

Gendering Crime and Justice

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How are boys' and men's acts of violence examples of doing gender? How does women's violence challenge gender ideologies and with what consequences? How does gender shape the social control of violent offenders by police, courts, and prisons? This chapter considers the gendered nature of crime and justice by focusing on violence: It engages interpersonal violence and the complex mechanisms of social control that arise in response. In doing so, it unpacks the legal institutions and socio-legal practices surrounding violent crime, particularly in the U.S. Though the U.S. is one particular national context for violence, the analyses presented in this chapter provide concepts that can be used to make sense of gender and violence in other nations and in related contexts.

Introduction

In the United States in 2015, there were 1,197,704 violent crimes reported to the Federal Bureau of Investigation (FBI): According to the FBI's "2015 Crime Clock," one murder occurred every 33.5 minutes, one rape every 4.2 minutes, and one aggravated assault every 41.3 seconds.

Each of these thousands of acts of physical violence takes place as an interaction between two or more people, usually in relatively close contact. Rapes, muggings, assaults, and murders do not happen from afar; rather, they represent intimate, embodied acts. Gender ideologies facilitate violence by creating certain possibilities for contact and by imbuing violent encounters with gendered meanings. For example, Michael Kimmel (2012) argues that masculine ideology asserts that "real men" can—and should—use violence to get even with others. In this sense, violence accomplishes gender at an interactional level.

Violence, in turn, reinforces and produces gendered expectations about who should be feared (cisgender men) and who should be fearful (cisgender women, members of the lesbian, gay, bisexual, transgender, and queer [LGBTQ] community, and gender-nonconforming people). Dominant narratives construct men as powerful, strong, and capable of violence while constructing women (and feminized men) as weak, vulnerable, and incapable of violence (Hollander 2001). Because they are victimized in gender-specific ways, women are more likely to fear crime as women's fear of sexual assault comes to shadow concerns about crime more generally (Ferraro 1996).

This chapter locates *doing violence* as a means of *doing gender*, which was defined in Chapter 4 as the everyday practices through which people account for, and achieve, socially recognizable gendered selves. The first half of this chapter “genders” violence by showing that experiences and acts of violence and victimization are embedded in gender ideologies that define strength, power, and physical domination as masculine attributes, and in doing so, the chapter explores how gender ideologies intersect with racial ideologies. The second half of the chapter considers the forms of social control applied to people marked as criminals, showing that gender, alongside race, shapes the forms of power that criminal justice institutions—including police, courts, and prisons—exert over criminals marked as “failed men” and “failed women.” The chapter ends with reconsidering the relationship between gender and violence by examining how efforts to challenge violence relate to efforts to challenge gender.

From Violence against Women to Sexual Violence and Intimate Partner Violence

Women face particular kinds of threats: stalking, intimate partner violence, stranger sexual assault, date rape, and other kinds of violent acts. Such acts are often grouped under the broad heading of *violence against women*, *gender violence*, or, more recently, *sexual violence*.

The Rape, Abuse and Incest National Network (RAINN, 2017a) estimates that every 98 seconds, a person is raped in the United States. Nearly 1 in 5 American women have been raped, compared to 1 in 59 men, according to the 2014 National Intimate Partner and Sexual Violence Survey (Centers for Disease Control and Prevention 2014). Most (78.7%) victimized girls and women experienced their first rape by the age of 25. Women are also more likely to be stalked: 1 in 6 women have been stalked, as compared to 1 in 19 men. Women are more likely than men to experience the most severe forms of intimate partner violence, and they are also more likely to report short- and long-term impacts of violence on their lives, from injury to post-traumatic stress disorder. Finally, women comprise 70% of those killed by intimate partners, meaning that they are roughly twice as likely to be killed by an intimate partner as men. African American women are two to four times more likely than white women to be murdered by an intimate partner (Catalano, Smith, Snyder, and Rand 2009). Many of these crimes are never reported to police and become what criminologists call the “dark figure of crime”: RAINN (2017c) estimates that two-thirds of sexual assaults never make it to the police logbooks.

These numbers paint a stark picture: Women suffer disproportionately at the hands of intimate partners and are much more likely to be the victims of sexual coercion than men. However, early criminologists did not feel that these trends were worth pursuing in their own right. As feminist criminologist Meda Chesney-Lind (2006: 7) writes, “Turning back the clock, one can recall that prior to path-breaking feminist works on sexual assault, sexual harassment, and wife abuse, these forms of gender violence were ignored, minimized, and trivialized.”

Taking account of these disparities, second-wave feminists such as Catharine MacKinnon (1982) and Susan Brownmiller ([1975] 2013) theorized rape as central to gender domination between men and women and to gender hierarchies among men. Defining *rape* in her 1975 text *Against Our Will* as “nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear” (15), Brownmiller called attention to how rape serves not only as the means for individual men to dominate individual women but also as a mechanism through which broader gender hierarchies are enforced. She noted that even as rape has been criminalized for hundreds of years, its early formulation as a crime defined it *not* as a crime against persons (women, after all, were not considered persons in early legal codes) but as a crime against property—men’s property.

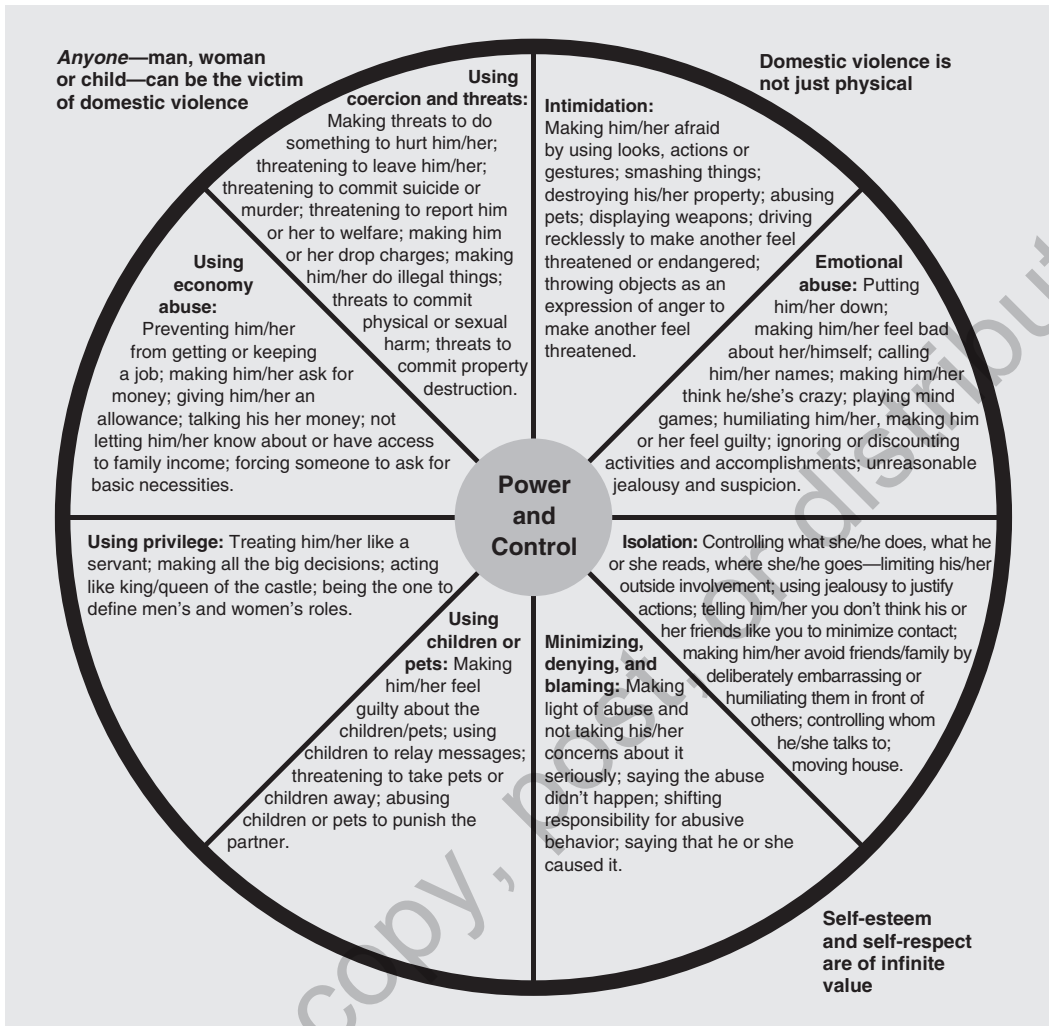
Second-wave feminists thus placed power at the center of efforts to recognize domestic violence as a social problem. Reflecting the notion that men use domestic violence to enact power and control over women in a cyclical manner, the Power and Control Wheel was a popular diagram that visually called attention to the multifaceted and oftentimes violent abuse that disproportionately pervaded women’s intimate lives (Kolb 2014; see also Figure 6.1). The wheel showed the totalizing impact of the abuse many women experience, and it demonstrated that this abuse takes a different form than the kinds of violence that men experience. The wheel continues to be displayed in organizations and shelters that aid and assist abuse victims.

Second-wave feminists were critical in calling public attention to rape, sexual assault, domestic violence, and other kinds of violence that particularly and uniquely affects women. At the same time, intersectional feminists, queer feminists, and others began to add nuance regarding which women experience abuse, how they experience abuse, and in what contexts. They rightly noted that certain women are more vulnerable to such violence, particularly women of color, class-marginalized women, and members of the LGBTQ community. Furthermore, moving from identities to institutions revealed that certain settings are particularly hostile with respect to sexual coercion, intimate partner violence, and other forms of gendered violence.

Consider the contemporary U.S. university campus. RAINN’s (2017b) factsheet on campus sexual violence shows that whereas national statistics suggest that robberies outnumber sexual assaults by a ratio of 5 to 4, on campus, this ratio reverses to 2 to 1. Nearly 1 in 4 women students have experienced rape or sexual assault; women’s victimization outnumbers men’s by a ratio greater than 4 to 1. Meanwhile, 21% of transgender, genderqueer and gender nonconforming students have experienced rape or sexual assault. Finally, as compared to their non-student counterparts, college students are 50% less likely to report a rape or sexual assault to law enforcement, even though the vast majority of campus police have the legal authority to arrest both on and off campus.

As another example, consider the U.S. military. The nonprofit Protect Our Defenders (2017), aimed at addressing military sexual assault, reports that 1 in 4 women and 1 in 15 men faced “severe and persistent sexual harassment or gender discrimination in 2016.” Women returning from military service are particularly likely to experience ongoing trauma as a result of sexual violence. Out of the women who seek healthcare through

Figure 6.1 Power and Control Wheel



Source: Cycle of abuse, power, and control issues in domestic abuse situations from Flickr, [https://commons.wikimedia.org/wiki/File:\(2\)_Cycle_of_abuse,_power_%26_control_issues_in_domestic_abuse_situations.gif](https://commons.wikimedia.org/wiki/File:(2)_Cycle_of_abuse,_power_%26_control_issues_in_domestic_abuse_situations.gif), licensed under CC BY 2.0, <https://creativecommons.org/licenses/by/2.0/deed.en>.

the Department of Veteran Affairs, around 1 in 5 show symptoms of military sexual trauma (U.S. Department of Veteran Affairs 2012). The vast majority of victims choose not to report these crimes. One reason reporting is so low is that reporting entails the threat of shame and retaliation. According to Protect Our Defenders (2017), a third of those who report sexual violence face retaliation in the form of discharges, while relatively few military sexual assault cases are prosecuted (13%) and even fewer result in a conviction (4%). As Cynthia Enloe (2000: 276) suggests, such statistics illustrate the “deeply masculinized, even misogynist, institutional culture” that sustains the military as masculine space despite women’s increasing representation.

But in terms of their absolute numbers, sexual assaults in the military reverse a trend found in other realms: Specifically, most victims of sexual assault in the military are men (Childress 2013). This suggests another reason why underreporting of sexual assault may occur: Men who experience sexual assault resist the victim label, instead seeing themselves as the *targets* rather than the *victims* of violence (Durfee 2011). Nevertheless, this is still gendered violence: Men's sexual assault of other men carries the same dehumanizing—and feminizing—message as men's sexual assault of women.

Thus, an emphasis on heterosexual, cisgender women's victimhood may paint an incomplete picture of gendered violence: Members of the LGBTQ community as well as men are also the victims of sexual assault and intimate partner violence, and not all women are equally impacted by gendered violence. To reflect this nuanced focus, the term **sexual violence** refers to violent acts of sexual coercion. In contrast to *violence against women*, this term destabilizes the notion that this kind of victimization necessarily follows the pattern of man-on-woman violence while also maintaining a clear focus on the role of gender relations in structuring this violence. Likewise, **intimate partner violence** refers to physical, verbal, emotional, sexual, and economic coercion between partners; such partners may be domestic spouses (as suggested by the common term *domestic violence*) but can include non-live-in partners as well. Together, the terms *sexual violence* and *intimate partner violence* emphasize both how gender and sexuality work together as mechanisms of violent domination and how intimacy is used as a vector of gendered and sexualized violence, disproportionately, but not exclusively so, against women and against transgender, genderqueer and gender-non-conforming people.

Rape Myths

In 2010, Daisy Coleman, a 14-year-old white teenager, moved with her family to the town of Marysville, Missouri, after her father died in a car crash. Adjusting to life in her new town and coping with family loss, Coleman joined the cheerleading squad at Maryville High School as a freshman and met Matthew Barnett, a popular white football player. Though her older brother warned Coleman not to become too close to Barnett, she befriended him via text message exchanges. On January 8, 2012, she went to a party at Barnett's house. The events that followed are murky: According to Coleman, she had two clear alcoholic drinks and blacked out. Witnesses said she was so inebriated she could not speak coherently. When she woke up hours later, she was lying on her mother's front lawn, badly bruised, freezing cold, and barely conscious. She had been left in front of her own house in below-30-degree temperature, her hair frozen. She dragged herself to the door and scratched it loudly enough to wake her mother, who took her to the hospital. The doctors found evidence that she had been raped, as her mother suspected.

When Coleman came back to school, she was taunted by students who called her a slut for “asking for it” from the popular football star. Some students ridiculed Coleman by wearing T-shirts that read, “Matthew 1, Daisy 0.”

Coleman's mother pressed charges against Barnett, but the charges were later dropped. Eventually, Coleman's family decided to leave town. Six months after they left, their house mysteriously burnt to the ground. Meanwhile, Coleman suffered mental health crises, including suicidality. Although prosecutors attempted to reopen her case in 2013, Barnett's parents refused to cooperate, saying, "My son is the victim here" (Payne 2013). Often focusing on the text messages that Coleman sent rather than the actions that took place in Barnett's house, many people in the town of Marysville blamed Coleman for her own victimization—and even for the victimization of her alleged rapist.

Girls and women who share Coleman's experiences can find themselves in the impossible position of being both vulnerable to rape (as a physical act of violence) but also un-rapeable (in the perceptions of others, including the justice system). Advocates and scholars use the term *rape myth* to describe the narratives that produce this position. **Rape myths** are beliefs that trivialize rape or maintain that certain women cannot be raped or that a sexual assault was not "really" rape.

Rape myths take different forms:

- Under the **blame the victim myth**, women and girls are blamed for their own victimization. This myth suggests that assaulted girls and women desired the act of sexual violence that was perpetrated against them or that they were too half-hearted in convincing their rapist that they did not consent. A woman's sexual history can be used against her to label her a "slut." Suggesting the power of this myth even to those looking to advocate on behalf of victims, some jurisdictions in the U.S. have frowned upon including sexually transmitted disease tests in rape kits; if a victim's test comes back positive without evidence that it was transmitted as part of the assault, she might be deemed promiscuous—and thus more easily blamed for the rape.
- Closely related to the blame the victim myth, the **ideal victim myth** places strict boundaries on how victims should look and behave. It treats certain reactions to the trauma of victimization as evidence that the victim could not have been raped. Erroneous details or inconsistent details cast doubt on the trustworthiness of the victim. Initial attempts at concealing or downplaying the assault are used to suggest that the victim is rewriting or exaggerating events. Excessive emotion or hysteria are seen as evidence of an unstable victim—one perhaps prone to overstatement.
- Just as the blame the victim and ideal victim myths minimize women's and girls' experiences of victimization, the **boys will be boys myth** exonerates boys and men: It perpetuates the notion that rapists are not really violent perpetrators but merely boys and men who got carried away having a good time. Consider the 2016 case of Brock Turner, a Stanford swimmer who was found guilty of three counts of felony assault, including sexually penetrating an unconscious, intoxicated woman behind a dumpster, and assault

with attempt to commit rape. In appealing for leniency, Turner's father pleaded with the judge to view his son's deeds as merely a mistake; jail time, his father insisted, "is a steep price to pay for 20 minutes of action" (Miller 2016). The judge sentenced Turner to only six months in prison for the crime.

Rape myths are embedded in cultural beliefs and codified within the legal system. Laws regarding violence against women are relatively new in the U.S.: As mentioned in Chapter 5, it was not until 1993 that all 50 U.S. states recognized marital rape as a crime. Indeed, before the 1970s, state-level statutes often included a "marital rape exemption" to prevent one marital partner from prosecuting the other for rape (RAINN, 2009). Men in the U.S. have also historically had the legal right to commit other forms of violence against their wives. After Alabama became the first state to rescind the legal right of men to beat their wives in 1871 and Maryland made wife-beating a crime in 1882, it took another century for the U.S. federal government to put in place systematic protections for abused women through the 1984 Family Violence Prevention Services Act and the 1994 Violence Against Women Act (SafeNetwork 1999). Meanwhile, stalking was not a criminal offense in any jurisdiction until California criminalized it in 1991 in response to the murder of five Orange County women in a six-week period by former husbands or boyfriends under court restraining orders.

Rape myths translate into high costs for those coming forward to report one's rape to police, college administrators, or even to one's trusted friends and family. Karen Weiss (2010: 288) argues that the "shame of sexual victimization is mediated by the ways in which the culture defines appropriate gender behaviors and sexual practices for men and women." Further, victims often describe the turmoil of bringing their perpetrators to justice as the **second rape** because of the demand to repeatedly recount the sexual assault and to assert one's virtue as a victim. In the courtroom, women who have been raped are often accused of giving inconsistent testimony, of appearing hysterically emotional, and of seeming vindictive. When their rapists, however, come to the stand, a different performance often unfolds: Their straightforward, unemotional curttness seems to enhance their credibility. (We will discuss witness credibility in more detail below.) Of course, there is an alternative reading of these affective differences: She is emotional because she is traumatized by her experience of victimization while his calmness may simply reflect his confidence that he did nothing wrong. A rape trial thus becomes an adjudication on both the perpetrator *and* the victim.

In addition to the formal criminal justice system, other institutions have systematically minimized sexual assault. As the 2015 film *The Hunting Ground* details, university administrators often echo rape myths and diminish the experiences of victims. In some cases, university administrators have silenced victims by encouraging them to drop their complaints; in other cases, universities have addressed sexual assault through nominal punishments for the perpetrators, such as writing an essay, paying a small fine, or expulsion upon graduation. In response to university apathy over sexual assault, two students at University of North Carolina at Charlotte, Annie Clark and Andrea Pino, filed a Title IX complaint with the U.S. Department of Justice against the university in 2013. By innovatively applying

Title IX to sexual assault, these students sparked unprecedented attention to the culture of sexual assault on many U.S. campuses as well as federal action. By May 2014, the U.S. Department of Education released a list of colleges and universities with open Title IX sexual violence investigations as well as updated reporting guidelines for schools receiving federal funds (U.S. Department of Education 2014).

The Social Construction of Victims and Criminals

Rape myths shape how allegations of sexual assault fare in legal courts and the courts of public opinion. But peeling back further to look at how rape myths implicate men and women and boys and girls differently along the lines of race suggests a broader context in which sexual violence comes to matter. This broader context is shaped by gendered and racialized understandings of who constitutes sympathetic victims versus blameworthy criminals.

Even though victims of sexual violence are often doubted, some fare better than others. For example, white, heterosexual, cisgender girls and women are more likely to be understood as **ideal victims** because they are more likely to be viewed as innocent and undeserving of the violence they may experience. According to sociologist Esther Madriz, women of diverse racial background share an understanding that the most sympathetic victim is white, a girl, and naïve, or as one respondent put it:

I imagine a blond girl, like . . . from the Midwest, with a ponytail, naïve, unaware, walking down the street in New York City, singing laralaralara. (Madriz 1997: 349)

As Kristin Bumiller (2008: 9) notes, high-profile rape cases often reinforce “iconic representations of victims (as innocent, white, and/or angelic)” at the same time as they “sacrifice the actual victims for their failure to live up to this idealization.”

Pervasive representations of criminality, including perpetrators of sexual violence, are likewise informed by race and gender. As sociologist Dawn Dow (2016d: 175) explains, **the Thug** represents a controlling image of “African American masculinity associated with criminality and poverty.” Recall from Chapter 3 that controlling images are tropes used to explain and justify social inequalities as individual pathologies. The controlling image of the Thug is reflected in crime coverage, which disproportionately features Black and brown boys and men as compared to whites; in phenomena such as the weapons bias, whereby ambiguous objects are more likely to be seen as guns when associated with Black and brown faces as compared to white faces; and in widespread patterns of policing practices that disproportionately target African American boys and men (Dixon and Linz 2000; Epp, Maynard-Moody, and Haider-Markel 2014; Payne 2006). As Dow summarizes, such imagery legitimates “attacks on African American boys’ and men’s bodies and minds” (2016d: 182).

The infamous 1989 Central Park jogger rape illustrates these intersecting dynamics of gender and race in shaping the allocation of victimhood

and criminality in cases of sexual violence. In that case, a young white professional woman was sexually assaulted to the point of losing consciousness. When she awoke from a coma nearly two weeks later, she remembered nothing of the events that transpired the night of her rape. Her inability to bear witness to her own rape exonerated her of the kind of moral culpability often demanded of victims. As Kristin Bumiller describes it, “This, ironically, turned her into an unassailable woman because her amnesia made it impossible to accuse her of lying about her willful participation in the sexual act” (2008: 99).

Many feminist activists joined in demanding justice in the case, and soon, prosecutors Linda Fairstein and Elizabeth Lederer filed charges against five African American boys, four of whom appeared to have confessed to the crime after extensive police interrogations. Consensus grew among an outraged public that these boys were guilty of the rape, and by 1991, all five defendants were convicted. In 2002, however, a man named Matias Reyes, who was serving a life sentence, heard about the convictions and confessed to the rape. After subsequent DNA testing, the verdict was clear: Each of the “Central Park Five,” as they came to be called, had spent over a decade in prison for a crime they did not commit. Twenty-five years after the trial, the film *The Central Park Five* documented how the prosecutors were able to win the trial despite shoddy evidence and coerced confessions because the story they told—a group of savage young boys of color raping a white woman—fit a widely accepted social narrative.

Indeed, this is a social narrative that dates back more than 100 years in U.S. history. As Angela Davis (1983) cautions, in the U.S., the history of the criminalization of sexual violence was racist before it became feminist. After all, controlling images of African American boys and men as aggressive and violent are not recent; they began to circulate in the decades that followed the Civil War in the second half of the 19th century. White Southerners in particular popularized the threat of Black rapists as a justification for engaging in **lynchings** that terrorized African Americans after the abolition of slavery. Lynchings were public executions, usually of men of color, orchestrated by white mobs and often with the approval of local law enforcement; these mobs enacted gruesome torture on the victim, ranging from mutilation with knives or blunt objects (lynchers were known to take home body parts as souvenirs) to immolation and hanging. From the 1880s to the 1950s, nearly 4,000 people, the vast majority of whom were African American men, were lynched (Robertson 2015). The alleged assault of a white woman was a popular galvanizer for these lynchings; white mobs, mostly but not exclusively men, mobilized as protectors of feminine virtue. But far from a feminist defense of women’s bodily integrity (after all, the sexual assault of Black women was not treated as a crime), lynchings often used the white women victim as a prop for instilling racial terror. After all, lynchings were even perpetrated against African American men in consenting interracial relationships to provide a horrific lesson to both African Americans and whites on the unacceptability of intimacy that crossed the color line.

This racial history helps further clarify the ambiguous legal responses to sexual violence and intimate partner violence across U.S. history. While intimate partner violence, marital rape, and stalking were not considered crimes until recently, rape by a stranger was considered a *capital offense*—deserving of the death penalty—until the Supreme Court ruled that this

constituted cruel and unusual punishment in 1977. Court records reveal that only certain men received capital sentences for rape; in addition to extralegal punishment in the form of lynching, African American boys and men were disproportionately subject to state-sanctioned executions. Using data on rape cases from 1945 to 1965, sociologists Marvin Wolfgang and Marc Riedel (1973) found that “Black defendants whose victims were white were sentenced to death approximately eighteen times more frequently than defendants in any other racial category” (130). By contrast, white men were rarely brought to court on rape charges. From 1930 to 1972, “not a single white man was executed for rape . . . in Louisiana, Mississippi, Oklahoma, Virginia, West Virginia, and the District of Columbia” as compared to 66 executions of African Americans (Wolfgang and Riedel 1973: 125). Finally, cases where victims were African American girls and women, who were often presumed to be promiscuous, were often treated with leniency—regardless of the race of the perpetrator (Wolfgang and Riedel 1973: 125). Though rape is no longer punishable by death, executions in the U.S. still reflect these racial and gender disparities for other violent crimes.

Thus, contemporary American politics often continues to reflect U.S. history that has designated white women as ideal victims, white men as ideal protectors, men of color as criminals, and women of color as invisible. And race, of course, is not the only line along which the victimization is trivialized and criminalization is sanctioned; as discussed in Chapter 4, the heightened rates of violence facing LGBTQ people, particularly LGBTQ people of color, both reflects and reproduces marginalization within the gender hierarchy.

The Paradox of Women’s Violence: Blurring Victimhood and Criminality

In 1982, Deborah Peagler, an African American woman in her early 20s who lived in Compton, California, was charged with first-degree murder. Her story parallels that of many women accused of homicide: She suffered years of abuse at the hands of her partner, an African American man named Oliver Wilson. Wilson forced her into prostitution, beat her repeatedly, and eventually sexually abused their daughter. She went to the police, but they refused to help her. Finally, her mother reached out to a group of local gang members for help. Believing that they would simply give Oliver a swift beating, Peagler led Wilson to an agreed-upon location where the attack would take place. But instead of giving him a physical warning, the gang members beat and strangled him to death. The case was picked up by the local police gang unit and vigorously pursued. Threatened with the death penalty if the case went to trial, Peagler pled guilty and received 25 years to life in prison, as the film *Crime After Crime* documents.

Peagler’s case reveals a gender pattern that distinguishes women violent offenders from men offenders: Histories of abuse tend to play a more prominent role in women’s violence, with women offenders more likely than men offenders to report experiences of childhood abuse and repeated

victimization (Belknap and Holsinger 2006). Jennifer Wesely (2006) uses the term **cumulative violence** to explain the experiences of women who assault or kill: Their violence accumulates from experiences of child abuse, sexual objectification, and adult sexual, physical and emotional abuse. Summarizing the experiences of the women in her study, Wesely (2006: 314) notes,

They were . . . revictimized by intermittent and ongoing feelings of being unsafe, unprotected, and silenced by both individuals and society at large; by perpetrators who experienced few consequences for their actions; and by the message that their value as human beings was minimized as violence against them was condoned and justified. These lived experiences, along with the lack of support and the lack of options for the women, maintained these grim realities. Therefore, the violent victimizations they experienced were not just isolated events but a pervasive atmosphere of cumulative violence.

Wesely (2006: 320) argues that the women in her study employed violence as a reaction “to years of cumulative abuses and exclusions” that “creates a kind of pressure-cooker situation for these women—with more degradation and victimization heaped on without intervention, relief, or healing, they are moved closer to a tipping point. For the women in this study, that resulted in violence.”

Embedding women’s criminality and violent offending in intersecting power structures helps explain why women who are marginalized by class and race are more likely to engage in violence (Bernard 2013). As Nikki Jones (2008) reveals, girls and women living in violent contexts navigate violence in complex ways, sometimes mustering the toughness associated with the “code of the street” (described below) while at other times emphasizing their femininity. This deliberate deployment of different “street codes” blurs the line between violence as a survival strategy and violence as a criminal offense.

Taking note of how histories of abuse shape women’s and girls’ offending is thus an important step in understanding violence as gendered. Nevertheless, treating women’s violence as merely a reaction to abusive situations risks reproducing feminine stereotypes by robbing these women of their agency. They are merely acting out as victims. Yet criminologists Candace Kruttschnitt and Kristin Carbone-Lopez (2006) note that women violent offenders often voice the same motivations as men: money, power, respect. Similarly, Jody Miller (2001) finds in her study of gender and gangs that while the significance of gender varies by context, girl gang members are motivated by similar dynamics and embrace similarly stereotypical attitudes about gender differences as do boys. While feminist criminologists continue these debates surrounding whether and how girls’ and women’s violence should be treated as different or the same as boys’ and men’s, their efforts have had an impact on understanding the perpetration of violence more broadly. By bringing girls and women into the conversation, they have compelled criminologists and sociologists to make gender an explicit consideration when explaining violence and violent crime.

The Gender Gap in Violence: Men and Masculinity

Though explicit conversations about gender and violence oftentimes focus on women's experiences, most violence involves men, not women. There is a **gender gap in violence** such that women are much less likely than men to be violently victimized by strangers, and women are also much less likely to perpetrate violence. For example, American men are more than three times as likely as women to be murdered with a firearm, and they are almost six times more likely to murder with a firearm. Darrell Steffensmeier and Emilie Allan (1996: 459) describe this gender gap in violence as universal, saying that "women are always and everywhere less likely to commit criminal acts" than men.

Given this consistent and clear gender disparity, gender scholars have put a discussion of masculinity at the center of conversations about why people—mostly men—commit violence. Consider the American phenomenon of school shootings. In a study that analyzed school shootings from 1982 to 2001, Michael Kimmel and Matthew Mahler (2003) found that most of the rural and suburban white boys who engaged in school shootings were regularly subject to homophobic bullying and that their willingness to open random fire could be interpreted as a way to vindicate their masculinity (recall the discussion of homophobic slurs as gender policing in Chapter 4). In other words, school shootings—for the shooter—are about (re)establishing one's position at the top of the gender hierarchy. As Kimmel (2012) writes in an Op-Ed in response to the 2012 Newtown, Connecticut, shootings, in which Adam Lanza, a white 20-year-old, killed more than two dozen children and teachers,

From an early age, boys learn that violence is not only an acceptable form of conflict resolution, but one that is admired. . . . In a sense, they [school shooters] weren't deviants, but over-conformists to norms of masculinity that prescribe violence as a solution. Like real men, they didn't just get mad, they got even. Until we transform that definition of manhood, this terrible equation of masculinity and violence will continue to produce such horrific sums.

In making this argument, Kimmel notes that

The belief that violence is an inherently male characteristic is a fallacy . . . boys learn it. They learn it from their fathers. They learn it from a media that glorifies it, from sports heroes who commit felonies and get big contracts, from a culture saturated in images of heroic and redemptive violence. They learn it from each other.

Here, Kimmel and others point to how men's violence is celebrated throughout contemporary U.S. culture, even if such expressions are oftentimes symbolic and subtle. For example, scholars (Dill and Thill 2007) show that video games shape how children understand the use of violence against others. In such games, violence is used as a legitimate means to win a game

against other boy and men players; girl and women characters tend to appear in video games as sex objects rather than competitors.

While Kimmel focuses on white men's encounters with violence, others have analyzed violence and victimization with respect to men marginalized along the lines of race. Black men are disproportionately likely to be the victims of gun violence as compared to their white counterparts, and they are disproportionately killed by other Black men. Indeed, African American men are eight times as likely as white men to die of homicide. Criminologists and sociologists have come up with a variety of explanations for this disparity; one body of thought emphasizes what Elijah Anderson (1999) has called the *street code*, which links men's self-presentations to their participation in violence within contexts of underfunded public institutions, rampant poverty, and bleak opportunities for upward mobility. The street code operates as an adaptive, informal mechanism of social control within these contexts; those adhering to the street code present themselves in public space with a tough demeanor that communicates their willingness to engage in violence. This practice can be understood as an embodied version of *target hardening*, whereby the security of a person or place is strengthened to mitigate attack relative to other possible targets. The objective of these hypermasculine displays is to *avoid* violence by persuading would-be attackers to look for a different victim. However, this adaptive strategy can backfire, leading to more street violence: If tested, adherents to the street code must follow through on their threats, lest they be branded easy targets.

Both Kimmel and Anderson reveal profound ways in which *doing violence* is also *doing gender*—in this case, *doing masculinity*. Furthermore, those who perpetrate violence can consciously use gender—both masculinity and femininity—as a tool to accomplish violence in even more nuanced ways. Consider this example from *The Stickup Kids* (2012) by Randol Contreras. The book chronicles the story of Gus and Pablo, two Puerto Rican crack dealers from the Bronx who strike it rich before experiencing rapid downward mobility. Contreras situates the feelings of domination that these men experience during drug robberies within their broader biographies, detailing the blocked labor opportunities these men experienced that led to their involvement in the drug market as well as the subsequent masculine esteem these men held in their neighborhoods when the drug market was flush. During the height of the drug market, Gus and Pablo were the guys who got the girls and who had the jewelry and nice cars. They were also the guys who could help out others on the block. The crash of the crack market meant that their esteemed status as men came crashing down as well. After the crack market dried up, they turn to drug robberies to make ends meet. The two began to call themselves the “stickup kids” for the coordinated acts of violence they orchestrated to rob drug dealers of their cash and stash. To accomplish these crimes, they made strategic use of masculinity and femininity. As Contreras reveals, they often lured unsuspecting their victims using “the girl,” a woman decoy who approaches the drug dealer and seduces him, often through dancing and alcohol. Once he is in a state of vulnerability, she suggests that they go back to her apartment for the night. Instead of leading him to her apartment, however, she sets him up for a brutal drug robbery, leading him to Gus and Pablo. Calling attention to how Gus and

Pablo played on the gendered vulnerabilities of men targeted for drug robberies, Contreras reveals that not only masculinity but also femininity can be a tool used to accomplish violence.

Taken together, Kimmel, Anderson, and Contreras show that gender, race, and class intersect to shape both men's willingness and capacity for violence and their vulnerability to violence as well. They show that the relationship between gender and violence is as central to men's experiences of violence as to women's. Indeed, a full understanding of the gendered dimensions of violence requires a consideration of how masculinity is achieved through violence, how masculinity shapes violence, and how the relationship between violence and masculinity is shaped by race, class, and other lines of difference.

Gendering Justice

Sociological accounts of punishment have long acknowledged that the social importance of punishment far exceeds the individual recipient of this punishment. As Durkheim provocatively argued over 100 years ago, without punishment, society would fall apart. This is because punishment affirms the collective consciousness (e.g., mutual understandings of right and wrong) that holds society together. When people violate social norms or codes, the state steps in not simply to punish the criminal (i.e., retribution), not only to take the criminal off the streets (i.e., incapacitation), and not necessarily even to prevent future wrongdoing (i.e., deterrence), but rather to uphold to the very social norms that have been violated by the criminal act (i.e., to maintain social cohesion).

This collective consciousness, however, is not gender neutral nor color-blind. Society's intolerance for certain criminal acts can depend heavily on the offender's and victim's gender and race, as discussed earlier. Furthermore, since the 1970s, the pursuit of "tough on crime" measures at local, state, and federal levels and the subsequent expansion of the criminal justice system has resulted in the mass incarceration of boys and men of color, especially African American boys and men, while white offenders continue to receive relative leniency at every stage of criminal justice contact, from initial police contact to parole. Today, prisoners, probationers, and parolees are disproportionately men of color. One in three Black men in the U.S. will go to prison in their lifetime (Lyons and Pettit 2011). Further, race, gender, and age all affect whether an offender will be sentenced to incarceration, interacting "to produce substantially harsher sentences for one category of offenders—young black males" (Spohn and Holleran 2000: 281).

But spikes in incarceration have not been confined to men: As Chesney-Lind (2006: 17) notes,

few considered the impact that this correctional course change would have on women. Yet the number of women in jail and prison continues to soar (outstripping male increases for most of the past decade), completely untethered from women's crime rate, which has not increased by nearly the same amount.

Because crime often entails “unladylike” behavior, women offenders—especially those who break from gender respectability by being unmarried, having a history of violence, or are sexually promiscuous—are at risk of receiving harsher sentences than men for the same crimes (Carlen 2010; Chesney-Lind 1987). Further, the racial disparities that render boys and men of color more vulnerable to incarceration than white boys and men also affect girls and women: Lori Moore and Irene Padavic (2010) looked at juvenile offenders in Florida and found that Black girls receive harsher punishments than white and Hispanic girls.

These facts and figures confirm an intersectional approach that gender, race, and class matter for understanding *who* is implicated in the criminal justice system. But gender, race, and class also matter for understanding *how* they are implicated in the criminal justice system, including not only the severity but also the style of justice. Each stop in the contemporary criminal justice pipeline—from the police car to the courtroom to the prison cell—draws on and reproduces gender norms and practices.

The Police

Cop dramas such as *Law & Order* feature depictions of policing as an exciting, high-action profession that requires courage, resolve, and the willingness to use violence. They show police heroically risking their lives to protect victims and track down criminals. Criminologist and geographer Steven Herbert (1997) uses the term *hard-charger* to capture this popular, and popularized, masculine ethos of policing, but he cautions that in reality, police work is more about filling out paperwork than catching bad guys in high-speed chases.

Still, police can, and do, engage in violence, and gender ideologies lie at the core of how such violence is transformed from an ugly but perhaps necessary social duty to a prized social act. Indeed, police work symbolically centers on **masculine protectionism**, a logic that Iris Marion Young (2003: 4) summarizes as follows:

the “good” man is one who keeps vigilant watch over the safety of his family and readily risks himself in the face of threats from the outside world in order to protect the subordinate members of his household. . . . [T]he gallantly masculine man is loving and self-sacrificing, especially in relation to women. He faces the world’s difficulties and dangers in order to shield women from harm. . . . [T]he role of this courageous, responsible, and virtuous man is that of a protector.

With women representing only 12% of police officers, such an emphasis on masculine protectionism can make policing a hostile environment for women. Anastasia Prokos and Irene Padavic (2002) reveal how masculinity shapes law enforcement in their study of a police academy. Though there was no overt distinction between men and women police officers, they found a “hidden curriculum” that communicated to officers that women were outsiders, that gender differences were not only large but also consequential for

police work, and that men officers had permission to denigrate and objectify women—as well as resist women in positions of authority. But by celebrating a cult of masculinity within police work, this hidden curriculum endangered both men and women officers. It bred distrust and lowered morale, especially for men officers partnered with women officers. According to a 2016 report by Pew, 43% of women cops said that “men are treated better than women” with respect to assignments and promotions; only 6% of men police officers agreed (Stepler 2017).

Given these dynamics, it is perhaps not surprising that police have historically minimized crimes that disproportionately affect women. Prior to the 1980s, intimate partner violence incidents were considered low-priority calls involving private matters rather than acute public safety concerns. That changed, however, with the **Minneapolis Domestic Violence Experiment**, which took place in Minneapolis, Minnesota, from 1981 to 1982. The experiment tested three different approaches to address misdemeanor intimate partner violence calls: separate the abuser and victim for eight hours, provide mediation, or make an arrest. The results revealed that abusers who were arrested had lower rates of reoffending than abusers subject to mediation or separation (Sherman and Berk 1984).

Paradoxically, this experiment had the effect of transforming the historic underpolicing of intimate partner violence into overpolicing: Police agencies across the United States adopted mandatory arrest policies that increased arrests, including dual arrests of both partners when officers are unable to distinguish between abuser and victim. A police saying developed to describe this situation: *The only bad arrest is no arrest*. In response, women became more reluctant to call the police because they feared mandatory arrests. A follow-up study by Lawrence Sherman and Heather Harris (2015) found decades later that “partner arrests for domestic common assault apparently increased premature death for their victims, especially African Americans” (1). This latter finding suggests a complex relationship between arrest, domestic abuse, and health, as the causes of death were mostly heart disease and other internal morbidity.

Thus, although law enforcement prioritization of intimate partner violence was initially read as a feminist victory, the decades that followed revealed that the masculine ethos of policing prevailed: Instead of developing policing approaches appropriate to the problem of intimate partner violence, police applied the tactics of arrest they were already accustomed to. After all, the prioritization of intimate partner violence took place during the same period as when police were increasingly turning to militarized tactics and equipment more generally (Kraska 1996). The policing of intimate partner violence provided an opportunity for police to engage in masculine protectionism while mobilizing the hard-charger (to use Herbert’s [1997] terminology) tactics familiar to law enforcement.

Further, as Herbert’s (1997) analysis shows, the gendering of police work also shapes police interactions with civilians well beyond contexts that immediately involve women as victims. No doubt, some suggest that men and women officers do policing differently: Studies show that women cops are less likely to resort to force on duty. Whereas 30% of men officers have fired their weapons at some point in their careers, only 11% of women police officers have (Stepler 2017). Nevertheless, with men comprising the vast

majority of law enforcement, legal scholar Frank Rudy Cooper (2009) argues that officers strategically deploy masculinity to achieve compliance during police stops. Likewise, policing scholar Susan Martin (1999) explains that to establish masculine dominance over presumed criminals—often racialized men, class-marginalized men or other men of lower status—an officer may “draw . . . on his age superiority and treat . . . the challenger as too young to merit a response,” “dispense so-called street justice,” or even appeal to a civilian’s masculine pride to “pull yourself together [and] act like a man” by “drawing on shared manhood” (118). As she summarizes, “Since a key element of policing—gaining and maintaining control of situations—remains associated with manhood, [men] officers do gender along with doing domination” (118).

This gendered insight on police interactions with civilians emerged in Supreme Court Justice Sonia Sotomayor’s dissent in the 2016 *Utah v. Strieff* case, which revolved around whether the police could legally search a detainee who had been stopped for a traffic violation warrant. While the majority of U.S. Supreme Court agreed that the police have a broad prerogative to search civilians they detained, Sotomayor disagreed:

Although many Americans have been stopped for speeding or jay-walking, few may realize how degrading a stop can be when the officer is looking for more. The indignity of the stop is not limited to an officer telling you that you look like a criminal. . . . If the officer thinks you might be dangerous, he may then “frisk” you for weapons. This involves more than just a pat down. As onlookers pass by, the officer may “feel with sensitive fingers every portion of [your] body. A thorough search [may] be made of [your] arms and armpits, waistline and back, the groin and area about the testicles, and entire surface of the legs down to the feet.”

What Justice Sotomayor describes here is gendered degradation: The violation of one’s bodily integrity, including one’s groin, puts the officer in the position of masculine dominator and effeminizes the civilian. With African American men disproportionately detained by police for investigatory police stops (Epp et al. 2014), police stops can dramatize the achievement of hegemonic masculinity (that is, of the cop) in relation to marginalized masculinity (that is, of the racialized detainee).

The Courts

Gender shapes courtroom dynamics. Courts are often based on an **adversarial model of justice** in which the courtroom resembles a duel: “The traditional adversary system puts defense and prosecuting attorneys on opposite sides, so to speak, with the idea that truth will emerge through confrontation” (Mirchandani 2006: 784, 795). Mirchandani (2006: 784) argues that this privileges a “masculine mode of argumentation that may inhibit women’s ability to speak or be heard.” Especially within the context of intimate partner violence, the winner-take-all approach encourages domination by opposing sides, but it fosters neither responsibility in the abuser nor a restoration of the relationship between the abuser and the victim.

For an alternative, Mirchandani (2006) looks to domestic violence courts in Salt Lake City, Utah. Instead of a typical trial, these courts modelled a different kind of **consensus-based justice**: the victim's responsibility in the abuse is explicitly rejected as a term of any plea deal; pleas include counseling and community service requirements for the perpetrator; the victim is supportively included in the process; and follow-up reviews, often with the same personnel, occur at different intervals to ensure continued compliance.

Although these alternative courts have gained popularity, the vast majority of courts continue to follow an adversarial model of meting out justice and often use gender norms in deciding case outcomes. Even evidence—whether or not it is included and how it is considered if it is admitted into court proceedings—is gendered. To illustrate, consider two kinds of evidence: witness testimony and expert testimony.

Witness testimony is often the most important form of evidence in criminal cases, despite advances in technologies such as DNA testing or surveillance. This is because forensic evidence often tells an incomplete story. A rape kit may reveal that sexual intercourse happened, but it cannot decisively show whether it was consensual. Hence, witnesses are often brought to the stand to provide the backstory that renders this evidence meaningful. To do so, witnesses must provide a believable or reasonable account of the facts of the case. This believability depends not only on the story the witness tells but also on judges' and jurors' assessment of the witness's own credibility. This assessment in part depends on how witnesses comport with widely held gender norms and other social norms, which may determine the extent to which jurors and judges find witnesses relatable and trustworthy.

Doing gender, alongside race, class, and other lines of difference, leads some witnesses to be more credible than others. For example, in 2013, Rachel Jeantel, an African American teenager, took the stand to testify on behalf of her friend Trayvon Martin, an African American teenager, who was shot dead by George Zimmerman, a white Hispanic man, over a year earlier. While Zimmerman's defense was that he had shot the teenager in self-defense, Jeantel's testimony maintained that Martin was the one who was in fear of his life and who was trying to escape from Zimmerman (Cadet 2013). Her recounting of the final phone call she had with Martin minutes before he would be fatally shot is the closest the court could come to hearing Martin's perspective.

Yet commentators were quick to condemn Jeantel's testimony as uncredible and inconsistent. Their criticisms focused on Jeantel's self-presentation: She spoke in curt, sometimes one-word responses; she used slang that was incomprehensible to many of the white viewers of the trial; and one commentator stated that she came across as "raw, emotional, aggressive and hostile" (Samara 2013). When Jeantel testified that she refused to attend the funeral or meet with Martin's mother because she did not want to "see somebody cry," she was read as a cold and uncaring friend rather than an emotionally traumatized confidante who was grieving the loss of Martin. Portrayed as uncooperative and belligerent, Jeantel was framed through the controlling image of the "angry Black woman"—even though she was only 19 years old.

While this case provided an acute rendering of how race, violence, victimization, and impunity intersect in the contemporary American context, the case thus also revealed the relevance of gender in structuring court

outcomes: On the one hand, the defense use the gendered and racial imagery of the Thug (described above) to present Martin as a threat, while on the other hand, the devaluation of Jeantel as a trustworthy witness further helped undermine the prosecution's case that Trayvon Martin, rather than George Zimmerman, was the victim. Martin's only chance to speak for himself—through Rachel Jeantel—was discredited. Zimmerman was acquitted of both manslaughter and second-degree murder because jurors found that he had acted “reasonably” in response to Martin by shooting him dead.

Expert testimony is another place where gender dynamics become acute in the courtroom, specifically with respect to intimate partner violence. Deborah Peagler, described earlier in this Chapter, received 25 years to life in prison for her involvement in the murder of her abusive partner. When her case unfolded in the early 1980s, her abuse at the hands of her partner was deemed inadmissible in court. Nevertheless, at that time, scholars and practitioners were beginning to circulate a theory that explained why some abused women wielded violence against their aggressors. **Intimate partner battering and its effects** (formerly *battered women's syndrome*) explained that not unlike Stockholm syndrome, victims of prolonged intimate partner violence experience profound psychological trauma that distorts their understanding of the abuse. Because abusers tend to use physical and psychological abuse alongside social isolation, victims may justify the abuse as deserved and tolerate it for prolonged periods. They may also view any attempt to reach out for support—through friends, coworkers, or police—as futile and risky, as it may provoke retaliation from their abusers. Accordingly, women may stay in relationships with their abusers only to later violently lash out at them.

Courts, however, have historically resisted including expert testimony on this syndrome because it lacked scientific consensus (see Chapter 2 on knowledge production). California, where Peagler's case took place, only admitted such evidence into trial in 1992, a decade too late for Peagler. In 2002, however, a new law allowed incarcerated inmates such as Peagler to submit a writ of habeas corpus challenging their original conviction on the basis of evidence of their abuse having been deemed inadmissible. After a protracted fight for justice, Peagler was eventually freed in 2009. California's law, however, remains unique within the U.S.

The stories of Deborah Peagler and Rachel Jeantel suggest the real effect of gender, alongside race, in the courtroom. With this insight in mind, some lawyers deliberately use gender as a tool, particularly during sentencing. Gathings and Parrotta (2013) studied courts in North Carolina and found that defense attorneys used gender narratives to present defendants as worthy of leniency in sentencing. They described accused men as good workers and good providers, and they described accused women as good caretakers and mothers. While individual defendants may benefit from these narratives, they risk reproducing the gender binaries that further justify harsh treatment of women and men who are marked as criminals.

The Prison

Like the courts and the police, the prison is a gendered organization. The gendering of prisons is facilitated by a core feature of incarceration: Prisons are, by law, gender segregated. This is justified by security concerns for

inmates and guards. But this separation is not only about safety but also about responding to gendered norms about why men versus women engage in criminal activity and what constitutes appropriate punishment when they do.

Scholarship on prisons reveals that men and women are subject to different technologies of social control within prison. Men's prisons tend to follow a **custodial model** centered on retribution or incapacitation. The prison authority structure is dominated by men, from the warden to the guards, and prisons are architecturally designed to enhance security. Such prisons are often panoptic in the sense that they enhance the capacity of guards to observe prisoners. The **panopticon**, developed by Jeremy Bentham (1791) and later theorized by Michel Foucault (1975) as a metaphor for disciplinary power, works by compelling inmates to internalize the gaze of the prison guard: Because prisoners never know when they are being watched, they must assume—and act as if—they are under constant surveillance. As feminist criminologists such as Jill McCorkel (2003) point out, the panopticon provides a masculine model of punishment in line with a hierarchical, authoritative ethos of control. Furthermore, within men's prisons, reformatory elements typically emphasize hard labor. This carceral emphasis on work fits with broader social expectations regarding masculinity (see Chapter 1).

A different set of technologies and norms has shaped women's prisons. As punishment scholar Kelly Hannah-Moffat shows in *Punishment in Disguise* (2001), women's prisons have historically integrated a maternal logic into their operations. Under the **maternal model**, women's prisons are explicitly motivated by reform and rehabilitation rather than retribution or incapacitation. Wardens historically used maternal authority both as a mechanism for organizing control within prisons (i.e., wardens are "prison mothers"; prisoners are children) and as a means of modeling womanhood to wayward inmates. In this way, feminine caretaking supplants masculine authority in women's prisons. Unlike men's prisons' emphasis on hard labor, women's prisons have historically emphasized women's work, especially domestic labor; and whereas incarcerated men are presumed to be irresponsible, women offenders are assumed to be excessively dependent and needy (Haney 2010; Wyse 2013).

The historical efforts, led by reformers such as Elizabeth Frye, to separate women into specific prisons that would champion this maternal model were targeted at the kinds of women deemed reformable. Similar to early welfare regimes (see Chapter 1), this generally meant white women. Yet, as noted above, women of color, not white women, disproportionately populate prison cells in the U.S. To historically consider how race has shaped gendered punishment, Sarah Haley (2013) examined Georgia's prison reform of 1908, showing that by excluding white women from harsh punishment, reformers created a bifurcated system that reproduced the gender and racial politics of slavery. While in prison, the reforms treated African American women no differently than men, subjecting them to the harsh punishment of the chain gang. At the same time, Georgia implemented what Haley calls "domestic carceral spheres":

Under parole, black women were forced to labor as domestic workers for white families, giving new meaning to the concept of the prison of the home. They were subject to constant surveillance and

the threat of return to the prison camp for any transgression; private individuals served as police and warders. (Haley 2013: 54)

In this way, “the dual mandate of hard road labor and domestic labor” (Haley 2013: 55) repurposed the mechanisms that underpinned Black women’s subordination under U.S. slavery as a means of punishment for Black women under Jim Crow.

Sterilization illustrates another example of how gender and race have historically intersected to shape the social control of incarcerated women: Women, particularly poor women of color, have been forced to undergo sterilization for decades in the U.S. as part of medical care within prison facilities. In 1907, Indiana enacted one of the first mandatory sterilization laws for inmates in state custody under the belief that “criminality, mental problems, and pauperism were hereditary” (Laws of Indiana 1907). Soon, roughly thirty states joined Indiana. North Carolina was one of the one of the worst cases: African American women were disproportionately represented among the 7,600 people sterilized under the state’s eugenics board from 1929 to 1974 (Carmon 2014). Although formal eugenics boards were dismantled in the 1970s, the practice of involuntary sterilization continued well into the 21st century: A report from the California state auditor revealed that from 2005 to 2011, 39 incarcerated women were sterilized without consent.

Alongside and sometimes in place of these overt, harsh punishments, more softened social control has more recently emerged within facilities that house girls and women of color. Lynne Haney’s book, *Offending Women* (2010), for example, examines centers for incarcerated mothers, finding that contemporary forms of social control center on controlling and reshaping incarcerated mothers’ *desires*, especially material or sexual desires and dependencies that prison officials blamed for their crimes. Jill McCorkel (2003) likewise shows how therapy and punishment intertwine for incarcerated women. As she notes,

The gendered character of punishment results in a distinct system of social control within women’s prisons that merges key features of punishment (in the form of surveillance) and therapy (in the form of diagnosis) to advance institutional claims about the deviant self and to engineer a shift in behavior. (43)

In her work, McCorkel shows how women inmates are incorporated into the power structure of the women’s facility she studied through a mechanism she calls **embodied surveillance**. Unlike the panopticon, in which the watched neither personally knows nor is aware of whether he is under surveillance by the watcher, in embodied surveillance, the watched understands in real-time that she is under surveillance and personally knows her watchers. In the women’s facility she studied, McCorkel found that women were encouraged to take responsibility for their criminal behavior; repudiate dependency (whether on men or on substance abuse); and to confess their failings in group meetings with staff and inmates. Inmates were watched by guards, and they were also encouraged to watch and report on other inmates. Sometimes, inmates were subjected to a ritual that staff called the

“hot seat”: One inmate would sit on a chair in the middle of a circle of her other inmates, who were encouraged by staff to collectively confront and expose the hot seat inmate with prying questions, provocative disclosures, and hurtful accusations. In this way, inmates’ intimate relationships were exploited, with inmates pitted against one another to enhance the staff’s punitive therapeutic goals.

The gendering of punishment thus goes far beyond the sex-segregated nature of prisons. Gender informs the justification for punishment, the technologies of punishment, and the ideologies surrounding inmates. Staff and prisons do not only do punishment, they also do gender by proactively attempting to punish bad, harmful, inappropriate, or deviant versions of femininity and masculinity.

Undoing Violence, Recognizing Gender

This chapter has demonstrated that violence, or the threat of violence, is one means by which gender difference is achieved and sustained. This chapter has focused on violent crime and its control in the U.S., but the kinds of analyses presented here can and should be applied well beyond the U.S. After all, the World Health Organization estimates that 30% of women worldwide have experienced intimate partner violence (Chaib, Orton, Ratsela, and Steels 2013). Violence against women is a public health issue worldwide, and no region is immune (see, e.g., Roychowdhury 2013; Chapters 9 and 10).

In highlighting how doing gender is connected to doing violence, this chapter points to how *undoing* violence must also involve recognizing gender. This chapter concludes by considering two examples that illustrate how gender may inform movements against violence: men’s involvement in the movement to end violence against women and the Say Her Name campaign that emerged out of the Black Lives Matter movement.

First, efforts to challenge sexual violence are often spearheaded by members of the groups who are the disproportionate targets of sexual violence, including cisgender women and the LGBTQ community. But because violence is embedded in gender relations, heterosexual, cisgender men’s involvement is crucial to problematize the intersection of gender and violence. Michael Messner, Max Greenberg, and Tal Peretz make this point in their 2015 book, *Some Men*, which examines the history of men’s involvement as allies in the movement to end violence against women. Men’s involvement is required to ensure that sexual violence and intimate partner violence are addressed not only “downstream” (i.e., in the moment of crisis, where rape crisis centers and domestic violence shelters focus their efforts) but also “upstream” (i.e., in the broader culture that sanctions sexual violence). One “upstream” strategy is known as the **bystander approach**. Because the reproduction of rape myths often occurs in semiprivate men- or boy-only spaces, this approach calls on boys and men to intervene to stop friends, classmates, and teammates not only from perpetrating sexual violence but also from participating in rape culture. As a related strategy, the “My Strength Is Not For Hurting” campaign from Men Can Stop Rape uses hegemonic masculinity as a means to call men to do gender differently: Posters from the campaign include phrases such as “My strength is not for

hurting . . . so when she changed her mind, I stopped” and “. . . So when she said No, I said Ok.”

While encouraging, these approaches have also been subjected to feminist critique. As C.J. Pascoe and Jocelyn Hollander (2016: 67, 68) caution, mobilizing hegemonic masculinity as a means of countering rape culture does not necessarily “call into question assumptions about the central role of sexual assault in enforcing gender inequality” but instead may merely redefine the boundaries of hegemonic masculinity, such that “*real* [men are defined to] be so sexually desirable as to render force unnecessary.” Others, like Jill Cermele and Martha McCaughey (2016), note that the bystander approach likewise undermines women’s agency by erasing women’s own capacity for self-defense. And finally, because feminists are often eager to embrace men who fight gender inequality, men who join the movement against violence against women often experience a “glass elevator” within feminist organizations, as Ken Kolb (2014) describes in his book, *Moral Wages*, which has the effect of reproducing gender disparities in the very organizations meant to dismantle them.

Second, because violence is shaped at the intersection of gender and race (and other lines of difference), attention to gender can enhance efforts to dismantle racialized violence. Since the acquittal of armed civilian George Zimmerman for the killing of unarmed teenager Trayvon Martin in 2013 (discussed above), the Black Lives Matter movement has sought to reverse the long-standing discrimination and denigration of African Americans, particularly their vulnerability to state- or socially sanctioned violence. Though official figures on people killed by police are woefully inadequate (itself a reflection of sustained disregard), existing data suggest that unarmed African American men are several times more likely to die by police gunfire than whites (e.g., see Lowery 2016; Somashekhar, Lowery, Alexander, Kindy, and Tate 2015; Zimring 2017). Black Lives Matter activists have succeeded in calling attention to the disparate vulnerability of Black boys and Black men to police violence by marching in the streets, mobilizing social media, and demanding justice in the courts, even as legal victories remain elusive. Because of this movement, Michael Brown, along with Eric Garner, Alton Sterling, Philando Castile, Oscar Grant, and others killed by public law enforcement have been mobilized as potent symbols of the deadly costs of being a Black boy or man in America.

Yet, as Kimberlé Crenshaw has highlighted (African American Policy Forum [AAPF] 2017), there has been a noticeable silence in this movement. Despite heightened awareness regarding anti-Black violence, the names of African American girls and women killed or assaulted (including sexual assault) by police, such as Korryn Gaines, Jessica Williams, Aiyana Jones, and others, rarely capture headlines or arouse sustained public concern. The AAPF reports that African American women and girls are represented among 33% of police shooting fatalities of women, even though they are only 13% of American women. As Crenshaw (AAPF 2017) notes, “Although Black women are routinely killed, raped, and beaten by the police, their experiences are rarely foregrounded in popular understandings of police brutality.” Thus, a campaign to **Say Her Name**—originating as a social media hashtag similar to the original incarnation of Black Lives Matter—has emerged in order to render visible the often-invisible victimization of Black girls and women.

This chapter ends with these two contemporary movements not only to challenge the gendered and racial contours of violence but also to push us to expand our social imaginations about how we imagine appropriate responses to violence. Expanding our social imagination is critical because criminal justice institutions often address the problem of violence by doubling down on gender difference in ways that exacerbate racial inequalities—and vice versa. Attention to how gender (alongside race, class, and other lines of difference) shapes violence does not simply illuminate the dynamics of violence per se—it also cautions us to resist the temptation to address violence with yet more violence.

KEYWORDS

Adversarial model of justice 111	Gender gap in violence 106	Maternal model 114
Blame the victim myth 100	Ideal victim myth 100	Minneapolis Domestic Violence Experiment 110
Boys will be boys 100	Ideal victims 102	Panopticon 114
Bystander approach 116	Intimate partner battering and its effects 113	Rape myths 100
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QUESTIONS

- Despite a significant gender gap in violent offending, gender has often been overlooked in criminological theories. Should women's offending be theorized separately from men's, particularly as offending intersects with race and class?
- In a variety of ways, hegemonic masculinity—especially masculine protectionism—has been mobilized to compel men to intervene on behalf of women who are victimized or at risk of being victimized. What form have these campaigns taken, and how do they shake—or not—the foundations of sexual violence? How do such campaigns intersect with racial and class projects?
- Feminist scholars reveal that gender-specific technologies of punishment have long worked to deepen punitive control over women and men; consensus-based models of justice, however, suggest that punishment can be done differently. Considering the pitfalls that have beset projects to reform women's prisons, what should feminist punishment look like? Is punishment antithetical to feminist projects?
- In what ways do social forms of policing and punishment reflect gender dynamics (alongside race and class) in terms of the form control takes and who is targeted?

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