

Argument that  
women experience  
special pains of  
imprisonment



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Prison is a fundamental punishment of the penal system. It's argued that it punishes an individual by removing their 'freedom' and rehabilitating them for their greater good of their future life. However, a key argument within the use of prisons is related to female imprisonment. Many have argued, as this question does, women suffer from 'special pains' when imprisoned. This 'special pains' analogy, elaborates on to areas such as the geographical position of female prisons, the bond between mothers and their child, the lack of emotional support to women and recognition of the differences in the problems they may face compared to males. In this essay, the question has asked me to critically discuss these experiences for women. To critically discuss, I must look at all sides of the arguments, at all the theories related to it and then conclude my findings and my outcome. There have been numerous studies on the emotional and mental health of women in prison and the experiences they face and I must use these to conclude whether women do experience special pains in prison.

A majorly debated topic regarding the imprisonment of women centres on the use of Mother and Baby units. This is the use of a specially designated 'crèche' type area in the prison for pregnant females to give birth and attempt to create a mother-child bond, with new born babies being kept in some prisons up until the age of 18 months. A study by HMIP (1997) showed that 4% of mothers had a child with them in prison. However, the use of a mother and baby unit must be first approved by the home secretary, and is a controversial topic due to the raising of a new born baby in a prison environment and the view that 'incarcerating innocents' is deeply emotive. According to the prison service website, 'each application for admission is

assessed on an individual basis by a multi-disciplinary team, whose focus will be at the best interests of the child.' They then continued to explain that every woman's prison is appointed a mother and baby liaison officer, who offers help and advice to the applicants. However, according to the reform group 'women in prison', places are often limited and demand outstrips supply. The age limit maximum is 18 months in open prison and nine months in others, so there will always be an inevitability of mothers being separated. Mother and Baby units are often a controversial area and many argue that there are considerable concerns about having babies develop in prison environments. Mental disorders in female prisoners are considerably higher than in non-incarcerated groups (Singleton 1998). This is obviously another concern for M&BU's, even though the rates are shown to be lower among mothers in the mother and baby units, it remains a concern. However, some people feel if a mother wants a child in prison with them, they should be allowed. A Home Office study undertaken a decade ago indicated that recent research suggests mothers in prison are 'doubly punished' as they are serving a sentence at the same time as trying to make provisions for their children with all the associated difficulties and strains, compared to fathers who serve their sentence generally in the knowledge that their partners will continue to care for their children (Caddle and Crisp 1997). The argument is based around finding the balance of creating a mother-child bond and the moral rights of raising an 'innocent person' in a prison. Others have argued about why a mother should have special privileges to access to their child, when a father doesn't have the same rights, some also argue about the welfare of a child raised in a prison environment and whether that can be safe, clean or morally right. The other possible view is that some mothers

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and babies are actually better off in prison, potentially safe from violence in the home, poor living conditions and a lack of maternal skills.

Many studies have been conducted on the subject of female prisoners, and most of them have been conducted by feminists looking at why women are treated differently to male prisoners, the set up of prisons, and the effects that set up has on females. The first area of particular interest is the discriminatory aspect of the prisons. Carlen and Worrall (2004) focused on how female prisoners are treated differently to their male counterparts, but not usually in ways that are of advantageous to them. Carlen (1983) also noted that although lots of female prisoners are treated as if they are men, their experiences in prison are vastly different from males. Carlen suggested that women tend to be imprisoned greater distances from home compared to men, due to the limited number of female prisons in the UK, meaning the distance to their closest prison could be greater. This causes a problem with family contact. Female prisons in the UK, as compared to men have only 14 prisons to men's 139. The female prisons are therefore widely dispersed across various parts of the UK. This has many issues, mainly being that family contact may be extremely hard, and near impossible if the families are poor, as travel costs and time are not easily accessible to visit the female. Figures show that families are forced to contact their loved ones by telephone (75%) and letter (85%). This obviously is not as good as seeing the individual in real life, and can have massive impacts on the female prisoner emotionally. It also has a negative impact on the family its self, especially if children are involved, with the absence of a mother who is not even accessible to see. Carlen also found that the nature and range of

regimes in women's prisons tends to be more restricted for the same reason. Women prisoners also tend to suffer greater social stigmas, which is largely as a result of being perceived as being 'doubly deviant'. Carlen and Worrall (2004) also identified 'prisonisation' as a key factor in women's imprisonment. They believe that prisons and prison systems are organised in relation to men's needs and poorly equipped to deal with women's differing needs. They also looked at the negative way in which women adapt to imprisonment compared to men, and to whether their behaviour inside is a product of the nature of the regime and the culture of the prison. Resistance is also another key point Carlen and Worrall examined, claiming that in contrast to the earlier point of prisonisation, they explored the idea that women can, and do resist aspects of the experience of imprisonment by carrying out roles such as using femininity as a tool to counter prison life. They also attempt to develop vibrant, highly organised inmate cultures according to Barton (2005).

A criticism suggested earlier on in this essay was that prisons are designed for, and therefore better suit males. Some believe that resources, and the way prisoners are treated to the mould of a male prisoner, and this presents a key issue to female prisoners. This leaves problem areas such as little specialisation treatment for women, limited work, training and educational problems and a 'cry' for female treatment by the rise of feminism in prisons. This criticism is a very strong one as the traditional mould, aimed at white British men, is too old school, and doesn't cover the wide range of inmate's diversity from their age to their culture and to their needs let alone their gender.

To aid to the argument of women experiencing special pains in imprisonment, some statistics are interesting to see on the topic. Prior to entering prison, 47% of female prisoners reported having used crack cocaine in the year before entering, and 57% reported using heroin, showing just some of the drug problems suffered by women before entering prison, making rehabilitation whilst imprisoned hard. (Home office research findings). 40% of female prisoners also received help or treatment for a mental or emotional problem in the year prior to imprisonment and 50% of females had some form of personality disorder, suggesting deep lying problems in the mental state of female offenders prior to entering prison and potentially effecting the pains they experience in prison as some prisons may not be set up to help deal with these issues. Whilst in prison 14% of female prisoners were assessed as having suffered from a functional psychosis in the past year. Also 15% of female's sentenced prisoners had previously been admitted to a mental hospital (singleton et al. 1998), showing the previous concerns of the mental fragility of female inmates. 60% of female prisoners also rated their own health as fair, poor or very poor (Marshall et al. 2000). Female prisoners also reported having higher rates of asthma, epilepsy, high blood pressure, anxiety and depression, stomach complaint, period and menopausal problems, sight and hearing difficulties and kidney and bladder problems, than women in the general population, all pointing towards more specially designed female prisons rather than the traditional female prison which many argue is still based on the classical prison based on the needs of men (Marshall et al. 2000). 37% of female prisoners had previously attempted suicide (singleton et al. 1998), all of these statistics prove just some of the 'special pains' women feel before, <https://assignbuster.com/argument-that-women-experience-special-pains-of-imprisonment/>

during and after admission to prison. However, an alternate view of the way women are treated in the criminal justice system suggests women are treated favourably. Hermann Mannheim (1940) said ' it can, of course, be taken for granted that the female offender, if punished, meets on the whole with greater leniency on the part of the courts than the male. Speaking generally, the percentage of women decreases in conformity with the severity of the particular method of penal treatment'. This view is summarised as a ' chivalry thesis.' This implies that the criminal justice system is more protective and has a patriarchal view of female offending. Mary McIntosh (1978) argued that ' most laws apply to men and women alike, yet far more men are convicted of crimes than women.' However to contrast that, there is a view that women are treated much harsher in the system than men. There is increasing evidence that women find criminal courts more intimidating, unsympathetic and bewildering than men (parker et al. 1981). However Farrington and Morris (1983) found that gender tended not to have any bearing on the severity of the sentence.

So what else can be done to help female prisoners? What changes could be made to stop these ' special pains'? Some different options have been bandied about and discussed. The first is Women centred prisons. Arguments have been raised that prisons that are 100% female, meaning all staff are female too, may eliminate gender discrimination, and a better understanding of the needs of female inmates. Researchers such as Liebling and Price (2001) found that like in the police service, females were severely underrepresented in the prison officer grades and make up a substantial minority. They found out that only 17% of prison officers were female and

that falls to 10% for senior officers and 7.5% were principal officers. One of the issues with female prisons being full with male prison officers is the issue of cross gender communication. Some female inmates may not feel as if they can 'open up' to male officers about problems they may be facing, leading to a 'locked up' type pain and the build up of pain and frustration. Another option is mixed-prisons, some feel it will act as a 'space saver' and cut costs on female only prisons and could also combat the issue of female prisoners having to move long distance from home. The government recently built and opened a mixed-prison in Peterborough housing 480 men and 360 women, however controversy surrounded it as only female inmates were made to cook meals as officers believed there was a "serious risk of males adulterating foods, as compared to females," highlighting some of the potential problems that it would face. The final option suggested is community based sanctions. It has been suggested that custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public and that community solutions for non-violent women offenders should be the norm. It also argued that women should be unlikely to receive a custodial sentence should not be remanded in custody and that there must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.

To conclude, evidence suggests women do experience special pains whilst in imprisonment, and steps and changes should be made to adapt the penal system to women's needs, rather than persisting with an old system set up



to deal with male prisoners. As I have found Mother and baby units are a controversial topic, but a lack of a mother and baby unit may act as a 'double punishment' due to the lack of a mother-baby bond. However the effect it has on the child born in the prison should be researched in more depth and if there is any negative effects on the child, the issues should be seriously reconsidered. The treatment of women in prisons was also another area I looked at it and it showed the need for changes too. An over representation in female prisons of male officers creates a sort of 'tension barrier' between the genders and can lead to a build up of frustration to the feeling that they may not be able to talk to them officers freely as they are male. Research I studied also found lots of special pains amongst women. Mental problems with offenders amongst women was especially high, and the drug use and violence could be needed to be treated in a different way to how males are treated to solve their problems in prisons, but the opportunity isn't there for women. The final area I looked at was what changes or different options they have available to adapt the system to help female offenders. The first was the use of Women centred prisons and the creation of a better understanding between the inmates and the officers by being the same gender. The second was the creation of mixed prisons, but that had some issues with tensions between male and female prisoners. The final was the use of more community based sanctions rather than imprisoning women, however this may make females more encouraged to commit crimes due to the lack of severe punishment for their actions.

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