



# Research Repository

## **A New Emancipatory Script: gendered post-sentence discrimination and experiences of reintegration**

Caroline Bald, School of Health and Social Care, University of Essex

Rachel Rose Tynan

Olivia Dehnavi

This is an Accepted Manuscript of a book chapter published by Routledge in The Routledge Handbook of Women's Experiences of Criminal Justice on 25 October 2022, available online:

<https://doi.org/10.4324/9781003202295>

**Research Repository link:** <https://repository.essex.ac.uk/37950/>

### **Please note:**

Changes made as a result of publishing processes such as copy-editing, formatting and page numbers may not be reflected in this version. For the definitive version of this publication, please refer to the published source. You are advised to consult the [publisher's version](#) if you wish to cite this paper.

# **A New Emancipatory Script: gendered post-sentence discrimination and experiences of reintegration**

*Caroline Bald, Rachel Tynan and Olivia Dehnavi*

## **Abstract**

This chapter explores narratives of reintegration as a 'second chance', questioning the extent to which desistance theories and redemption scripts reflect the experiences of criminalised women or inadvertently reinforce women's experiences of systemic discrimination. Using a critical feminist lens, the chapter considers the gendered nature of what is framed in the discourse as 'good work', and whether 'redemption' is out of reach for women unable to take up paid work, condemning them to permanently spoiled identities. Drawing on the criminological and social care literature, the chapter explores what is meant by a 'productive life' arguing that the emphasis placed on paid work is both stultifying and under-researched. Despite women's inclination to move on, the collateral consequences of conviction undermine their agency to reintegrate through all forms of work. If employment is one of the strongest factors in desistance, society needs to reformulate what *work* means for women. It closes by calling for the field to move to an Emancipatory Script, referencing the work of two UK-wide charities, Unlock and Working Chance, which centre lived experience

**Keywords:** work, women, gendered, discrimination, emancipatory

## **Introduction**

The chapter is informed by literature and practice, and rooted in reflexive, critical feminist criminology. Drawing on educator/practitioner experiences of working with women after criminalisation, it calls for change in criminal record considerations and practice. For decades, the charity sector has argued for recognition of the role played by trauma, poverty, mental health, harmful substance use, and gender-based violence in the lives of criminalised women. There have been welcome changes – including focus on survivors of domestic abuse (Centre for Women’s Justice, 2021). Yet ‘tough on crime’ policies that increase criminalisation are never far away. In January 2021, the Ministry of Justice (MoJ) announced plans to build 500 new prison places for women (MoJ, 2021) – a projected 15 percent rise in the female prison population, attributed to 20,000 more police officers.

For many criminalised people, the first taste of desistance interventions involves charities (Maruna, 2001). In this chapter, practice experience from two UK-wide charities is used to explore desistance theory and redemption scripts. Unlock is an independent award-winning national charity providing advocacy and support for people facing obstacles because of their criminal record. Unlock runs a peer-led helpline and publishes online self-help resources, and campaigns for change. Working Chance is an independent national charity supporting women with convictions to find jobs and build careers. Working Chance provides wrap around, trauma-informed, gender-specific support to women with convictions, with the understanding that primary disadvantage and marginalisation often initially propel women into contact with the criminal justice system (CJS).

Understanding women's pathways into, and out of, crime and the differing experiences of women and men in the CJS. is central to the work of both charities. As argued in many chapters in this Handbook, women are a minority at all stages of the CJS and the nature and circumstances of their offending differ from their male counterparts. The chapter considers the two prevailing narratives about criminalised women, described here as the Victimhood Script and the Motherhood Script. These narratives are rooted in shocking truths – firstly, 63 percent of women in prison and 55 percent of women serving community sentences are survivors of domestic abuse. 'Being a victim of domestic abuse is a predictor of violent reoffending among women' (MoJ, 2018b, p.11). Secondly, there are an estimated 17,500 children affected by maternal imprisonment annually (Kincaid *et al.*, 2019), and 38 percent of mothers in prison attributed their offending to 'a need to support their children' (Prison Reform Trust, 2017, p.2).

Recognition of these truths was hard won through the efforts of activists, including criminalised women themselves, and they are acknowledged in the Female Offender Strategy (MoJ, 2018b). The authors' critique of them as redemption scripts (narratives or roads out of crime) should in no way be read as a dismissal. Victimhood and motherhood are central to the experience of many criminalised women, particularly where women are imprisoned for longer for less serious offences than men (Working Chance, 2021a). Yet, these scripts of victimhood and motherhood can also be constraining for women who are too often defined by them – a retrograde step away from women being valued independently of their relationship to another, be it partner or child.

The chapter will also explore what we term the Good Work Script. This emerging script centres employment as offering women a way out of the circumstances in which crime

occurs. Employment is a positive route for many women. However, based on insights from Working Chance and Unlock, the Good Work Script lacks acknowledgement of the specific, often practical, barriers to work faced by women in and out of the CJS. This calls for wider understanding of Good Work, to reflect caring responsibilities and personal development as legitimate routes out of crime. We frame our hope for a wider recognition of women's whole selves as a new Emancipatory Script, calling for a move away from language that has become stigmatising and stifling, towards a script that enables women to build their own redemption. While there is no doubt that meaningful contribution to society is a tried and tested aid for anyone moving on from crime, this chapter asks why current criminal justice policy limits this contribution to paid employment as evidence shows that a nuanced and inclusive experience of meaningful 'work' might be truer to the real-world women inhabit. The concept of an Emancipatory Script is borrowed from post-colonial scholarship (Swartz, 2012; de Sousa Santos, 2007). The aim of emancipatory narratives is to challenge the 'agreed-upon versions of knowledge' (Swartz, 2012, p.31) as hegemonic constructions that elide rather than elevate multiple voices. This is not a critique of desistance so much as a call to broaden its imaginings beyond ceasing criminality to a world where women can fully engage in work, family and community life in ways that work for them.

### **Gendered implications of desistance**

Desistance theory has 'neglected its sisters' (Barr, 2019) and it occludes the nature of women's offending and the conditions in which it occurs (please see Chapter 7). Women's

motivations for offending are more likely than men's to be a way of resolving practical difficulties (British Association of Counselling and Psychotherapy (BACP), 2013) and in service of others. Light (2013) found 48 percent of women - compared to 22 percent of men - reported committing offences to support someone else's drug use. Women are less likely to offend to gain status, to seek thrills or because of peer pressure (BACP, 2013).

The case for substantially reducing women's imprisonment in favour of community based, strengths-focused solutions has been building since the publication the Corston Report (2007). However, the Covid-19 pandemic saw a punitive turn when only a handful of women, including just 25 pregnant women and those with babies, were released from prison on compassionate grounds despite numerous calls from women's organisations from across the UK (MoJ, 2020). This showed that while there was an acknowledgement of women's experience as different, there was limited material difference. Women experienced the pandemic as they experience the CJS; distinctly, with more punitive and less systemic flexibility.

Desistance is conceptualised as the cessation of criminal activity and development of a new 'non-offending' identity. This can result from either a cognitive or thinking shift (Giordano *et al.*, 2002) or a restructuring of identity (Farrall, 2005). Narrative identity theory (Maruna, 2001) emphasises the continuous construction, and reconstruction, of identity over the life course and its explanatory power in understanding actions, including law breaking (McAdams, 2006). Developed with criminalised men in mind, desistance theory rests on notions of progress towards redemption and rehabilitation, themselves founded on the idea of a return to (or creation of) a socially acceptable identity. However,

what is considered a socially acceptable identity is deeply gendered. The conventional desistance literature has been seen through a male lens, failing to capture women's experiences. Successful desistance is characterised not only as law-abiding, but as close to the conservative model of a nuclear family and productivity – the 'steady job and the love of a good woman' (Maruna, 2001, p.30) or the 'respectability package' (Giordano *et al.*, 2002, p.1013). This is a heteropatriarchal, capitalist construction of what it means to be a pro-social member of society and skims over 'gendered realities' (Barr, 2019, p.6). Desistance literature leaves women few options for redemption. The redemption scripts available to them are not universal, are dependent on specific circumstances, and are much narrower than those available to men, chiefly because women are relegated to the private realm, denying them public-facing redemption. Later this chapter will discuss how redemption might be considered to feed into Victimhood and Motherhood Scripts. For now, the concern is to convey that these scripts are bound to entrench discrimination against criminalised women. This may be partly because in criminal justice discourse the focus is often on serious crime and imprisonment. This obscures women, who are in the minority at all stages of the CJS, especially in the prison population.

Both Working Chance and Unlock work to challenge and change prevailing attitudes towards criminalised women. Operating at both policy and practice levels, these organisations are met daily by the lifelong, often intergenerational, harm caused by the pervasive narratives of a 'spoiled identity', to borrow sociologist Goffman's (1963) term whereby, in terms of criminality, the act of being sentenced is shaming and counts the individual as somehow spoiled, lesser or 'other'. As the language implies, there is a sense of finality where the stigma of a conviction disqualifies or excludes a person from fully

being accepted socially. While redemption underscores the right to move on, there remains an essence to the language that to do so is through 'rites of passage', most often through employment as repayment of a debt to society. In practice and policy, there is a pervasive narrative of 'penance' – to pay back, be of service, or to offer restitution for wrongdoing. This has gendered implications given the complexity of women's lives, where most often women are engaged in social service through caring responsibilities (please see Chapters X, X and X). These responsibilities are vital to the status of a 'good woman' but are not necessarily redemptive in and of themselves (Rutter and Barr, 2021). If women remain trapped in gendered narratives and root causes of offending are unaddressed, interventions that might facilitate emancipation will remain elusive.

Redemption narratives rarely involve just 'getting by' (Maruna, 2001, p.97); criminalised individuals must go 'above and beyond' the usual level of pro-sociality to prove they are truly reformed. This involves 'reworking a delinquent history into a source of wisdom to be drawn from' (Maruna, 2001, p.117) in roles such as peer support worker or community volunteer. While lived experience of the CJS is an expertise that can be harnessed as a skill for employment, Maruna argues that available roles are often equivalent to 'professional former prisoners'. In February 2021 the MoJ announced it would hire criminalised people as mentors to support others to desist (Dathan, 2021). This kind of work can be highly rewarding and support desistance (Aresti *et al.*, 2010), yet relegation to roles which lack opportunities for progression show criminalised people's labour is not highly valued. Under neoliberal social structures, the Good Work Script, by which criminalised women might be redeemed in the eyes of society, is productive, exceptional, and paid; keeping redemption out of reach of women who are unable to take it up. A



productive life is all that is available under desistance narratives, but emphasis on paid work is stultifying when considering desistance via employment through a gendered lens. To demonstrate the gendered implications of desistance when relying on employment redemption scripts, this chapter now reviews issues relating to paid and unpaid work, gaining employment with a criminal record and education and training.

### *Paid and Unpaid Work*

Desistance theory and the emerging Good Work Script valorises P45 employment and excludes unpaid caregiving (MoJ, 2013). However, women often cannot access paid work, for reasons including lack of experience or 'work readiness' due to ongoing harmful substance use, ill health, criminal record checks or caring responsibilities. Where they can access employment, it is often precarious; 20 percent of UK employees who are working zero-hour contracts are given less than a week's notice of their work pattern, and 15 percent given less than 24 hours (Pregnant Then Screwed, 2020). This is especially common for those with children (Brown, 2021). There remains an unmet demand for affordable childcare that can facilitate mothers' return to work. Pregnant Then Screwed (2020) found pre-school can cost as much as £53 per day; 8 percent of women decided not to return to work due to childcare costs and 62 percent changed hours, jobs or roles to accommodate the cost. Additionally, there was a net loss of 2,000 childcare providers in the first three months of 2021 (Ofsted 2021). Women are more likely than men to be 'sandwich carers', responsible for caring for children as well as adults (Carers UK, 2016). The 2011 UK Census highlighted the 3.34 million women caring for older, disabled or

chronically ill friends or relatives, contributing the equivalent of £77bn per year to the economy (Women's Budget Group, 2019). The structures that position women as caregivers and unpaid volunteer workers deny them access to a Good Work Script and can result in women being framed as not 'work-ready'. Women with criminal convictions often find they are both excluded from the labour market due to their criminal history, and if they do get a job, they bear an additional penalty of childcare costs that impacts life-long earnings including pension and benefit entitlement - the so-called motherhood penalty.

Furthermore, an income may not guarantee desistance; in-work poverty is rife, with women leaving prison earning on average 33 percent less than their male counterparts (MoJ, 2012). In addition, studies suggest that employment alone does not create lasting change with Barr (2019) noting that employment must in some way be meaningful to the individual to promote desistance. For criminalised women, employment as a route to so-called redemption is a rockier path than for men, even before considering stigma or the 'mark of a criminal record' as a negative credential (Pager, 2003, p.942, please see Chapter 31). A gendered understanding of redemption means recognising that barriers are neither lesser or greater for women than men, but they are distinct. 'Making good' is about more than paid employment and the need for a wider lens gives rise to this chapter's call for an Emancipatory Script.

### *Employment with a criminal record*

The 'negative credential' of criminal justice contact is consistently shown to affect access to sustainable employment as potential employers tend to err on the side of caution. The increasing availability of formal and informal criminal record checks mean it is difficult to avoid (Kurtovic and Rovira, 2017; Pager, 2003; Stoll and Bushway, 2008). Half of employers say they would discriminate against an applicant who disclosed a criminal record (YouGov, 2016) citing fears about 'damage to the image of the business' and unreliability. Haslewood-Pocsik *et al.* (2008) found employers concerned about perceived risks to their staff and reputation. Discrimination based on criminal record is a constant social process that puts social bonds out of reach (Maruna, 2001). The Department of Work and Pensions (DWP) found 80 percent of employers failed to provide a tailored recruitment process for disadvantaged groups, including women leaving prison (DWP, 2019). Yet a Cabinet Office (2019) call for evidence showed that 84 percent of employers who had experience hiring individuals with convictions, rated it as positive. Criminal records extend the concept of the panopticon into post-sentence life, giving employers and others a view into women's pasts, extending stigma and legitimising denial of employment. Women's experiences of post-sentence problems, including access to employment, are under-researched, although evidence and theory of the collateral consequences of a criminal record is growing (Henley, 2019, please see Chapter 41). This work highlights the structural barriers faced by women attempting to re-enter society and questions the role of disclosure in relation to public safety and fairness. Discrimination can affect a woman's acceptance by the community, threaten custody of her children, and damage her chances of reintegration. Despite women's inclination to move on, post-sentence discrimination undermines their agency to reintegrate through all forms of work.

These consequences mean that women do not have access to the very means by which they might be redeemed.

### *Education and Training*

Traditionally, for women the construction of a non-criminal identity has been less likely to revolve around work or qualifications. A survey by Hamlyn and Lewis (2000) of women in prison found 74 percent had left school aged 15 or 16, compared to 32 percent of the general population, and that only 39 percent had any qualifications, compared with 51 percent of men in prison. More recent data for young women in the CJS found 12 percent of girls achieved 5 or more GCSEs (or equivalents) graded A\* to C<sup>1</sup>. This is significantly lower than the 62 percent of girls in the general population who achieved these grades (MoJ, 2020). Education and training opportunities for women in prison have been dominated by programmes considered 'suitable' for women rather than labour force data about employment opportunities (MoJ, 2018a). Dame Sally Coates's (2016) review of education in prison called for a shared Personal Learning Plan linked to employment where possible, with 20 percent of prisoners saying they would prefer to study at a higher level. The offer is limited to basic skills, with limited higher education or vocational training opportunities. Despite this, women tend to participate as there are few alternative ways to spend time in prison (PRT and Working Chance, 2020). Prisoners Education Trust (2018) flag implications of scale of the female estate, with the 12 women's prisons across

---

<sup>1</sup> GCSE stands for General Certificate of Secondary Education. It forms the National Curriculum taught in schools to children aged 14 to 16 years. It is an academic qualification, generally taken in a number of subjects by pupils in England, Wales and Northern Ireland. In 2021, grading itself was changed from A\* to G to a 9 to 1 scale (A\* and 9 being the highest grades attainable).

the country providing fewer options than men's prisons and greater reliance on local partnerships, which may not be as useful to women, who are typically held further than men from their homes.

Fixed, structural factors have a significant influence on post-sentence employment. For those serving longer sentences, the best predictor of employment after prison is employment before prison, followed by participation in paid prison work, vocational training and qualifications before prison (Brunton-Smith and Hopkins, 2014). Hamlyn and Lewis (2000) found 39 percent had not worked outside of the home in the year prior to imprisonment, 41 percent of women in prison had not worked in the previous five years and 23 percent had not worked for over five years. Of those who had worked in the previous year, 27 percent worked on a temporary basis and 52 percent worked in semi-skilled or unskilled manual jobs. Less is known about the education and employment histories of criminalised women who do not go to prison. In 2016/17, 90 percent of women who registered with Working Chance had UK qualifications and 21 percent were university graduates (PRT and Working Chance, 2020). In a survey of 500 women with criminal records, 44 percent reported their highest level of qualification was a degree or higher degree. 26 percent had completed Level 3 qualifications (A level or equivalent) and 24 percent had completed qualifications at L1 or L2. Just 6 percent reported having no formal qualifications (Unlock, 2021). The range of qualifications suggests the difficulties women face in securing employment are more to do with discrimination than their abilities.

A 'spoiled identity' (Goffman, 1963) is a result of stigma; being ashamed of one's past, and internalising self-blame, can be debilitating. It can also be interpreted as a sign of the

individual's bonds to society, since they recognise where society has identified wrongdoing (Maruna, 2001). This identity affects the reality of how people live with criminal records. The more stereotypes individuals have to contend with, the more potential sources of shame that may spoil identities. As a prominent example, Black and other racially minoritised women, who are more likely to be arrested, sent to prison, and receive long sentences than their white peers (Working Chance, 2021b), contend with racial stereotyping on top of gender and criminal record-related discrimination. Lack of access to paid work condemns women to permanently spoiled identities, as they cannot access the means by which society will allow redemption.

### **Women and redemption scripts**

Having established that criminalisation and employment are gendered, this chapter turns to the specifics of reconceptualising the role of all work and how it could incorporate women's emancipation. The Emancipatory Script incorporates into good work all work that is accessible and meaningful to individuals. This script is necessary since there are only two prevalent scripts currently available to criminalised women, which this chapter terms the Victimhood Script and the Motherhood Script. Both, when scrutinised, are revealed to be overly narrow while acting to reinforce women's experiences of systemic discrimination.

#### *Victimhood Script*

It is well-known that criminalised women are particularly vulnerable to domestic abuse (MoJ, 2018b). This abuse might be psychological, emotional, physical, economic or perpetrated through coercive control. While historically considered 'domestic' and outside of legal frameworks, more and more acts of violence against women are becoming criminal offences. The offence of 'upskirting' was introduced via the Voyeurism Act (2019). Non-fatal strangulation was criminalised through the Domestic Abuse Act 2021, though amendments that might have won legal protection for women whose offences are linked to their being a victim of domestic abuse were voted down before they could become law. Women are still relegated to the private space, invisibilised, encouraged not to talk publicly about their private lives (Centre for Women's Justice, 2021). When they emerge having offended, 'domestic' troubles remain obscured and offer no defence to conviction. Women's private suffering is still not translating into public mercy.

The Victimhood Script sees women chiefly as victims of crime, usually of more serious crimes than they have committed. This script demonstrates that society still views the positions of victim and perpetrator as a binary; if women wear the label of victim, they shift the label of perpetrator. Cyntoia Brown (Hodal, 2019) and Sally Challen (Moore, 2019) are well-known examples of women who have fulfilled the Victimhood Script. For these women, redemption was actualised through victimhood, rather than agency. The acceptance of their humanity is only activated when society sees them as victims, whether of trafficking, gender-based violence, or as mothers. Women in their role of caregiver, especially mothering, in turn becomes a discussion of whether she is or is not worthy of redemption – undeserving as a criminalised 'fallen' woman or deserving as an otherwise 'good' woman. This notion is historically located in the 1834 Poor Law

Amendment Act, with women forcibly needing to 'decide whether they were women or workers' (Levine-Clark, 2000, p.107, see also, Thane, 1978). If redemption scripts could bypass this step and be linked to agency and personhood rather than needing to be attached to labels of victimhood or motherhood, then redemption would be more readily available for all women.

### *Motherhood Script*

Research shows motherhood acts as a desistance-inducing social bond for women (Barr, 2019) and efforts to support mothering, from within and beyond the justice system, emphasise this fact. This situates desistance within a relational, gendered identity and suggests that mothering – and caring more widely – is important as a primary way of reducing reoffending. In Barr's (2019) study, becoming a mother does not produce a turning point for women, but many related their identity as a mother to their desire to be law-abiding. It is less that motherhood has inherent desistance-inducing features, than mothers feel compelled to relate their desistance journeys to their children due to the social construction of what it is to be female and a mother. Motherhood provides a 'hook for change' (Giordano *et al.*, 2002, p.992) or a hope for a brighter future (Barr, 2019). In the Motherhood Script, there is a sense that the innocence of children sticks to the mother which in turn redeems her. The narrative of the 'good' mother being one who does not offend means that the converse, mothers who commit crime, are labelled by the common motif of the 'bad' mother (Baldwin, 2017, please also see Chapters x, x and x). Women are subject to double deviance, judged more harshly since they are judged not only on



their offending, but the perceived absence of stereotypical maternal characteristics (Heidensohn and Silvestri, 2012). While this chapter argues for the place of a gendered redemption script for women, the Motherhood Script is too narrow in its scope and in many ways acts as a constraint on women to behave not only as mothers, but 'good' mothers.

On the one hand, it could be argued that this script is underutilised. Women's position as carers and mothers typically invisibilises them, rather than offers them a pathway to redemption. On the other hand, as with the Victimhood Script, motherhood positions women in a stereotypical role that can be as reductive as it is redeeming. Redemption via this route cuts off other pathways, such as employment. Self-actualisation is at risk since the focus becomes the gendered, relational bond. For motherhood to become part of a viable Emancipatory Script for women, women's needs as a mother must be recognised for their own sake, not merely because they might prevent reoffending. Both the Victimhood and Motherhood scripts position women as unredeemable without the bonds (or chains) of others. To base women's desistance around their relational identities restricts their ability to change. These scripts fail to consider the structural conditions, including poverty, that may have led women to offend, which restrict desistance while they remain unaddressed (Barr, 2019).

### *Emancipatory Script*

Desistance, by definition, focuses on the process of ceasing to commit crime. Emancipation posits a greater achievement – freedom from the circumstances and

conditions in which crime occurred. Despite Maruna's (2001) emphasis on the fluid, non-linear nature of desistance, it is often bound up with a rational choice narrative, especially for those who fall back into offending before falling forward into emancipation. This positions criminalisation as something to overcome with enough motivation and/or support, perhaps even a 'second chance'. A dichotomy is established between offending and non-offending identities that is ultimately obstructive. Many people need more than one second chance, and for others the trauma preceding and accompanying criminalisation takes time, support and resources to overcome. As this chapter has shown, an emphasis on paid work can be counter-productive, excluding women who cannot take up paid employment. It centres the notion that good citizens are exclusively economically active, tax-paying citizens. The authors' involvement in supporting women into employment, and campaigning for removing the barriers to its access, should not be seen as contradictory to this call. Rather, their practice experience has led to this call for a new way of seeing desistance – not as penance, but as a form of liberation from the conditions in which criminality occurred. The Emancipatory Script is a vehicle for criminalised women to make good for themselves, their families, and communities. This steps away from having to prove themselves worthy by going 'above and beyond' or appealing to a sympathetic reading by being framed as victims or mothers. This is not to say criminalised women are not also victims, or mothers, or even star employees - but they are more than that too. Desistance may be the only goal valued by the CJS but for many women, whose crime is so often committed in service of others, the primary objective must be emancipation rather than desistance.

## Summary

This chapter has explored the prevailing narratives about criminalised women and the limitations of these redemption scripts. The Victimhood Script is posited as an explanation for women's offending linked to their lived experience of violence. It frames women's criminality as a result of abuse having removed personal choice or agency. Similarly, the Motherhood Script grounds women's offending in relation to motherhood, denying agency or choice by reducing women to their existent or non-existent relationship to another.

This chapter considers the evidence and discourse around employment as a factor in both preventing crime and reducing reoffending. The growing emphasis on employment for women prison leavers and criminalised people more broadly may be seen as the emergence of a new script – termed here the Good Work Script. That is, the belief that behaviour can be changed through a good day's work. It is built on the premise that labour will not only occupy the mind and provide financial self-sufficiency, but also generate a non-criminal sense of self. It places agency away from women, onto the role of work, and denies the complexities of a labour market stacked heavily against working class women, with caring responsibilities, and with criminal records. In common with the Victimhood and Motherhood Scripts, the evidence and discourse around the Good Work Script is influenced by third sector organisations and criminalised women (and men) themselves. While the Victimhood and Motherhood Scripts were gendered from their inception, the emerging Good Work Script has, so far, lacked a gendered analysis. The chapter has addressed this, highlighting the challenges victimised and/or criminalised women face in accessing qualifications and employment, the difficulties women with caring

responsibilities must overcome to be economically active, and the financial costs of care. The collateral consequences of criminalisation undermine women's ability to reintegrate, creating barriers to housing, mothering and employment. Employment is itself gendered, with the undervalued work of caring for children and adults predominantly taken on by women. This work is subject to more stringent criminal record checking processes, creating a barrier for women with even old and minor offending histories. Other work roles traditionally allocated to women – including retail and beauty – have been resistant to applicants with CJS experience, despite being under no obligation to even collect the information. These challenges are not limited to women who have served prison sentences, but a prison sentence – particularly a recent one – amplifies the difficulties by removing women from their homes, their families and their communities along with any employment.

If employment is to be championed by the CJS, the third sector, and the wider public as a route to redemption, there is an urgent need to recognise the practical and theoretical limitations of that approach and the ongoing stigma of criminalisation as irredeemable spoiled identity, or negative credential, and its impact on access to paid and unpaid work. If redemption were available through agency alone, women could shed the stigma that makes it difficult to find work and some would not have to work at all to be redeemed.

This chapter has explored how criminal justice narratives frame women differently – as fallen or spoiled or needing to choose between womanhood and work. While a change in language may appear too subtle given the harm identified, without a social policy shift to emancipation, women risk remaining caught in a cycle of having to repeatedly prove themselves 'unspoiled' with the only means of doing so via paid employment. There are

welcome signs of attitude and policy change coming, but concerns remain that 'tough on crime' initiatives will continue to reduce women's experiences to victimhood and motherhood. The assertion of women's agency is central to this chapter's solution to the inadequate redemption scripts available to women: a new Emancipatory Script. This script offers a holistic and integrated approach and creates the possibility for women to be recognised as individuals while structural inequalities are acknowledged and challenged. This means acknowledging women's past victimisation, valuing their work, including as mothers and carers, and creating opportunities to access to employment that is meaningful to them, alongside support services and stable accommodation. Presently, criminal justice reflects and deepens the inequality apparent in society, repeats patterns of harm, and bolsters inequality. However, 'neither offending nor desistance occur in a vacuum' (Barr, 2019, p.73) and without scrutiny of the structural issues that create vulnerability there is no hope of creating conditions hospitable to desistance. The structural disadvantages women face on release from prison can outweigh any psychological changes they may manage to face during a sentence (Barnett and Wakeling, 2021). When it comes to desistance, the external environment is as important as the individual journey.

## **References**

Aresti, A., Eatough, V. and Brooks-Gordan, B. (2010) 'Doing Time After Time: An Interpretive Phenomenological Analysis of Reformed Ex-Prisoners' Experiences of Self-

chance, Identity and Career Opportunities', *Psychology Crime and Law*, 16(3), pp. 169-190.

Baldwin, L. (2017) Mothering disrupted: reflections of post-prison mothers. *Emotion, Space and Society*, March 2017. DOI: 10.1016/j.emospa.2017.02.002

Barnett, G. and Wakeling, H. (2021) 'An evaluation of a brief intervention to reduce reoffending among women serving short sentences', *Ministry of Justice Analytical Series*. London: Ministry of Justice.

Barr, Ú. (2019) *Desisting Sisters: Gender, Power and Desistance in the Criminal (In)Justice System*, Palgrave Macmillan.

British Association for Counselling and Psychotherapy (2013) *Women in the criminal justice system*, Available at: <https://www.bacp.co.uk/media/2130/bacp-women-in-criminal-justice-system-briefing-nov13.pdf>

Brown, J. (2021) 'Two-thirds of shift workers given less than a week's notice of hours, research finds', *People Management*, 19 April.

Cabinet Office (2019) *Supporting Ex-Offenders on their Path to Employment Call for Evidence: Summary of Responses*. London: Cabinet Office.

Carers UK (2016) *10 facts about women and caring on International Women's Day - based on analysis from Valuing Carers 2015*. Available at: <https://www.carersuk.org/news-and-campaigns/features/10-facts-about-women-and-caring-in-the-uk-on-international-women-s-day> (Accessed: 20 May 2021).

Centre for Women's Justice (2021) *Women Who Kill: how the state criminalises women we might otherwise be burying*.

Coates, S. (2016) *Unlocking Potential: a review of education in prison*. London: MoJ  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524013/education-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf) (Accessed 20<sup>th</sup> September 2021)

Collett, N.A. (2021) 'Accounting for the gendered nature of 'collateral consequences' of a criminal record', *Handbook of women's experiences in criminal justice*. Routledge.[20]

Corston, J. (2007) *The Corston Report: a review of women with particular vulnerabilities in the criminal justice system*. London: Home Office

Kincaid, S., Roberts, M. and Kane, E. (2019) *Children of Prisoners: Fixing a broken system*.

Dathan, M. (2021) 'Former prisoners to get jobs in Probation Service', *The Times*, 11 February.

Delker, B.C., Salton, R., McLean, K.C., Syed, M. (2020) 'Who has to tell their trauma story and how hard will it be? Influence of cultural stigma and narrative redemption on the storying of sexual violence', *PloS ONE*, 15(6), online. Available at: <https://doi.org/10.1371/journal.pone.0234201> (Accessed: 26 August 2021)

DWP (2019) *From jail to a job: women take bold steps with forward thinking charity*. Available at: <https://www.gov.uk/government/news/from-jail-to-a-job-women-take-bold-steps-with-forward-thinking-charity> (Accessed: 20 May 2021).

Giordano, P. C., Cernokovich, S. A., and Rudolph, J. L. (2002) 'Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation', *American Journal of Sociology*, 107, pp. 990-1064.

Goffman, E. (1963) *Stigma; Notes on the Management of Spoiled Identity*. Englewood Cliffs, N.J. :Prentice-Hall.

Hamlyn, B. and Lewis, D. (2000) *Women prisoners: a survey of their work and training experiences in custody and on release*, Home Office Research Study 208.

Haslewood-Pocsik, I., Brown, S., Spencer, J. (2008) 'A not so well lit path: employers' perspectives on employing ex-offenders', *The Howard Journal* 47(1), pp18–30.

Heidensohn, F. and Silvestri, M. (2012) 'Gender and crime,' *The Oxford handbook of criminology*. Oxford: Oxford University Press, pp. 336-369.

Henley, A.J. (2019). 'Alternative approaches to criminal records: how can we achieve justice as fairness?'. In: Carlen, P. and Ayres-Franca, L., (eds)., *Justice Alternatives*, London: Routledge. pp.321-339.

Hodal, K. (2019) 'Cyntoia Brown: trafficked, enslaved, jailed for life at 16 – and fighting back', *The Guardian*, 23 October.

Kurtovic, E, Rovira, M. (2017) 'Contrast between Spain and the Netherlands in the hidden obstacles to re-entry into the labour market due to a criminal record', *European Journal of Criminology* 14 (5): 505 – 521



Levine-Clark, M. (2000). Engendering Relief: Women, Ablebodiedness, and the New Poor Law in Early Victorian England. *Journal of Women's History* 11(4), 107-130. [doi:10.1353/jowh.2000.0010](https://doi.org/10.1353/jowh.2000.0010)

Light, M. et al (2013) Gender differences in substance misuse and mental health amongst prisoners London: Ministry of Justice

Maruna, S. (2001) *Making good: how ex-convicts reform and rebuild their lives*. Washington, D.C.: American Psychological Association.

Ministry of Justice (2012) *The pre-custody employment, training and education status of newly sentenced prisoners. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners*. London: MoJ Analytical Services.

Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. London: Ministry of Justice.

Ministry of Justice (2018a) *Education and Employment Strategy*, London: Ministry of Justice. London: Ministry of Justice.

Ministry of Justice (2018b) *Female Offender Strategy*, Supporting Data Tables. Table 4.3 (2017). London: Ministry of Justice.

Ministry of Justice (2020) *HM Prison and Probation Service COVID-19 Official Statistics: Data to 30 September 2020*. London: Ministry of Justice.

Ministry of Justice (2021) *Press release: Extra funding for organisations that steer women away from crime*. Available at: <https://www.gov.uk/government/news/extra-funding-for-organisations-that-steer-women-away-from-crime> (Accessed: 20 May 2021).

Moore, A. (2019) 'Sally Challen on her release from prison: 'I'm not sure how I'll cope on my own'', *The Guardian*, 10 December.

Ofsted (2021) *Joiners and leavers in the childcare sector*. Available at: <https://www.gov.uk/government/publications/joiners-and-leavers-in-the-childcare-sector> (Accessed: 20 May 2021).

Pager, D. (2003) 'The Mark of a Criminal Record', *American Journal of Sociology*, 108(5), pp. 937-975.

Pregnant Then Screwed (2020) *Cost of childcare*. Available at: <https://pregnantthenscrewed.com/research-and-insights/> (Accessed: 20 May 2021).

Prisoners Education Trust (2018) *Should prison education be different for women?*  
London: Prison Education Trust

Prison Reform Trust (PRT) (2021) *Bromley Briefings Prison Factfile: Winter 2021*.  
London: Prison Reform Trust.

Prison Reform Trust (PRT) and Working Chance (2020) *Working it Out: Improving employment opportunities for women with criminal convictions*. London.

Prison Reform Trust (PRT) (2017) *Why focus on reducing women's imprisonment?*  
London: Prison Reform Trust.

Rutter, N. and Barr, U. (2021) Being a 'good woman': Stigma, relationships and desistance. *Probation Journal*, 68(2), 166-18.

<https://doi.org/10.1177/02645505211010336> (Accessed: 20<sup>th</sup> September 2021)

De Sousa Santos (2002) 'Toward a Multicultural Conception of Human Rights', in Hernandez-Truyol, B. (ed.) *Moral Imperialism: A Critical Anthology*. New York; New York University Press, pp.39-60.

Stoll, M. and Bushway, S.D. (2008) 'The effect of criminal background checks in hiring ex-offenders', *Criminology & Public Policy*, 7, pp.371-404

Swartz, E. E. (2012) 'Removing the Master Script: Benjamin Banneker "Re-Membered"', *Journal of Black Studies*. 2013;44(1):31-49.

Thane, P. (1978) Women and the Poor Law in Victorian and Edwardian England, *History Workshop Journal*, Volume 6, Issue 1, Autumn 1978, Pages 29–51, <https://doi.org/10.1093/hwj/6.1.29>

Unlock (2021) '*Angels or Witches: The impact of criminal records on women*'. London: Unlock.

Women's Budget Group (2019) *Women's Budget Group Commission on a Gender-Equal Economy Examples of transformative policies and practices - Evidence submission Carers UK*. London: Women's Budget Group.

Working Change (2021a) *Our Response to the Justice Committee's Women in Prison Inquiry*. London: Working Chance.

Working Change (2021b) *Worst-Case Scenario: How racism in the criminal justice system harms women's chances of finding work*. London: Working Chance.

YouGov 2016 YouGov (2016) *Survey Results, Fieldwork 26 June–14 December*. London: YouGov. Available at: <http://bit.ly/YouGovDWP> (Accessed: 20 May 2021).

---