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Remembering Jennie Moore

Nic Aaron and Jeanie Sinclair

Dedication

For beloved Taylor, you are constantly sorely missed. You are in the company of our trans ancestors; may they care for you as you always deserved.

Introduction

Jennie Moore was a working-class trans woman who lived in the northeast of England in the early twentieth century. We know about her because she became entangled in the legal system, and the sensationalist media was enthralled with her, although we do not doubt that she made many marks on the world that were not recorded and remembered. We tell her story to honour and remember her. In doing so, we explore the tensions in the process of telling of her life. We underline the continual mistreatment by legal systems experienced by gender non-conforming people, while simultaneously recognizing that the suffering produced and inflicted by the law is only ever one part of transgender and gender-nonconforming life and experience.

Theatre-maker Tom Marshman first encountered Jennie Moore's story when looking for queer local histories during the tour for his show *A Haunted Existence*, at Tyne and Wear Archives. Tom's work uses archive material to create performances about queer histories (histories that show us the instability of gendered and sexual identities) that are forgotten or overlooked. He works with the often extraordinary stories of ordinary people, giving voice to those who are silenced in the archive. Tom created a performance about Jennie in

music and song, in collaboration with academic researchers, writers, puppet makers and musicians. The group comprised theatre-maker and performance artist Tom Marshman, producer Nia Evans, public historian Josie McLellan, legal historian Lois Bibbings, law PhD student Nic Aaron, musician and composer Jenny Moore (who coincidentally shares the same name), writer Enxi Chang, puppet maker Emma Powell and historian Jeanie Sinclair.

Initially funded by University of Bristol's Brigstowe Institute, Tom worked with a core research group during the Covid lockdown of early 2021 to explore different perspectives and ways of representing Jennie's story. The process was messy and ambivalent: As someone from a working-class background at the beginning of the twentieth century, the only archive material available that mentions Jennie was newspaper articles or state archives, which were both transphobic and transmisogynistic. Avoiding this kind of material meant not telling Jennie's story at all, so adapting (or queering) our thinking to the sources available, the group were – in ambivalent, contingent ways, as we discuss below – gradually able to begin to make a version of Jennie's voice heard. Coming to learn about snippets of Jennie's life (where she came into contact with the violence and coercion of the state) highlighted continuities of state violence that have only proliferated and provoked questions about the trans ancestors whose lives we may never learn about.

There are two stories of gender non-conformity in Tom's performance. Each of these stories discussed here, and explored in the show, exemplifies the issues that historian Kit Heyam discusses around gender non-conforming histories, namely, that to understand and be able to claim a story as trans, it must fit into an easy to understand narrative of gender binaries, that follows a particular form.¹ More complex, unstable narratives that deviate from this convention are equally valid, and as such, it is important that these stories are explored and recognized as trans histories too. Despite being complex and messy owing to her entanglements with the law, and only being revealed through court reports and sensational newspaper articles, Jennie's story defines her trans identity as stable, fitting with a narrative that is easy to understand, conforming to heteronormative gender conventions.²

The first draws on a report from the *Shields Daily News* from 18 December 1913 and discusses an 'extraordinary case' of five youths brought before the magistrates on charges of loitering at the Mill Dam in South Shields for an

‘unlawful purpose.’ The article states that four of the five were ‘dressed in women’s clothes,’ and, at some length, focuses on the confusion over their gender identity. It states in the initial paragraph that several of the group were wearing wigs ‘with the hair hanging down, in one case loosely, and in another, tied in plaits.’³

This story is told through song, as a gossipy polyvocal acapella that hints at darkness and threat. It sets the scene for Jennie’s story, one where gender and sexual non-conformity exist in working-class communities at the beginning of the twentieth century in the northeast of England. The newspaper story is sensational in tone, and fixates on, and dramatizes the idea of gender deception, how the defendants might ‘easily have been mistaken for girls,’ and by implication, the undermining of moral decency that this deception might cause. The story of the five youths doesn’t fit into a narrow definition of transness that can easily be understood in terms of gender binaries, and as we only know about this story because the people involved appeared in court, and anything less than a denial would be admitting to serious more serious sexual offences, then it is hardly surprising that they admitted only to wearing fancy dress. ‘if they were prostitutes, they would have been arrested for behaving in such a manner.’⁴

The ‘unreliability’ of this as a narrative of trans history relies on the defendants’ understandable and expedient rejection of the charges, that they were just ‘dressing up.’ Where Heyam suggests the ambiguity around whether a story “counts” as trans history,⁵ Jennie’s story, in contrast, presents a story of a stable trans identity – she has ‘always done it, nearly since childhood,’ making it easier to claim as a trans history.

Methodology and terminology

Acknowledging the problematic use of terms that point to a notion of a fixed and stable identity, and as a discussion that has at its centre the use of language, we have attempted to define our terms here. Queer has been normalized (within academia at least) as an all-encompassing term that recognizes that gendered and sexual identities are not fixed and stable.⁶ As a term to describe a methodology, queer history aims to use one or more approach: looking

at silences in the archive, reading between the lines, using an intersectional approach, archival activism, working collaboratively with communities, and using queer theory to challenge binaries and interrogate normative ideas of gender and sexuality. Importantly, critical reflexivity is key to our approach, both in this paper and in the way we worked together on this project. Above all, queering our approach is a way of disrupting existing histories and unsettling binaries, and, as such, is also a form of activism, an intervention in the present. We've used the term *trans* in order to define and claim Jennie's narrative as a trans history. An important part of both the research, and the performance itself, was the anachronism of using 'trans' as a term. We employ a broad definition of transness that includes 'anyone who feels misaligned with the gender attributed to them, regardless of how they identify and how they choose to express themselves'.⁷ We do so while recognizing that being seen as 'trans' may not have been legible to Jennie herself, in order to examine the ways in which the notion can help us to understand the ways in which gender is shaped, and as one way in which to validate the womanliness Jennie meticulously displayed and verbally claimed. It is important to note that reflective discussions around the use of 'trans' to describe Jennie were not only part of the research process but form part of the performance itself. As such, it frames our retelling of Jennie's story as an act of resistance.

History is always about the present, and it feels more urgent now than ever to tell stories like Jennie's in this moment where we are experiencing the impacts of far-right trans hostility both within the UK and beyond.⁸ Within the UK, the recently published Cass Review (2024) intensifies the hostility experienced by young trans people seeking gender-affirming medical treatment, highlighting the cis-supremacy of British healthcare provision.⁹ This is illustrative of the ongoing intensification of attempts to erase transgender identities in the present and mechanisms to prevent the realization of trans futures. Trans histories, meanwhile, are erased and negated by those dismissing transness as a superficial and a-historical manifestation of 'wokeness' culture. Beyond being an important act in itself, in this context, making space to tell the story of a trans ancestor constitutes a rebuttal to those who seek to erase transness entirely. Writing in this context, we seek to be careful to avoid the reproduction of transphobic and transmisogynistic discourse, following the approach taken by Sara Ahmed in

her blog *feministkilljoys*. In relation to Jennie herself, there is little available material other than newspaper articles that we take the time to critique and dissect; however, when it comes to making comparisons with contemporary transphobia, we are fortunate to have the option to instead cite the trans and queer writers who have identified and critiqued the transphobic and transmisogynistic climate – we therefore direct our readers to these important works and arguments to substantiate our claims where required.

The writing of this chapter is a collaboration of disciplinary approaches from within a broader collaboration focused upon informing Tom Marshman's creative practice. Nic's research applies a critical feminist criminologist approach, motivated by the Black queer feminist research and practice through which the prison abolitionist movement strives to produce a world without cages. Researching and reading Jennie's experiences through this framing emphasizes the productive ways that laws shape bodies and narratives while simultaneously working to open space to question the parameters of the law and thereby acknowledge the somewhat unknowable narrative of Jennie's own life – a form of reclamation that goes beyond what the law itself is able to comprehend. Jeanie is a feminist historian whose research is interested in using queer methodologies to uncover hidden and forgotten histories. She has worked with Tom on previous projects that aim to bring to light queer, working-class histories that would otherwise be forgotten. Jennie's story creates unique challenges; 'it is a history of an unrecoverable past; it is a narrative of what might have been or could have been; it is a history written with and against the archive.'¹⁰ Taken together, we have used our academic perspectives to cautiously illuminate Jennie's life – an intervention we understand to be important in its own right as a testament to her life experience. In doing so, we present an invitation to our readers to engage with what is known about Jennie while considering the creative potential in what it is not known – both as a space to acknowledge Jennie's agency and as a space to consider the potential for our own agency to contribute to dismantling the harmful structures within which we exist. Our collaborative work has a similar desire to Saidiya Hartman's approach of 'critical fabulation': a way of working with archives and critical theory to explore narrative possibilities. Our telling of Jennie's story is a history of an unrecoverable past; it is a narrative of what might have been or could have been; it is 'a history written with and against the archive.'¹¹ We ask,

along with Hartman, ‘can beauty provide an antidote to dishonor, and love a way to “exhume buried cries” and reanimate the dead?’¹²

Nic’s approach to studying critical criminology is informed by community organizing. Rooted in principles of mutual aid, they work alongside incarcerated people, formerly incarcerated people and their loved ones to foster care, solidarity and support. The course of researching and writing this project was marked by the timeline of tragedy for their queer family Taylor, a trans man to whom this chapter is dedicated and whose story is interwoven at the end of the chapter. Due to the brutal injustice of the parole system, Taylor’s chances of release were dwindling as the research into Jennie’s life was growing richer and fuller. Writing was punctuated with phone calls bearing news of suicide attempts, hospitalizations and accounts of transphobia. Narrating the life of Jennie Moore, even as preparations are being made for an Inquest into Taylor’s death, feels like an important intervention, reminding those of us seeking to build a better world that we must pay close attention to the queer people whose lives have been destroyed by legal systems, but who were also much more than prisoners. In equal measure, cherishing the memories of those who came before us and raging for those taken unjustly propels us into a fight for a better future.

Research process

As Heyam has discussed, there are important distinctions between writing academically about gender nonconformity in history and creating and presenting historical narratives about gender-nonconforming people for public engagement in culture and heritage settings.¹³ Although Heyam focuses on the curatorial challenges of telling trans stories in museum and heritage settings, the issues in creating a theatre performance using archive material for performance in a theatre are similar. Heyam discusses the tensions in creating histories that highlight trans histories for a museum audience who may be looking for recognition of specifically trans identities in the past, where the historical evidence is not sufficient to define specifically trans identities and is subsumed to queerness. However, Heyam argues that ‘the issue of transgender possibilities in the past has a scholarly history and political present distinct

from other forms of queerness.¹⁴ We argue that performance both allows the exploration of creative possibilities to highlight and make visible trans history, such as Jennie's, and acknowledges historiographical 'trans possibilities' that became part of the performance itself. Heyam argues that 'neutrality is itself a political stance', and that 'asserting unknowability in historiography constitutes a tacit refusal to challenge the longstanding privileging of some historiographical interpretations over others.'¹⁵ Historiography, the importance of not being neutral and focusing on transness rather than queerness became a key part of the show's narrative. This not only focused attention on what we know about Jennie's experience from her confrontation with the law but allowed us to draw a line between Jennie and the continued suffering of trans people in the penal system in the present.

For Jennie Moore, there was less ambiguity about her identity. We are cautiously confident in describing Jennie as a trans woman. That Jennie has 'always done it, [presented as female] nearly since childhood' is one of the few direct quotes that appear in newspaper reports of her court case, and one of the few examples of Jennie speaking for herself, in her own words, but is nevertheless a snapshot of her understanding of her identity. Despite not being able to rely on the accuracy of newspaper reports and legal documents, Jennie's personality and voice emerge from the archive research.¹⁶ Jennie's story fit into the narrow narrative that Heyam describes, 'conforming to stereotypes "opposite" to those of the gender they were assigned at birth' and living 'a conventional, gender-conforming and heterosexual life.'¹⁷ It was easier, therefore, to present Jennie to audiences as a trans woman than less specifically as queer. However, discussions on anachronism in imposing modern ideas of trans identity on a gender-nonconforming person living a hundred years ago led to that discussion being included in the show itself.¹⁸

Discussions on language were central to the collaboration, and there was a continuous process of discussion around what to say and how to say it. Writer Enxi Chang, who collaborated with Marshman to write much of Jennie's dialogue, referred to the contrast between the complexity of language in describing contemporary gender-nonconforming identities, including those available contemporarily in the British context, compared to Jennie's experience, where there was less language to describe identities that lay outside of cis-heteropatriarchy. The performance produced a literal dialogue between

Marshman and Jennie, and Mary, a trans woman in the present. The dialogue uses changes in language over time as a way of discussing trans identities past and present, to both highlight the existence of and emphasize the importance of talking about trans histories like Jennie's.

Marshman's and Jennie's conversation starts with Jennie being indignant, 'nosey bugger ... meddling in my business.'¹⁹ Jennie questions why Tom is interested in her story:

TOM: I've been learning about you, Jennie. I know so much about you and your story, but not how it ends, I have been trying to tell your story.

Jenn[ie]: Why?

TOM: I think it's an important story that needs to be told.

(Tom opens up a box pulling out printed sheets). Look, I've collected all this research, this information about YOU!

Marshman tells Jennie how he discovered her story, and highlights the power of language in the present. He also uses this to show that this language is anachronistic and uses words that Jennie would not have used for herself:

TOM: It was an LGBT History conference. There was the Lord Mayor stood up in full regalia, she said, 'thank goodness we live in a more tolerant society' ... it seemed like an odd choice of words, don't you think? I mean, I think she wanted it to land well but there was just ... silence. There was this heavy atmosphere in the room and everyone felt so uncomfortable, people were just shuffling in their seats. Language and words are so important, don't you think?

Jenn[ie]: You're saying a lot of bloody words alright, but I ain't got a clue what you're banging on about, LBG what now?

TOM: LGBT it's an acronym. Lesbian, Gay, Bisexual, Transgender. It means people like us.

Jenn[ie]: Like us?

Jenn[ie]: Lovely story. But why are you telling me this?

TOM: Because this is us! People like us, we've always been here but our history's been kept silent for so long, and that's why I brought you back. That's why I wanted to tell your story.

Jenn[ie]: Well maybe I don't want to tell my story. You ever think about that? God, where are we, is this a bloody theatre? Are all these people here to see me? To look at me like I'm - I'm some kind of freakshow?

TOM: No, that's not it-

Jenn[ie]: It's always the same! I had enough of this when I was alive, the staring, the looks, the comments and now you've brought me back for it to happen again? I'm not a bloody museum piece, I'm a woman – I mean, I'm a person just like anyone else, and I deserve my privacy.²⁰

This reveals, through the dialogue between Jennie and Tom, some of the 'behind the scenes' conversations during the research process. The team discussed concerns around writing Jennie's story, and in doing so authoring or speaking for Jennie in ways that might have imposed an anachronistic identity on her, or that might have felt inauthentic and uncomfortable. However, by making the process of researching and developing a narrative visible within the performance itself, Marshman acknowledges the issues and challenges that exist around exploring the history of a working-class gender-nonconforming individual like Jennie, whose story emerges from hostile and transphobic archival sources. Navigating these sources to tell Jennie's story, even if that is necessarily partial, was important to be able to tell her story at all.

A key feature of Marshman's work is that the research process itself is revealed through the performance, allowing often complex issues that arise in the development of a show to be part of a conversation that enables audiences to engage with difficult or contested histories in nuanced ways. This way of presenting a kind of meta-narrative around the process of researching the archive to create a performance lets the audience into the discussion by highlighting different ways of looking at historical narratives, and the key historiographical issues that emerge in conversations around archive material. Moreover, it explores parts of a narrative that are often contentious or contested in ways that open up conversation, rather than closing it down by presenting a fixed narrative. As these are genuine challenges that have emerged through discussions in the research process, there is an authenticity to their inclusion in the show that reveals a kind of journey of discovery through Marshman's research process that does not patronize audiences but instead presents a dialogue between past and present and generates further possible discussion. The sources used were hostile and transphobic, and it was necessary to take a queer approach to researching Jennie's history. As historian Matt Houlbrook writes, in using queer methods we are using a 'critical historical practice that accepts an irreducible dimension of opacity', and concedes the impossibility of

'locating the "real" biographical individual'.²¹ It is this opacity that Marshman's performance practice employs creatively in order to explore the possibilities of Jennie's story, and explore connections between past and present explicitly in the show.

Born in the slum area of Oakwellgate, Tyne and Wear in 1887, Jennie lived with her mother and brothers and sisters. By 1901, Jennie was thirteen and was listed as a prisoner at the Abbot Memorial Ragged and School in Gateshead, an institution where children were housed, educated and provided industrial training. Children under fourteen were sent to industrial schools for vagrancy, truancy and begging, or if they were under the age of twelve and had committed an offence usually punishable by imprisonment. Industrial schools varied in their regimes, offering skills and moral education to vulnerable children in order to prevent future offending; however, many were punitive and repressive. Children were also sent to industrial schools if they were at risk of being vulnerable to abuse and neglect.²² While we do not know precisely why Jennie was sent to this school, the conditions of poverty in which she lived mean that it is plausible Jennie was sent to the school for this reason, as many impoverished children were at the time, given that it served as a reliable source where food could be accessed.²³ Although speculative, this observation is aligned through our methodological approach to present a tentative understanding of Jennie, her trans history inextricably intertwined with her class position. Imprisonment within such an institution is demonstrative of what has been described as the carceral archipelago whereby carceral enclosures are presented as adequate solutions to poverty, among other forms of structural harm.²⁴ By 1911, the census shows Jennie was living at a seaman's boarding house in South Shields where she worked as a servant.²⁵

Between 1913 and 1915, Jennie was convicted of loitering with intent twice and of keeping a disorderly house. Her court appearance for this offence in 1913 made national news, with a photograph of Jennie appearing in the *Daily Mirror* (16 December 1913). This coverage was profoundly sensationalist, focusing on Jennie's case because of her gender nonconformity. Jennie is fashionably dressed, in a picture hat with silk flowers and a high-necked dress with leg o' mutton sleeves and beautiful detailing. Although we have only a few of Jennie's own words reported, her stylish appearance in court speaks volumes. She chose not to alter her appearance in any way for the court, which

she could have chosen to do in order to attempt to get a lesser sentence. If she had worn men's clothes, she could have avoided the sensationalist attention of the newspapers and perhaps mitigated her sentence by using a defence that she'd dressed in women's clothes for fancy dress. Instead, she appeared in court as her authentic self and underlined this by stating that she had 'always done it, nearly since childhood'.²⁶ Jennie was remanded in prison for eight days for the same offence two years previously, and again, it is reported that she 'appeared dressed as a woman'.²⁷ Above the report about Jennie in the *Hartlepool Northern Daily Mail*, a report about a group of young men in nearby South Shields prosecuted for 'acting rudely' (lifting their skirts to sailors) dressed in women's clothes reinforces the contemporary anxiety around transgressing gender norms. Another report states that the four 'might easily have been mistaken for girls', and their defence is that they had been in fancy dress at the skating rink.²⁸ It is testament to Jennie's bravery that she could have chosen to appease the court and attempt to mitigate the charges against her by changing her appearance or her defence, but she did not do so. Then, as now, gender non-conformity presented a threat to the heteronormative order. Further, it is a chilling parallel to fascist mobilizations (and powerful counter protests) against drag-queen performances (and, consequently, trans femininity and trans women who are wrongly conflated with drag) across England.²⁹

The Newcastle Daily Chronicle report's discussion of her appearance reveals the anxieties around the court's perception of Jennie and an obsession with Jennie's ability to 'pass' as a woman. This is an integral aspect of both transphobia and transmisogyny that suggests duplicity and disingenuity – that trans people are not really who they say they are. Such logic has had persistently violent consequences for trans people. For Jennie, she had to suffer a humiliating and degrading deconstruction of her person in court. The evidence given by the appositely named Detective Inspector Ogle (ogle in Polari meaning to look, lasciviously) is demeaning and derogatory, the listing of items describing the humiliating body search that Jennie was subjected to:

Every article of clothing on his back was that of a woman. Defendant's chest was developed like a woman's bust; he had attempted to represent this more fully by padding his chest either side with cotton wool concealed in which were small balloons partly blown out. He carried a Macintosh on his arm and a satchel in his hand. In a purse which have been thrust down his breast

was money amounting to £1.09s., all in silver, and 1 1/2 d. in copper. Also on him was a quantity of face powder, soap, razor, and a bottle of scent. On the fingers of one hand were a wedding ring and a keeper ring; and on the other hand three rings.³⁰

The newspaper report also makes much of its description of her rooms, where Detective Inspector Ogle states:

The two rooms upstairs, occupied by the prisoner, were excellently furnished and in splendid condition. There was a good piano, and there were gramophone records, and the carpet was beautiful. There was one bed, the clothes of which were spotlessly clean, and the place was draped out with curtains. There was any amount of bottles of scent and quantities of face powder, of which witness did not know the name.³¹

While this is intended to be a salacious and intrusive discussion of Jennie's lifestyle, with the implications of it being funded by her criminal actions and with the suggestive reference to bedsheets and underwear, it not only gives us an insight into the life of a working-class gender-nonconforming person in the early part of the twentieth century but also reveals how little has changed in the way that the press report on the lives of gender-nonconforming people in the present, steeped as it is in transphobia and transmisogyny.³²

The attempts by the newspaper to shame Jennie through the description of her rooms – by making lewd suggestions ('the bed sheets were spotless'), and implying that the profit from criminal activity funded a relatively luxurious lifestyle (she had gramophone records and a 'good piano', as well as a beautiful carpet and curtains) – instead give us an intimate insight into her everyday life.

Letters found in Jennie's rooms reveal something of her intimate relationships and suggest that she is writing to someone serving in the First World War with whom she has an ongoing relationship.

The defendant had received letters in which the writer's belief in the false sex of the defendant was apparent. A letter was read from a man to the prisoner, addressed 'Dear Jenny,' in which was included 'Just a few lines in answer to your kind letter. What a terrible place this is! I could do with your champion here. How I have been longing for you.' The letter concluded by a request to allow him, as promised, to visit the defendant's rooms when the writer returned, so that they could have a 'good time.' 'Don't we enjoy ourselves,' was a phrase also included. The signature of the writer was preceded by 'with

the best of love,' and 'six kisses.' 'This seems to be how they have all been written,' remarked the chief constable, Mr Trotter.³³

This is used as evidence of the 'deceptive' nature of Jennie's gender presentation, and it appears that this is really the case that the court are prosecuting. It is Jennie's gender expression that challenges the heteronormative order that presents a threat.

In 1914, Jennie was arrested in Hartlepool for keeping a disorderly house. The newspaper report dramatizes her arrest and subsequent transport to Durham women's prison where Jennie 'threw off "her disguise"' and showed the constable a new pair of boots, remarking that 'some fool of a man had bought them' for her.³⁴ Again, this is a small insight into Jennie's character, demonstrating her defiance of authority.

Jennie is again prosecuted the following year in Liverpool. This time, she is accused of 'living an immoral life' and 'permitting a house to be used for immoral traffic.' She has been living under the name of Mrs Jennie Gray, as the wife of James Gray (aka James Blake), who is also accused of the same offences. Again, the anxiety around gender deception is evident. Jennie's 'clever make-up caused both officers to believe' she was a woman.³⁵ Detective Inspector Ogle's remark that 'there was not one article of male attire in the house' along with the cumulative evidence provided by these reports over a number of years constitutes Jennie's reality as a woman.³⁶

The transmisogynistic nature of these texts required a different approach to historical research, reading against the sources. Newspaper reports about Jennie focus on her appearance, and detail her clothes, make up and hair, as well as going into detail about her home and lifestyle. The irony of this transmisogynistic hyperfocus on Jennie's femininity and lifestyle in reporting by newspapers, is that it makes Jennie more visible to us, and it is only through this that we have any sense of Jennie's identity. We both know what she looks like and we also get a glimpse into her personality, as well as getting a sense of how she lived. The *Police Gazette* describes Jennie as 5ft 3 3/4, with a fresh complexion, brown hair and grey eyes.³⁷ The court reports are the only record we have of Jennie's voice, where her own words are recorded. Reading through and past the transmisogyny of the articles, we get a sense of a meticulously well-dressed woman, whose home and dress were equally stylish, who was quietly defiant about her identity.

Researching Jennie's life

Reading against the sources required us to contextualize and denaturalize them, exploring the ambivalence whereby learning about Jennie required a reliance on sources whose very production aimed to harm her and others like her. In relying on transmisogynistic sources and those provided by and through the legal system, we attempted to read against them and excavate them to remind ourselves and others hearing about Jennie through the course of the project and in engaging with performances that they are not neutral. We did so through employing the theoretical interventions of queer legal scholar and prison abolitionist Dean Spade, who suggests that we examine law as a tactic – focusing on what the law is doing as opposed to looking at what it says about itself.³⁸ We applied this approach to researching the offences for which Jennie was convicted and understanding the conditions she may have been subjected to during her incarceration. We also applied this to the media coverage itself, to reveal the violence normalized beneath a veneer of frivolity in the coverage of Jennie's case. The importance of contextualizing the ways in which the state intervened in Jennie's life and the media reported on it can be seen in the ways these illuminate parallels with the present.

The convictions for which Jennie was sent to prison likely fall under the Vagrancy Act 1824 and the Disorderly Houses Act 1751, legislation through which poverty and sex work were criminalized. This legislation was notably the same one that foregrounded the contemporary practice of stop and search in British law. Section 4 of the Vagrancy Act 1824 was known as the 'sus laws' that were used to disproportionately stop minoritized and racialized people, before eventually repealed in 1981 after uprisings took place in Brixton, but nevertheless having a long-lasting and harmful impact.³⁹ Considering the multiple directions through which legislation criminalizes marginalized people is an ongoing reminder of the intersectional character of structural harm.

Jennie's charges and convictions remind us of the hetero-sexist structures of the law that underpinned the workings of society. The Disorderly Houses Act of 1751 defines so-called disorderly houses as places hosting 'indecent performances or exhibitions', that amounts to an 'outrage of public decency'.⁴⁰ These 'indecent performances or exhibitions' euphemistically refer to sexual

activity, and the buying and selling of sex, transgressions which were also conflated with homosexuality and gender nonconformity in the public imagination and in the application of the law. This presumes a naïve and innocent public who need protection from those who are indecent or who may corrupt the public realm, such as those living in a way that challenges binary conceptions of gender.⁴¹ Jennie's appearance – her whole identity – transgressed heteronormativity and other societal expectations about gender norms in ways that were criminalized. Jennie was sentenced to three months in prison. In the *Newcastle Daily Chronicle*, it is stated that the mayor was 'sorry that they could not give ... more. They would give ... three years if they could.'⁴² There is a sinister backdrop to the frivolous tone and ridicule of Jennie that barely masks desires to prolong her confinement in a place described as 'grim, ugly and forbidding', where 'few prisoners who approach them for the first time do so without a sense of hopelessness and terror ...'.⁴³ The prison separates those who are incarcerated, disappearing them from view.⁴⁴ Here, the establishment wished to disappear Jennie because of all the vivacious ways she questioned and presented a threat to the cisgender status quo, intersecting with her experience of poverty, whereby 'The poorer a prisoner is, the less chance he has of receiving justice'.⁴⁵

We know what conditions in prison might have been like at this time from Thomas Hobhouse's 1919 account. He writes, 'nearly every feature of prison life seems deliberately arranged to destroy a man's sense of his own personality, his power of choice and initiative, his possessive instincts, his conception of himself as a being designed to love and serve his fellow man. His very name is blotted out and he becomes a number.'⁴⁶ Prison cells were very dim – both day and night – making it hard to read and work, and also damaging people's eyesight. Cells were very poorly ventilated – stuffy on still days but draughty on windy days. Windows were so high up that it was not possible to look out without standing on a stool, which was a punishable offence.⁴⁷ Cells were very cold: 'many ex-prisoners say that they could only keep themselves warm by putting their blanket and rugs around them, and by tramping up and down the cell'.⁴⁸ Daily routines included cellular labour, whereby prisoners were expected to complete tasks in their cells, such as stitching mailbags and sacks or picking oakum (material used in packing) for up to ten hours a day.⁴⁹

Sensationalist media coverage steeped in transmisogyny and legal documents and records noting her arrest and her imprisonment are what we have to learn about Jennie. It is unclear whether Jennie was released from prison and, if so, what became of her next. In his work, Marshman uses this as an opportunity to imagine a number of possibilities for Jennie and how she may have lived the rest of her life, some more fantastical than others, but all firmly rooted in historical authenticity as well as possibility. In every sense with Jennie's story, '[t]he moment we embark on the task of locating the "real" biographical individual we are doomed to failure'; in our queer methodology we are embracing 'the possibilities of a critical historical practice that accepts "an irreducible dimension of opacity"'.⁵⁰ This opacity enabled us to explore possibilities for Jennie that allow her to escape, from joining a dance troupe, becoming a regular at the Caravan Club, going AWOL from the army and hiding in a wardrobe in France to meeting Magnus Hirschfeld and emigrating to Canada. While it is unknown if any of those options presented by Marshman occurred, he wanted to ensure that they would have been realistic possibilities that Jennie could have pursued at the time. This approach was non-prescriptive, the ambiguities acknowledging Jennie's agency. We know about Jennie's life in relation to the reporting on her entanglements with the law. Perhaps this is the only opportunity we have to extract ways to learn about her and to remember her. Despite her memory being embedded between the media establishment and criminal law, the depictions nevertheless reveal Jennie to be a whole person able to express her own agency, and as a way of giving her a 'happy ending' as a form of radical resistance to both actual violence and the violence inflicted by cis-normative patriarchal histories.

What does this tell us about prisons today?

Learning about the conditions Jennie endured in prison gives us time to reflect on the contemporary carceral state. The systems of violence within which Jennie Moore was incarcerated have been strengthened and expanded in the years since. The prison population in England and Wales has grown exponentially. At the time when Jennie was sent to prison, the total prison population was 8,200.⁵¹ As of summer 2023, the number of incarcerated people was 85,851.⁵²

and is set to grow further, with the development of mega-prisons⁵³ and the introduction of legislation such as the Police, Crime and Sentencing Bill 2022, through which the amount of time spent in prison will increase for many of those convicted (e.g. at Section 2, where the penalty for ‘assault on emergency worker’ was increased from twelve months to two years). Conditions within prisons are persistently cruel – too hot in summer and too cold in winter.⁵⁴ Prison labour is waged far below minimum wage expected outside of prison, with companies and industry continuing to profit from exploitation.⁵⁵ In the 2022–3 annual report, His Majesty’s Prison Inspectorate found that very little time was spent out of cells in men’s prison and most were in poor condition.⁵⁶ Noticing the similarities in contemporary prison conditions with those experienced by Jennie Moore is a stark illustration of the continuities of carceral harm.

The violence underpinning incarceration is interwoven with transphobic, heteronormative violence that persistently punishes those marginalized by racism and poverty. While liberal and human rights narratives celebrate a march of progress for the LGBTQI+ community generally and for trans visibility specifically, looking closely at who exactly has gained from legalization of gay marriage and hate crime legislation and who continues to be criminalized is telling.⁵⁷ Queer theory teaches us approaches and techniques for challenging and dismantling binaries,⁵⁸ as opposed to expanding the category of who we consider to be ‘good’, because this maintains a category of ‘bad’ against whom violence, exclusion and imprisonment is justified.⁵⁹ Marginalized trans and gender-nonconforming people continue to be criminalized, as Jennie was, a reminder that the fight for trans liberation is inextricable from the fight against the legal system that entrenches White supremacy, ableism and compulsory cis-normativity.⁶⁰

While we do not know what happened to Jennie Moore following her incarceration, we do know that she was incarcerated in a men’s prison – sites of particular violence against gender nonconforming people, trans women and trans feminine people.⁶¹ On the men’s prison estate HMP Doncaster, her namesake Jenny Swift was bullied and denied access to her hormones while held on remand, and she took her own life in December 2017. In a letter she sent out of the prison, she wrote, ‘You know who I am banged up with? All sorts but fuck ’em all. I am Jenny Swift, I am proud to stand my corner

anywhere I need to.⁶² Within the space of a few months, Jenny Swift was the third transgender person to take her life inside prison, *that we know of*, given the likelihood that in death, trans people will be misgendered. Queer people from across the country mourned the death of Jenny Swift, gathering at HMP Doncaster in protest of the violent institution where Jenny's life was needlessly lost.⁶³

Transmasculine and gender-nonconforming people on the women's prison estate also endure homophobia and transphobia. Hugh Ryan thoughtfully illustrates this in his book *Women's House of Detention*.⁶⁴ Violence and abuse are similarly experienced by gender-nonconforming prisoners in the women's prison estate in England and Wales. Taylor Atkison was a trans prisoner on an imprisonment for public protection sentence (IPP), meaning his incarceration was indefinite and his release was to be determined by a Parole Board. Taylor took his own life while incarcerated on the women's prison estate in HMP Eastwood Park in 2022, after losing all hope for release. Taylor was persistently dead-named by officers in the months leading up to his death and he was denied gender-affirming clothing. A few days before his death, Taylor was punished for kissing a woman through the prison adjudication system, under a provision relating to threatening, abusive or insulting words or behaviour.⁶⁵ It is at the discretion of prison officers to determine if such behaviour is 'observed by someone who finds (or could potentially find) their behaviour offensive.'⁶⁶ Such phrasing protects homophobic, queerphobic and transphobic sensibilities, penalizing expressions of non-conformity. For Taylor, this was the final tipping point after a lifetime of homophobic and transphobic abuse from the legal system: the judge who handed Taylor his indefinite sentence named his gender nonconformity as a reason that he deserved to be sent to prison for an indefinite period of time. Like Jennie Moore and Jenny Swift, Taylor fought back against the oppression he experienced, at one point spitting at oppressors ridiculing his appearance as gender non-conforming, purportedly to show them 'some gender fluid'.⁶⁷ Taylor was proactive in supporting other trans people within the prison system as well as engaging with the queer community among whom he planned to live on being released, which was tragically never realized. Through the mechanisms of the state, transphobia is violently and lethally wielded.

Conclusion

Remembering, celebrating and mourning the lives of trans people provides a textured way to counter the narratives of trans people being a modern and a-historical phenomena, as prevalent transphobic narratives attempt to present. We try to tell Jennie's story in a way that avoids anachronism, to present and remind that trans people are not an anachronism. Gender variance and non-conformity fall on complex, historically contingent spectra of identity – in spite of attempts to systemically erase them through colonial violence, as has been extensively explored elsewhere in this collection and beyond.⁶⁸

During his live performance, Tom Marshman provided his audience members with writing material and guided them with prompts, incorporating letter writing to incarcerated queer people into his performance. These notes were sent to Books Beyond Bars, a project sending books to incarcerated transgender people in England and Wales. The prison walls are tall and seem impenetrable – too effective at isolating those they hold captive from loved ones and community. As Angela Davis famously writes, the prison works to 'disappear human beings.'⁶⁹ Building connections and community in spite of prison walls, restrictions and control – whether through one off notes like Marshman's audience or through more sustained communication and relationship building – can contribute to making those walls more porous, a small but not insignificant steppingstone towards the dissolution of the loneliness they breed.

Jennie Moore was more than a sum of the information archived about her, yet through those sensationalist papers, police records and prison records, in leaning *against* those sources, we glimpse her richness and we are able to tell fragments of her story. We do not know what happened to Jennie Moore and we tell her story with as much complexity as we can, attempting to leave gaps for the many aspects of her multi-dimensional character we are not familiar with. We tell her story because it is powerful to remember, and we tell the story of other trans ancestors who we should not have lost. But we know what happened to Jenny Swift and we know what happened to Taylor. Mother Jones said pray for the dead and fight like hell for the living.⁷⁰ We honour the complex and vibrant lives of Jennie Moore, Jenny Swift, Taylor and the many

more transgender ancestors whose names we do not know by fighting for the liberation of all, refusing to allow the terms of our struggle be determined by legal frameworks. We know that we live with a carceral system that harms those trans and gender-nonconforming people who are most marginalized: liberation must overthrow these systems entirely.

Notes

- 1 Kit Heyam, *Before We Were Trans: A New History of Gender* (London: John Murray Press, 2022), 10.
- 2 Heyam, *Before We Were Trans*, 10.
- 3 Anon, 'Masquerader Gets Three Months for Theft: Charge of Loitering Withdrawn', *Shields Daily News*, Third Edition, 18 December 1913.
- 4 *Shields Daily News*, 18 December 1913.
- 5 Heyam, *Before We Were Trans*, 10.
- 6 Brian Lewis, *British Queer History: New Approaches and Perspectives* (Manchester: Manchester University Press, 2013).
- 7 Rachel Mesch, *Before Trans: Three Gender Stories from Nineteenth-Century France* (Stanford, CA: Stanford University Press, 2020), 8.
- 8 Sara Ahmed, 2021. 'Gender Critical = Gender Conservative', *Feminist Killjoys* [online] <https://feministkilljoys.com/2021/10/31/gender-critical-gender-conservative/>; Judith Butler, *Who's Afraid of Gender?* (London: Penguin, 2024); Pearce, Erikainen, and Vincent, 'TERF Wars', 677–98.
- 9 Cal Horton, 'The Cass Review: Cis-Supremacy in the UK's Approach to Healthcare for Trans Children', *International Journal of Transgender Health* (2024). DOI: 10.1080/26895269.2024.2328249.
- 10 Saidiya Hartman, 'Venus in Two Acts', *Small Axe* 12, no. 2 (2008): 12.
- 11 Hartman, 'Venus in Two Acts', 12.
- 12 *Ibid.*, 3.
- 13 Heyam, *Before We Were Trans*.
- 14 *Ibid.*, 324.
- 15 *Ibid.*
- 16 Heyam, *Before We Were Trans*, 10.
- 17 *Ibid.*
- 18 Nan Alamilla Boyd, 'Who Is the Subject? Queer Theory Meets Oral History', *Journal of the History of Sexuality* 17, no. 2 (2008): 177–89; Matt Houlbrook,

- 'Thinking Queer: The Social and the Sexual in Interwar Britain', in *British Queer History: New Approaches and Perspectives*, ed. Brian Lewis (Manchester: Manchester University Press, 2015).
- 19 Tom Marshman, *Jenny* [theatre], dir. Tom Marshman, Gosforth Civic Theatre. First performance 21 July 2021.
- 20 It should also be noted that Marshman's work is also a work in progress, and is subject to change through a reflective working process.
- 21 Houlbrook, 'Thinking Queer', 159.
- 22 Gillian Carol Gear, *Industrial Schools in England, 1857–1933: 'Moral Hospitals' or 'Oppressive Institutions'?*, Doctoral Dissertation (London: Institute of Education, University of London, 1999).
- 23 Peter Higgenbotham, *Children's Homes: A History of Institutional Care for Britain's Young* (Barnsley: Pen & Sword, 2017); Wendy Prahms, *Newcastle Ragged and Industrial School* (Cheltenham: The History Press, 2006).
- 24 Liat Ben-Moshe, Chris Chapman, and Allison Carey, *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (New York: Palgrave Macmillan, 2014).
- 25 'Jennie Moore', *Census Return 66 East Holborn Durham South Shields, South Shields, Durham* [online] (Public Record Office: RG14 30284 / RG78 1745, 1911). Available from: <http://www.findmypast.co.uk> (Accessed 12 June 2021). Referencing conventions would require us to use Jennie's deadname in citing the census, and we have chosen not to do so here.
- 26 *The Newcastle Daily Chronicle*, Monday, 2 August 1915.
- 27 *Hartlepool Northern Daily Mail*, 12 December 1913.
- 28 *Shields Daily News*, 18 December 1913.
- 29 Imogen Adam and Molly Smith, 2023. 'Drag Queen Story Time Hundreds Counter Protest Far Right Group', Available from: <https://www.eastlondonlines.co.uk/2023/02/drag-queen-story-time-hundreds-counter-protest-far-right-group/>.
- 30 *The Newcastle Daily Chronicle*, Monday, 2 August 1915.
- 31 Ibid.
- 32 Pearce, Erikainen, and Vincent, 'TERF Wars: An Introduction', *The Sociological Review* 68, no. 4 (2020): 677–98.
- 33 *The Newcastle Daily Chronicle*, Monday, 2 August 1915.
- 34 *The Blyth News*, 5 October 1914.
- 35 *Police Gazette*, 21 July 1916; *Liverpool Daily Post*, 30 June 1916.
- 36 *The Newcastle Daily Chronicle*, 2 August 1915.
- 37 *Police Gazette*, 21 July 1916.

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- 39 Adam Elliott-Cooper, *Black Resistance to British Policing* (Manchester: Manchester University Press, 2021); Fighting Sus, 2024. 'Why Are We Called Fighting Sus?' [online] Available from: <https://fightingsus.org.uk/> (Accessed 1st June 2024).
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- 41 Alok Vaid-Menon, *Beyond the Gender Binary* (London: Penguin, 2020).
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- 43 Stephen Hobhouse and Fenner Brockway, *English Prisons Today: Being the Report of the Prison System Enquiry Committee* (London: Longmans, Green, 1922), 101.
- 44 Angela Davis, 'Masked Racism: Reflections on the Prison Industrial Complex', *Lola Press*, no. 12 (30 April 2000).
- 45 Stephen Hobhouse, *Prison Labour: An English Prison from Within* (London: Allen & Unwin 1919), 53.
- 46 Stephen, *Prison Labour*, 18.
- 47 Ibid.
- 48 Hobhouse and Brockway, *English Prisons*, 105.
- 49 Ibid.
- 50 Houlbrook, 'Thinking Queer', 159; see also Hartman, 'Venus in Two Acts'.
- 51 Hobhouse and Brockway, *English Prisons*.
- 52 House of Commons Library, 2023. 'UK Prison Population Statistics' [online]. Available from: <https://commonslibrary.parliament.uk/research-briefings/sn04334/#:~:text=As%20of%20June%202023%2C%20the%20UK%20had%20a,7%2C775%20in%20Scotland%2C%20and%201%2C900%20in%20Northern%20Ireland>.
- 53 Corporate Watch, 2021. 'Prison Island', Available from: <https://corporatewatch.org/prisonisland/>.
- 54 Nandini Archer, 2022. "'It's too hot inside" say prisoners suffering during UK record heatwave', *Open Democracy*. Available from: <https://www.opendemocracy.net/en/5050/uk-heatwave-prison-cell-immigration-detention/>.
- 55 Incarcerated Workers Organising Committee, 2019. 'Myths about Prison Labour' [online], Available at: <https://iwoc.iww.org.uk/myths-about-prison-labour/> (Accessed 1st March 2019).
- 56 Author's conversation (Nic Aaron) with Taylor Atkinson, 2023.

- 57 Sarah Lamb, 'Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment', *Law and Critique* 24, no. 3 (2013): 229–53; Dean Spade, 'Under the Cover of Gay Rights', 37 *N.Y.U. REV. L. & SOC. CHANGE* 79 (2013) [online]. Available from: <https://digitalcommons.law.seattleu.edu/faculty/491>.
- 58 Eve Kosofsky Sedgwick, *Epistemology of the Closet* (London: Harvester Wheatsheaf, 1991).
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- 65 Ministry of Justice & His Majesty's Prison and Probation Service, 'Prisoner Discipline Procedures', Annex B 1.109.
- 66 Ministry of Justice & His Majesty's Prison and Probation Service, 'Prisoner Discipline Procedures', Annex B 1.109.
- 67 Black Cross Anarchist. 'RIP Taylor – Rage is our Weapon' [Online], 2022. Available from: <https://bristolabc.org/riptaylor/>.
- 68 See Maria Lugones, 'Heterosexualism and the Colonial/Modern Gender System', *Hypatia* 22, no. 1 (2007): 186–219; Ngāhuia Murphy, *Te Awa Atua: Menstruation in the Pre-Colonial Māori World* (Whakatāne: He Puna Manawa, 2013); Oyèrónkẹ Oyèwùmí, *The Invention of Women: Making an African Sense of Western Gender Discourses* (Minneapolis, MN: University of Minnesota Press, 1997).

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- 70 Jones, Mother. 'Pray for the Dead and Fight Like Hell for the Living' *Library of Congress*, 1902. Available at: <https://www.loc.gov/item/2015649968/#:~:text=Pray%20for%20the%20dead%20and%20fight%20like,hell%20for%20the%20living.%20Mother%20Jones%201902.>

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