

Feminist Crime Research Network

ESRC-funded Seminar

Gender and Crime Research: Strategies, Objectives and Experience 22nd November, 2002, Nottingham Trent University.

The seminar was part of series that FCRN are running, some larger and some smaller, whose general purpose is to encourage dialogue between professionals and academics in this field, and to consider the issues both historically and in contemporary society.

The core questions the seminar addressed, through presentations and discussion were:-

- How may the agendas of academic research and professional practice be made more congruent?
- Do academically framed concepts of 'gender' match with the understandings and priorities of professionals – and indeed should they?
- To what extent are historical perspectives relevant to contemporary research and practice?
- What are the areas in which purposeful and relevant research is needed and how may this be funded?

Participants:

Paul Baker, SOLON Project, NTU
Shani D'Cruze, Manchester Metropolitan University
Louise Jackson, Leeds Metropolitan University
Terry Hanstock, Library, NTU
Veronica Lawrence, Library, NTU
Sue Nielson, Social Inclusion Unit, Manchester Metropolitan University
Sam Pegg, Nottingham Trent University
Judith Rowbotham, SOLON project, Nottingham Trent University
Helen Self, Josephine Butler Society
Kim Stevenson, SOLON Project, NTU
Sian Thornthwaite, Derby Magistrates

Apologies:

Beverley Baker, Galleries of Justice
Paula Bartley, Wolverhampton University
Barbara Gwinnett, Wolverhampton University
Helen Jones, Manchester Metropolitan University

Discussion:

Helen Self commented on the ways that the law on street offences and its application has been gendered, to the end that women sex workers have been policed by laws ostensibly about public protection, for example the current use of anti-social behaviour orders originally designed to be used against troublesome neighbours, to

control prostitutes and other young women's street behaviour. She described the comparative continuities in policy agendas and since the nineteenth century the recurrent policy concerns for (a) the child and (b) in the area of trafficking. These have seen repeated reformulation, for example the progressive re-definitions of 'the child', in particular around the age of consent. [The law itself deploys multiple and sometimes contradictory definitions of 'the child' within different statutes]. Such policy continuities have also been marked by mythologies and the amplification of specific problems, presenting romanticised dramatisations of victimhood, which had not only informed policy and legitimised moral and political projects but have also shaped research agendas. Support and funding has been available for research that follows predetermined political priorities.

Paula Bartley's paper, 'Prostitution, White Slavery and Immigration' was tabled and commented on by Judith Rowbotham. The paper provided a very useful contextualisation for Helen's comments and explored the mid twentieth-century congruence between the policing of prostitution, thought to be organised by foreign immigrants particularly from Malta, and immigration control policy. Prostitution was presented in the press as an international trade, controlled by depraved foreign males living off 'immoral earnings'. An allied concern was that English men were being suborned into marriages of convenience to foreign women, allowing them to enter the country and earn a living through prostitution. Thus prostitution was seen to be undermining both the family and the nation and campaigns to control prostitution became a legitimating device for racist discourse.

Sue Nielson reported on the research funding bid she has recently submitted in the area of investigating mental ill health in penal institutions. The research aims involve investigation of the presence of the mentally ill in penal institutions, particularly following the implementation of 'care in the community' policies that have closed non-penal institutions for the mentally ill. In particular, the research will test how far penal institutions match up to the criteria of recent legislation, i.e. the Disability Discrimination Act 1995 and SENDA (2001). Sue also commented upon the importance of historical perspectives (in this instance the longer term implications of policy initiatives in mental health for the penal system) as a means of interrogating and challenging policy initiatives and presumptions. Earlier in the day, **Sam Pegg** had outlined some of the historical continuities and discontinuities that her own PhD research, on the murder of children by children, was revealing.

Sian Thornthwaite reviewed her personal experience on the bench, both in adult and youth courts, considering how the treatment of women and gender issues coloured proceedings and indicating issues where research may be timely; for example on whether girls of younger ages are appearing in greater numbers in youth courts, and the nature of offences committed. Magistrates are working in a context of rapidly changing and proliferating legal provisions; for example they currently have to select between some 28 different kinds of orders in youth courts. There may be a shortage of bail hostel places for females locally, which means that in practice they are either bailed or have to be found a place in an adult offenders institution, often at considerable distances from home.

Sentencing options are often constrained in practice and further research on this would be welcome, for example whether there are comparatively fewer options for

community punishment placement for females, the use of curfew or electronic tagging for females and implications of this for young families. Given the backlog of court business in many areas, remand periods can often be lengthy and for those with family and other responsibilities, such protracted absences can be damaging and punitive. On the whole it is likely this effect is more pronounced for women offenders, particularly young women with children. The often contradictory pressures on magistrates, whether to be gender-blind in their decisions or whether to allow the situations of families and children to influence them can be difficult to negotiate.

The material environment of many court building, also the culture, practices and heavy workloads of courts are often extremely unhelpful in sensitive cases. This is particularly apparent in cases such as (domestic) violence or sexual assault where women (and children) have been and are at risk from those brought before the court or from hostile witnesses, whom they have to confront in court and in waiting rooms &c. Because women tend to be a minority of offenders, particularly in older court buildings, facilities are unsuitable and often outdated. There is a need to address these issues in new court buildings. There is also the issue of centralisation of court facilities and closure of rural courts.

Judith Rowbotham raised the question of evidence and the comparative lack of evidence of women, both as criminal and victim. Research needs to deal with the difficulties that because there have historically been fewer women offenders (and fewer women professionals), and also because the criminal justice system itself has conceptualised the 'normal' offender as male, women's voices have not been so clearly recorded and are difficult to recover. Part of the project of this network needs to be to talk with professionals and explain the importance of such an archival and recording exercise. Sue Nielson pointed out that professionals had (and might develop) therapeutic agendas that encouraged women to articulate their own identities within institutions and to record how they negotiated institutional cultures. Of course, such professional agendas did not necessarily accord with or amount to the research-orientated project of creating a permanent future record which also negotiated ethical priorities about confidentiality &c.

Terry Hanson outlined the kinds of finding aids available and the assistance subject librarians can give to researchers. Terry and Veronica have kindly agreed to include a short information posting on libraries and research in this area for the FRCN website.

Louise Jackson developed the argument for an academic intervention by historians. Referring to what David Garland (*The Culture of Control*) describes as the establishment and more recent undermining of penal-welfarism, she commented on how academic knowledge production from a variety of perspectives had been recruited into its discursive underpinnings, as part of broader projects of modern liberal governance. However, the social science frameworks of much of this had meant that historians were significantly absent. Garland (and other criminologists) recruit the historical but with a view to writing a 'genealogy of the present' rather than a history. Perhaps such exclusions create part of the tensions between historical research agendas and the kinds of policy driven, objective-led research that tends currently most easily to attract funding. Others commented on the ways that current imperatives for speedy and repeated evaluation of rapidly changing policy initiatives have telescoped the time scale for the review of the effectiveness of particular

measures. This 'culture of evaluation' is a counterpoint to the political immediacy of policy shifts and can actually act against the production of useful research. Louise argued that historians can offer different methodologies, different kinds of answers based on complexity and their preoccupation with understanding the past in and on its own terms. They pay attention to detail and particularity, to the relationships between broad trends and local difference. Louise cited Pam Cox's work on institutions for juvenile girls, which argued against Nicholas Rose's characterisation of the twentieth century as the 'Freudian century'. In fact, Pam found that such institutions drew upon an essentially Victorian moral model of reform, rather than any psychologically framed projects of rehabilitation. Historical research can work with a model of the 'penal-welfare complex' (or the criminal justice system) as a variety of related, distinct but overlapping practices and thus can increase understanding of the different fields or terrains which institutions structured and within which professionals operated as well as the production of professional identities through an amalgam of 'education', training and practice. In fact, discussion earlier had commented on the ways that current attempts to convene case conferences between agencies had to bridge different professional approaches and frameworks of understanding.

In **conclusion** some key points emerged from the day's discussion:-

- The tensions between contemporary policy-driven and objective-led research commissioning including short term evaluations which lack both the broader scope and the possibilities for understandings that take greater account of complexity that academic research, in particular historical research, can generate.
- The ways that apparently new initiatives can be found to have a much longer history, for example the parallels between contemporary multi-agency approaches and the philanthropic initiatives of earlier in the twentieth century.
- The ways that current initiatives can be more thoughtfully informed by such research.
- The very productive ways in which discussions such as this can be mutually informing for both academics and practitioners and provide an opportunity for reflection and exchange.

SD'C
Nov-02

My thanks to participants both for a productive day's discussion and for the comments and revisions incorporated in this document.