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Gender, Crime,  
and Justice:  
Exploring the Dynamics

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# 1

## Studying Crime and Gender: Why Does It Matter?

**Does gender matter?** In 1816, Ann Carson was considered the most notorious woman in the state of Pennsylvania. By the end of the year, she had endured two sensational criminal trials that dominated the news in New England—and under circumstances we would deem nothing short of miraculous today, she was acquitted both times. In the first trial, Carson stood accused as an accessory to murder in the death of her husband; John Carson had been shot in the face at point-blank range by Richard Smith, a man also claiming to be her husband. John Carson, a sailor and an alcoholic, had left Ann and their children to fend for themselves in Philadelphia while he was employed on a ship. Upon hearing a rumor that he had died in Russia, Ann remarried, setting the stage for this battle between the two would-be husbands. Though Ann Carson was acquitted of the accessory charge, Richard Smith was convicted of murder and sentenced to death. This ultimately led to Ann Carson's second trial for conspiracy, as she immediately hatched a plan to break into the prison where Smith was being held and free him. When that plan proved too risky, she moved on to a new scheme: kidnapping Pennsylvania governor Simon Snyder (or one of his children) and forcing him to pardon Smith. While she was in prison

awaiting trial, Richard Smith was hanged, leaving behind an angry letter damning her. Again, despite an overwhelming amount of evidence pointing to her role in this unbelievable plan to kidnap the governor, Ann Carson was found not guilty. The jury acquitted not because it believed her innocent, but rather because acknowledging her guilt would force society to deal with the reality that women like Ann Carson—smart, capable, and brave enough to carry out a crime of this magnitude—existed (Branson 2008). Ann Carson was saved by the bias against her gender.

The story of Ann Carson, while fascinating, may strike some as outdated—obviously, none of us were alive to follow along as the Carson trials played out, and much has changed in our society since then. Perhaps this story does nothing more than remind us of a time long since forgotten. Does gender still matter?

Daniel Holtzclaw had a good life. He was the star linebacker on his high school football team, and then at the collegiate level, he played three seasons at Eastern Michigan University. He won several awards and came close to a career in the National Football League. He was not drafted, however, and his opportunities to express power and dominance—two masculine traits—seemed to have ended with his football career. Using his degree in criminal justice, Holtzclaw got a job as a police officer in Oklahoma City, near his hometown of Enid, Oklahoma. Apparently Holtzclaw's need to express his dominance had found a new outlet, as in the approximately six years since the conclusion of his playing career, he had learned that he could satisfy his craving for violence and control in another arena. Beginning in June 2014, Holtzclaw began using his position of power in the community to terrorize women. Over a period of six months, he targeted black women from Oklahoma City's poorest neighborhoods, becoming a serial rapist whose victims ranged in age from seventeen to fifty-seven years old. Holtzclaw specifically targeted women with criminal backgrounds, thinking that their status, in addition to their poverty and his trusted position in the community, would immunize him against any retaliation (McLaughlin, Sidner, and Martinez 2016). Who would take the word of a poor black woman with a criminal record over that of a white police officer in good standing?

It turns out that plenty of people would.

In January 2016, a jury convicted Daniel Holtzclaw of eighteen out of a possible thirty-six charges, including four counts of first-degree rape. As the guilty verdicts were announced to the court, the once-mighty titan of the gridiron began crying, rocking back and forth in his seat as his world crumbled down around him. A man who had thought he could use his position of power in the community to prey upon some of its most powerless members, people he was responsible for serving and protecting, was sentenced to 263 years in prison for his crimes. Does gender still matter?

A sentence of 263 years certainly seems incredibly punitive, and perhaps the trial of Daniel Holtzclaw will go down in history as an aberration in our society. Consider the case of Brock Turner, a swimmer at Stanford University. Like Holtzclaw, Turner showed a great deal of talent for his sport of choice and had moved across the country to begin his college career. Whereas Holtzclaw dreamed of playing football professionally, Turner was an Olympic hopeful who aspired to attend medical school (M. Miller 2016). In January 2015, Turner was charged with one count of attempted rape, two counts of felony sexual assault, and two counts of rape after two exchange students found him assaulting a young woman (referred to in the trial and in this text as Emily Doe) behind a dumpster. His trial began in March 2016 and highlighted the role of drinking on college campuses and how alcohol consumption—or overconsumption, in this case—makes determining consent difficult. Some rallied against Turner, setting him up as a symbol of all violent, entitled student-athletes in the United States. Others defended him, suggesting that the prosecution was bowing to outside pressure and that there was no reason to ruin Turner's life over a misunderstanding. The judge apparently agreed with Turner's supporters. After his conviction, Turner received a mere six months in jail, with three years of probation and a mandate to register as a sex offender upon release. Of those six months, Turner served only three. Though Turner's punishment bordered on laughable, the most important aspect of this case was Emily Doe's victim-impact statement, which was

released to the public. Beyond calling attention to how her life had been affected since Turner victimized her, Doe also had much to say about the unfair treatment she received during the trial; Turner's well-being was considered at every turn, whereas hers was not. This letter draws attention not only to the many problems victims of sexual violence deal with but also the ways gender can frame the discussion of a crime in both the court of law and the court of public opinion. In part, she says,

Lastly you said, I want to show people that one night of drinking can ruin a life.

A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. You have dragged me through this hell with you, dipped me back into that night again and again. You knocked down both our towers, I collapsed at the same time you did. If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken. Nobody wins. We have all been devastated, we have all been trying to find some meaning in all of this suffering. Your damage was concrete: stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today.

See one thing we have in common is that we were both unable to get up in the morning. I am no stranger to suffering. You made me a victim. In newspapers my name was "unconscious intoxicated woman," ten syllables, and nothing more than that. For a while, I believed that that was all I was. I had to force myself to relearn my real name, my identity. To relearn that this is not all that I am. That I am not just a drunk victim at a frat party found behind a dumpster, while you are the All-American swimmer at a top university, innocent until proven guilty, with so much at stake. I am a human being who has been irreversibly hurt, my life was put on hold for over a year, waiting to figure out if I was worth something. (K. Baker 2016)

Does gender still matter? Emily Doe would say so.



The relationships between gender and crime, and between gender and criminal justice, matter for the plain and simple reason that not everyone comes to crime or experiences the criminal justice system the same way. The longer version of that answer is much more complicated, requiring us to think about why people commit crime, the various factors that influence their behavior, their view of themselves as people, and their outlook on life. We also have to remember that the men and women serving in the justice system are too often treated as a homogenous group—the so-called thin blue line. Throughout this book, we'll examine many of the different ways that men and women experience crime and justice differently, as well as the many different ways that masculinity and femininity both shape and influence how people experience these things.

Furthering our understanding of the nuanced relationship between gender, crime, and justice matters for many reasons. I don't want to just repeat the cliché that we live in an increasingly diverse society, because in fact the United States has always been extremely diverse—we're just now starting to appreciate the wide range of experiences around us. We're diverse not only in the types of people who populate the United States but also in the types of ideas we have about how the world does and should work, what the biggest problems facing our society are, and how best to solve them. While this diversity is appreciated and even encouraged—the United States is supposed to be a melting pot of people, culture, and ideas, after all—we also require a certain degree of conformity from our citizens. We can equate conformity with predictability, and so while we yearn for new and different ideas, everything has to occur within a setting comfortable to everyone. We want our new ideas presented to us in bits and pieces. We don't really like surprises or disruption. That's one of the things that makes people so fascinating to study.

Kai Erikson (1962) suggests that deviant behavior emerges as a natural by-product of a society that demands both diversity and conformity. Simply put, being deviant means you are violating some social norm, or rule to live by. Norms can be written or unwritten, formal or informal. Violating a norm carries with it some kind of sanction or penalty, which can range in severity from

the cold shoulder or a side-eye glare to life in prison or capital punishment—and everything in between. Crime is the violation of a norm so revered by society that the state must officially and formally punish the act in some way. In terms of gender, then, we can ask, how might the lenses of femininity and masculinity alter the experience of crime and justice? Are there differences in how we conform? Do we have different perceptions and experiences of conformity? Does the pushback against our deviant behavior—or even the types of deviancy people care about—differ? What about the concept of conformity itself—are there gender differences in terms of the norms society expects people to conform to?

In talking about crime, a number of questions come to mind, the most basic being, Why does it happen? We all know about the possible punishments for breaking the law, but every day people from all walks of life choose to violate the law in some way. Why? Do all men and women do it? Are there things that tend to happen more to one gender or the other?

I want to make one last point before we start talking about the larger themes of this text. In a book centered on any element of social structure (e.g., gender, race/ethnicity, social class), the assumption within the discipline is that the discussion will be entirely about the differences that exist within a particular group. However, there are undoubtedly instances in which any difference that exists is trivial, minor, or maybe even nonexistent. I don't want to slam the door on the idea of experiences that do not substantially vary by gender. Prison, for example, is an awful experience in general. Being a victim is, overall, horrible, regardless of gender. To have an accurate and complete understanding of the role of gender in crime and justice, we need to acknowledge similarities as well as differences.

When it comes to criminal behavior, many tend to label criminals as fundamentally bad, evil, or crazy people who commit crimes because they were just born wrong. In reality, someone who has committed a crime often doesn't differ a whole lot from someone who has not. Many times, it's just an issue of whether he or she was caught, had the opportunity, or was in the wrong place at the wrong time. Our ultimate purpose in studying crime is to find ways to

make our society a better place for everyone. By “everyone” I mean that we’re also trying to improve the situations of people in prison and people who are out committing crime and haven’t been caught yet, because they’re also important. Part of doing this well is challenging ourselves to have empathy for the people we’re studying and to recognize that many people, if things had gone differently, could have found themselves in prison today.

On the gender side of the coin, some of you might have some stereotypes and misconceptions that I would like to get out in the open right now. This book looks at the relationship between gender—an element of social structure—and crime and justice. It will not look exclusively at the reasons why only women or only men commit crime; it is not going to look at how only women or only men experience the criminal justice system. We’re going to look at how gender plays a part in everyone’s life.

Now, taking this approach requires that we understand there is a fundamental difference between *sex* and *gender*. Sex is purely biological; gender is a much more fluid concept. Sure, there is a division between masculinity and femininity, but gender is more of a spectrum than an either/or proposition. Everyone has some masculine and feminine traits. But there is no natural or “right” way to be masculine or feminine—to be male or female. Gender is performative. This means that no behaviors associated with gender are inherently biological; for example, many boys are socialized to be involved with sports and be highly competitive, but there is no instinctive biological drive to play football hardwired into our DNA. However, much of the research on this subject conflates the two terms and thinks about gender as a dichotomy: you are either male or female; all males are the same, and all females are the same. We know today that this isn’t true; nor is the two-sex dichotomy true in nature (there are three sexes: male, female, and intersex). It is true that gender is much more complex than sex, is connected to and created by our history and our culture, and is a part of our sociological rather than our biological structure (Daly and Chesney-Lind 1988).

Because so much research in the past has treated gender as a dichotomy, in our discussions throughout this book on the various

ways gender relates to crime and the criminal justice system, we will sometimes be forced to utilize this false dichotomy. However, it does pose an interesting question for us to think about throughout the book: Based on everything that we talk about in the pages to come, how would thinking about gender as a continuum, ranging from being completely and totally masculine to being completely and totally feminine, change our discussion? In other words, how does being more masculine or more feminine (or somewhere in between) change how we might think about why people commit crime and how they experience the criminal justice system?

There is also the issue of the role and experience of women in both the perpetration of crime and the experience of justice. As we'll see, much of the research on crime and justice does not include women—and so this book aims to make the lives and experiences of women a central part of the conversation, something not done for a long time (Daly and Chesney-Lind 1988).

## The History of Crime and Gender

From a criminological standpoint, why should we care about gender? How are gender and crime related? It's incredibly hard to talk about crime seriously without recognizing the multiple ways that gender shapes behavior. In reality criminological research often confuses the terms *sex* and *gender*. Many theories of crime excluded gender (as well as biological sex) when they were first developed, and thus we can only speculate about how gender, as a continuum of behaviors, can influence criminality. Due to the assumption that so many people conform to strict gender roles (whether they agree with them or not), researchers have measured biological sex and called it gender.

One would think that the law should apply equally to everyone in society. It is supposed to be objective—justice is justice and should not be open to interpretation. Bad behavior is bad behavior. Historically, however, that hasn't been the case. In fact, we could say that the opposite is true. Because of an imbalance in the political realm—politicians being almost entirely men and

women not even having the right to vote until 1920—the idea that the law was applied equally to all persons is rather naive. In reality, the legal system was used not only to dispense justice to actual criminals but also as a tool of oppression designed to maintain a very strict system of gender roles. The legal system operated to maintain a very narrow version of “femininity,” often punishing girls and women for acts that boys and men would rarely be arrested for, such as smoking, truancy, or curfew violations. By policing the behavior of girls in this way, the system worked to oppress women by dictating what was and was not acceptable feminine conduct. The “boys will be boys” philosophy remained embedded in both the criminal and civil law.

As time progressed and the criminal justice system became more sophisticated, so did both the ways that we theorized about crime and the lengths to which women and their behavior were excluded from the conversation. As we’ll discuss, many of the resulting theories of crime and delinquency completely excluded women. Discrimination isn’t always malicious. In this case theorists may have been operating under the assumption that female behavior is exactly the same as male behavior—which is problematic, as I’m sure you can think of all kinds of ways that men and women behave differently—or perhaps they just didn’t care about women.

The oppression of women became somewhat more sophisticated over time. Discrimination can work in nefarious ways, finding creative means to keep people in their “place.” It can even sometimes come from within. Over the course of modern American history, we’ve seen multiple attempts to police the behavior of women and girls in political, legal, and cultural ways. A differential application of the law has punished girls more for deviating from expected gender roles and less for actual criminal behavior. That’s an unfortunate reality of the justice system that doesn’t really get talked about a lot: we think it’s set up only to punish people who are breaking the law and will treat everyone equally, but that is not always how it works.

With everything we will discuss throughout this book, try to keep the following question in mind: Was it always like this? The

answer is more frustrating than you might think. In many ways, yes, things have always been like this. There has always been an imbalance, and there has always been injustice. That isn't anything new. However, in many other ways, the answer is no, as much has changed in a relatively short time. That's what makes this such a challenging and fascinating topic: in many ways, nothing's any better now than it was a hundred years ago; in others, because of new ideas that have been introduced and accepted in bits and pieces, it's an entirely different world.

## **Theories of Crime**

One of the most basic questions a criminologist can ask is, Why does crime happen? In the first section of this book, we'll explore different theoretical explanations for why crime occurs. The answer to that question is much more sophisticated than simply saying all criminals are evil people. In fact, most criminals are not evil, and their reasons for offending are quite complex. As we examine the different theoretical perspectives on how and why crime happens, we'll also examine gender differences in each of the major theoretical areas. Each theory we'll talk about identifies a specific process argued to be the most significant cause of crime—and in our discussion of that argument, we'll talk about whether that process is as important for girls and women as it is for boys and men. For example, one of the biggest theoretical explanations of crime is social bond theory (Hirschi 1969), which holds that people with a strong bond to pro-social institutions, especially the family, are less likely to become involved in any kind of criminal behavior because doing so would upset the people in that institution. In thinking about gender, we could ask whether these social bonds have the same meaning for women as for men, based on everything we know about differences in how men and women value relationships. If we think about this in terms of adolescents, we could ask whether boys and girls view their parents the same way. We could even ask whether there are differences in how boys and girls do or do not become bonded to

their families (or any other social institution). In doing so, we're not trying to discredit this theory of crime or any other; we're looking for ways to improve it and make it more nuanced.

In the discussion of theory, we'll also spend some time talking about the idea of feminism, where it came from, and how it intersects with criminology. For so long, people have just assumed that the experiences and perceptions of men and women completely overlap, and have developed theories that make sweeping generalizations based on this assumption that there really is no difference in male and female behavior, which we know is just not true. Thanks to feminism and feminist criminologists, we've learned so much more about how men and women come to crime and about some types of crime that may be unique to women, which previous generations of social scientists didn't take seriously. We'll talk about the different waves of feminism, starting with the suffrage movement in the late nineteenth and early twentieth centuries. Feminism has evolved over time, transforming from a perspective concerned with the legal equality of women, to one that identifies key differences in the lived experiences of women and men, such as the role of victimization in female behavior (Chesney-Lind 1989) and the role of strict adherence to masculinity in male behavior (Messerschmidt 1993), to one that focuses on problems experienced by both women and men, like prison violence or violence against people who are transgender.

Throughout the discussion of theory, we will think about how any given theory may work differently for men and women. These differences can be major, like those mentioned above, or minor. For instance, minor differences may relate to how said theory works: Do women and men have the same values or do they experience things with the same intensity as each other?

## **The Context of Crime**

After going into all of the major theoretical explanations of criminal behavior and talking about the different ways gender matters there, we'll spend some time talking about different contexts in

which crime occurs. Context refers to the time, place, or other circumstances that shape why the crime happened, how everyone involved perceives it, and what unique aspect of that context could necessitate an equally unique response. We'll be spending much of our time here talking about two different factors: age and location.

Age presents a massive contextual issue when we're talking about gender and crime, because it forces us to recognize all the different ways that adolescents differ from adults: they have different perspectives on life, respond to stress differently, differ biologically, and have all sorts of nonadult problems. Just think about what your own life was like when you were fourteen and how much you've changed since then—you likely feel like a completely different person now. For all these reasons, it just doesn't make a lot of sense to treat adolescent behavior the same way we treat adult behavior. Not only does imposing adult penalties not make a lot of sense, but some make the moral argument that children can be saved. The Child Savers Movement majorly influenced the development of the juvenile justice system in the United States today.

Age also presents an interesting contextual challenge because it forces us to look at criminal behavior over the long term. We know that most offenses are committed by people in their late teens and early twenties, after which the rate of offending decreases over time (i.e., Farrington 1986). Many theories of crime stop at investigating why people commit crimes. Obviously, not all offenders are caught by the police and punished—so it stands to reason that an awful lot of people who have gotten into crime one day got out of it for some reason or another, right? These people have found their own way back into the world of pro-social behavior without spending a day behind bars or paying a dime in court costs. Maybe if we could find a way to replicate that ability across society, crime would go down. Also, if we're going to be thinking about different ways that boys and girls become involved in crime, we can't just assume that all criminals get out of that world for the same reasons. Maybe there are differences in how men and women stop offending too. We can think about this in terms of people's



different life trajectories and different transitions (Sampson and Laub 1992, 1993; Elder 1994), which can have a tremendous effect on self-concept and behavior and can push people away from crime. These transitions include getting married, finding employment, and having children; why they cause people to desist from criminal behavior, however, is unclear.

In addition to age, we'll also be talking about location, in terms not of specific neighborhoods (which we will address in our theory chapter) but of crime in urban areas. Specifically, we will talk about widespread drug use and drug dealing as well as gang violence. A great deal of work has been done on life in cities since the birth of American sociology (i.e., Park 1926), because the population explosion in urban centers across the country was one factor that gave rise to that discipline in the United States in the first place. Never before had so many people lived in such a concentrated area, and for sociologists like Robert Park, it was important to get out there and learn as much as possible about how people would react to living on top of each other—almost literally in some cases.

Since then, we've been acutely aware of all the problems of city life and how it transforms people, and we've learned a lot about problems with crime seemingly concentrated in these areas. News stories on gang violence, drug dealers, or both in cities across the country are commonplace. Some cities have even been nicknamed to reflect the amount of violence in their communities (i.e., Baltimore, Maryland, depicted as Bodymore, Murdaland, in HBO's series *The Wire*). And despite a wide variety of social classes in cities, the media have focused almost exclusively on crimes committed in predominantly poor, nonwhite communities and ignored what's happening in wealthier, whiter areas, giving some the inaccurate perception that the behaviors of those living in those more affluent communities are as pure as new-fallen snow.

Gang violence and drug dealing were historically associated with urban areas, while the suburbs were thought to be safe havens from those problems. This resulted in a substantial amount of research into gangs and drugs in urban centers. However, more recent research has begun to focus on how these historically urban

problems have begun to manifest in rural and suburban areas, which gives us an opportunity to talk about gender differences in people's experience of their surroundings. There's also a lot to talk about here in terms of the city and immigration to the United States, because gang violence and drug dealing are tied up in the history of both in many ways. After all, there were no drug corners when the United States was "discovered"; Plymouth Rock didn't get tagged by local gangs as Crip or Blood territory. So where did these social ills come from? How did we let them happen? We can even extend that question beyond drugs and gangs. Where did all the people in these cities come from? Where did the government come from? Where did the police come from? If we can answer these questions, then we can trace the development of these issues from their origins to today and, in doing so, identify some (painfully obvious, as it turns out) solutions.

As we will focus on gender throughout this text, you can ask yourself now how it factors into the types of urban crime we will be talking about. Are there differences in how boys and girls come to gang life? Are girls even involved in gangs? If so, how? What does gang membership mean to them? What about drug use—does that come about the same way for girls as it does boys? This is an excellent thought experiment as we get ready to examine all the ways that gender matters: Based on what you know about why people use drugs, and what you already know about men and women, can you think of different reasons why men and women might turn to substance use? Is everyone seeking the same thrill? Is everyone hurting in the same way? Probably not.

Gang violence and drug use are certainly not the only types of urban crime. New York City, Chicago, Cleveland, Miami, Los Angeles, and Las Vegas all have a long history with organized crime dating back to the early twentieth century, as the first Irish and Italian gangs assimilated into society and became more sophisticated in their operations. Vice crimes like gambling and prostitution were the scourge of law enforcement in the first half of the twentieth century, and men like Mickey Cohen delighted in taunting the police nationally. Besides that, sexual violence, inti-

mate partner violence, juvenile delinquency, corporate crime—all things discussed in later chapters—also happen in urban, suburban, and rural areas in varying ways, as we'll see.

## **Gender-Based Violence**

Having discussed context, we'll move onto our discussions of gender-based violence. There are a couple of different approaches to this topic. First, we will spend some time looking at intimate partner violence (IPV) and the different ways people can be abused in the context of a relationship, be it marriage, dating, or even a new acquaintance. The point is, some sort of (potential) romance is in the air. Talking about IPV is incredibly important, no matter how uncomfortable these discussions might be.

It is also important to talk about violence that can occur in familial relationships, where there isn't any kind of romantic love present. Obviously, an abusive husband can also be an abusive father. This violence isn't always only physical—sexual and emotional violence is just as important to talk about with regard to IPV. Intimate partner violence, one of the most common types of violence in society, was once culturally acceptable and legitimized by the government. In the grand scheme of things, it hasn't been that long since the government (and by extension the police) started taking IPV seriously.

Beyond intimate and family relationships, there are many opportunities for gender-based violence to occur in sexual relationships. It's difficult sometimes to think about rape and sexual assault in the context of IPV, but these things do happen in those relationships—contrary to what some might have you believe is appropriate behavior. But there is much of importance to discuss regarding sexual violence outside the family context. We're also going to talk about the larger concept of sex work and think about ways that violence can and does occur in the lives of the men and women who have chosen (or, more likely, been pushed into) this specific line of work.

## **The Criminal Justice System**

In the last section of the book, we'll focus more on the justice side of the equation and less on crime. As I'm sure you know, the criminal justice system is divided into three very basic parts: the police, who look for criminals; the courts, which determine whether someone has committed a crime; and the prisons, which hold those convicted for a prescribed period.

The criminal justice system is fascinating in terms of gender in that work that focuses on the perception of criminals—the millions of men and women processed through the system each year—gets a lot of attention. We talk frequently about their experiences with the police, and the types of justice they receive in court. Rightfully so, of course—the criminal justice system is supposed to serve us, the people, and so research into how the system does or does not live up to that expectation is righteous. That said, we very rarely think about the criminal justice system in terms of the people responsible for acting as its agents. We rarely talk about the people caught up in the system at any level—from those people housed in maximum-security prisons to those on probation or parole. This is an incredible injustice to them and in some ways exemplifies how positive stereotypes can hurt people. Ask yourself, why don't more people think about the lives of people in the system? Is it because so many people hold the police in high esteem and applaud them for their bravery? Do we not want to be accused of drawing unnecessary criticism to people who are out there every day keeping us safe? Or do we just not really care all that much?

After the police come the courts, which hand down what many might consider proper justice. Here, we'll talk about the different ways that the courts view women and men as they go through the justice system. It might come as a surprise, but despite the old cliché that “justice is blind,” in reality, it has a good idea of who stands before it and makes all sorts of decisions based on stereotypes before the accused has opened his or her mouth. This is a chance for us to think about the social power of stereotypes, which entail so much more than some of the phobias

or isms harbored by individuals. In other words, it's one thing for an ordinary citizen to have ideas about what men and women are like; it's something else altogether when a judge is making decisions about a person's behavior based on gender stereotypes.

This is another opportunity to talk about some of the gender similarities I mentioned earlier. For everyone, going to prison is very difficult. This makes sense: prison isn't supposed to be fun. Some prison experiences are common to both men and women, regardless of age. Think about the assumptions you might have about what goes on behind those walls, and multiply them a hundred times over: drug use and addiction, gang violence, sexual violence, and so on. That this similarity exists probably either frustrates or pleases you, depending on your feelings about the criminal justice system.

While we will discuss each of the justice system's three parts, we'll also spend considerable time looking at a stage during which alleged offenders often slip through the cracks: the pretrial phase. Not everyone arrested and charged with a crime gets released on bail; many people remain incarcerated prior to trial. The pretrial phase tends to vary quite drastically in terms of not only gender but race and age—assuming that the defendant makes it to that point. For instance, the tragic death of Sandra Bland—a black woman detained following a problematic traffic stop, who died in her cell days later under questionable circumstances—is a grim reminder that justice is not always served.

In reality the vast majority of people currently in jail or prison will return to their communities. In the course of a given year, approximately 650,000 people will leave the prison system and return home (“Prisoners and Prisoner Reentry” n.d.). The concept of prisoner reentry is a growing concern in the United States because prisons do so little to improve (or correct) offenders' behavior. If you think about criminology and sociology in terms of how to apply these concepts to the real world, prepare yourself to enter a maddening realm of blocked opportunity after blocked opportunity after blocked opportunity. In many ways, because men and women are treated similarly once convicted (though there are differences in the severity of those convictions and the

treatment they receive inside), they reenter society facing the same barriers constructed by their incarceration. That is to say, both meet the same restrictions on their post-release behavior. However, because of the immense complexity of gender as a social institution, differing factors either prevent ex-convicts from successfully returning to society or actually help them make this transition smoother. This means that gender expectations interact with barriers to reentry to create unique challenges based on a person's femininity or masculinity. As we'll see, expectations within the family dynamic (i.e., for emotional relationships, for one's identity as family provider, for what it means to be a mom or dad) can severely hinder a person's ability to successfully reenter society after incarceration. Furthermore, prisoners' goals may also differ. Obviously they have to try to pick up the pieces of the lives they left behind and move forward. The path won't be the same for every ex-convict, because femininity and masculinity offer different avenues into society and create different barriers for successful reintegration. Most, if not all, offenders return to the same situation they were in when they committed the crime that got them arrested. They're probably going back to the same neighborhood, the same family, and the same group of friends. But even though so much is the same, as we'll see, everything may have changed—including the way the ex-convicts themselves see their place in the world.

Obviously, we will spend a great deal of time pulling apart many of the ways in which gender matters in issues of crime and justice, how it manifests in criminal behavior, and how men and women experience the criminal justice system differently, both as offenders and as agents of justice. That said, gender is not the only element of social structure that influences criminal behavior or the criminal justice system. It's important that we acknowledge this, because we live in the real world, and the real world is so much more complex than most people want to believe. Yes, gender is extraordinarily important and often overlooked in matters of crime and justice. But it's not the only thing that matters. The different ways gender affects and is affected by other elements of social structure is called *intersectionality*. If we are going to truly

understand how gender affects us, we also have to recognize that the experience of gender varies across racial, ethnic, and socioeconomic lines.

So what else should we be focusing on besides gender? The two major elements of social structure that come up in discussions of crime and justice are socioeconomic status and race/ethnicity, so we'll spend some time talking about how gender interacts with class and race in regard to crime. For instance, we'll talk about masculinity all throughout this book and the multitude of ways that strict conformity to it might not be the healthiest decision that some men could make. However, we cannot and should not assume that masculinity manifests itself the same way for men in the upper class as it does for men in poverty; we cannot and should not assume it has the same effects for white men as it does for men of color either.

We'll also revisit the role that age plays and explore the impact of time. Our social history helps us understand why things are the way they are today. Gender has undergone very significant changes over the course of human history, and a conversation about gender, crime, and justice in the early twenty-first century differs vastly from the one we would have had in the early twentieth century. It's important to acknowledge a number of incredibly important changes to the concept of gender as a facet of social structure over the past forty years.

In addition to talking about how race/ethnicity and socioeconomic status interact with gender in different ways, it's also important to discuss intersectionality in terms of some of the ways people experience crime. We will talk here about a few different aspects of crime—especially violence, both in terms of being a victim and an offender. A major theme of this book is that there isn't only one way to experience the world; in fact, people perceive events in their lives in all sorts of different ways. This is especially important when it comes to violence, because it represents the most primal type of crime and has devastating consequences that can span generations. You might think that violence is violence and that we could not possibly disagree about that. In truth, as we'll find out, people can and do view violent behavior

differently—depending on who’s the perpetrator, who’s the victim, and what those individuals look like. In short, intersectionality helps us better understand the wide variety of ways in which people experience the world, so that any proposed solution to help make the world a better place resists the sort of one-size-fits-all approach of past programs.

Taking an intersectional approach allows us to shine a light into all the corners of criminology where gender matters but, for whatever reason, hasn’t gotten the mainstream attention it deserves. We’ll have an opportunity to talk about gender and drugs in the suburbs, about drug use among suburban women, and about domestic violence in rural areas. We’ll explore gender differences in the experience of a criminal justice professional. Finally, we’ll explore the different challenges incarcerated people face when they return to their homes and communities.