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Feminist Theory

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Introduction: The Identification, Application, and Advancement of Feminist Theory to Studying Crime

Criminology as an academic discipline and a set of theories has focused most consistently on why some people offend, but has also addressed victimization risks and experiences, decision-making by criminal legal system[1] officials (e.g., police, judges, parole officers), how individuals experience incarceration, and some other crime-related topics. The implications for all of these topics are profound, particularly for translating the theories into policies. Moreover, theorizing about crime is additionally complicated by the overlap among these phenomena and how they vary across individuals' personal factors, such as their demographic characteristics. For example, how is offending addressed when routine activities are provided different official surveillance, such as racial-profiling, and women of color are more likely than white women to be stopped and charged? What happens when an individual's victimization is processed as her/his offending, such as when a woman abused by her partner who calls the police is arrested instead of, or with, the abuser, because the abuser lies to the police and tells them that she abused him? And what about official criminal legal system decision-makers who are consciously or unconsciously biased, believing women are more responsible than men when they harm their own children? And is there any appeal when judges and other criminal legal system personnel adhere to laws that enact institutionalized oppression that disproportionately impacts poor women of color (e.g., a requirement for a parolee to live with non-felons)? Feminist theory, as it has been applied to criminology, has attempted to address these and other intersections of oppression (e.g., gender, race, class, and sexuality) and of victim and offender (e.g., the criminalization of victims).

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There is not one feminist theory, but rather numerous strains of feminist theory, including Marxist, socialist, liberal, radical, and postmodern. The strains are united in their attempts to use feminist theory as "a woman-centered description and explanation of human experience and the social world," recognizing "that gender governs every aspect of personal and social life" (Danner 1989:51). Just as feminist theory has expanded in depth, nuances, and applications over the decades, so have feminist criminologists' use and discussion of feminist theory grown. This chapter briefly summarizes some of the contributions and challenges of feminist theory as it has been applied to studying crime and advocating for justice. In addition to the inclusion of women and girls in criminology research, the main contributions of feminist theory applications for crime and justice are: (1) incorporation of the intersections of oppression (i.e., sexism cannot be adequately studied without a lens that allows for other forms of oppression); (2) feminist pathways theory; and (3) masculinity studies. These three contributions are the focus of this chapter.

Feminist theory, with a focus on patriarchy and gender differences, is ideal for understanding crime due to the long-standing fact that "being male" is one of the best predictors for most crime and delinquency (Church, Wharton, & Taylor, 2009). Feminist criminology scholars differ markedly from most of the more biological or sociobiological criminology scholars on the etiology of crime. The biological and sociobiological criminologists are more loyal to the perspective that the gender differences in offending, particularly for violent offenses, are a result of different testosterone levels and boys/men being "wired" differently than girls/women. The sociobiological criminologists frequently view men's violence against women as men's and women's distinct adaptations to biological needs (see Belknap, 2015). In contrast, feminist criminologists are more likely to examine criminal offending and victimization in terms of learned behaviors that can often vary across gender, and the gendered power differentials in patriarchal societies (see Belknap, 2015).

How children are raised, gendered media representations, and gendered criminal legal responses to victims and offenders can and do distort views of who "counts" in victimization and offending (see Belknap, 2015). One of the most basic manners that childrearing is gendered is that girls are typically monitored far more than boys by their parents, thus having less access to delinquency at the same time that relative to boys, they are expected to help more with younger siblings and around the home (see Bottcher, 2001). But restricting daughters' relative to sons' freedom to roam the neighborhood and be unsupervised is also motivated by parents' (and other guardians') goals of protecting girls from sexual abuse, *and* restricting girls from consensual sex that will "ruin their reputations." These gendered childrearing and monitoring differences strongly influence girls' and boys' abilities to commit crimes, but also how their offending and victimizations are perceived. For example, boys' consensual activities do not mar their reputations; in fact, sexual prowess typically adds to boys' masculinity status, which in turn, buttresses their reputations. Sadly, even in today's world, girls' reputations are often tarnished by being sexually active, particularly becoming pregnant, and this is often regardless of whether the sex is consensual or abuse (coerced or forced). Such judgments, and even abuse, can come

from some officials in the criminal legal system in addition to the general public (e.g., Richie, 2012). In fact, it could be argued that girls' reputations are more damaged for being raped than boys' reputations are for raping.

Compared to the research on both offending and victimized boys and men, studies on offending and victimized girls and women were incredibly sparse until the 1970s, with the second wave of the women's/feminist movement. After centuries of ignoring girls and women in criminology studies, or including them but doing so in sexist theories designed to study boys and men, feminist criminological scholarship kick-started at an almost unprecedented level in the late 1970s. Furthermore, there were no journals specifically for gender or feminist scholarship in the context of crime until the journal *Women & Criminal Justice* started in 1989, and then, specifically addressing victimization, the feminist and criminology journal *Violence Against Women*, which debuted in 1995. Since then, only one other feminist journal specifically about feminist criminology has appeared; indeed, it is called *Feminist Criminology,* and it began publishing in 2006. Prior to the 1990s, feminist criminological scholars typically faced weighty challenges in trying to publish their feminist work in mainstream journals, and were often told by colleagues that their focus was "too narrow" if they "only" studied women and/or girls. Then, in some cases, even publishing in a feminist journal was, and sometimes still is, considered less important scholarship than the "malestream" journals.

However, as more and more women have attended graduate school and become criminology scholars, feminist criminology has advanced in leaps and bounds. (Of course, not all women criminologists are feminist scholars, nor are all feminist scholars women.) Additionally, the implementation of the Violence Against Women Act in 1994 (and reauthorized three times since) allowed unprecedented funding for research on rape (and other sexual abuses), intimate partner abuse (domestic violence), and stalking. This act and the funding has not necessarily resulted in solely "feminist" assessments of violence against women (and girls), but given the huge commitment of federal funding, it has certainly legitimized studying violence against women and girls. At the same time it is important to understand that Violence Against Women Act funding and feminist criminology have also significantly advanced the research and understanding of boys' and men's sexual abuse, stalking, and intimate partner abuse victimizations, and particularly boys' sexual abuse victimizations. Due to these many factors, there has been a huge surge in the inclusion of women and girls in research samples and feminist criminological publications since the 1990s.

Feminist Theory Contribution 1: Recognizing the Intersections of Oppression

The most notable advancement for both "feminist theory" in general and "feminist theory" as it has been applied to crime, is the recognition that sexism as one form of oppression, that while substantial, cannot be viewed in a vacuum. More

specifically, studying sexism must include a wide lens that does not essentialize women/girls (or boys/men), but rather allows for the varied intersections of oppressions and privileges that individuals hold. At the same time as examining individual experiences, victimization, offending, and processing by the criminal legal system, it is also vital to research and respond to the more aggregate societal and criminal legal system structures and decision-making. *Institutionalized bias* occurs and impacts offending, victimization, and labeling individuals "offenders" (including racial-profiling) when laws and policies restrict access to education, employment, attorneys, and so on. For example, institutionalized sexism – often intersecting with classism, racism and other forms of oppression – results when employers do not want to hire women to work at night, restricting women's access to legitimate employment. Another example of institutionalized sexism that frequently intersects with classism and racism is when parole boards require inmates leaving prison not to live with another felon. This rule impacts incarcerated women more than incarcerated men because the women are more likely to have men mates who are felons than men are to have women mates who are felons. Similarly, when women go to prison their children are more likely to be raised by a non-parent, including foster care, than when men who are parents are incarcerated, because the men can more often rely on the mothers of their children to be out of prison and able to take care of their children.

Over the decades since the 1970s, feminism has increasingly advocated the need to view patriarchy and sexism through a wider lens that accounts for other forms of oppression, most commonly racism and classism, but also heterosexism, religious identity, citizenship, and so on. Hillary Potter's (2013) exemplary article on "intersectional criminology" traces the extensive and lengthy history of Black women's activism *and* development of feminist criminological theory. Thus, feminist theory has not only advanced to endorse the intersections of oppression, including racism, classism, homophobia, nationalism, and so on, but feminist criminologists have pushed criminological theory to address the significance of oppressions other than sexism. To this end, Hillary Potter, drawing on Black feminist and critical race feminist theories identified *black feminist criminology*:

> Black feminist criminology necessarily places the Black woman and her intersecting identities at the center of any analysis, as opposed to considering her identity as nonessential. Black feminist criminology specifically considers issues of crime, deviance, violence, and the workings of the criminal justice system in the lives of people of color (2008:7).

Vernetta D. Young (1980, 1986), publishing in the leading criminology journals, was one of the original criminologists grappling with feminist criminology and the profound intersections of race and gender. In 1980, using national victimization data to compare comparing crime patterns across race by gender and across gender by race, she debunked assumptions of the time. In 1986 she confronted feminist criminology for failing to recognize that gender expectations vary for Black and

White women, which in turn, have negative repercussions for Black women and girls who are victimized and/or offend. Thus, Young (1980, 1986) was critical in addressing the lack of intersectionality in feminist criminology.

Beth E. Richie's excellent book, *Arrested Justice: Black Women, Violence and America's Prison Nation* (2012), is a powerful account of the intersections of sexism, racism, classism, and heterosexism/homophobia. Richie intertwines feminist theory with individual cases, and structural/aggregate-level data (statistics) on incarceration and arrest rates. Regarding institutional bias, Richie explains "institutional regulations designed to intimidate people without power into conforming with dominant cultural expectations," including legislated decisions to use English-only laws and ideologically conservative values (2012:3). The individual-level data are from three cases of victimizations of African American women and girls that resulted in horrific injustices whereby they were processed by the criminal legal system as offenders.

Feminist Theory Contribution 2: Feminist Pathways Theory

Most criminological theories attempt to address why people (and most typically, youth) offend (although some focus more on victimization risks). Moreover, although "being male is the strongest predictor of delinquency" (Church *et al.*, 2009:11), gender was rarely addressed in criminological theories until the 1970s. A classic article by Kathleen Daly and Meda Chesney-Lind, "Feminism and Criminology," published in 1988, criticized most criminological research that either routinely excluded girls/women/gender, or if they did include girls (or women), simply added them to the existing theories developed to understand boys' and men's offending. More specifically, Daly & Chesney-Lind (1988) referred to this practice as "add-women-and-stir," or simply trying to fit women/girls into theories and statistical models designed to study boys/men and crime.

A major contribution of the second wave of the feminist movement in the 1970s (and following into the 1980s and 1990s) was the recognition of the epidemic levels of violent and other (nonviolent) abuse victimizations reported by girls and women, largely at the hands of men (and, and to a lesser extent, boys). In recent years, gender-based abuses (those with higher prevalence of women/girl victims and men/boy perpetrators) have most typically included sexual abuse, physical abuse by a current or former intimate or dating partner, and stalking victimizations. Significantly, gender-based abuse also includes forced marriages (forcing girls as young as 11 to marry older men), female-genital mutilation, and human sex trafficking (Belknap, 2015).

Although today more scholars identify child sexual and nonsexual physical abuses and child neglect as strains and stresses (consistent with Agnew's general strain theory reported in Chapter 11 of this book), and/or as life events that can derail a youth from law-abiding to offending (consistent with developmental/life-course theories presented in Chapter 18 of this book), historically and sometimes even

currently, childhood victimization traumas have been ignored in the general strain theory and developmental/life-course theories (see Belknap, 2015).

Therefore, attempts to conduct feminist theorizing about girls' and women's offending, should address how society (e.g., parents, peers, teachers, neighbors), the criminal legal system (the police, courts, and detention facilities), and even the media, portray and reinforce sexist perceptions around girls' and boys' behaviors. Additionally, when studying these portrayals it is necessary to examine the intersections of sexism with racism, classism, nationalism, heterosexism, and other types of oppression. For example, do news reports, fictional movies, society, the criminal legal system, and/or others view White women and girls who are victims of rape or intimate partner abuse more sympathetically and credibly than women and girls of color with the same victimizations? Furthermore, serious attempts to develop feminist theory in its application to criminological studies such as general strain theory, life-course theory, and pathways theory must examine not only the rates, timing, and extensiveness of childhood maltreatment and other traumas (e.g., the death of a parent), but also whether youths' responses to trauma are gendered in such a way that Hay's (2003) work indicates: that boys are more likely to externalize (offend) and girls are more likely 8 to internalize (feel guilty and become depressed).

Scholarship on the abusive, chaotic, and traumatic lives that incarcerated girls and women experienced prior to incarceration, largely at the hands of abusive parents, guardians, and boyfriends/husbands, dates back at least to 1917 (see Belknap, 2015). This research seems to have gone unnoticed despite being published in reputable journals and by women with medical degrees and doctorates of philosophy (Belknap, 2015). In the late 1970s, some research started being published in scholarly journals on the high rates of victimization, particularly sexual abuse by fathers and step-fathers, among girls working in prostitution/sex work and not in prison or jail (see Belknap, 2015, for a review). Since the 1980s more and more research documents the extraordinarily high rates of victimization among incarcerated women and girls, particularly sexual abuse and intimate partner abuse victimizations (see Belknap, 2015).

In the late 1980s, Cathy Spatz Widom (1989) began publishing her expansive data reconstructing the lives of women and men, including their criminal histories, by matching these now adults who had official (court-substantiated) records of childhood physical abuse, sexual abuse, and/or neglect, with a cohort of their peers who had no official records of these childhood victimizations. Widom's *cycle of violence* research found that although most childhood maltreatment survivors do not go on to become offenders, these victimizations still proved to be significant risk factors for subsequent offending. Widom's cycle of violence is certainly highly consistent with the feminist pathways research, and her inclusion of both men and women in the sample indicates that the feminist pathways theory is also appropriate to understand boys' and men's offending.

One of the earliest studies to detail the profound intersections of sexism and racism in what is now referred to as feminist pathways theory is Regina Arnold's (1990) classic article entitled "Processes of Victimization and Criminalization of

Black Women." Arnold identifies *dimensions of victimization* (e.g., racism, patriarchy, family violence, economic marginalization, and "mis-education"), and *dimensions of criminalization* (e.g., structural dislocation, the processing and labeling of status offenders, and associations with other criminals). She argues "that for young Black girls from lower socioeconomic classes, involvement in 'precriminal' behavior may be viewed as active resistance to victimization" (1990:153). These precriminal, victim-resistant behaviors include running away, truancy, and stealing. "Once this process of criminalization is set in motion, sustained criminal involvement becomes the norm as well as a rational coping strategy" (1990:153).

Beth E. Richie's (1996) book, *Compelled to Crime: The Gender Entrapment of Battered, Black Women*, is another significant contribution to feminist pathways theory. Richie's intensive life-history interviews with incarcerated women led to her identification of "gender entrapment" in the complications and contradictions endemic in incarcerated Black, battered women's lives. Hillary Potter (2008) expanded Richie's work to Black women survivors of intimate partner abuse in the community (who were not incarcerated) in her book *Battle Cries: Black Women and Intimate Partner Abuse.* This research, although not specifically about pathways, expanded not only Richie's (1996) work on pathways, but the existing feminist work on intimate partner abuse. More specifically, Potter (2008) identified *dynamic resistance* and some Black women intimate partner abuse survivors' "fighting back," where she not only dissected gender and race, but how they intersected with religion and class.

A large, recent, multisite study on women in US jails confirms not only the strong impact of adverse life-events (also called traumas), including abuse, on women's and girls' offending, but also how these traumas are often related to serious mental illness (DeHart *et al.*, 2014; Lynch *et al.*, 2014). Incarcerated women not only have significantly more adverse life-events and serious mental illness compared to non-incarcerated women, but compared to incarcerated men. This multisite study found that only 9% of the women did not meet any of the criteria for any lifetime serious mental illness, post-traumatic stress disorder (PTSD), or substance use disorder (Lynch *et al.*, 2014). Moreover, women with serious mental illness were more likely to report prior violent victimization, repeat offenses/offending, and to be charged with violent crimes (Lynch *et al.*, 2014). Women who had serious mental illness were more likely to be survivors of child physical abuse, child sexual abuse, childhood caregiver incarceration, childhood caregiver alcohol/drug addiction, witnessing violence, being attacked nonsexually as an adult, adult intimate partner abuse (domestic violence), and adult sexual violence (usually, rape) (Lynch *et al.*, 2014). Moreover, when the onset of the women's offending was in adulthood (instead of youthful onset of offending), it was significantly related to being a survivor of intimate partner abuse (DeHart *et al.*, 2014). For example, among this multisite study of women in US jails, compared to women with no violent partners, women with violent partners were twice as likely to deal drugs and/or have drug charges and they were four times as likely to do sex work (DeHart *et al.*, 2014).

Over time, the feminist-based theory suggesting victimization/trauma is a risk factor for offending has been referred to as pathways theory or feminist pathways

theory. Feminist pathways, life-course, and cycle of violence perspectives/theories all confirm the significance of life trajectories and events correlated with offending. Although this research has been applied almost exclusively to incarcerated women and girls, when it has been applied to boys it indicates that their traumas, including childhood sexual abuse, while less prevalent, are also risk factors for subsequent offending (for a review see Belknap, 2015). The pathways theory is a distinctively feminist criminological theory that has important implications for general strain and life-course developmental theories, and also for boys' trajectories to offending.

Feminist Theory Contribution 3: The Role of Masculinities

Given the lives and neighborhoods often fraught with disrespect, violence and other traumas documented in many offenders' lives, it is useful to identify basic human reactions to these experiences and how they might be gendered. Moreover, how responding to challenging lives, including micro-aggressions and violence, can in turn, result in reactions that are often criminalized. Wilkinson-Ryan & Hoffman (2010) discuss the significance of "breach," and how people often feel angry, offended, and may want to retaliate, even when retaliation is costly, when they feel duped and/or betrayed. Elijah Anderson's (1999) classic book, *Code of the Street: Decency, Violence and the Moral Life of the Inner City,* is a powerful ethnography of predominantly African-American Philadelphia neighborhoods. Anderson describes "the code of the street" as the means by which aggressive and even violent retaliation against interpersonal attacks and insults are necessary to insure one's safety and maintain or gain respect, particularly for young Black men. The code of the street has been found in numerous studies since, including Victor Rios's (2011) ethnography of Latino and Black boys/young men in Oakland, and Nikki Jones's (2010) ethnography on young Black women in inner-city Philadelphia. Similarly, Wilkinson's (2009) analysis of life-history interviews with 416 young, violent, male offenders in New York City reported the most common trigger or "spark" of violent events was challenges to their masculinity or status.

Most of the research addressing the retaliation motive of offenders has been qualitative. For example, Reid-Quiñones and her colleagues (2011) conducted a study using audio-recorded interviews of 263 inner-city girls and boys about their recent experiences of violent victimization. As might be expected, victimized youth "were angry; expressed concerns about being negatively evaluated by self and others; expressed revenge goals; and coped by using primary engagement, social support, and aggressive strategies" (2011:51). The youth who witnessed violence were afraid for themselves and others (and losing relationships) and focused on survival and avoidant behaviors. Notably, the responses to victimization and witnessing violence did not vary across gender. Calvete & Orue (2011) used three waves of data on 650 youth in Spain to study how both violent victimization and witnessing violence at Time 1 were related to both reactive aggression and proactive aggression at Time 3. Their findings support the importance of including both victimization and witnessing

violence as impacting subsequent aggression, and how this varies by gender, whether the victimization was direct or witnessed, and the potential mediating roles of social-cognitive mechanisms. The found that compared to girls, boys reported more exposure to all types of violence, except violence in the family. Boys were also more likely to use proactive and reactive aggression in response to violence.

Garot (2009:66) points out that "criminologists have mostly overlooked the emotional dynamics of disputes," and identified "emotive dissonance" as a means by which "young people must restrict their desire to retaliate due to structural constraints." He conducted life-history interviews of boys/young men in a small inner-city school for dropouts in a poverty-stricken area of a large Western city to examine their drug use, gang affiliation, fights, school experiences, and intimate and family relationships, and focused on ways the youth resisted using retaliation. The first, similar to Jones (2010), was to present themselves as strong, tough, independent, and as capable as any male of defending themselves. The second was to remain silent about their victimizations, to reject the notion that they needed special protection. Yet, all of these ethnographies remind us that youth of color living in primarily poor neighborhoods usually refrain from using violence or retaliating. At the same time it is reasonable to expect that failure to protect our citizenry from violence and abuse in their everyday lives and by the criminal legal system, inevitably increases victimization and offending.

Finally, in addition to the historic invisibility of childhood maltreatment in strain-theory studies, and evidence that girls are more likely than boys to experience such maltreatments, a fair amount of research also indicates that girls and boys respond to strain and trauma differently (e.g., Broidy & Agnew, 1997). For example, one study found there were no gender differences in girls' and boys' self-reported anger levels from experiencing family-perpetrated abuse, but that boys are more likely to externalize their anger and turn it into delinquency, whereas girls are more likely to internalize their anger and transform it into guilt (self-blame) (Hay, 2003).

In sum, the role of masculinity has proven to be vital to understand offending and responses to marginalization caused by race, gender, class, sexuality, and so on. The code of the street is complicated, but significant, and is often related to the retaliation and self-protection aspects of offending. Although it has been used almost exclusively to examine boys' and men's offending, Nikki Jones (2010) has documented its use in how inner-city girls/young women in Philadelphia have to walk a fine line in staying safe in their everyday lives, including going to and from school. Feminist theory as applied to criminology needs to more adeptly engage with the ways in which masculinity and femininity are related to offending, retaliation, and survival, particularly among the most impoverished living in neighborhoods with the least resources.

Conclusions

In addition to simply including women/girls in research samples, the most significant contributions of feminist theory to criminological theory have been: (1) recognition of the intersectional approach to oppression when studying

offending, victimization, and criminal legal system responses; (2) the identification of feminist pathways theory (the link between trauma and offending); and (3) the potential role of masculinity and femininity in explaining gender differences in offending. This chapter addressed each of these.

Feminist criminology has widened the lens not only to include girls/women in studies on offending and victimization, but also to document ways that victimization is related to offending (and offending is related to victimization). Feminist scholarship has advocated the defining and measuring of gender-based abuse, at the same time that it has recognized the victimizations of boys/men in ways that had never been documented, including how pathways theory is relevant for boys' and men's offending, as well as girls' and women's offending. Future feminist scholarship on crime must continue to attempt to be rigorous and comprehensive in addressing the many ways that sexism intersects with other forms of oppression including racism, classism, homophobia/heterosexism, immigrant-status, and so on. At the same time that large quantitative studies are useful to determine the rates of phenomena, relationships between variables, and criminal legal system decision-making, smaller qualitative samples and ethnographic studies are necessary for collecting richer, deeper data that allow for more nuanced understandings of what Richie (1996) identifies as the contradictions and complications in many offending and abused women's and girls' lives. Clearly, such data are also necessary for understanding offending men's and boys' lives, and feminist criminology is paving the way for these advances in criminology theory.

Note

1 The author uses the term "criminal legal system" rather than "criminal justice system" given that so much of what we observe and study is of the injustices in our official system.

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