Food and penal legitimacy in women's prisons

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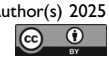

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Abstract

Prison is a space of deprivation of liberty with multiple 'pains of imprisonment' inflicted on those serving time. One component of the prison experience seldom discussed is the impact of food, particularly the ways in which food communicates broader issues about penal legitimacy. Penal legitimacy – how the penal regime operates in ways which command authority and willingness to comply – has been understood through a multitude of prison regime elements, but rarely in the context of food. We reflect on the outcomes of these experiences and perceptions of food from the perspectives of women in prison, highlighting how these perceptions can impact on the legitimacy of the prison establishment and overall quality of life in prison. Data is drawn from fieldwork in four women's prisons in England, comprising 108 study participants.

Keywords

Food, prison legitimacy, procedural justice, women's imprisonment

> Prisoners do not, on the whole, talk much about the weather: they complain, instead, about the food. (Woolf, 1967: 154)

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Introduction

Food has a crucial role in our lives – from the impact on our emotional and physical state, the practice of sharing with others, the engendering of culture and diversity, to the ways in which food communicates a sense of value, love, compassion, warmth to those we consume with, and prepare for. In spaces of deprivation and austerity – the prison being one primary example, experiences of quality food, or lack thereof, can intensify the 'pains of imprisonment' serving as a reminder to those in prison, and indeed wider society as well, that food *is part of the punishment* (De Graaf and Kilty, 2016; Smoyer, 2015; Smoyer and Lopes, 2017). The quality of food such as references to being served 'bread and water' can also reproduce punitive representations of prison life to wider audiences (e.g., Barford, 2015), thereby consolidating the link between food and punishment.

Although just one of many characteristics of penal legitimacy, food is often a significant part of the experience of imprisonment, a window through which complaints about the prison system are often articulated (De Graaf and Kilty, 2016; Moen, 2000; Shah, 2022; Ugelvik, 2011). These complaints include feelings of lack of value and care (Parsons, 2020; Smoyer, 2015) with impacts of how those imprisoned conceive of fairness of their treatment. A lack of recognition of identity and difference in the variety of food offered in prison (Her Majesty's Prison Inspectorate, 2016; Ugelvik, 2011) has notable implications for minority ethnic communities, noting already tenuous relationships with penal institutions in terms of perceptions of legitimacy (Brunton-Smith and McCarthy, 2016; Martinez et al., 2023). And wider issues surrounding the fairness of food distribution and food quality affect not only consumption, but perceptions about respect and dignity (e.g., Woods-Brown et al., 2023) which remain at the heart of the concept of legitimacy. For imprisoned women, whose life situations include common pathways of trauma, neglect and abuse, the role of food may be particularly acute in how the sentence is experienced, raising important gendered implications about food and legitimacy.

Whilst the concept of legitimacy has multiple layers and meanings (see Bottoms and Tankebe, 2012), we adopt the idea that penal legitimacy can be seen as power used rightfully, in accordance with established rules and values within these institutional environments (e.g., Beetham, 1991). This takes account of the possibility that legitimacy may not be universal in how prisons operate, relative to situations, prisons and those imprisoned (Liebling, 2004) but ultimately striving to achieve consent among those governed (Beetham, 1991). This includes both perceptions of one's treatment within penal institutions, as well as wider properties associated with the institution's use of power and physical resources deployed (Bottoms and Sparks, 1996; Brunton-Smith and McCarthy, 2016; Liebling, 2004). These perceptions of legitimate treatment in prison have also been associated with adoption of desistance values (McCarthy and Brunton-Smith, 2018), including reducing reoffending risk (Auty and Liebling, 2020; Beijersbergen et al., 2016) and reductions in reported mental health problems (Beijersbergen et al., 2014). Yet within the scholarship on penal legitimacy, food rarely features as a possible ingredient of how legitimacy may be achieved, including whether food can impact imprisoned persons' meanings attached to ideas of justice and punishment.

This article examines the role played by food in prisoner perceptions of penal legitimacy. In so doing, we draw on the narratives of 108 study participants imprisoned across four English prisons. The connection between food and penal legitimacy is an important one. Food can be a considerable part of the overall experience of quality of life in prison with implications for mental and physical health (see Woods-Brown et al., 2023). Food and its distribution can provide insights into institutional weight of the penal regime, its *lightness* (Crewe, 2011a; Crewe, 2011b; Crewe et al., 2014) – a feeling of neglect or forgottenness on the part of those imprisoned. In light of austerity cuts to its services in prison (see Ismail, 2020), food is also a considerable challenge for penal establishments to procure, prepare and provide, with each sequence creating room for inefficiencies and inadequacies in service provision – outcomes which can impact on prisoner perceptions of fairness. Finally, food can communicate human value – at its best food can convey love, compassion, warmth, sanctuary, at its worst, the antithesis of each of these positive states. As such, we make the case for taking seriously the role of food in prison as a window into the inner world of penal legitimacy through the perceptions of women serving time, impacting on ideas of justice, legitimacy and the wider meanings of punishment.

Penal legitimacy

Unlike other areas of criminal justice which generally receive fleeting interactions from those it serves, the general experience of imprisonment is intensive, regular, painful and acutely judged by those imprisoned. Within the penal legitimacy literature, one key agenda concerns the *process model* of legitimacy (Ryan and Bergin, 2022; Tyler, 2010). This is often associated with the concept of procedural fairness – if those imprisoned perceive themselves as being treated fairly and justly, they typically have more favourable attitudes towards staff and the prison more widely (Brunton-Smith and McCarthy, 2016; Franke et al., 2010; McCarthy and Brunton-Smith, 2018; Reisig and Mesko, 2009; Sparks and Bottoms, 1995). The process model of legitimacy emphasizes that when power holders such as prison staff engage in ways which uphold principles of fairness, respect and recognition of dignity, these actions are typically more favourable to producing more legitimate prisons. But these processes are incredibly complex and delicate. Authors such as Crewe (2007, 2011a) have documented how insincerity or façade-like qualities of prison staff can be negatively judged by those imprisoned, with unfavourable consequences for legitimacy. Other structural barriers on prisons can impose limitations on how penal legitimacy may be garnered. If indeed prison staff are working in challenging conditions, such as understaffed prisons, these will test even the most diligent and caring prison officers to maintain these standards (Hacin and Meško, 2018).

Although the deployment of prison rules and the actions of prison staff are significant indicators of how legitimacy may be enhanced, this does not mean that *outcomes* are not important in how those imprisoned assess legitimacy. The concept of distributive justice has been used to explain the fairness of procedures and outcomes, especially relating to the '*concrete* and *symbolic* allocation of resources' (Charman and Williams, 2022: 406). Within these processes, examples include the array of goods and services which those

imprisoned may request, ranging from provision of education, exercise, through to basic requests such as access to toiletries or related in-cell goods (Prison Service Instruction 23/2013, 2020). Other authors have challenged the central premise that legitimate prisons can be characterized by the compliance of those imprisoned in obeying rules and maintaining a largely consensual prison environment (Carrabine, 2005; Liebling, 2011). Compliance, whether judged as those who *do not* break prison rules (e.g., 'write-ups' or rule violations), far from being an indication of legitimacy earned, may instead mark symptoms such as social withdrawal, which may have little to do with these hitherto explained ideas of legitimacy.

The physical conditions of a prison can also impact heavily on legitimacy. This can sometimes mean that prison staff at the front-line of supporting legitimacy face challenges in their roles, if, for instance, quality of cells, sanitation, services, or food are regarded as poor by those imprisoned. For example, Lord Woolf's (Woolf and Tumin, 1991) report into the state of English prisons highlighted poor hygiene and sanitation practices, including practices such as 'slopping out'.[1] Other examples include the conditions of cells, including the sanitation within cells, quality of beds, air filtration, and physical space within cells. These physical conditions can transmit values of respect and dignity, as well as having wider consequences for behavioural outcomes among those imprisoned, such as lower levels of violence and misconduct in prisons (Bierie, 2013; Rocheleau, 2013; Van Ginneken, 2022).

The linkage between food and penal legitimacy

Each prison has a duty to provide three meals per day to those imprisoned, at a budget cost of £3.10 per prisoner which was increased from £2.71 in 2023/2024 following an overall rise in the cost of food as a result of many external inflationary pressures, including as a result of the war in Ukraine. As stated in prison service rules: 'food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity' (Prison Service Instruction 44/2010, 2020). In addition, reference is made to the need for food to 'meet an individual's religious, cultural and medical dietary needs … [which] must reflect the religious and cultural needs of the establishment' (Prison Service Instruction 44/210, 2020). Critical enquiry into the state of food in prison have emerged from several groups, including His Majesty's Prison Inspectorate (2016) whom in their thematic report identified a catalogue of problems with food provision. These included menu content and food quality, limited choices for those with religious or specific dietary needs, and issues with food serving times which commonly meant long periods without food.

Food can be a significant factor in triggering prisoner perceptions of how they are valued within the overall regime. Instances where food may be of poor quality or unfairly or unevenly distributed are key considerations. Ugelvik (2011) writing in the context of a Norwegian prison, argues how the poor-quality provision of food creates the conditions for resistance 'in their performative identity work' (Ugelvik, 2011: 48). Other reviews of prison food have pointed to the poor quality of prison food (De Graaf and Kilty, 2016; Heckenberg and Cody, 2006; Smoyer and Lopes, 2017; Woods-Brown et al., 2023). References to food as indications of self-worth and value have been illustrated across

these studies, notably the idea of status degradation through the provision of poor-quality food (De Graaf and Kilty, 2016).

Common themes within the legitimacy literature, such as respect, decency, and fairness are all commonly exhibited when assessing the topic of food in prison, often connected to wider experiences which those imprisoned may hold about the regime and its perceived quality. It is likely that some of these experiences will chime with other aspects of identity and injustice, notably with respect to race and gender as reported in the legitimacy literature (Brunton-Smith and McCarthy, 2016; Cheliotis and Liebling, 2006; Martinez et al., 2023). Individual differences are also potentially impactful on how food legitimacy is achieved. Currently, there is no distinction made for the dietary needs and overall catering for women in prison within government policy, with the exception of guidance for pregnant women (HM Inspectorate, 2016). These examples highlight other ways in which penal legitimacy may be impacted specifically for women, but also other sub-groups imprisoned.

Methodology

This paper forms part of a wider study into eating practices across four women's prisons in England. The two-year qualitative study comprised a number of data sources including focus groups, participatory art workshops, and interviews with staff and women serving sentences. In total, there were 108 study participants across the fieldwork. We draw primarily on the interview ($n = 80$) and focus group ($n = 4$) data in this paper. All details of prisons and the imprisoned women are pseudonyms, with certain identifiers removed or adjusted to protect anonymity. Institutional ethical review took place through the University of Surrey and the National Research Ethics Committee.

Table 1 details the composition of the sample of interviewees ($n = 80$). Women make up 5% of the prison population in England and Wales totalling over 3000 total prisoners (House of Commons, 2023). These national trends highlight approximately 83% of serving women are White, with our sample split slightly lower at two thirds White ($n = 50$) and a third from Minority ethnic backgrounds ($n = 25$). Two thirds of our sample were aged over 35 which largely mirrors national trends (Ministry of Justice, 2022). Data was captured on the amount of time the women had served in prison at the point of interview. Excluding missing data where women did not want to disclose their sentence period, over 40% of the sample ($n = 28$) were at earlier points of their sentence (under a year in prison). In England and Wales, the average sentence served by women is just over a year (Ministry of Justice, 2023). Some data was captured during the course of interviews about the family background and whether those imprisoned had children, although these were not systematically asked and thus not included in Table 1. Our coverage of four women's prisons comprises 33% of all women's prisons in England and Wales ($n = 12$), making it one of the largest studies undertaken of women's imprisonment, and on the topic of food specifically.

The imprisoned women were recruited across the four prisons following circulation of information sheets, including follow-up contacts to provide further details and ask questions. The project also involved a sample of women in each prison being part of a steering

Table 1. Key sample demographics (interview sample, $n = 80$).

Sentence duration at point of interview	Frequency
<1 year	28
1–3 years	20
4–6 years	10
6+ years	9
Missing	13
Ethnicity	
White	50
Black	9
Mixed	8
Other, including traveller and gypsy	8
Missing	5
Age	
18–25	9
26–34	17
35–40	21
41–50	10
51+	20
Missing	3

group to help inform the project focus and dissemination. In addition, we took further steps to engage the women in other aspects of dissemination, including organising an art exhibition where the women were able to create pieces which were displayed in a community gallery on the broad theme of 'food in prison'.

The interviews were specifically about experiences of food in prison and covered themes including experiences of food before prison, food during the sentence, barriers to food access, issues of food control, diet and health, spaces of food consumption, and food and social relationships. All interviews were audio recorded and transcribed, with permission granted by prison security in each instance, as well as consent achieved from all of the participants. Interestingly, the theme of legitimacy was not directly asked in the interviews, yet it emerged prominently. The interviews were all coded by a team of six researchers using the qualitative software package, Nvivo. This process of coding involved at least two researchers independently coding the same transcripts to improve the reliability of the coding process. Overall, we achieved good reliability with this coding process, with most major themes agreed across the researchers. Within the research team, regular meetings took place to deliberate on coding, including specific questions on data sections, as well as more broadly on the suitability of general themes and need for specific sub-themes.

Findings

Food problems as 'legitimisation problems'[2]

Several authors have documented the struggles by which those imprisoned enter prison (Carlton and Segrave, 2011; Crewe et al., 2017; Van Ginneken, 2016), negotiating an

emotionally cold social space, fearing for their own safety and sanctity, on top of the deprivations from family and friends. As Daljinder describes:

> Oh, it was horrible, it just makes you feel upset all the time, you feel like crying because you're so hungry at times and it's so frustrating and then obviously little things like trying to find a job and going out to work is just such a slow process in prison. Then they don't have enough staff and stuff as well, so everything is just harder and then obviously being locked behind your door, being out for three or four hours a day and then being locked behind a door, it doesn't help. (Daljinder)

The initial period of a sentence has been highlighted as having specific impact on the emotional outcomes which many imprisoned women face, compounded even deeply for those with children, pre-existing mental health issues and associated histories of trauma – characteristics which are especially commonplace in the female prison system (Kelman et al., 2022; Vince and Evison, 2021). Daljinder describes several emotional challenges on entrance to prison, with the food quality playing a key part in straining these transitions to prison life; the absence of stable comforts such as food can compound other negative experiences upon entrance to prison – finding a job, establishing friendships, being separated from family, and so on. Food in such circumstances as Daljinder reports can offer some semblance of comfort whilst dealing with these adversities. Yet as Zara and Billie report below, food provision rarely fulfils these comforts:

> First impressions was wow and then it was just getting worse and worse and worse, the more the days went on, just like what the hell is this. The pasta was overcooked, the rice was undercooked, the chicken was undercooked and not cleaned, it had hairs and everything, all over it. The only thing we did look forward to, the fry-ups on the Saturday, the hash browns were soggy, the baked beans were cold, nothing made sense, it was just like, what and because you're starving you have to eat. (Zara)

> Yes, we deserve good quality food not something that I don't think we should be fed. Like, I got the chicken nuggets today and the skin still had the feather things on and it looked like it had some kind of cancer when I went in the chicken, yes, so when I ripped the chicken, obviously all the excess water was coming out of it but I got an unidentified like cauliflower lump in the meat. (Billie)

In amongst these critiques of the quality of prison food was the perspective that the food represented something about the status of the women in prison – put bluntly, their 'low social status', which undermines perceptions of legitimacy. The descriptions of Emily and Adinah highlight claims that the food labels found on the items reflected descriptions of 'for HMP only' and 'not for human consumption' – the implication being that the women felt that the prisons were not taking seriously their health or lives more generally:

> The other food was disgusting, the mashed potato was Smash, powdered, I understand there is a lot more girls there and I understand but the quantity was, because there was a lot of people there

> but the food was not up to standard, it was disgusting. Myself and the other girls ordered off the canteen [where food could be purchased in advance and paid for by the women], what we could, to eat, if not you would go without. I lived off of packets of crisps, never ate the sandwiches, never ate the meat and one girl said, in the kitchens, the chickens that she had, that came in, chicken legs or whatever it was, it just said, on there was, for HMP only. (Emily)

> I said anybody there on long-term will get cancer because of the cheap food. One time, there was a box in the kitchen and they read it. I don't know if it was burgers or something, and it said it, 'not for human consumption'…..They're in it to make profit. They're not in it to make you fit and healthy, are they? (Adinah)

Interestingly, the reference to 'HMP only' could be attributed to the food service provider labelling the delivery boxes in this form – a view confirmed by senior prison staff. However, regardless of the reality of these perceptions potential misinterpretations were not always discussed with the women, creating room for rumour to gather momentum, thereby creating even greater challenges for legitimacy. These descriptions from Emily and Adinah were taken a stage further, directly linked with perceptions of how many of the women felt treated in the manner by which food was sourced from very low-quality grades. Overall criticisms of prison staff within debates on food quality were rare, although criticisms of catering management were more commonplace. Instead, the implication which emerged through the interviews was more about the prison system at large failing to offer respect and fair treatment through the provision of food – more of a directly political critique, rather than one directed at specific prison staff or indeed management directly. As Megan writes:

> For me to eat it, I wouldn't eat it. It makes me feel sick. I would not eat it for love nor money, I wouldn't but it makes me feel angry as well because, like I've said before, we're humans too. Just because we're in jail, it makes no difference. We're not fucking animals. It's bad. It doesn't mean because we're in here, you get to cook the food any different to how you cook your own food. (Megan)

These instances of disrespect were often associated with some of the women perceiving that the food provided to them was an extension of their punishment, formed through the ways through which the austerity of imprisonment removed opportunities to be healthy and thus ready to adjust to society upon release. As Keira put it:

> They've taken away absolutely everything, taken away our responsibility, taken away independence, taken away freedom of thought, taken away the option to be healthy and are somehow telling us that this is to make us better when we go out. It doesn't make sense. (Keira)

Examining the overall sample, over half reported experiences of poor-quality food, as opposed to instances of food provision being more varied in quality. Within the accounts of those reporting poor-quality food experiences featured direct (e.g., as in Keira and others) or indirect (e.g., through disrespect or inhumanity) perceptions of being further

punished. These critical perspectives regarding food and punishment were general across demographic characteristics of the sample, but more notable among those with health issues and/or special dietary requirements who reported difficulties acquiring healthy or relevant food for their conditions, and at times, reporting circumstances in prison where they had suffered health setbacks because of the types of food being consumed.

> I have a bad stomach quite a lot [laughter]. I'm not even joking. I've never had so much runny bum since being in here. Like, I don't think the salad is washed properly sometimes, because that is all I really eat and sometimes that literally goes through me. But salad can be one of the really high things that causes food poisoning. (Paige)

> I was being given anti-sickness injections because I was just so not used to eating all this fatty, greasy food. I've never been so ill in all my life. It was horrible yeah. (Caitlin)

Food legitimacy and its role in shaping behaviour

The behavioural manifestations of poor treatment in prison can be significant, with numerous cases highlighting how food can be both a *tool of* resistance and protest (De Graaf and Kilty, 2016; Moen, 2000; Shah, 2022; Ugelvik, 2011), as well as occasionally, a *reason behind* instances of disorder and unrest in prison (Machin, 2016). As previously highlighted, food has a key role to play in shaping emotional states in people, which is especially paramount in the initial stages of a prison sentence where those imprisoned are often in emotionally vulnerable situations in coming to terms with their sentence and deprivations incurred by imprisonment (Crewe et al., 2017). On a mass scale, collective episodes of complaint about food quality and under nourishment can result in conflict, or at times, the complete opposite, lethargy:

> I've seen that in the old prison because a lot of people, they weren't eating well, so they were very bickery [low-level arguments], they were always tired all the time, nobody wanted to do anything, people would snap very quickly because they were hungry. Most of them can't afford the canteen [additional snacks and related items which can be purchased] because that's where you get the crisps and the chocolate and stuff, so most of them can't afford stuff like that. (Daljinder)

Practices such as serving heavy carbohydrate diets in prison have been well-documented, justified largely as a result of cost (De Graaf and Kilty, 2016; Food Matters, 2024). During the interviews, the women referred to 'feeling sluggish' or with 'low energy' following heavy carbohydrate consumption, which some attributed to a planned design on the part of the prison service to 'contain them' and 'prevent disorder'. Eating for comfort, whether it be via generally high sugar or salt-based snacks, is one practice of coping with adversity (Corston, 2007; De Graaf and Kilty, 2016), although with challenges to purchase such items depending on whether the prisoner has sufficient funds available,[3] often with these goods cost-inflated within the prison. Finding jobs in the prison were other means by which additional food might be secured. Food serveries were occasionally

spaces of conflict, especially involving situating where those imprisoned either perceived themselves as receiving harsh treatment (e.g., smaller or poorer quality portions) or others receiving preferential treatment. Although largely rare in our findings, these situations created perceived injustices and perpetuated the risks of conflict to arise out of some of these situations of food serving, as described below by Martha:

> And then you get people that will like keep stuff back for their mates, so like by the time you get, you can't get the biscuits that you want cos there's loads put by for people. So it can cause a load of troubles. But I done servery, and my big pal was there and a lassie [woman] had asked for extra and she said look eat what you've got, the meal that I've just gave you and at the end if there's anything left I will shout seconds. And the bird [woman] says to her, well here take this and she threw her whole dinner at her. So my pal [friend] with the loaf of bread sitting at the side of the servery she took half the load of bread…but she was dead tall, she leant right overt the servery, got her by the hair and she just slapped her with a load of bread. As gravy was dripping all down her, the lassie [woman]. (Martha)

Martha's account is an illustration of the challenges surrounding how prisons use those imprisoned to fulfil essential service functions, such as serving food or cleaning. These practices create risks to legitimacy, if these practices are regarded as resulting in any forms of preference and as a result, perceived injustice. This is despite the prison service wanting to reduce instances of potential bullying and manipulation through the use of food, which is one part of the explanation for food servings and portions being controlled. Ironic in this particular example of Martha is the ways food itself is used as a tool of violence – the very item of critique, being used literally as vehicle for dissent. Therefore, legitimacy in these situations is not necessarily the direct result of prison staff as understood in much of the research on procedural justice (see Ryan and Bergin, 2022), but rather, the austerity of using those imprisoned as personnel tasked with distributing goods and resources.

Food has a key role to play not only as a key source of subsistence, but also as a tool of protest and resistance both towards the establishment and other prisoners. Discontent also arose regarding the ways in which food might operate as an incentive to encourage behavioural compliance, especially among those women that had make efforts to reach higher status levels in prison (known as Incentives and Earned Privileges/IEP[4]). As Isabelle reports, compliance with the regime provides little in the way of opportunities to receive better food – in her opinion, compliance ('the more quiet you are') typically does little to change ones situation when it comes to food:

> They [prison management] make the big speech about "Oh yes, we're here to do this, we're here to do that, we're here to do major improvements", and obviously when they hear prisoners get benefits and that, but when we do ask for something it's always 'no'. So we're not really getting anything for being well-behaved enhanced prisoners. We're just still being treated the same as any other prisoner and they're big on promoting enhanced…incentives for well-behaved prisoners, we don't get nothing.

I: It doesn't feel like it?

R: No. I think it's more that you kick and scream, the more you get. The more quiet and like that that you are, the less you get. (Isabelle)

Whilst respondents like Isabelle were frustrated with the lack of incentive achieved through higher IEP status and food, others were more resigned and openly pessimistic about any hopes of better food quality being offered by the prison:

It's not the Hilton or the Ritz, it's HMP so what can I expect? (Georgia)

The ingredients just looks like slop. It's just hard, isn't it? You're in prison. That's your punishment. You're away from your family and your friends and your children. Then you're here serving your time, at least the food could just be a bit normal. You're in prison. That's your punishment. It doesn't mean you have to feed us like animals. I wouldn't even feed my dog any of this shit that they're feeding us. (Phoebe)

Similar responses as Georgia and Phoebe have been described in other studies of food in prison (see Woods-Brown et al., 2023) to indicate the ways in low expectations of food may be engendered. This theme also draws some similarities with Carrabine's (2005) assertion that 'dull compulsion of rituals' (904) enshrined in low-quality food may be underpinned by a level of resignation or acceptance of an 'inmate status' ('that's your punishment', 'it's not the Hilton or the Ritz'). Therefore, whilst poor food quality *can* at times be perceived as undermining basic standards of care, and thus undermining legitimacy, *some* women had formulated their own expectations which were more modest, albeit set within certain parameters ('doesn't mean you have to feed us as animals').

Distributive injustice

As noted by several studies (Bierie, 2013; Hacin and Meško, 2018 Jenness and Calavita, 2018;), the process by which goods and services are distributed in prison can create possibilities for perceived injustices to emerge from the perspective of those imprisoned. Food is one such area within the prison which the imprisoned can be highly sensitized to, raising questions about the fair distribution of food (i.e., is it going to people equally, or preferentially), or whether standards and rules can sometimes vary across prisons (i.e., noting that those imprisoned often transfer during their sentence and thus compare these practices). Although the operation of penal legitimacy often rests on power holders being judged for upholding suitable standards of distributive justice, the literal supply chain of food can often involve multiple parties, besides that of prison officers – the latter often marginal in the delivery of food outcomes.

One such illustration of distributive justice concerned comparisons with the male prison estate, which Caitlin emphasised in her account below:

R: In the male estate, they can buy meats and dairy, in the female we can't.

I: I've heard this before.

R: Yeah we can't in the female estate. Why? How logical is this? I'm sorry, let's go right back to like the sixteenth century, women have always done the cooking but yet we're not being given access to be able to buy the product. But why the men? Why do they get preferential treatment? (Caitlin)

Caitlin's reference to the men's estate was sometimes linked to a broader theme of the women not feeling listened to in terms of food provision and specificity of dietary needs, with the food provision regarded as being designed primarily for men. Other complaints about distributive justice centred more broadly on the ways in which the prisons chose to prioritise certain services over others, referring to the overall costs of imprisonment per prisoner:

Jill: I think the cost of per person, wasn't it £2.70 a day or something per person?

Amber: Something like that.

Jill: They have to cover it. Something like that. I'm not 100% sure.

I: It's £2 and then, the change seems to vary by institution, by some.

Amber: But it costs them £60,000 to keep someone in here, a year.

I: Yes, yes.

Jill: That's mad.

I: But it doesn't go on food, does it?

(Prison focus group)

Although these direct political critiques of the prison system were few in the accounts of the women, more common were specific critiques about the ways in which food and its widely known scarcity as a resource in prison, was being distributed:

So we as residents, if we don't use something we'll share it, but the prison as a whole, I think that the food waste is ridiculous. Because the official policy is no extras, so you order what you order and that's it. So if you are a little bit more hungry or whatever, you can't technically ask for more food, it just goes back to the kitchen and in the bin. Which I think is a waste. (Keira)

One of the challenges with prison's seeking to build legitimacy among those imprisoned is the concern about being seen to offer preferential treatment to certain people in prison, whether it be through additional or better food, or other goods and services. Knowledge

of such practices of preferential treatment can undermine legitimacy, hardening the perception among those imprisoned that there is procedural unfairness in the prison. Food waste, as represented in Keira's account, is the consequence of the prison avoiding accusations of preferential treatment (upholding 'official policy'), although in so doing, ironically undermining legitimacy by allowing scarce resources within an austere institutional climate to be *literally put to waste*.

In light of scarcity of supply and the overall austerity of prison food was an acute emphasis on episodes of perceived inefficiency on the part of prisons to avoid food waste:

> They used to chuck the food in the bin at the other place before, if somebody wanted anything, the officers used to eat it and what was left, would go in the bin. I've never been on drugs myself but the upstairs landings that I said, they come down and they have been on drugs and I now know that once they're coming off drugs, they're angry all the time with their food but they [prison officers] would rather chuck it in the bin than they would give it to those girls. It's dreadful, absolutely dreadful, I would rather run underneath a bus than go back to that place. (Emily)

Perceptions and use of punishing practices around food ('*they would rather chuck it in the bin than they would give it to those girls')* have been identified elsewhere (e.g., De Graaf and Kilty, 2016; Smith, 2002), particularly through the notion that food be framed as a privilege. This practice of using food as a means of control and punishment has broader application beyond the prison, in which throwing food away (either as a threat or actual action) can be used as a means of ensuring behavioural compliance or punishment (in the event of non-compliance), such as among parents disciplining children through the threat of food waste.

Food as legitimacy building

Although experiences of food quality were largely negative across our sample, there were some instances where food was regarded more favourably. These involved a small volume of participants ($n = 7$), whom typically had less favourable experiences of food prior to imprisonment, such as growing up in poverty or having experienced associated traumas in their lives, including addiction which impacted their food consumption practices. Within these situations of comparative positivity with respect to food quality, there are potentials for food to operate as a legitimacy building mechanism, at least for some:

> Do you know what, it's really hard because when I first went in, I've never been to prison before and when I first went in, I had this Oliver Twist like, it's going to be slop on your plate and it's going to be horrendous, view of what it was going to be. So, it was a hundred times better than I thought it was going to be. (Eva)

> It's not that though, the kitchen staff do their best, in a budget. Think about it, they only have a certain budget to feed all the women so the amount of cuts this prison has, it's not like they're keeping money back for the houses or wages to get decent staff. Half the staff are just out of school, last week they were probably working in McDonalds. (Shakira)

These illustrations of food being conceived in more positive terms by some of the women are also situated in a realisation of the resource restricted nature of prisons, especially issues of austerity brought about by high prison staff turnover and poor working conditions (as in Shakira's account, also see Ismail, 2020). The idea of food as legitimacy building rests on the understanding of expectations about food shared by the women. Accounts of comparable positivity surrounding food need to be further contextualised for women whose lives have been deeply impacted by adversities such as addiction, and often underlying this, histories of trauma and abuse (Carlen and Worrall, 2013; Corston, 2007) which impacted food consumption in their lives before prison. Thus, perceptions of food need to be considered in light of these contexts. In these instances, food in prison *might*, at times, offer something better than the outside of prison – mirroring the principles of *less eligibility* (Rusche and Kirchheimer, 1939) whereby original Victorian notions of punishment were anchored to the idea of conditions within prison needing to be seen to be worse than those of the outside. Yet, despite being an infrequent theme in our data, this raises problematic questions about the agenda of penal legitimacy and what might count as 'legitimate' depending on prior life circumstances of those in prison.

Discussion

Although food is emerging as a topic in and of itself within the context of imprisonment (see Woods-Brown et al., 2023), our objective has been instead to highlight the ways in which food can provide a window into how wider aspects of penal legitimacy are constructed by women in prison. Drawing on one of the largest studies of women's imprisonment, principally orientated around food, we have argued that food has a key role in undermining perceptions of legitimacy, specifically ideas of decency, respect and humanity, which are initiated through both the materiality of food and its politics of distribution within prisons. Food can undermine feelings of personal value, exacerbating the view shared by some that food is itself *part of the punishment* (De Graaf and Kilty, 2016; Smoyer, 2015; Smoyer and Lopes, 2017), rather than a means by which positive values of care, compassion, and wellbeing may be orchestrated. Unlike much of the work on penal legitimacy which rests heavily on the actions of individual prison officers initiating procedurally just engagement with those imprisoned (Brunton-Smith and McCarthy, 2016; Meško and Hacin, 2020; Ryan and Bergin, 2022), the overall evaluation of food in prison is one which strikes more to the core ideas of punishment and the prison institution as a whole, and as such, raises important questions about penal legitimacy. As such, food in prison is strikingly penetrating and visceral, and at times, the means by which broader critiques of imprisonment are initiated.

Among the perceptions of the imprisoned women, there were several angles which fed directly into research on penal legitimacy. At one level, our lack of support for the procedural justice concept within our data, at least with respect to food, may seem unsurprising. Prison staff are rarely those directly involved in the delivery of food and its pejorative judgment, although may, at times, face these criticisms as 'uniforms of the establishment'. Instead, when faced with the delivery of a material object as food, it stands to reason that the *outcome* will be what women are judging, on top of a host of other

experiences which they bring to bear on their treatment within the overall regime (e.g., some voiced perceptions of being 'othered' by the prison, regarded as of low human value, or frustrated by the perceived lack of improvement to the services offered to them). The idea of distributive justice *did* however receive numerous references in our data. These ranged from questions about supply chains of food (was it being distributed fairly and to people equally), food waste (allegations of prisons throwing food away), and on occasions, as a broader political point about the expense of imprisonment as a whole and where the money which prison costs literally goes. Prisons historically have wrestled with the challenges of having to deliver basic services on limited budgets, partly because of the disciplinary infrastructure placing these policy priorities at lower levels of importance at a national level of policy. As such, prisons have, and arguably always will operate as spaces of survival (to varying levels), as those imprisoned will often jostle to gain what they can from the food options available to them. Legitimacy thus rests partly on these unequal distributions of resources, which will invariably result in deficits for many, and certainly as our data suggests, towards the prison system at large.

Faced with challenges of accessing good food, there was a clear sense of resignation and frustration with prison life, and food specifically – themes which have been well-documented in prison research (Carrabine, 2005; Crewe, 2007; Liebling, 2011). Although these experiences are by no means specific to women, there were certain gendered reflections which were prominent. Within these circumstances, women can be even more sensitized to the importance of food, with food in some cases being an event which women look forward to and thus hold to certain standards of decency. Themes such as heavy carbohydrate meals impacting on energy and body image, a lack of adjustment for women's dietary needs, as well as low-quality food undermining women's sense of value and esteem were all reflected as markers of legitimacy. We found that in reflections which women gave about poor food quality, there were often related links to *feeling punished* or associated emotions such as feeling disrespected¸ a characteristic more prevalent among those requiring special diets and/or with health issues, although general across other individual demographics (e.g., ethnicity or age). These findings connect with similar work on women's experiences of food in prison which find related themes of poor-quality food and status degradation, which can impose challenges on the survivability of a sentence, as well as having key implications for legitimacy (De Graaf and Kilty, 2016; Smoyer and Lopes, 2017). The significance of these perceptions certainly contributes to women regarding their time in prison as *less legitimate* as a result of their negative experiences of food.

Additional issues surrounding mental health and the potential for food to offer some remedy to the significant period of adjustment to prison life are also seminal points of reflection concerning the gendered experience of food. The numerous illustrations of poor-quality prison food, and in some cases, some particularly extreme examples, which whilst difficult to validate as a norm of prison food, nonetheless serve as symbolic representations of their treatment than they chose to disclose (and highlight to us as researchers). These were critiques not so much aimed at prison staff in most cases, but the regime at large. In this regard, these critiques were more moral and philosophical, striking at the heart of justice and meanings of punishment (Sparks, 1994). In justice terms, these

critiques were about the idea that food *should be* a human right, a vital source of health and nutrition, and more crucially, a means for humanisation to be initiated by the prison.

The findings have implications beyond simply the argument that food quality should be healthier and of a better standard in prison. Rather, as we demonstrate, there can be wider significance for considering how food may reflect broader notions of legitimacy, encompassing ideas around decency, fairness and respect. These pillars of legitimacy have a strong presence as performance indicators of prisoner quality of life in England and Wales (Liebling, 2004; Liebling et al., 2011), but yet to our best knowledge, food has not been examined as a standalone measure of psychological well-being, or associated measures of procedural fairness. We also highlight that although the emphasis on food is growing in prison research, it is important that this develops recognition of the ways in which food experiences may impact different sub-groups within prison differently, as well as accounting for differences across types of prison. Wider themes of physical and mental health, overall wellbeing, and the impact of food on rehabilitative outcomes, including social relationships and coping in prison remain key agendas for research to focus upon. Finally, cross-cultural features of food experiences would also be worthy of exploration, recognising that in some jurisdictions, food may be brought into the prison by outside family and not purely confined to the prison to deploy. The consequences of these policy decisions on perceptions of those imprisoned, as well as implications for legitimacy would be interesting themes to explore.

We accord strongly with the position of Costa (2016) who has argued that the concept of penal legitimacy connects closely with ideas of justice. Concerns about food certainly did undermine ideas of legitimacy of the prison regime for many of the women we spoke to, but more broadly, these were not merely questions about legitimate power and the role of authority *per se*, but wider critiques focused on more fundamental ideas of humanity and respect. These understandings also connect with a growing political emphasis on 'food justice' (see Murray et al., 2023) which takes a rights-based framework to principles of food insecurity and injustice within communities. This approach takes a social justice lens to food access, emphasising greater community activism and participation in food accessibility – a set of principles which has implications for prison food (Food Matters, 2024). Just over half of the women in this study were critical of the specific linkage between their negative food experiences being framed as an additional punishment, and as such, departed from the notion that poor quality food could be justified by the austerity of the prison as an institution. They instead saw food as a vehicle for opening up wider critiques of imprisonment. This was broader than simply the legitimate actions of staff, nor was it necessarily about the overly punitive (or *heavy*, to use Crewe's, 2011a words) experience of prison. Food was more about the legitimacy of what it means to be human, not simply its authority – to be fed, to be treated humanely, to be *par excellence*, a person with value. This was more often than not the articulation of 'legitimacy' that the women were making.

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Notes

1. 'Slopping out' means to clear lavatory facilities with use of a bucket.
2. We draw here from Sparks (1994: 16).
3. Those imprisoned have abilities to purchase certain snack items known as 'canteen' which can be ordered in advance from the prison.
4. IEP is a policy which is designed to incentivise good behaviour and participation in activities within prison. Prisoners can move up and down the categories – ranging from *basic* which issues basic clothing and goods, up to the highest which is *enhanced* which gives access to greater freedoms in the prison, more visits, a television, etc.

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