

Misogycon: The Forgotten Female Underclass

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It is 2018, and a young highly educated woman with an impressive CV is seeking work in London. She is bright, articulate and very keen to work. But her chances of success in job-hunting will surprise you. She has only a 4% chance of gaining employment and any job she does find is likely to place her well below the poverty line. [1] Why? Because she has a criminal record. If she were a man, and a white middle-class man at that, her chances would be much higher, at around 40%. She would be far more likely to gain financial stability for herself and any children she might have, be at far less risk of reoffending or becoming a victim of abuse, and far more valuable to the UK economy as she progressed in her career, paid into the tax system and ceased to contribute to the significant costs of the criminal justice system.

The woman in question defied the odds and gained employment soon after her release from prison as well as continuing her higher education on a degree course. On reading her subsequent memoir detailing her transition into the workplace, the governor of the prison she spent the majority of her sentence at declared 'if true', at once dismissing the idea that she could possibly have made a success of herself following incarceration. Who was this woman? It was me.

Society has always had a low opinion of women who offend. The incredulity of the prison governor is an example of a widely held attitude and one that is hardly surprising given that conversations concerning the impact of the criminal justice system on society have tended to focus on men. The experiences of women who offend have traditionally been 'under-researched' in part due to their smaller numbers, which has resulted in these women being 'far from understood.' [2] Most women caught up in the criminal justice system are wrongly stereotyped as drug users, sex workers, poor single mothers or uneducated women of colour, all of whom are assumed to suffer from an underlying mental health disorder that necessitates their removal from the labour market and mainstream society.

The time I spent in prison and in the community where I was placed temporarily under the supervision of the criminal justice system, I was discouraged on multiple occasions from returning to higher education and advised only to apply for jobs that I was overqualified for such as cleaning or temp work, even though I would have placed myself in a financially vulnerable position. On two separate occasions I was even threatened by my probation officer with being recalled (returned to prison) for attempting to reschedule the time of our probation session so that it would not conflict with my university lectures. These meetings often consisted of my probation officer quizzing me as to when I would be having children, as most people who work in the justice system are conditioned to expect women who offend to have children extremely early even if they are without a career. My experiences were far from unique but unlike a lot of women in my position I resisted having my life chances suppressed, an attitude that made it possible for me to find a good job soon after I left prison, which enabled me turn my life around. Most women are not so lucky. Education shapes outcomes and if you

are uneducated prior to coming into contact with the criminal justice system you are unlikely to become educated by the time you've served your sentence as the criminal justice system is designed to magnify every existing inequality in our society, from gender and education inequality, to institutional racism and poverty. Most women caught up in the criminal justice system live at the intersection of all of these challenges, however on release they are still three times more likely than men to have poorer employment outcomes, even though on average women serve shorter sentences, often for non-violent offences, and only 8% of women who leave prison will re-enter the labour market in their lifetime.

Today it is recognised that women should have equal access to education, employment and housing in order to benefit global society. However, in the UK pervasive gender inequality still exists, affecting white working-class and ethnic-minority women disproportionately. These women are excluded from the formal economy, despite being of prime working age. When these vulnerable women find themselves within the criminal justice system, they and their children then become further entrenched in a cycle of intergenerational poverty and reoffending. 93.3% of these women are actively looking for work however 75% of employers have admitted to legally discriminating against them. Today, these women's rate of unemployment is 43.6% for black women and 23.2% for white women in comparison to 35.2% of black men and 18.4% for white men in similar circumstances. For those that are fortunate to secure employment they will see the gender pay gap increase from 17.3% to 33.2%. Their exclusion from the economy leaves these women vulnerable not only to economic dependency but also gender-based abuse. Yet research has shown that globally, domestic and intimate partner violence entails much higher economic costs than homicides or civil wars.

Many of these women have also lost their right to vote, the majority of them are statistically more likely to head single-parent households, with nearly half of these households living in poverty, and their status as 'women who offend' means that they and their potential contributions to the economy are deemed to be of little or no value. This is despite 9% of female adults aged under 53 in the UK holding a criminal record against a backdrop of the multi-billion-pound cost to the economy in terms of criminal justice.

Misogycon is based on research that I conducted during my undergraduate degree, which was in part funded by the Arts Council England. By citing examples from the world's biggest economies such as the UK, that houses the largest female prison in Europe, and the US, that holds the world's record for the highest female incarceration rate, I explore the misogyny aimed at women in the criminal justice system, that I've termed *misogycon*. Misogycon reinforces entrenched gender norms about women being victims that has led to their exclusion from the economy. Their exclusion is proving to be a major cause of socioeconomic instability translating into increased rates of reoffending, long-term unemployment, illness, disability, gender-based abuse and early death. (Research shows that violence against women is highest in asymmetrical households where women are either estranged from the labour market or financially vulnerable.)

The book will provide a brief historical overview of the earliest prisons where women were said to wash, cook and clean, mostly for the male staff or in some cases, male inmates. This highlights how little the situation has changed since then. Our gendered criminal justice system has allowed an inaccurate narrative of female offenders to emerge that shapes the education and employment opportunities these women are provided with both in prison and the community that forces them into tired gender roles and renders them undesirable in the labour

market, confining them to the informal economy that is characterised by low pay, casual hours and a largely unskilled female workforce.

Misogynon takes on renewed significance in the aftermath of the global Black Lives Matter protests that have stressed the importance of the need for diversity in all levels of society. In response to these protests, chief executives have begun prioritising diversity and inclusion over shareholder value, with 67% of senior business leaders claiming that they are actively looking to hire candidates from more diverse backgrounds, even those candidates who have lower educational attainment. However, it is notable that none of these discussions have focused on women who offend – the forgotten female underclass even though 71% of business leaders claim that achieving gender parity within their organisation is a top priority. COVID-19 has impacted disproportionately on the lowest paid and lowest skilled members in our society, with former female offenders being the worst hit, even though the increase in available workers in the labour market is not increasing the range of skills that businesses need to help them to respond and recover from this crisis. While businesses have expressed a willingness to retrain/reskill candidates to bridge skills gap challenges, 65% of emerging roles across industries such as STEM and financial services are still being taken up by men. Achieving gender parity is notoriously difficult given that female offenders across the world are locked out of mainstream education because of discrimination, while the education provided in women's prisons ties them permanently to unskilled labour, that has resulted in these women's looser attachment to the economy. A gender gap still exists in the vast majority of companies even though closing the gender gap would add \$28 trillion to the global economy, demonstrating that when women from all backgrounds are empowered, this has a direct bearing on the prosperity of companies and societies.

The evidence is resounding that employing former female offenders leads to economic growth and lower levels of gender-based violence and child poverty. It can also promote social justice, gender parity and racial equality. The question now is whether we can afford not to invest in female offenders. In our current socioeconomic climate, investing in women who offend can be a difficult decision for governments to make due to anti-offender rhetoric and a sceptical public. However, creating a shared future is impossible unless every member of society is made to feel included. For women who offend to be represented across the whole of the economy we need to change the narrative on female offenders that affects the opportunities they are provided with.

The book will look at the legal and practical barriers in place that prevent employers from recruiting more women with a criminal past, such as the criminal records regime that sets out how long an offender must wait after a caution, conviction or prison sentence is spent and no longer needs to be disclosed on a job application. For example, someone who is handed down a custodial/non-custodial sentence of less than four years must wait an additional seven years once their sentence expires for their criminal record to become spent, and until that time they can be legally discriminated against not just in employment, but also in the areas of housing and education. The criminal record regime impacts on women disproportionately, as they are 21% more likely than men to work in health and social care and 14% and 12% more likely to work in either the wholesale and retail trade and education, with these sectors all being subject to an enhanced disclosure. I will explore what measures businesses are or should be taking to train their staff concerning unconscious/conscious bias against women who offend and what schools, social workers and prison caseworkers could be doing to change the narrative and prevent young women from falling into an unhappy trajectory.

There is a widespread belief that female offenders' monthly cycles have an adverse effect on their moods/emotions therefore making them unsuitable for studying more robust subjects, a mindset that is not even tolerated in most schools and workplaces. However, the assumption that women have gendered pathways into crime, ignoring the millions of women who offend for economic reasons, means the criminal justice system has adopted a '*woman-centred approach*' to education and employment in order to provide women with gendered pathways out of crime. However, these pathways restrict female offenders to participating in artistic activities or a basic curriculum even though British society has moved to a knowledge-based economy and jobs requiring unskilled workers are gradually being phased out.

In terms of the solutions, the book will lay out strategies for change within the criminal justice system, that will include a shift in how we perceive women who offend, and a change in the leniency afforded to women to align with that of men, that appears to put men off claiming the 'victim' status. I will advocate showing prison management, regulators and governments the benefits of not suppressing women, but creating a 'prison to future skills pathway', that will involve providing women in prison and the community with the skills/training needed to apply for jobs in the high-growth sectors of the future such as STEM in order to build gender parity. We must also consider adopting a *clean slate policy* that will enable offenders to have their criminal records sealed from employers and removed from online sources once they've paid their debt to society and a judge is convinced they are rehabilitated.

The book will also address white privilege and the invisible war on society's most vulnerable women to discuss how and why the criminal justice system penalises white working-class women and black, indigenous, women of colour in order to place them at the bottom of the organisational hierarchy. Moreover, I will explore the betrayal of female offenders by the second-wave feminist movement. By reinforcing stereotypes, the movement has in fact helped to cement the unique gender inequality experienced by non-white middle-class women that in some circumstances has led to the practice of 'paying for the privilege of learning' whereby female inmates have their pay docked if they exceed their assigned education hours. The book will also provide an international snapshot of the criminal justice system to demonstrate how *misogynon* affects women who offend all over the world.

Furthermore, the book will examine the high proportion of women with convictions in the part-time labour market and suggest that the inequalities we observe in this sphere are the result of their criminalisation. These same women are also at increased risk during economic crises. The book will draw on interviews with women impacted by the criminal justice system and the lessons learned from it, such as how these women defied the odds to become successful and launch their own businesses and what structural changes are needed to ensure more women can do the same.

At first glance the statistics would seem to support the narrative that women who offend are unsuitable for the labour market. The majority of women in prison claim to be victims of sexual abuse or mental health sufferers and very few secure employment on release. The situation is hardly much better for the 291,357 women who are given sentences to serve in the community each year, who are more likely than men to claim out-of-work benefits two years after their conviction. The unemployment rate for Black and Asian offenders two years after a caution, conviction or release from prison stands at 40% and 28%. The female reconviction rate is also worryingly high, standing at 58%, rising to over 70% for those given a sentence of less than twelve months to serve. It is no surprise that efforts to solve Britain's offender crisis have repeatedly focused on men even though female offenders have the worst economic and social

outcomes and the number of female convictions has continued to rise, a trend that has been consistent for the past decade.

In some ways the fate of women directly affected by the criminal justice system is pre-determined from the moment they are prosecuted. The criminal justice system is based on nineteenth century notions of criminality that held women who offend are not responsible for their behaviour as they lack agency, rewards women who claim 'victimhood' with leniency, and punishes women who fail to conform with harsher sentences. This practice has had the effect of placing female offenders into two distinct groups: those who claim to suffer from drug or alcohol addiction and those with deep-seated trauma that prevents them from ever being able to regain 'control of their lives'. Both groups are permanently locked out of society once their sentences expire. This practice could also account for the discrepancy in the rate of mental health disorders between women in prison, of whom 70% claim to suffer from two or more mental health disorders in comparison to 19% of women in the general population, which may indicate the practice of exaggeration. While I am not suggesting that every female offender who claims 'victimhood' is lying, from my own personal experience very few adhered to the stereotype whereby their offending could be attributed to tragic personal circumstances. For example, I encountered many female offenders who had achieved a high level of education and had worked prior to their incarceration but admitted that their offending was due to economic factors such as low pay and poor career progression.

It is significant that in the UK where millions of women are trapped in low-paid employment, 28% of crimes committed by female offenders are financially motivated. Moreover, research on mothers in custody found that 38% attributed their reoffending to a need to support their children, suggesting that the trend in female reoffending could be reversed if women were provided with the necessary skills that would enable them to move into high-skilled and higher paid employment.

However, the criminal justice system's treatment of women and the way in which some female offenders embrace the stereotypes for their own ends has had the effect of maintaining the current gendered status quo and dampening female offenders' aspirations. For example, while male offenders are equally demonised in society they are still perceived as being of value to the economy perhaps because men who choose to claim 'victimhood' are less likely to be rewarded with leniency. In contrast, female offenders' portrayal as tragic victims means that their potential contributions to the labour market are easily dismissed.

Employment has been proven to significantly reduce the odds of reoffending. Male prisoners are provided with learning opportunities such as radio production, coding and even access to degree-level courses, opportunities that can lead to viable routes of employment and have seen male prisoners more likely to have a job to go to on release. In contrast, in the UK, where prison officers in women's adult and Youth Offender Institutions are overwhelmingly female, standing at 62.6% as of September 2019, this has not shielded female prison establishments from accusations that they are the harsh matriarch doing the patriarchy's bidding. [3] Women's prisons have never met 'the need or demand for vocational and educational programme opportunities' and this gender gap in access to education means that women who push to pursue a degree whilst incarcerated often end up failing. [4] Of the 388 women in prison who undertook a distance-learning degree from 2013 to 2018, 0% graduated with a good degree rate from 2013 to 2016 and in 2018. [5]

Moreover, the belief that all women who offend have been victims of male violence has led to the consensus that they can only thrive in female-concentrated occupations such as beauty and cleaning, even though these sectors are low-paid and insecure and it's now widely accepted that supporting women to find jobs that pay above the poverty line is crucial for those whose offending is driven by abusive relationships/economic inequality. Across the world female offenders who are given the chance to re-enter the labour market are often pushed into undertaking unskilled or low-skilled jobs in sectors associated with low pay, casual hours and a high female workforce known as the five C's: caring, cashiering, catering, cleaning and clerical work. The same jobs that are at the highest risk of being automated, creating a situation whereby these women's eventual removal from the economy is all but assured. Furthermore, although all offenders face a prison penalty in employment, women tend to be more affected by their status as 'women who offend'. The gap in the rate of unemployment between former female offenders and women with no criminal convictions is stark. The black former female offender unemployment rate is 43.6% compared to 6.4% of black women who have no criminal convictions, while for white female offenders it is 23.2% to 4.3%. In comparison, the black former male offender unemployment rate is 35.2% to 7.7%, while for white male offenders it is 18.4% to 4.3%. One reason why women fare so poorly is that the majority are convicted for theft or fraud offences, meaning they're often seen by prospective employers as being 'unsuitable for work handling property', excluding them from a wide range of occupations/sectors. Moreover, the assumption that women who offend are products of chaotic lifestyles stemming from abuse and trauma diminishes further their employability attractiveness, and those women who are fortunate to find employment can typically expect to earn 40% less pay annually in comparison to non-offenders.

The data shows that when prospective job applicants have a criminal record, race and gender play a significant role in deciding who gets access to good jobs and liveable incomes. Black, indigenous, women of colour tend to fare worse in terms of the prison penalty as they are more likely to land insecure and low-paying jobs regardless of previous qualifications, which puts them well below the poverty line, even though black offenders tend to be more highly qualified than their white counterparts. A similar problem exists for women given sentences to serve in the community who are obligated to attend regular appointments with their assigned probation officer.

So much attention has been placed on the impact of the criminal justice system on men, that we have rarely considered how and why the criminal justice system penalises working-class and ethnic minority women.[6] It wasn't that long ago that Black and Asian men and women were excluded from most types of employment in Britain, having been recruited to work only in particular industries such as the health service – in posts that were low paid and had little or no career prospects. Even in the US when organisations such as the Henry J Kaiser Company exhausted its pool of white male workers after WW2, they turned first to white women, and only then to men of colour before finally admitting some ethnic-minority women into their workforce as a last resort.[7]

Although race relations in Britain have come a long way since then, have we really changed our habits of creating a culture that places working-class and black, indigenous, women of colour at the bottom of the organisational hierarchy?

The UK has the most privatised prison system in Europe, with the privately run HMP Bronzefield currently the country's largest women's prison. The UK also happens to have one of the worst socioeconomic outcomes for female prison leavers, leading to sharp critiques of the Prison Industrial Complex. The term is used to describe the overlapping interests of government and the industries that use policing and imprisonment as solutions to social problems. Advocates of prison abolition have often said that 'if you're in the prison business... you don't want reform.'^[8] 'the funny thing is that with all those education classes... they decide what they think is good for us... not once did they ever ask us.'

The marginalisation of female offenders is not just a UK problem, but a global one affecting developing nations and the top-performing economies such as Australia, India and Japan. The US, for example, has the highest female conviction rate in the world, with roughly 213,000 women incarcerated in jails while a further 1.2 million women are under the supervision of the criminal justice system. Gender parity has now begun to stall. Most affected women have committed minor drug offences or crimes of poverty/survival that can include cheque forgery and/or minor embezzlement. In 2004, 90% of the female prison population reported annual incomes of less than \$10K and most had not completed high school, drawing parallels to the situation in the UK.^[9] The criminalisation of young girls in the US has also continued to rise, with African American and Native American girls being more likely to be incarcerated for low level offences such as truancy or for running away, affecting their ability to participate in the labour market as they grow older. This mirrors the UK, where girls from all backgrounds will find that their criminal records along with reduced educational opportunities will hold them back in key periods in their working lives.

The American criminal justice system shares other patterns too. Most women who offend fall within the 25-44 age band, however, the unemployment rate for ex-offenders stands at 27.3% compared to 5.2% for non-offenders, higher than the total US unemployment rate during the Great Depression, with Black and Hispanic women bearing the full brunt of their 'formerly incarcerated' status. The Second-wave feminism movement may have begun in the US but 'women in correctional institutions are not provided comparable services, educational programs, or facilities as male prisoners'.^[10] This may account for why women are the fastest growing segment in the prison population, having grown by 834% over the last 40 years, and why 66% of women released from American jails are re-arrested within three years. In Texas, for example, there are 21 job-certification programmes available for male offenders that include construction, carpentry, technology and advanced industrial design. For women there exist only two programmes: office administration and culinary arts, sectors that are again associated with low pay and poor career progression.

The second-wave feminist movement paved the way for the Sex Discrimination Act of 1975 in the UK, yet it helped to strengthen most female offenders' marginalisation. Most organisations that assist female offenders to look for work are run by female empowerment groups, who have brought in the criminal justice system's narrative of gender difference that presents women who offend as primarily troubled, unskilled and frightened of men.

The second-wave movement has also been criticised in the past for treating female offenders as one homogenous group and thereby stereotyping them. On some levels, feminism has continued to mirror 'the racial apartheid social structure' that characterised nineteenth- and twentieth-century American and British society, meaning they are not concerned with seeking social equality for all women, but rather maintaining social equality for white middle-class

women only and consigning less 'deserving' women to subordinate socioeconomic positions, locking these women into lives of crime and poverty.

Any society that creates discriminatory practices that essentially bar women's entry to the labour market loses. From October to December 2019, the female employment rate in Britain was 72.4%, the highest since comparable records began in 1971, although it still lags behind men at 80.6%. However, 40% of women in employment were working part-time compared to 13% of men, even though black female workers were most likely to express a preference for full-time work.

Research indicates that women who work part-time in less qualified roles do not always do so because they have caring responsibilities. In fact, 44% of women in part-time work do not have any dependants. Ethnic minority women tend to be concentrated in part-time work and there has been a pattern of them being placed in jobs that they are overqualified for, with Black and Asian women taking jobs well below their qualification level. The overrepresentation of women of colour and working-class women among those who have been convicted or sentenced to prison could be influencing the inequalities we observe in the workplace although very few have put this forward as a reason to explain women's employment patterns or the ethnic minority gap, with the number of ethnic minorities in employment standing at 62.8% compared to 75.6% of white people. This intersection of crime, race and gender in the workplace could explain why these two groups of women, working-class and ethnic minority women, are less likely to participate in and progress through the workplace as people in part-time work have the shortest employment histories, even though in the case of ethnic minorities they have qualifications that are on par or even superior to their white counterparts as employers may be more willing to stereotype them into doing the sort of jobs they think they should be doing.

However, if we accept the argument that a significant segment of ethnic minority women in part-time work have criminal records then empowering them to participate fully in the labour market makes sense as it has been estimated that if ethnic minorities were to be represented across the whole of the labour market it would benefit the UK economy by £24bn annually. Managing consultant firm McKinsey identified in 2015 that companies in the top quartile for racial and ethnic diversity are 35% more likely to have financial returns above their respective national industry medians, while those that embraced gender diversity were 21% more likely to experience above-average profitability. This is particularly significant as the working age population coming from an ethnic background is expected to rise from 14% to 21% by 2051, with black women being particularly prevalent. By removing barriers from entry to board level we can create a more gender diverse workforce rather than one that maintains the status quo and pushes millions of women from underrepresented backgrounds onto the margins of society.

Recognising the marginalisation of female offenders is just one step in the process towards empowering women economically. In order to remove the obstacles that prevent their participation in the labour market we need to change the way we treat women who offend who are often encouraged to play to type that encourages those in authority to create policies that eschew female training/education programs that holds many women who offend back.

References

- [1] All statistics given are accurate at the time of writing and taken from reputable sources.
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- [8] Ava DuVernay. (2016), op.cit.,
- [9] Ayelet Waldman et al, *Inside This Place, Not of It: Narratives from Women’s Prisons*, (London: Verso, 2017), 50.
- [10] Adam Harris, “Women in Prison Take Home Economics, While Men Take Carpentry,” The Atlantic, last modified April 30, 2018, <https://www.theatlantic.com/education/archive/2018/04/the-continuing-disparity-in-womens-prison-education/559274/>.