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Lamble, Sarah (2023) Sexual peril and dangerous others: the moral economies of the trans prisoner policy debates in England and Wales. *Sexualities* , ISSN 1363-4607.

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This is a preprint of an article whose final and definitive form has been published in the journal *Sexualities* (Sage publishing), first available online September 2023 at: <https://journals.sagepub.com/doi/10.1177/13634607231201735>

Sexual peril and dangerous others: The moral economies of the trans prisoner policy debates in England & Wales

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Abstract:

This article analyses a widely publicised case in England, where a trans woman was remanded to a women’s prison and subsequently sexually assaulted other women prisoners. This article traces how the case was politically mobilised to support a growing backlash against trans rights in Britain. The article argues that the case was successfully deployed by trans-hostile groups because of a combination of carceral politics and sexual exceptionalism, which cut across both left and right politics and has roots in racialised narratives of dangerous outsiders. These narratives of ‘dangerous others’ while ostensibly claiming to guard against sexual violence, paradoxically limit the capacity to meaningfully address the underlying causes of sexual harm.

Keywords:

transgender; sexual violence; prison; punishment; transformative justice; sexual offenders

Introduction

In July 2018, it was widely reported in the British media that a trans woman, Karen White, had been remanded to a women’s prison in West Yorkshire and sexually assaulted four women prisoners (BBC News, 2018b). Although not widely acknowledged in the media at the time, White was initially remanded to prison for a knife assault against her 66-year-old male neighbour. But following her arrest, several incidents of sexual violence prior to imprisonment came to light, resulting in two additional charges of rape. White was subsequently moved to a men’s prison and eventually given a life sentence for the combined offences of malicious wounding, two counts of rape and two counts of sexual assault. These convictions added to a previous history of indecent exposure, indecent assault and gross in- decency involving a 9-year old and a 12-year old boy which had occurred 16 years earlier and for which White had served prison time. White also had a history of psychiatric hospitalisation (R v White, 2018).

The case sparked considerable controversy. While public debates about the treatment and placement of trans prisoners had been ongoing, especially following the deaths of several trans women in UK prisons, White's case generated heightened interest both because of the sensationalist framing of the story and the timing of its release. The case was publicised during the period that the UK Government had opened a public consultation on potential reforms to the Gender Recognition Act (GRA), the legislation which enables trans people to acquire legal recognition of a change of gender identity.¹ The proposed reforms aimed to update the legislation and remove barriers that trans people faced in acquiring a Gender Recognition Certificate. Although the potential reforms to the GRA were only indirectly related to Ministry of Justice's official policy on the placement of trans people in prisons (because placement decisions were made on a case-by-case basis), the White case was nevertheless taken up by anti-GRA-reform advocates as an example of the dangers of allowing people to self-identify their gender.

The White case has since become a major example used by 'gender critical'² advocates to challenge trans rights in Britain, particularly in public debates around women-only spaces and gender self-identification. The case has been featured in more than 268 news articles,³ countless social media commentaries,⁴ and numerous TV and radio shows.⁵ It also features on the websites of key gender critical lobby groups⁶ and in the recently published books of leading gender critical feminists in Britain (e.g. Bindel, 2021, Joyce, 2021, Stock, 2021).

This article traces how the White case was mobilised to support a growing backlash against trans rights in Britain. Drawing from court transcripts,⁷ news articles,⁸ social media commentaries⁹ and campaigning materials,¹⁰ the article outlines the significance of the case and documents how it was framed in news media and by campaigners to shape public debates on trans rights in Britain. The article begins by tracing how transgender prison policy in England & Wales changed following the White case. It documents how the White case was weaponised by trans-hostile groups to push for policy changes and give credence to a 'trans sex predator' narrative that escalated a wider backlash against trans rights. The article then problematises the political deployment of the 'sex offender'¹¹ figure, arguing that it has long been mobilised to reinforce class and racial hierarchies and justify discrimination against gender and sexually non-conforming people. Paradoxically, however, the moral and political deployment of the 'sex offender' figure works to exceptionalise sexual violence, which in turn limits capacity to identify and address underlying causes of violence. The article concludes that confronting the weaponisation of this figure requires more than severing the association of transness with risk; it necessitates a rethinking of the sexual politics that underpin the figure of the 'sex offender' itself.

The White case, policy change and the wider context

The White case arguably marked a significant shift in the public debates around trans rights and trans prison policy in Britain. Only a few years earlier, in 2015, several cases involving trans prisoners had also made news headlines. That autumn, the cases of three trans women, Tara Hudson, Vikki Thompson and Joanne Latham, all held in male prisons, drew broad public sympathy and media coverage around the plight of trans women in men's

prisons (BBC News, 2015a). A petition launched in October to support Tara Hudson's relocation to a women's prison attracted 140,000 signatures and appears to have prompted the Ministry of Justice to transfer Hudson to a women's prison (BBC News, 2015b). In November, Vikki Thompson and Joanne Latham were both found dead in separate male prisons, increasing public awareness of the dangers faced by trans women in the male estate (e.g. Hopkins, 2015). All three cases drew attention to the Ministry of Justice's placement policy at the time, which usually required trans women to have a Gender Recognition Certificate (GRC) to be held in a women's prison, regardless of what stage they were at in transition. Yet due to the significant medical, administrative, and financial barriers involved in seeking a GRC, only a small number of trans people in the UK acquire legal certification each year, so most trans women in prison do not have a GRC and are held in men's prisons.¹²

Following these three cases, the Ministry of Justice undertook a full review of its trans prisoner policy, which had been previously issued in 2011, and acknowledged that its approach had 'not kept pace with the development of a more general understanding of the issues surrounding gender in society' (Ministry of Justice, 2016: 4). The review resulted in the 2016 policy which included significant improvements, including that having a GRC was no longer necessary for trans women to be housed in women's prisons. Although the policy amendment did not result in major changes in practice, as the vast majority of trans women continued to be held in men's prisons (Ministry of Justice, 2021), it nevertheless meant it that trans women without GRCs had greater eligibility to be held in women's prisons. The policy changes clearly responded to the recognised vulnerability of trans women in prison.

Media responses to the White case were almost directly counterposed to the Hudson, Thompson and Latham cases. In the former cases, media coverage was broadly sympathetic and there was discernible public support for policy change even among conservative media outlets (e.g. Dunn, 2015). By contrast, in the White case, media coverage appeared to turn against the policy, focussing on the very premise of housing trans women in women's prisons rather than the specific decision in that case (e.g. Mail on Sunday, 2019). Further, because the White case came to light during the public consultation on the Gender Recognition Act, it was taken up by anti-GRA-reform advocates as an example of the supposed perils of gender self-identification (e.g. Gilligan, 2019).

Groups opposing GRA reforms organised a media campaign that specifically used the White case to challenge law reform proposals and to argue that gender self-identification posed a danger to non-trans women (Fair Play for Women, 2019). Two main arguments took hold: First, that gender self-identification would allow predatory men to pretend to be trans women to access women-only spaces and harm women (the trans faker argument)(e.g. Kirkup, 2018). Second, that trans women pose an inherent threat to other women, either by virtue of their 'previous status' as men, or because of their 'biological sex' (the sex essentialist argument) (e.g. Turner, 2018). Both arguments dovetailed to bolster a larger narrative that associated transness, whether 'fraudulent' or 'authentic', with sexually predatory behaviour. These arguments were given a wide public platform and were regularly featured in mainstream and social media (Pearce et al., 2020). Numerous spokespeople – including those from well-established criminal justice organisations and even a few trans women themselves – came forward to argue that trans women should be

kept separate from non-trans women as a matter of safety (Burgess, 2018, Garside, 2018, Hayton, 2019).

As a direct result of the public furore over the White case, the Ministry of Justice announced in early 2019 that it would revise its official policy on trans prisoners in England and Wales (Gilligan, 2019). This was despite the Ministry acknowledging that the existing policy hadn't been properly followed in the White case, indicating a failure to adhere to protocol rather than a problem with the policy itself (Grierson and Elgot, 2018). The Ministry also announced that it was transferring a number of trans women out of the women's estate and into the men's estate, and that it would be creating a new separate wing in the women's estate for trans women deemed to pose a risk to other women (BBC News, 2019a; Smith, 2019).

The new trans prisoner policy released in July 2019 marked a partial victory for anti-trans campaigners. While the former 2016 policy primarily focused on managing the vulnerability of trans people in custody, the new 2019 policy was reframed more explicitly around 'managing risks both to and from trans prisoners', with a heavy emphasis on the latter. Although the new policy did incorporate important procedural changes that would benefit trans people,¹³ the overall tenor of the policy shifted from care to risk management with greater emphasis on legal gender in placement decisions (Ministry of Justice, 2019). Under the new 2019 policy, trans prisoners would now be housed according to their legal gender by default, unless a case board and risk assessment determined otherwise. This renewed emphasis on legal gender, rather than social or lived gender, marked a regressive move back towards the previously abandoned 2011 policy.

So while trans prison policy in England & Wales had been moving towards self-identification, the White case prompted a partial reversal. These shifts were not limited to prison policy. A few months after the 2019 prison reforms came into play, a leaked report indicated that the UK government intended to scrap its plans to reform the Gender Recognition Act in England and Wales,¹⁴ and government sources hinted at a potential bathroom bill to 'protect' women-only toilets and spaces (Cordon, 2020). In September 2020, the government confirmed that it would not be reforming the GRA. Although the fees to apply for a GRC would be reduced and the process moved online, existing requirements would remain in place (BBC News, 2020).

Then in February 2023, the Ministry of Justice issued a further rollback on trans prison policy and introduced additional restrictions on housing trans women within women's prisons. The new rules included a de facto presumption that trans women would not be held in the general women's estate unless they had genital surgery and had no current or historical convictions for violent or sexual offences. Both presumptions are likely to be highly discriminatory in practice (Bars Project, 2023; Lamble, 2023). While the policy allows exemptions in exceptional cases (with approval from the Secretary of State for Justice), the new approach significantly restricts the housing of trans women in the women's estate.

Overall, while the UK government had been making efforts to improve the lives of trans people and better protect trans rights, this was met with a significant backlash and subsequent rollback on policy. This shift, as will be argued below, was in no small part due

to the mobilisation of the White case by anti-trans groups and the deployment of a wider ‘trans predator’ narrative.

Weaponising the White Case: The ‘trans predator’ narrative

The White case arguably marked a turning point in public debates around trans rights and reform of the GRA. Although anti-trans arguments had already been circulating in the media (Hines, 2020, Pearce et al., 2020), they spread with greater frequency following the White case, as the discussion moved from the realm of potential risk to a concrete example. Both mainstream media commentators and opponents of GRA reforms drew on the White case to actively deploy the figure of ‘trans sex predator’ with greater legitimacy than previously and were regularly given media platforms to do so.¹⁵ Few media reports covering trans prison issues failed to mention the White case (see, for example, Shaw, 2020) and many corporate and social media reports used the juxtaposition of pre- and post-transition photos of White to invoke prurient interest in White’s identity (e.g. Evans and Davies, 2018).

The campaigning group Fair Play for Women, formed in 2017 to ‘defend the sex-based rights of women’, created a poster using a pre-transition mugshot of White and circulated it as part of a lobbying campaign (Fair Play for Women, 2019). In this photograph, White is seen as what would be typically read as an unshaven, overweight, middle-aged, working class, white man.¹⁶ The photo depicts a close-up of White’s stubble-covered face, neck and upper chest positioned against a plain grey background. White is looking directly into the camera and not smiling. The cropping of the photo gives the impression that White is unclothed, adding to the unsavoury and menacing quality of the photo.¹⁷ Alongside the photo in large bold black letters is the heading ‘Meet Karen’. Below the heading, the text reads: ‘Karen was sent to a women’s prison. Karen has a penis and sexually assaulted two women in prison. 22 more male prisoners are living in womens prisons. Some are rapists. Sign our petition to get this dangerous prison policy changed. Think about it. #ChooseReality’ (Fair Play for Women, 2019).

The bold juxtaposition of a typically woman’s name and a typically man’s image – particularly one that fits a common cultural stereotype of the white male paedophile (Harkins, 2020) – worked to incite outrage for audiences that were already primed to read such images as confirmation of pre-existing fears. Coupled with the hashtag ‘#ChooseReality’, the poster effectively invoked a discourse of cisnormative ‘common sense’.¹⁸ It marked a form of visual deadnaming – depicting White according to her former identity – which was designed to undermine White’s gender and posit a visual ‘truth’ about White’s ‘authentic’ identity.

Anti-GRA-reformers sought to present the White case as indicative of a common and ongoing risk, and as an exemplar of all that could and would go wrong if people were permitted to self-determine their own gender. Fair Play For Women, for example, repeatedly suggested in media interviews that the White case was not an anomaly, but a case that revealed the dangerousness of gender self-ID (e.g. BBC TV News, 2018). Earlier that year, Fair Play for Women had self-published a flawed and misleading report alleging that up to 50% of trans prisoners could be ‘sex offenders’, a claim that was widely and

uncritically recirculated in the press (Bent Bars Project, 2020). The White case became the emblematic evidence for this claim. Spokespeople from a handful of mainstream criminal justice reform organisations also added fuel to the fire, some making anecdotal claims that suggested, on flimsy evidence, that trans women were routinely aggressive towards non-trans women (Gilligan, 2018). A number of new, media-savvy anti-trans organisations also emerged, with several individuals positioning themselves as experts on the specific issue of trans prison issues, despite many having no history of working with women prisoners or LGBT+ issues (Lamble, 2019). Despite those who acknowledged it was unfair to tarnish all trans women on the basis of one individual's action, and that trans women were far more likely to be victims of assault than perpetrators, the broader narratives around the White case actively worked to sow a sense of unease and discomfort around trans women in women-only spaces and invoke a looming sense of ongoing threat. The case worked to invigorate pre-existing associations between transness and inherent risk, particularly in the imaginaries of a wider public that often has little knowledge of, or connections to, trans communities.

As the 'trans predator' narrative gained hold in corporate and social media, it arguably began to take the form of what Donileen Loseke describes as 'formula stories' – recurring narratives that construct particular issues as social problems or matters of public concern. Formula stories are 'narratives of typical actors engaging in typical behaviors within typical plots leading to expectable moral evaluations' (Loseke, 2007: 664). Formula stories 'tend to involve high drama and contain one-dimensional characters who are somewhat easily evaluated as "good" or "bad"' (Loseke, 2007: 666). So as the White story took on greater significance in the public debates – and was repeatedly accompanied by further narratives associating trans people with sexual risk, the construction of trans women as potential threats to other women became entrenched as a formula story, taking on the status of a cultural truth in the public imaginary.

While many commentators acknowledged the transphobia of these narratives, the repeated framing of potential danger fed into a more 'liberal' and seemingly acceptable narrative in the mainstream press that trans' rights and women's rights were in conflict (e.g. Guardian, 2018). This narrative persisted despite the well-established and long-standing existence of trans-inclusive women's organisations and domestic violence services (Stonewall, 2018) as well as a long history of trans feminist organising (Koyama, 2001/2017, Serano, 2013, Stryker, 2007, Williams, 2016). The 'women versus trans' narrative was certainly not new and had longstanding roots within some strands of feminism (Thurlow, 2022), but invoking the White case helped propel this view from a more fringe position into the mainstream.¹⁹ Although this framing sought to legitimate itself through the guise of 'balanced' journalism, ultimately what underpinned the so-called 'clash of rights' was a presumption that trans women pose a threat to cis-women. So even in the more seemingly 'neutral' framing of conflicting rights, the spectre of the 'trans sex predator' was never far from the surface.

In media narratives, the White case could be summed up in the sentencing judge's remarks that White was a 'highly manipulative' 'predator' who posed 'a significant risk of harm to children, women and the general public' (R v White, 2018). While White's actions were unequivocally reprehensible, the foregrounding of her trans status, the framing of her behaviour as manipulative and the repeated description of her as a 'con' and a 'fraud',

played into longstanding tropes of trans people as deceitful and un-trustworthy (Bettcher, 2007, Sharpe, 2018). The media reporting also focussed primarily on White's behaviour in prison even though the most violent of her actions took place outside prison. Much reporting repeatedly implied – and in some cases outright claimed – that White had raped women in prison when this was not actually the case (e.g. Finnegan, 2018, O'Grady, 2022). The Daily Mail, Sun, Metro and BBC all ran stories or headlines that described Whites actions in prison as 'sex attacks' (Brooke, 2018, Hartley-Parkinson, 2018, Parveen, 2018, Tozer, 2018). The Sun, for example, ran the headlines: 'Lag's Sex Crimes: Transgender rapist carried out four sex attacks on female inmates in jail' (Sims, 2018a) and 'Trans rapist attacked four women lags: con's sex crime revealed' (Sims, 2018b). By repeatedly juxtaposing White's other charges for rape (outside of prison) with descriptions of what happened in prison, and by emphasising that the charges for rape had been issued while White was in the women's prison, several reports gave the impression that the rapes had occurred in prison, even though they were historic charges. White was also described in the headlines as a 'sex beast', 'sex fiend', 'pervert', 'paedophile' and a 'trans faker' (Binns, 2018, Bannerman and Lister, 2018, Cox, 2018, Read, 2018). Several reports also incorrectly claimed that White had attacked prison officers, which prompted further false claims of trans prisoners raping prison guards (Cox, 2018, Parsons, 2020, Roach, 2020).

Yet it is likely that the case would have been unremarkable to the media if it weren't for White's trans status. According to court transcripts (R v White, 2018), the actual behaviours that took place in prison included an attempted kiss; touching another prisoner's arm while making comments about oral sex; taking another prisoner's hand and placing it on White's own chest; and deliberately hugging another prisoner from behind while having an erection, such that the complainant could feel White's (clothing-covered) penis pressing against the complainants back. (In court, White disputed two of the allegations but admitted the other two.) To be clear, White's actions were wholly unacceptable and no doubt distressing for the women who experienced them. Yet the media coverage did not accurately reflect the nature of these incidents (Lloyd Bright, 2020). Comparable forms of unwanted touching, sexual advances and assaults are common both inside and outside prison (by prisoners and staff alike) and are also unacceptable, yet rarely attract the same level of attention, scrutiny or framing (Bent Bars Project, 2020). For example, another case which appeared in the media around the same time involved an MP who was accused of 'fondling' another MP in the Commons Bar. The allegations including grabbing a man's genitals and attempting to put his hand down another MP's trousers, yet news reports generally described this behaviour as 'groping,' 'sexual touching' and 'drunken' and 'unpleasant behaviour' rather than 'sex attacks' (Gye, 2019, Syal, 2019). Although the police were called, no charges were laid (BBC News, 2019b).

The power dynamics in prison add a further layer of complexity, as it is not uncommon for heightened and sometimes malicious accusations to be made against gender and sexually non-conforming prisoners (Bent Bars Project, 2020). This is not to suggest that White was not guilty of the assaults, but to acknowledge that her trans status may have been a factor in why these incidents were reported to the authorities, when other comparable incidents are routinely not. Moreover, once reported it is unlikely that White's actions would have been referred to the police for external charge (rather than internal prison discipline) were

it not for White's trans status, as the incidents do not appear to meet the threshold for referral according to Crown Prosecution Service guidance (CPS, 2019).

White's profile of offending was also selectively reported. White was routinely framed in the media and by anti-GRA-reform campaigners as primarily a danger to women and girls, but her history included harm against men and boys. In fact, at the time when White was first remanded to the women's prison, it appears that her known history of convictions were exclusively against men and boys, as it was before the rapes against women had come to light. It is also notable that White claimed that the knife attack against her male neighbour was a retaliation against the neighbour's attempt to sexually assault White. While the judge found no evidence to support this, according to court transcripts the police did have on a file a number of reports by White claiming that she herself had been a repeated victim of hate crimes (R v White, 2018). White's status as physically disabled (requiring the use of a cane and sometimes a wheelchair) was also largely ignored in the media. The overarching narratives allowed no space to acknowledge that White could perpetrate violence whilst also having experienced any victimisation or vulnerability of her own.

Some commentators did challenge the weaponisation of the White case, but largely through distancing strategies. Many trans activists and spokespeople understandably refused to discuss the case, particularly in contexts where discussions were likely to force trans people to defend their own existence or inadvertently give credence to a presumed link between transness and sexually predatory behaviour. For those who did engage, some suggested that White wasn't really trans and therefore 'real' trans people shouldn't be judged along these lines (BBC TV News, 2018, Fairchild, 2018). Others argued it was unfair to demonise all trans people on the account of one trans person's actions (Burns, 2019).

Such responses were limited in their effectiveness. In a wider cultural context where trans people in general and trans women in particular are routinely stigmatised – both by virtue of gender non-conformity and a result of a long history of cultural and legal representations which demonise trans people as deceitful, threatening and monstrous (Feder, 2020, Sharpe, 2009, Stryker, 2008: 102–103) – attempts to challenge the conflation of White's behaviour with the trans community at large were nearly futile. The few objections voiced in the media were not enough to confront the more widespread and deeply entrenched cultural tropes that already primed mainstream audiences to interpret White's actions as evidence of the supposed risks posed by trans people as a group.

As Gayle Salamon has argued, non-normative gender expression is often characterised 'as itself [a] violent act of aggression and ... the expression of gender identity as itself a sexual act' (Salamon, 2018: 5). For example, various commentators in the trans prison policy discussions have claimed that the mere presence of trans women in women's prisons is potentially traumatising for non-trans women (Garside, 2019, Rose, 2018). These commentators claim that because many women in prison are survivors of sexual violence, the presence of someone they 'perceive to be a man or masculine' will be triggering. Yet these same commentators are often silent on the question of male staff in women's prisons (who are far more common in women's prisons than trans women),²⁰ an indicator that it is not the supposed masculinity of trans women that is the actual cause of concern. Rather, the very expression of gender non-conformity is read as a threat, despite the fact that trans

women are more likely to be victims of violence than perpetrators – both inside and outside prison (Bent Bars Project, 2020, Jenness et al., 2019, Rymer and Cartei, 2015, Serano, 2021, Stonewall, 2018, Stokes, 2021). In the context of wider debates about gender recognition, the routine construction of trans women as potentially dangerous worked to ‘repackage trans equality itself as predation: trans women’s demands to be recognised as women are reinterpreted as invasion and sexual threat’ (Phipps, 2020: 104– 105).

The problem of the ‘sex offender’ figure

Advocates of trans rights were limited in their responses to the White case in part because the figure of the ‘sex offender’ is politically untouchable (Gottschalk, 2015: 196). No one on the left or right of the political spectrum wants to be perceived as defending or affiliating with a ‘sex offender’. The ‘sex offender’, a term increasingly treated as interchangeable with the category of ‘the paedophile’, is consistently constructed as someone who is not only fundamentally different from the general population, but also uniquely distinct from other ‘criminals’ (Ilea, 2018: 360; Gottschalk, 2015: 198–199). While media commentators do routinely defend people who have been accused of sexual harm – such as the MP mentioned above – this is usually from the position of claiming proximity to innocence (i.e. defences are mounted on the bases of false accusations, overblown allegations or reframing the problem as something else). As such, responses to allegations of sexual violence are often limited to denial or minimisation on the one hand, or demonisation on the other. Politically, it is nearly impossible to take a position that fully acknowledges the harm that individuals have done whilst also refusing to render ‘other’ or ‘monstrous’ those who engage in such harm. Questioning narratives that vilify people who commit sexual harm or seeking non-punitive measures of accountability is presumed to be defending sexual violence.

The compulsion to demonise the ‘sex offender’, while understandable, is not rooted simply in a concern about sexual harm, but also emerges from the broader cultural anxieties and complex social histories that surround this figure. While the specific term ‘paedophile’ dates back to sexology of the late 19th century, its cultural significance in Anglo-western contexts did not arise until the late 20th century. The figure gained prominence in response to a number of changing social norms around gender and sexuality, including the decriminalisation of homosexuality, the rise of gay, feminist and sexual liberation movements, and feminist efforts to address the pervasiveness of child abuse and familial sexual violence (Angelides, 2005; see also Fischel, 2016, Harkins, 2020, Lancaster, 2011). In the context of changing social and sexual norms, the figures of the ‘paedophile’ and the ‘sex offender’ offered a repository for anxieties about shifting moral codes. This is not to say that concerns about sexual harm were unwarranted, but rather that the figures of the ‘sex offender’ and the ‘paedophile’ have provided a convenient political container to conflate issues of sexual harm with non-normative genders and sexualities. Ironically, many feminists who were raising concerns about sexual violence in the 1970s, 80s and 90s were doing so from a position of challenging normative family structures (e.g. the nuclear family) as a key site of violence and sexual harm, but conservative backlash redirected these concerns to ‘external’ non-normative threats and ‘sexual outsiders’ including gender and sexually non-conforming people and racialised others (Angelides, 2005, Kitzinger and Skidmore, 1995).

Against this backdrop, the contemporary (re)emergence of ‘trans sex offender’ narratives and the moral panic that recently surround this figure is arguably the reformulation of an old and enduring trope. Prior to the decriminalisation of homosexuality in Britain and elsewhere, and even for decades after, ‘queers’ (including both gender and sexually non-conforming people) were legally and ontologically classified as the archetypal ‘sex offenders’ (Chenier, 2008, Woods, 2015). The pernicious association of queerness with sexual predation and threats to children was a driving force behind a range of homophobic and transphobic laws and policies in Britain that persisted after formal decriminalisation of homosexuality. Such laws and policies included the infamous Section 28 legislation of the Local Government Act 1988 (which prohibited the positive representation of homosexuality in schools and local authorities), unequal laws around the age of consent, the targeted policing of queer ‘cottaging’ and cruising spaces, the criminalisation of consensual BDSM sex, and more recently, the so-called ‘gender fraud’ cases which criminalise non-disclosure of trans status (Ashford, 2007, Moran, 1995, 2001, Sharpe, 2018, Waites, 2003).

Attempting to move away from the stigma and association with sexual offending and deviance, many LGBT+ activists sought strategies of ‘respectability’ politics, particularly through campaigns for marriage, family and military rights premised on claims that gays were just like their straight counterparts. Yet in doing so, the opportunities to challenge categories of sexual deviance more fundamentally, were often jettisoned in favour of simply moving ‘respectable’ lesbians and gays out of the deviant category and into the ‘charmed circle’ of normativity (Rubin, 1993) – a strategy that left behind queers who did not have access to the classed and racialised cultural markers of respectability (Weiss, 2018). In the 1970s, for example, when anti-psychiatry advocates were calling to end forced psychiatry and psychiatric detention, gay and lesbian activists were invited to join that call, but many instead took a narrower position against the psychiatrisation of homosexuality (Ben-Moshe, 2020: 97; see also Kunzel, 2017). Rather than questioning psychiatry’s broader construction of categories of normal, abnormal, sane, mad, deviant and law’s characterisation of the ‘sex offender’, most gay rights groups simply sought to remove lesbian and gay people from within those categorisations (De Orio, 2017). In turn, because these wider norms and categories of deviance were left intact, such typologies, particularly the ‘sex offender’, became more entrenched as social and legal categories (Fischel, 2016), subsequently making them harder to challenge when repeatedly projected onto marginalised groups. Such narrative associations of sexual danger and ‘otherness’ continue to play out across a range of contexts, not only with respect to queer and trans people, but especially as they intersect across various demonised groups such as migrants and foreigners, Muslims, Blacks, Jews, war enemies and ‘terrorists’ (Duggan, 2000, Cockbain and Tufail, 2020, Puar and Rai, 2002, Siddiqui, 2021).

These cultural anxieties around the figure of the ‘sex offender’, which are deeply imbricated with class and racial hierarchies, have also played out in the Karen White case. As Lancaster has argued, moral sex panics around the figure of the ‘sex offender’ have historically ‘help[ed] the white middle classes to feel a sense of community, exert a sense of sexual hygiene and moral discipline, define itself against Others, and stake its claim to being the universal class, the one whose sense of danger, morality and justice will serve as norm for all of society’ (2011: 92; see also Duggan, 2000). The racial dimensions of these panics are also

rooted in the rise of psychiatric and criminal discourse around sexual deviance in the mid-twentieth century, ‘which coded crime and generic sexual violence as “black” and homosexuality or specialised sexual perversion as “white”’ (Lancaster, 2011: 91; see also Harkins, 2020). Hence, white middle classes sought to protect themselves from ‘the nonwhite lower classes (whose profligate sexuality and implicit criminality are held to threaten the social order from without) and white sexual deviants (who threaten the order from within)’ (Lancaster, 2011: 29). Similarly, the White case has been mobilised in the name of protecting implicitly white women and girls – and upholding middle class moral and sexual sensibilities – from those who threaten to disrupt gender, class and racial orders (Phipps, 2020: 104–108).

The recent formula stories around ‘trans sex offenders’ are reminiscent of the older narratives of dangerous others and predatory queers that dominated earlier conservative anti-gay agendas. In the US context, Amy Stone has traced the continuity between the religious right’s anti-homosexuality campaigns of the 1970s, 80s and 90s – which positioned gay men as predatory threats to children – and more contemporary anti-trans campaigns, which frame trans women in bathrooms and women-only spaces as sexual threats to children and other women (Stone, 2019; see also Serano, 2021). Campaigns to exclude trans women from women’s spaces, which have resurfaced in Britain, are often premised on a ‘stranger danger’ frame, whereby trans people are positioned as menacing outsiders threatening to infiltrate otherwise ‘safe’ spaces. Such frames are most effective when they tap into volatile public emotions and play upon fears of manipulation, deception and predatory behaviour (Stone, 2019). For example, gender critical campaigning groups in Britain have repeatedly circulated an article titled ‘Pronouns are Rohypnol’ – claiming that respecting trans people’s pronouns is akin to succumbing to the ‘date rape drug’. Using trans-inclusive pronouns, they argue, distorts reality, as non-trans women will be caught off guard by predatory men who use female pronouns to dupe women for the purpose of sexual attack (Kerr, 2019). By associating respectful language with ongoing sexual danger, gender critical rhetoric works to whip up fear of sexual peril from dangerous others. Likewise trans and nonbinary people are routinely described using predatory language such as ‘foxes in the henhouse’ and ‘wolves in sheep’s clothing’ (Fair Play for Women, 2021; Turner, 2018). Yet unlike the past where such strategies were largely (though not exclusively) deployed by the conservative right and tabloid press, increasingly alliances are emerging between campaigns against ‘gender ideology’ on the right and gender critical feminists on the left (Siddiqui, 2021). Shared responses to the figure of the ‘sexual predator’ provides a key anchor of unification across left and right via investments in punitive carceral politics.

Moving beyond sexual exceptionalism

Underpinning these narratives of monstrous ‘sex offenders’ are logics of sexual exceptionalism – a framing that treats people who commit sexual harm as unique and exceptional in several ways. First, those who commit sexual harm are assumed to be fundamentally different from ordinary people (i.e. exceptional in character) (Ilea, 2018). Those labelled as paedophiles, for example, are routinely framed as ‘a separate species, subhuman or “a breed apart”’ and are commonly portrayed as strangers and outsiders, even though most perpetrators of sexual violence are known to the victim and many are within

the family (Kitzinger, 1999: 218). Second, because sexual violence is seen as deriving from exceptional individuals, it is likewise treated as an aberrant rather than common behaviour (i.e. exceptional in occurrence), even though the pervasiveness of sexual harm is well-documented. This exceptionality is underpinned by a framing that treats sexual harm as a problem of specific individuals rather than rooted in wider social, cultural and institutional norms (Kitzinger, 1999). Third, it is assumed that people who commit sexual harm are largely incapable of change and should be treated more harshly than those who commit other kinds of violence (i.e. exceptional responses are warranted) (Ilea, 2018: 360; Ellman and Ellman, 2015). Even those who call for less punishment in other contexts, often make exceptions when it comes to those found guilty of sexual offences. For example, many feminists who critique the criminal justice system in relation to criminalised women will suspend these critiques in relation to male sexual offenders and call for harsh penalties in response to sexual offences (Sudbury, 2006, Taylor, 2018, Whalley and Hackett, 2017).

While ostensibly mobilised in the name of addressing harm, sexual exceptionalism obscures the everyday pervasiveness of sexual assault and diverts attention from the deeper cultural norms, familial structures and social institutions that enable sexual violence. By framing the problem of sexual violence as one that can be located in the body of a predatory 'other', the 'sex offender' becomes a shallow container for danger and a means for disavowing the ubiquity and normalcy of everyday sexual violence. As many feminists have argued, 'As long as we conceptualize the individual who sexually harms others as "sick" and "irredeemable" we will be unable to address the conditions that allow this type of behaviour to happen. Instead, we will attempt to remove the "bad apples" from our midst, isolate and ostracize them, under the guise of "doing something" about sexual harm' (Ilea, 2018: 363). Yet such punitive responses, as anticarceral feminists and others repeatedly show, have done little to actually curb the harms of sexual violence, and have instead tended to increase the power of the carceral state to target marginalised populations (Richie, 2012: 197–215; Gottschalk, 2015, Law, 2014, Levine and Meiners, 2020).

This fear and loathing of the 'sex offender' has given rise to what Gillian Harkins describes as the problem of 'amplification and misdirection'. That is, when attention is focussed on the exceptionality and monstrosity of the 'sex offender' figure, we simultaneously amplify the perception of danger as attached to particular identity-groups and misdirect attention away from those who experience violence, thereby distorting and impairing our capacity to adequately address harm. Such processes actively misconstrue the actual distribution of risk and harm (Harkins, 2020: 37). Building on the work of Ida B. Wells and Mary Church Terrell, whose anti-lynching work in the US documented 'the gap between hyperbolic threats to white women and children and actual threats to black people across age and gender,' Harkins traces the ways in which logics of racial terror have operated through appeals to white sexual endangerment. Through this process, '[a]ctual violence against black, brown, indigenous and noncitizen peoples was transfigured into the threat those populations posed to white innocence' (Harkins, 2020: 37).

Similar logics of amplification and misdirection operated in the White case. The panic around Karen White amplified fear and misunderstanding of trans women (mostly invoked in the name of protecting innocent (i.e. white) women and girls), while simultaneously misdirecting attention away from the vulnerabilities to violence and harm that trans women

face (Phipps, 2020: 104–108). For example, in the debates around trans prison policy in Britain, women’s prisons were routinely constructed as otherwise ‘safe spaces’ until the entrance of trans women – thereby obscuring the acute and ongoing institutional dangers and harms that all prisoners face (Lamble, 2019, 2023). In fact, a few months after Karen White was sentenced, it was reported in the media that a male prison officer, Iain Cocks, who was working in the same women’s prison that White had been initially housed in, was convicted of sexual offences against two women prisoners (BBC News, 2018a). Yet the Cocks case attracted far less media attention and controversy than the White’s case.²¹ The debates around prison policy continued to focus almost exclusively on the danger that trans people supposedly pose to women, rather than the dangers and long-term harms of prisons more broadly – including the problem of sexual assault in women’s prisons (Lamble, 2023). Policy debates focussed on the ‘trans question’ rather than the ‘prison question’.

Moreover, the persistent focus on the demonisation, isolation and punishment of ‘sex offenders’, has meant that justice-seeking strategies – across both the left and right of the political spectrum – are largely channelled towards retaliating against those who commit sexual violence, rather than supporting those who experience sexual harm, addressing underlying causes of violence, and engaging in effective harm reduction strategies (Gottschalk, 2015: 214). Appeals to carceral logics of punishment, banishment and retribution also work to shore up the myth that the carceral system ‘protects’ rather than harms, and obscures the ways in which the carceral system disproportionately targets poor, working class, disabled and black and brown people. Such logics fail to address the ways in which the carceral system does not prevent, and instead often facilitates, sexual violence. In sum, by treating sexual violence as a problem of monstrous, exceptional others – rather than an issue that is endemic within communities and institutions – it paradoxically becomes more difficult to confront and address the widespread problem of sexual harm.

Conclusion

Addressing the demonisation of trans people as sexual threats requires not only a severing of the association of transness with risk and danger, but also a deeper interrogation of the ‘sex offender’ figure itself. The figure as deployed in public debates around trans prison policy – and within popular discourse more widely – serves primarily to obscure underlying causes of harm and foreclose effective strategies for addressing sexual violence. As Joseph Fischel has argued, the ‘sex offender’ is the new queer. Far from offering a meaningful frame for confronting the realities of sexual violence, the category of the ‘sex offender’ instead works as a repository for broader social anxieties about sex, sexuality and modern capitalist life (2016: 74). The ‘sex offender. . . is the newly minoritized Other, a new outcast, a cultural mirage on whom to superordinate normative sexuality, to displace perversity outside ourselves, to localize, personalize, and smooth out deep structural injustices: sex abuse in the family, the pedophilia of capitalistic everyday life, the coerciveness of everyday heterosexuality’ (2016: 74).

Moving away from logics of sexual exceptionalism necessitates engagement with feminist transformative justice perspectives which hold that ‘no one is disposable’ (Barrie, 2020; Gossett et al., 2014). Disposability is a logic that attempts to deal with harm by locating the

source of that harm in a single individual (or identity-based group) and then isolating, punishing or socially ‘disposing’ of that person (and/or that group). Disposability logics are based on coded understandings of who is ‘deserving’ and ‘undeserving’ of protection versus punishment by the criminal justice system – codings that are deeply inflected by dynamics of class, race, disability, sexuality and gender. Yet disposability responses do little to change the conditions that lead to violence in the first place; instead such logics actively obscure those conditions and absolve wider social responsibility for addressing underlying causes. As Angela Davis (2003) has famously argued, ‘Prisons do not disappear social problems, they disappear human beings. Homelessness, unemployment, drug addiction, mental illness and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages.’ If we take seriously the claim that ‘no one is disposable’, this position must extend to those whose behaviour we find deeply troubling and reprehensible, including those who commit sexual harm.

Vilification and othering of the ‘sex offender’ figure – and its incessant attachment to marginalised groups, whether trans or otherwise – does not achieve the work of preventing harm it ostensibly claims. Instead it shores up the very narratives and logics that limit efforts to address underlying causes of and patterns of harm, and restricts possibilities for collective accountability. To take a different approach to the problem of the ‘sex offender’ may feel challenging and uncomfortable but is arguably necessary for meaningful efforts towards ending violence.

Notes

1. The consultation emerged from a recognition that existing legislation was outdated and posed significant barriers in acquiring a Gender Recognition Certificate. The consultation sought views on how to reduce those barriers and explore potential impacts of proposed reforms.
2. Advocates of gender critical beliefs assert that gender is a harmful concept and sex is binary and immutable, and therefore oppose trans-inclusive feminism. For a genealogy of the term in Britain, see [Thurlow C \(2022\)](#) From TERF to gender critical: A telling genealogy? *Sexualities* 0(0): 13634607221107827.
3. News coverage was primarily accessed via the European Newsstream database. A search of news articles between 1 July 2018 and 31 March 2022 that refer to the Karen White case generated 279 initial results, including 37 false matches, which left 242 relevant articles. A subsequent search for articles from 1 April 2022 to 31 July 2023 generated an additional 29 sources, including three false matches, to reach a total of 268.
4. See, for example, twitter feeds of campaigning groups Fair Play For Women and Keep Prisons Single Sex (e.g. <https://twitter.com/fairplaywomen/status/1320286328949493763>)
5. See, for example, BBC News 10 September 2018, available: <https://www.youtube.com/watch?v=eaDibfKnKbc>; and BBC Look North News 11 October 2018, available: <https://www.youtube.com/watch?v=zmOg2ExEC9A>.
6. See, for example the websites of Fair Play For Women; Keep Prisons Single Sex; and A Women’s Place UK.
7. Transcripts included those for White’s court appearances in August and October 2018.
8. News articles included sources from the European Newsstream database covering trans prisoner policy in England and Wales and relevant prisoner cases from 2015 to 2023. Articles

were analysed for language, tone and content of reporting, with attention to framings of risk and vulnerability for trans and non-trans people. While this review does not constitute a systematic media analysis, it provided a broad indication of mainstream news coverage occurring during this period.

9. Social media commentaries included discussions of transgender prison policy and trans prison cases on Twitter, YouTube and individual blogs from a selection of both trans positive and gender critical accounts. These were not tracked systematically but were used to supplement analysis where relevant.
10. Campaign materials includes websites, fliers and news appearances by gender critical groups focussing on prison issues such as Fair Play For Women, A Women's Place UK and Keep Prisons Single Sex.
11. I use the term 'sex offender' in quotation marks to indicate that this is a socially constructed category. This is not to deny or minimise the material reality of sexual harm or the severe consequences of sexually violent behaviour. Rather, it is to trouble the way that harmful behaviours become personified and fixed in racially, classed and gendered identity categories, and obscure the wider social conditions that enable sexual harm.
12. Since the Gender Recognition Act came into force only about 5000 people have acquired a GRC, despite an estimated UK trans population of 200,000–500,000 [Government Equalities Office, 2018](#) Trans People in the UK. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721642/GEO-LGBT-factsheet.pdf.
13. For example, the 2019 policy requires greater transparency in processes around case board documentation and decisions, makes explicit requirements for staff to support individuals in expressing their gender including respecting people's pronouns, and takes steps to curb discriminatory applications of the policy.
14. These announcements did not apply to Scotland or Northern Ireland as both have devolved powers around gender recognition legislation. Although similar public debates have occurred across these jurisdictions, and the White case was also deployed in the debates across these contexts, Scotland is nevertheless pursuing plans to reform its Gender Recognition Act, pending a constitutional challenge by the UK government.
15. See, for example, the news section of the Fair Play For Women website, which includes links to newspaper, TV and radio appearances.
16. The poster is available on the Fair Play For Women website: <https://archive.is/BWLyV/>
17. In the original photo, White is seen wearing an open necked black and grey striped shirt, but in the Fair Play For Women poster, the clothing is cropped out.
18. The #ChooseReality hashtag was used in Fair Play For Women's wider campaign work against the GRA reforms, including a full-page ad which ran in the Metro newspaper in Oct 2018 (at a cost of £40,000) with the slogan 'Say NO to Sex Self-ID. Say YES to common sense. #ChooseReality' [Duffy N \(2018\)](#) Metro newspaper runs full-page ad attacking transgender right reforms. Pink News. (accessed 21 April 2021).
19. For example, gender critical group Fair Play For Women, which was originally set up to address concerns about trans inclusion in sports, gained media prominence when it turned to prison issues and began making claims associating trans people with sex offenders. A search of Newsstream media articles from 2017 to 2022 featuring Fair Play For Women found that the group received very little mainstream media coverage prior to the release of their report claiming that 50% of trans prisoner could be sex offenders. This report, followed by their active deployment of the White case in campaigning, generated much greater media interest in the organisation, with Fair Play For Women subsequently being featured regularly as invited media

commentators on a range of issues related to trans rights and inclusion (see also the news section of the Fair Play For Women website, which includes links to newspaper, TV and radio appearances).

20. According to a parliamentary question from 2021, men comprise 36% of staff in women's prisons in England. See: <https://questions-statements.parliament.uk/written-questions/detail/2021-10-27/64597/>
21. A European Newsstream search of newspaper coverage from 2018 to 2022, found 242 articles which discussed the Karen White case, compared to 40 articles discussing the Cocks case. To date, the websites of the main gender critical groups in Britain, such as Fair Play For Women, Keep Prisons Single Sex and A Women's Place UK have no reference to the Cocks case, whereas all have multiple mentions of the White case.

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