, 4)

Within this context, the management of transgender people tends to uphold the gender binary within prison settings (Pemberton 2013). There are relatively few examples of transgender people being housed in specific halls or prisons, with one notable exception being a wing of HMP Downview in England, opened in 2019 to specifically house transgender people. The current paper reflects a linked study analysing the views of transgender people in custody about HMP Downview and transgender-specific prison facilities (Maycock 2020a) and the particular pains of imprisonment experienced by transgender people (Maycock 2020b).

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

Transgender people in custody in Scotland

This research is located within a wider Scottish penal context, which is autonomous and devolved from the rest of the United Kingdom. Current Scottish Prison Service (SPS) policy on gender identity and gender reassignment (SPS 2014) has been the focus of recent academic debate (Murray and Blackburn 2019; Cowan et al. 2021). This policy entails individual risk assessments of all transgender people in custody, which results in some transgender women being housed in female prisons or prison halls (SPS 2014). Based on the Scottish policy context, this paper focuses on the social dynamics and interactions between cis and transgender women living together in prisons in Scotland.

Women in custody in Scotland

The latest official figures indicate a fall in the average number of women in custody between 2011–12 and 2016–17, followed by a relatively static female average prison population of under 400 women since 2016–17 (Scottish Government 2020). At the time of ethical approval for the study (May 2019), there were 379 women in custody in Scotland, equating to 4.6% of the prison population, located in five prisons² across Scotland. In May 2019 there were 17 transgender people in custody. A range of research has been conducted into the experience of women incarcerated in the Scottish prison estate, some of which is summarised here to provide further context for the study.

There is an emerging narrative in the literature around the female prisoner experience in Scotland, reflecting the trend of increasing proportion of women entering the Scottish prison system, and the extensive exposure that these women have to traumatic experiences in their earlier life (Vaswani 2019). The need to shift the focus from the ‘individual risks’ imposed by these uniquely female vulnerabilities, towards more community-based approaches across Scotland has been highlighted (Malloch 2017). This is reflected in recent shifts in the women’s prison estate in Scotland with the forthcoming opening of two community custody units (SPS 2019). In recent research, Crowley (2018) analyses the policy discourse relating to young women in custody in Scotland, unpacking gendered notions of ‘at risk’ and ‘vulnerable’ young women within the prison system. This highlights the importance of relationships between women in custody and prison staff, and the gendered nature of emotional labour in relation to work with young women in prison settings in Scotland (Crowley 2021).

Despite this illuminating body of evidence, no published research has sought the views of cis-women in custody in Scotland (or, indeed, in any other jurisdiction) about living with transgender people in custody. The interviews analysed in this paper illuminate a particular engagement and interaction with transgender women, with participants holding a diversity of sometimes conflicting views, and provide an insight into the impacts of the SPS (2014) gender identity policy as well as wider views on gender and femininity within prison. This is significant in a context within which the controversy around the management of transgender people in custody is prominent in wider national and international debates about transgender issues and gender identities that coalesce around issues such as Gender Recognition Act (GRA) reform. It is within this policy and research context that this study is situated.

METHODS

Complementing an earlier study that analysed the experiences of life in custody for thirteen transgender people in custody in Scotland (Maycock 2020a; 2020b), this study entailed fifteen

2 The current national facility for women in Scotland is at HMP & YOI Cornton Vale. Women are also held in custody at HMP Edinburgh, HMP & YOI Grampian, HMP Greenock and HMP & YOI Polmont.

semi-structured interviews with cis-women in custody. These cis-women were located in four Scottish prisons and all participants lived on a wing that also housed a transgender person at the time of ethical approval. Participants were recruited by gatekeeper prison officers working on the relevant halls. All participants were given the project information sheet and fifteen participants gave informed consent to take part in the study. Semi-structured interviews exploring pre-prison experiences of transgender people, aspects of life in prison as a woman, reflections on living with transgender people as well as hopes for life after prison were conducted with all fifteen participants. Interviews were transcribed and subsequently checked and 'cleaned', followed by an inductive thematic analysis (Fereday and Muir-Cochrane 2006) in Nvivo 12. Analysis was initially orientated around themes within the semi-structured interviews, although the coding framework evolved significantly from this in order to incorporate aspects of interviews not initially outlined in the interview topic guide. All fifteen participants have been given pseudonyms to protect their identity.

The sample

This paper analyses the interviews with fifteen cis-women participants, equating to a 4% sample of the female prison population in Scotland at the time of data collection. Given the small size of the sample is it not possible to give great detail about the intersectional identities of the fifteen participants. Some participants were middle class, others working class, there was a wide range of educational background, with some participants having a degree and others limited formal education. All participants identified as white, some identified as lesbian, some bisexual, others as heterosexual. All were at various stages of their sentence, incorporating both short and long-term sentences. That the sample is so small constitutes a significant limitation of this study, although this was shaped by the ethical approval granted by the SPS. Additionally, a number of other linked studies to this all had similar numbers of participants within them: transgender people in custody (Maycock 2020a; 2020b); prison staff (Maycock, forthcoming); cis-men in custody (Maycock, forthcoming). These linked studies analyse diverse perspectives on living and working with transgender people in custody, including living with transgender women within male halls of prisons, something not included in the analysis in this paper. Additionally, there are further limitations inherent in this paper in relation to speaking for others (Alcoff 1991), relating in particular to the gender and wider power dynamics within this study, as a consequence of the author being a white, middle-class heterosexual cis-man, who at the time of data collection was working as a researcher within the prison system itself.

FINDINGS

In order to provide some context for the views expressed in this paper, data are presented from the British Social Attitudes Survey (Curtice 2019), which includes questions providing insights into UK-wide societal views about transgender people. The latest version of the survey indicates that 83% of respondents are 'not prejudiced at all' towards transgender people, in contrast to 15% who describe themselves as 'very' or 'a little' prejudiced'. The findings section below complicates the categories used within the British Social Attitudes Survey, reflecting the range of views on transgender people in society, but exploring the ways in which the prison context shapes particular views of transgender people. The findings section challenges some of the assumptions within the British Social Attitudes Survey insofar as the views of the participants in this study were not so easily categorized in response to the question:

How would you describe yourself: as very prejudiced against people who are transgender, a little prejudiced, or not prejudiced at all? (Curtice 2019: 14)

This question is problematic for a number of reasons, not least that framing the question around *prejudice* is likely to elicit a particular response given few people are likely to want to identify as prejudiced in any respect. As emerges below, views reflected by participants in this study could be interpreted as being simultaneously very prejudiced, a little prejudiced, or not prejudiced at all, as their responses to different questions relating to particular aspects of the experience of living with transgender people within prison illustrate. Findings are organized thematically around particular reflections and aspects of the transition process that participants commented on. The findings seek to unpack and explore the assumptions made about cis-women in custody's views on transgender people and the possibilities that participants consider the transitions of the transgender people they lived with as authentic, where participants felt that the transgender person(s) they were living with were transitioning for reasons they considered genuine. As with all other decisions about their incarceration, the cis-women in this study were unable to decide who they lived with in prison, and living with transgender women emerges as adding a new layer to their lived experience of prison life.

Support and encouragement

Within the sample, three participants were almost entirely accepting of the transgender people they lived with, while for other participants acceptance was contingent on factors such as the stage of transition the transgender person was at. Moving from the male to the female estate is a particularly challenging time for transgender people, with often significant apprehension about the extent to which they will be accepted in their lived gender (Maycock 2020b). Ella outlines below how she supported a transgender woman (Rachel) when she first moved to the female estate, giving her advice and accepting her as a woman in a largely all-female living space:

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

Three participants held what were very positive views about living with transgender women, accepting them as women into their living space often in reference to knowing and accepting transgender women as being women in community contexts. Lucy states below that she was supportive of the transitions transgender women were taking:

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

Lucy goes onto explain why she might have had these views, she only came to realize she was gay while she was in custody:

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

There is a sense here that Lucy made this change while in custody, and, as such coming to terms with your sexuality or gender identity could be realized with a prison context. As a consequence, Lucy was supportive of people making other changes while they were in custody too. There is some evidence that prisons can be places of hope and positive change (Liebling et al. 2019; Wright 2020). Ava outlines below how her experiences of living with transgender people gave her insights into the struggle that this entailed within a wider context of support:

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

Although research points to a decline in trust between British [male] prisoners (Liebling and Arnold 2012), the quote above illustrates contrasting reflections on relationships between people in custody, and demonstrating solidarity between cis and trans women. In the quote below, Isla outlines a recurring narrative in many of the interviews of supporting transgender women with their transition while in custody. This again invokes the narrative of fighting to change and be accepted as a woman:

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

Here, Isla illustrates the sorts of support that this particular transgender woman was getting from the cis-women that she lived with. The discourse of Ruth fighting through her journey connects to other forms of resistance to aspects of being in prison expressed within some of the interviews, and a wider literature relating women's resistance within prison expressed through social identities (Bosworth and Carrabine 2001).

Empathy for the challenges that transgender women faced in prison

Reflections on particular challenges faced by transgender women emerged in a number of interviews with cis-women. Alison is a keen songwriter and had written a song about and for a transgender man³ that she lived with while she was in custody. The song itself showed a great deal of compassion with the difficulties associated with transitioning and knowing who you are:

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

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

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

This resonates with other positive narratives across the interviews, in particular relating to particular positive experiences within education classes and similar activities within the prison. Emily reflects below on her experiences with a particular transgender woman (Donna), exploring aspects of the transition: physical, hormonal, as well as social, and the way that Donna was accepted as a woman:

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

3 There were two transgender men in custody, both in female halls of the prisons in which this study took place.

This quote illustrates acceptance across a range of areas, physical, hormonal, and—critically—behaviourally, reflecting the diversity of the transitions that transgender people move through. Ultimately, for Emily, Donna was referred to as a transgender woman, and was accepted by her as a woman in a largely female prison wing (some male staff worked on this wing).

Perceptions of safety

Some research has indicated that some women consider prison to be a relatively safe space, influenced by previous experiences of interpersonal violence (Bradley and Davino 2002). The significance of the acceptance of transgender women outlined in the previous sections, is wide-reaching and has implications for the ways in which the participants viewed safety and risk within their living spaces. For example, Jessica stated:

I know Jean and Sarah. And obviously they're trans. But I don't feel, like, intimidated or anything or... don't feel like they're a manly presence.

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

I came from an extremely domestic violent situation, and I don't find them [transgender women] scary at all. And I feel safer with them, actually. Whereas in custody, I find women that have been through domestic violence... they're scared, they're scared of [male officers] bullying them.

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

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

For Ella, this was a consequence of being a straight woman in an environment she felt quite threatened in, as a consequence of her sexuality. This is analysed in a number of studies (Severance 2004; Bosworth 2017) indicating a diversity of engagements and perceptions of lesbian relationships within prison settings, including the possibilities of lesbian and homosexual relationships being a form of resistance to the pains of imprisonment (Bosworth and Carrabine 2001). Ella went on to say:

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

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

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

These quotes illustrate the significance of intersectionality within the prison environment in shaping diverse experiences of life in prison (Bosworth and Carrabine 2001), and feelings of safety explored here. A number of the participants went further than supporting the transitions that transgender women were making. They accepted them as women in their living spaces, and they also found the transition and living with people making this journey, fascinating. Ella, below, indicates that she almost felt privileged to be so close to someone transitioning and becoming a woman in the same space as her:

It's been great, but when Ruth came here, and I was saying this to her last night, what a change, not just physically, but in herself as well, like her attitude and just how she is in herself, and watching her, you know, change and develop over time. It's fascinating, it's really, really interesting to watch, and because we are... we're as close to her as anybody could be just now.

This quote resonates with the category within the British Social Attitudes Survey relating wider British views on transgender people, insofar as some of the participants in this study seemed to have no obvious prejudice towards transgender people that they lived with.

The 'vulnerability' of cis-women in custody living with transgender women

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

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

This rejection of a narrow perception of women in custody was expressed by three participants in this study. These participants added further detail to their perception of risk and vulnerability, stating that they felt safe *if* they viewed the change that a transgender person was making was authentic and genuine. Emily outlines these feelings below:

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

Here Emily points to the performative aspects of being a transgender woman and the possibilities of this being acted or in some ways inauthentic. Grace and Alison viewed vulnerability quite differently to many of the participants, outlining several perceived threats they considered as being more significant than the transgender women they lived with. For example, Grace observed:

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

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

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

However, other participants took contrasting positions to those outlined by Grace, Alison and Emily. The bodies of transgender prisoners contributed to feelings of vulnerability for some participants who rejected the authenticity of the transitions of transgender people they lived with, particularly in relation to violent interactions. Freya below returns to the notion of how she sees transgender women ultimately as men with manly strength:

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

For Freya, this resulted in feelings of vulnerability shaped by her views of the bodies of the transgender women she lived with in custody, bodies with different strengths in what could sometimes be a violent environment. She viewed this as a continuation of hurt and violence that men had perpetrated against her previously. Potential and actual instances of violence were also discussed from multiple perspectives during the interviews, influencing perceptions of risk and vulnerability. Among only limited mentions of sex and sexual violence between transgender people and other people in custody, Ellie discussed one instance where she had heard of this happening:

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

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

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

The role of rumour within prisons has been the focus of a number of studies ([Severance 2005](#); [Einat and Chen 2012](#)), and this might help to explain some of the sentiments in this section that were not substantiated through official reporting and complaints processes.⁴ In a further complication of the narratives around violence and risk relating to transgender people in custody, Isla indicated that she was willing to be violent to support a transgender person she had become particularly close to while in custody:

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

⁴ It is important to recognize here the lack of confidence that people in custody often report in relation to the complaints process, as well as women being less likely to complain than men ([Behan and Kirkham 2016](#)).

Conversely, Cath below rejected the feeling of vulnerability that some participants felt around transgender women. She felt that if a particular transgender woman were to get violent, she would respond with violence and expect to come out on top:

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

Perceptions of threat shaped by previous experiences of violence and abuse

Just over half of the participants discussed their experiences of different transgender women who they viewed as men and consequently as a threat due to previous experiences of violence and abuse. The rejection of the lived gender of transgender people was discussed alongside feeling uncomfortable around people they viewed as men. For example, Ella outlined her experiences with one particular transgender woman (Miriam), who she referred to as a man throughout the interview. Miriam had used inappropriate language and had made Ella uncomfortable:

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

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

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

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

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

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

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

Here, and in the rest of the interview, Emily referred to the transgender people, not by name or 'he'/she' but as 'transgender'. The fear that transitioning from male to female might enable men who pose a threat to cis-women to move to the female estate was discussed by a number of participants. Ellie was quite clear about her views about a particular transgender woman (Susan), who she felt was transitioning for the wrong reasons:

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

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

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

Emily, below, discusses the implications of transgender women she viewed as men, not only in relation to the strength that she felt they had, but also in them trying to control and have authority over her. For Emily, this felt like a continuation of a controlling relationship she has been in prior to coming into custody. Despite the person she refers to being a transgender woman, Emily viewed her as acting like a man:

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

These views on vulnerability complicate the often simplistic narratives that have tended to be used in reference to cis-women in custody (Crowley 2018). As in previous sections, participants' views on this are diverse and often contradictory, which is important given the recurring narrative that cis-women in custody are vulnerable. The quotes analysed in this section illustrate that perceptions of vulnerability are not uniform, in relation to both cis and transgender people in custody, and provide further nuance about participants' views of vulnerability in relation to transgender people.

While the acceptance and positive views on transgender people and support for the transition process were a recurring theme in the interviews, the views in this section do not reflect the views of all participants in this study. Around half of participants took contrasting positions, being sceptical of the authenticity of the transitions transgender people were making. Importantly, some participants took both positions, often in reference to different transgender women they had lived with during their sentence. This complicates the ways in which transgender women were viewed by the participants and indicates the lack of agency the participants had in relation to the people they lived with in prison, something that affects all people in custody. Some participants in this study felt threatened by what they viewed as men living within their living spaces, attitudes that are aligned to gender-critical positions.

Questioning the authenticity of the transitions of transgender people in custody

Around half of the participants in this study, held views that were more closely aligned to the prejudiced views towards transgender people outlined in the British Social Attitudes Survey. Within the prison context this took a particular manifestation, insofar as some participants did not consider the transgender people they lived with as female, and in some instances suggested that they should be located in halls within prisons of their birth sex (in this instance located in male halls). These views are reflective of wider prejudices within society, despite the majority of people and cis-women, in particular, supporting transgender rights (Curtice 2019). For example, Ellie was quite clear that if you were born a man, irrespective of any subsequent transition you should be in a male prison:

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

The direct association between womanhood and cis-female bodies and the denial of gender has been discussed by a number of feminists (Raymond 1980; Greer 2014; Jeffreys 2014; Hines 2019). Feminism and gender-critical perspectives were discussed by only two participants. Grace, in particular, was quite expressive about these issues:

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

The importance of family links for cis-women in custody has been analysed in many studies (Comfort 2009; Golden 2013), and the current study picked up themes related to this, albeit from the perspective of cis-women in custody. While Lucy was accepting of the transgender people she lived with, it was her family that seemed to have the problem with her living with transgender people:

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

Although this had not occurred on this occasion, this quote points towards the potential for families to influence views in this section, which are shaped by multiple influences and sometimes influences outside of the prison walls.

The stage and type of transition as an influence on the perceptions of living with transgender women

For just over half of the participants in this study, the rejection of transgender women in their space was more nuanced and for some related to the stage of the transition that the person was at. This was often in reference to perceptions by the participants around some of the transgender women had not had genital surgery, so had male genitalia. Cath below summarises these positions, insofar as the transgender person she referred to had not fully transitioned biologically:

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

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

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

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

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

Other participants were more sceptical than Cath and Jessica. For example, Ellie was sceptical about a particular transgender woman (Leslie), who she felt wasn't genuine in her transition, and was transitioning due to being intimidated by going to the male estate:

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

Additionally, Hannah was quite clear that she viewed a transgender woman (Elaine) she lived with as a man. As discussed above, Elaine was considered to be a man, which had particular implications for participants who had been the victim of abuse perpetrated by men:

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

This quote is in contrast to Emma's above, who had also been the victim of abuse but responded very differently. This then complicates the implications of experiences of abuse and violence prior to custody on the views on people in custody about living with transgender people.

Agnes revisited,⁵ not trying hard enough and staying a particular type of woman

A range of largely American research has analysed the efforts of transgender people in custody to achieve the 'real deal' in terms of femininity (Jenness and Fenstermaker 2014; Jenness and Gerlinger 2020). This large study located in Californian prisons explores the ways in which transgender women perform their gender:

The manifest desire to be taken as feminine, and thus female, prompts and sustains a commitment to 'act like a lady'. (Jenness and Fenstermaker 2014: 14).

Within this context, Emily discussed a particular transgender woman (Donna) in more depth. Emily felt that Donna was inauthentic in her transition. There is a sense in the quote below that this person wasn't trying hard enough to be a particular type of woman:

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

⁵ Agnes here refers to Garfinkle's (1967) story of Agnes, a young woman who presented to a clinic seeking genital surgery and as part of a wider accomplishment of gender. This has been subsequently analysed by Jenness and Fenstermaker (2014) in relation to transgender people within prison settings.

Similarly, Ava expected transgender women to ‘make an effort’ in gender-specific ways in relation to appearance:

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

This provides a new perspective on research that analyses the ways in which prisons shape particular types of femininity in transgender women in custody (Jenness and Gerlinger 2020), exposing the perspectives of cis-women in custody who evidently have particular gendered expectations of the transgender people they lived with. Evidently transgender women in custody need to be seen to be trying to be a woman of a certain type, connecting to research that has explored the efforts transgender women themselves make to achieve certain types of womanhood (Jenness and Fenstermaker 2014; Sexton and Jenness 2016; Jenness and Gerlinger 2020). This links to a wider analysis of performances of femininity within women’s prisons (Malloch 1999; Wahidin and Tate 2005; Moran et al. 2009), with Bosworth indicating that women rely on idealized versions of femininity to survive prison (Bosworth 2017).

Several participants discussed transgender people who had transitioned in custody, but who had reverted to their birth gender following release. For example, Isla below outlines her acceptance of a transgender woman (Ruth) in her hall, reflecting on the hurt that this caused given the efforts she and other prisoners made to accept and welcome this person:

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

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

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

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

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

From a different perspective to Hannah’s, this again returns to the rejection of the authenticity of the transitions of all transgender people in custody. This section has illustrated that in some ways trust and suspicion are heightened in prison, and further research needs to be undertaken to better understand the processes through which information travels through the prison walls, in both directions. Additionally, if these quotes are true, and there are some people transitioning

during their time in custody only, how can policy in this area appropriately respond to this to ensure the safety of all those in custody?

CONCLUSION

This paper analyses a range of perspectives expressed by cis-women about transgender people living in custody, illuminating a diversity of views many of which are deeply contingent and far more complex and nuanced than has been assumed previously. This raises several questions around why there is such a diversity of views and what influence prison as a social space has on these views. Given the lack of comparative studies relating to the views of cis-women in custody about transgender people in custody (either in Scotland or internationally), findings are related to the latest British Social Attitudes Survey, which indicates that the majority of people within the UK (87% of respondents) are 'not prejudiced at all' towards transgender people. It also highlights that there is a wide range of views on this issue resonating with the diversity of views in this study. However, this study complicates the wider British Social Attitudes survey, due to the specific social dynamics of the prison context. Some participants held views that were both supportive as well as also being more critical of the transgender people they lived with, complicating the categories within the British Social Attitudes Survey. Additionally, there was a degree to which the participants in this study were reflecting on their experiences of living with a particular transgender person in their wing, within an institutional context of the prison that none had chosen to be within.

My positionality as a cis-male, and—at the time—a member of SPS staff was brought into focus during a number of interviews. For example, Hannah wasn't sure if she could say what she was saying and suggests an apprehension to share more gender-critical views. This will have had an impact on the extent to which other participants might have felt able to express particular views about transgender people in this study. Carlen (1998) indicates that female prisoners tended to find male prison officers less punitive than female officers, and few women in this study feared sexual assault by male prison officers. As a male member of staff at the time (although not in uniform), I took great care in the parts of the interviews about male staff and experiences of domestic violence. All participants were given a number of sources of support should they need it. However, I must acknowledge the implications and limitations of being a cis-man and working for the SPS in relation to discussing domestic violence within the prison context with female participants, within a wider context of the problematic nature of 'insider' research in prisons (Marquart 1986). Additionally, speaking for others in this contested space, raises a wide range of challenges (Alcoff 1991), further complicated in this study by it being undertaken by a cis-man which raises particular issues within prison research (Cowburn 2007).

The respondents in this study, while not representative of all cis-women in custody, to a degree, hold broadly similar views to those in wider society, with some participants being sceptical of the transitions that transgender people were making while others were very supportive. This study resonates with wider societal views to an extent, although they are shaped in specific ways by the prison context of having to live next to transgender women irrespective of whether the participant had views that were supportive of transgender women or not. It is important to note that there were few expressions of explicit transphobia expressed in the interviews, and if the person transitioning was viewed as authentic, she was generally supported. What is particular about the prison environment is that the cis-women in this study are living in close proximity to transgender people not out of choice but as a consequence of being in prison. Indeed, the majority of the fifteen participants had little previous experience of knowing or living close to or

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

This paper raises questions about the longevity of the views expressed: are these shaped by the prison context, or are they more permanent? These are questions it is not possible to answer with the data collected, but are areas for future consideration. Little research has considered the ongoing impacts of prison on the attitudes that have been explored in this paper. Isla was serving a long sentence and she didn't expect her views on transgender people to change at all as a consequence of being in prison:

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

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

The study revealed a diversity of views among the cis-women participants about living with transgender people and more widely the extent to which they see transgender women as women or not. The question then emerges of why some cis-women in custody were more accepting of living with transgender people in custody while others were not. A critical factor in shaping this difference is experiences with transgender people in the community prior to custody. The five participants who had known transgender people prior to coming into custody, either socially or within their family, tended to be much more sympathetic and positive about living with transgender people in custody. Conversely, participants who had limited prior experience of transgender people tended to be less accepting. This illustrates that, even within prison, the transgender debate cannot be separated from a wider debate.

This study has a number of implications for prison policy and practice. Previous studies and policy analysis have not explored the ways in which prisons as social spaces influence the views of people within them in relation to transgender people, in the wider UK context within which views on transgender people are evolving (Curtice 2019). In terms of the wider policy implications of this study, it is hoped that the insights analysed in this paper have a broader resonance in policy discussions in relation to transgender people in custody, and that future policy is influenced in meaningful ways by a diversity of people within prison settings. In relation to prison practice, the views of the participants in this study further complicate the views of prison practitioners in relation to young women in custody analysed by Crowley (2018; 2021). Crowley critiques practitioners' constructions of 'at risk' young women, and this paper further challenges perceptions of risk and vulnerability in reference to transgender women in diverse and at times conflicting ways. Additionally, more could be done by the SPS to communicate to cis women in custody about the risk assessment process and clarification about the gender identity policy more widely.

This paper illustrates both the acceptance and rejection of transgender people and their transitions by the participants in this study. However, the responses go beyond simple acceptance and rejection, with various participants both rejecting and accepting different aspects of the transitions of transgender people in custody at different times. Sometimes responses were specific to a particular transgender person with a particular profile within the prison setting, and with a particular sentencing history and behaviours in prison. This points to prison settings shaping the views of cis women in custody about transgender people in very contingent ways, through personal interactions and experiences, rather than by virtue of the normative questions

of the balance of rights in this case. The diversity of views on living with transgender people expressed by the cis-women in this study complicates the idea that all cis-women in custody feel threatened or vulnerable as a consequence of living with transgender people, as a greater diversity of responses and feelings have been analysed in this article. For example, positive narratives emerge around acceptance, support and solidarity with transgender people in custody, and what can be seen as positive aspects of living with this group. Through primary research, this study contributes insights into previously obscured views of cis-women in custody, questioning the previous sweeping assumptions about what *all* cis-women in custody feel about the issue of transgender people. Ultimately, the participants in this study feel simultaneously intrigued by, warm towards, supportive of, vulnerable around, threatened by and intimidated by living with transgender people in custody.

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