



Joanne Belknap

FIFTH EDITION

the **Invisible Woman**
Gender, Crime, and Justice



The Invisible Woman

Fifth Edition

*This book is dedicated to
the Missing, Murdered, and surviving Indigenous Women and Girls (#MMIWG)
and
Helen M. Eigenberg (1958–2019)*

Sara Miller McCune founded SAGE Publishing in 1965 to support the dissemination of usable knowledge and educate a global community. SAGE publishes more than 1000 journals and over 800 new books each year, spanning a wide range of subject areas. Our growing selection of library products includes archives, data, case studies and video. SAGE remains majority owned by our founder and after her lifetime will become owned by a charitable trust that secures the company's continued independence.

Los Angeles | London | New Delhi | Singapore | Washington DC | Melbourne

The Invisible Woman

Gender, Crime, and Justice

Fifth Edition

Joanne Belknap

The University of Colorado Boulder



Los Angeles | London | New Delhi
Singapore | Washington DC | Melbourne



FOR INFORMATION:

SAGE Publications, Inc.
2455 Teller Road
Thousand Oaks, California 91320
E-mail: order@sagepub.com

SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/I 1 Mohan Cooperative
Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
18 Cross Street #10-10/11/12
China Square Central
Singapore 048423

Copyright © 2021 by SAGE Publications, Inc.

All rights reserved. Except as permitted by U.S. copyright law, no part of this work may be reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without permission in writing from the publisher.

All third party trademarks referenced or depicted herein are included solely for the purpose of illustration and are the property of their respective owners. Reference to these trademarks in no way indicates any relationship with, or endorsement by, the trademark owner.

Printed in the United States of America

Library of Congress Control Number (LCCN): 2020941787

ISBN 978-1-5443-4827-8

Acquisitions Editor: Jessica Miller
Editorial Assistant: Sarah Wilson
Content Development Editor: Laura Kearns
Production Editor: Rebecca Lee
Copy Editor: Colleen Brennan
Typesetter: Hurix Digital
Indexer: Integra
Cover Designer: Lysa Becker
Marketing Manager: Jillian Ragusa

This book is printed on acid-free paper.

20 21 22 23 24 10 9 8 7 6 5 4 3 2 1

• Brief Contents •

Preface and Acknowledgments	xv
New to This Edition	xviii
About the Author	xxi
 PART I • INTRODUCTION	 1
Chapter 1 • Gendering Criminology Through an Intersectional Lens	2
 PART II • WOMEN AND GIRLS' OFFENDING	 21
Chapter 2 • Theories Part I: Positivist, Evolutionary, Strain, Differential Association, Social Control, and Women's Emancipation Theories	22
Chapter 3 • Theories Part II: Critical, Labeling, Cycle of Violence, Life Course, Pathways, and Masculinity Theories	54
Chapter 4 • Accounting for Gender–Crime Patterns	78
Chapter 5 • The Context of Women and Girls' Offending for Specific Crimes	96
Chapter 6 • Processing Women and Girls in the Criminal Legal System	120
Chapter 7 • Incarcerating, Punishing, and “Treating” Offending Women and Girls	151
 PART III • GENDER-BASED ABUSE	 193
Chapter 8 • Gender-Based Abuse (GBA)	194
Chapter 9 • Focusing on Sexual Abuse	218
Chapter 10 • Intimate Partner Abuse (IPA) and Stalking	257
 PART IV • WOMEN WORKING IN THE CRIMINAL LEGAL SYSTEM	 299
Chapter 11 • Women Working in Prisons and Jails	300
Chapter 12 • Women Working in Policing and Law Enforcement	327
Chapter 13 • Women Working in the Courts	360

PART V • CONCLUSIONS	391
Chapter 14 • Effecting Change	392
References	418
Index	527

Appendix. Studies from Around the World: A Handbook Summarizing Research on Gender and Crime Outside of the United States

• Detailed Contents •

Preface and Acknowledgments	xv
New to This Edition	xviii
About the Author	xxi
 PART I • INTRODUCTION	 1
Chapter 1 • Gendering Criminology Through an Intersectional Lens	2
Diversity Among Women and Girls	3
What Is Feminism?	5
Women and Girls' Invisibility	8
Women and Girls as Offenders	9
Women and Girls as Victims	10
Women as Professionals in the Criminal Legal System	11
Blurring of Boundaries of Women's Experiences in Crime	12
Sex Versus Gender	12
What Are Feminist Methods?	14
The Effect of Societal Images on Women Regarding Crime	16
Summary	18
 PART II • WOMEN AND GIRLS' OFFENDING	 21
Chapter 2 • Theories Part I: Positivist, Evolutionary, Strain, Differential Association, Social Control, and Women's Emancipation Theories	22
The Original and Positivist Studies	23
Cesare Lombroso (1835–1909)	24
W. I. Thomas (1863–1947), Sigmund Freud (1856–1939), and Otto Pollak (1908–1998)	26
The Legacies of the Positivist Theorists From the 1960s and 1970s	27
Biosocial and Evolutionary (Psychological) Theories (BSETs)	28
BSET as an Explanation of Sexual Abuse	29
BSET as an Explanation of Intimate Partner Abuse (IPA)	31
Feminist and Other Responses to the Application of BSET to Gender-Based Abuses	32

Strain Theories	34
Traditional Strain Theory (TST)	34
Opportunity Theory (OT)	35
General Strain Theory (GST)	36
Differential Association Theory (DAT) and Social Learning Theory (SLT)	40
Differential Association Theory (DAT)	40
Social Learning Theory (SLT)	42
Social Control Theories (SCTs)	42
Social Bond Theory (SBT): Conventional Ties	43
A General Theory of Crime (GTC): Self-Control	45
Power-Control Theory (PCT): Gendered Practices of Parents and Parenting	46
Women's Liberation/Emancipation Hypothesis (WLEH)	51
Summary	52

Chapter 3 • Theories Part II: Critical, Labeling, Cycle of Violence, Life Course, Pathways, and Masculinity Theories **54**

Agency and Resiliency	55
Critical Theories	56
Critical Criminology Theory (CCT)	56
Critical Race Theory (CRT)	57
Critical Race Feminist Theory (CRFT)	58
Labeling Theory (LT)	60
Advancing LT	61
Gender Applications of LT	62
Developmental and Adverse Life Events Theories	63
Cycle of Violence Theory (CVT)	64
Life Course Theory (LCT)	66
Pathways Theory (PT)	69
Studies Consistent With PT That Preceded the Naming of PT	71
Patterns and Advancement of PT	73
Masculinity Theory (MT)	75
Summary	76

Chapter 4 • Accounting for Gender–Crime Patterns **78**

Measuring Crime	80
2009–2018 Arrest Rates From the UCR	80
Documenting and Assessing Gender Patterns in Offending Over Time	83
The Roles of Gender Regarding Co-Offenders, Age, Race, Class, Sexuality, and Mental Illness	88
Co-Offending	88
Age and Juvenile Delinquency	89
Intersections With Race/Ethnicity and Class	90

Sexuality and Gender Identity	93
Serious Mental Illness (SMI)	94
Summary	94
Chapter 5 • The Context of Women and Girls' Offending for Specific Crimes	96
Drugs and Alcohol: Substance Use, Abuse, and Selling (SUAS)	97
Acquiring and Reasons for Trying and Using Substances	98
Theft, Burglary, and Robbery	103
Theft	104
Burglary	104
Robbery	105
White-Collar Crimes (WCCs)	106
Sex Work and Prostitution	108
Aggression and Assault	109
Child Abductions/Kidnappings	110
Homicides	111
Intimate Partner Homicides (IPHS)	112
Filicides	112
Girls and Women in Gangs	114
A Brief History of Feminist Gang Scholarship	115
Gangs and Criminal Behavior	116
Why Girls Join Gangs	117
How Boys in Gangs Treat Girls in Gangs	118
Bargaining With Patriarchy	119
Summary	119
Chapter 6 • Processing Women and Girls in the Criminal Legal System	120
Hypotheses of Gender Discrimination in the CLS	121
Chivalry Is Complicated	122
The Legacy of Racism and Confounding Measures of Race/Ethnicity	123
Criminal Laws and Gender Discrimination	125
Three Means of Gender Discrimination in Criminal Laws	125
The Muncy Act and Legacy in Indeterminate Criminal Sentencing Laws	127
Processing Youthful Defendants/Offenders	128
Reforms in the Processing of Youthful Defendants as Status Offenders	128
Non-Status Offense Delinquency	130
Empirical Findings on Gender Differences in Adult Crime Processing	134
The Presence of Gender Bias in the Various Stages of the Adult CLS	134
Gender Differences in Crime Processing Based on the Type of Offense	142

Chivalry Remains Complicated	145
Extralegal and Cultural Variables and Support for the Chivalrous Corollary	145
Selectivity Hypothesis	145
Summary	150

Chapter 7 • Incarcerating, Punishing, and “Treating” Offending Women and Girls 151

The History of Incarcerating Women and Girls	153
Punishment	153
Women’s Prison Reform	155
Sex-Segregated Custodial Prisons	159
Racist Segregation and Treatment in Institutions for Girls and Women	159
Women’s Prisons Since the 1960s	160
Rates of Incarceration	161
Gender Comparisons in Incarceration Rates Over Time	161
Gender Comparisons in Incarceration Offenses	164
The Significance yet Invisibility in U.S. Incarceration Data on the Intersections of Gender, Race/Ethnicity, and Class	166
The Women’s Prison Regime	167
Parenthood: A Gender Difference Among Prisoners	170
Impacts on the Children of Incarcerated Mothers	171
Losing Custody/Children	172
Prison Nurseries	173
Educational, Vocational, and Recreational Programs	175
Health Needs and Access to Services	177
HIV/AIDS	178
Breast, Gynecological, Prenatal, Pregnancy, and Postpartum Health Care	179
The “Window on the Body” and Dental Health	182
Incarcerated Women and Girls With Disabilities	182
Mental Health Problems	184
The Prison Subculture	185
Sexual Abuse of Women and Girls While Incarcerated	190
Summary	192

PART III • GENDER-BASED ABUSE 193

Chapter 8 • Gender-Based Abuse (GBA) 194

Defining Gender-Based Abuse (GBA)	195
The Development of GBA as a Social Problem and Its Relationship to Depression	196
The Wide Range of GBAs	197

Culture, Gender Inequality, and GBA	199
The Significance of a Sexist Culture	199
The Culture of Victim-Blaming and GBA	200
The Relationship Between Gender Inequality and GBA	202
Rates of GBA and the Fear of Crime	204
Focusing on Intersectional GBA: The History and Its Legacy	207
Trafficking	209
Corporate and Environmental GBA	211
Breast Implant GBA	211
Egg Donor GBA	213
Environmental/Green GBA	215
Missing and Murdered Indigenous Women and Girls (MMIWG)	215
What Does Feminist Reform Look Like?	216
Summary	217
Chapter 9 • Focusing on Sexual Abuse	218
Defining Sexual Abuse	219
Consent, Coercion, and Force	220
Drug and Alcohol Facilitated Sexual Abuse (DAFSA)	222
Historical Developments in Defining Rape and Other Sexual Abuses	224
Another Look at Rape Myths and a Rape Culture	225
Statistics on Sexual Abuse	227
Child Sexual Abuse (CSA)	231
College Sexual Abuse	233
Marital/Spousal/Partner Rape	236
Sexual Harassment	238
Street Harassment	239
From Professor Anita Hill to Hollywood	240
Sexual Harassment Victim–Offender Relationships	241
Impacts of Sexual Harassment	242
Sexual Abuse and the Criminal Legal System (CLS)	242
Police, Prosecutor, and Court Obsessions With Survivors’	
Characteristics and Behaviors	243
Survivors’ Participation With the CLS	244
Sexual Assault Kits (SAKs)	245
Survivors’ Wishes and Rights	246
In-Prison Sexual Abuse	246
The Myths Surrounding False Rape Charges	247
The Police	248
The Court Process, or Whose Trial Is It Anyway?	252
Nonprofit Agencies Designed to Assist Sexual Abuse Survivors	255
Summary	255

Chapter 10 • Intimate Partner Abuse (IPA) and Stalking	257
Defining Intimate Partner Abuse (IPA) and Stalking	257
Defining Intimate Partner Abuse (IPA)	258
Defining Stalking	259
The Significance of Coercion/Coercive Control	259
IPA Tactics	260
Physical IPA	263
Sexual IPA	263
Pregnancy IPA	263
Psychological/Emotional Abuse	264
The Additional IPA Tactics Based on Further Marginality	267
Stalking Tactics	268
The Historical Identification of IPA and Stalking as Social Problems	269
The Frequency of IPA and Stalking	271
IPA Rates	271
Stalking Rates	274
Walker's Cycle Theory of Violence	275
IPA and Stalking Abusers	276
Who Are the Intimate Partner Abusers?	276
Who Are the Stalkers?	278
IPA and Stalking Victims/Survivors	279
Inhibitors to Leaving/Returning to an Abusive Relationship and What Helps Survivors Leave	281
Risk Factors for Staying With and Leaving IP Abusers	281
Characteristics Related to IPA Survivors' Staying/Leaving Decisions	285
IPA and Stalking and the Criminal Legal System (CLS)	286
The Police	287
Protection/Restraining Orders (POs)	292
The Courts	294
Nonprofit Agencies and Laws Designed to Assist IPA and Stalking Survivors	296
Summary	297
 PART IV • WOMEN WORKING IN THE CRIMINAL LEGAL SYSTEM	 299
 Chapter 11 • Women Working in Prisons and Jails	 300
A Brief History of Sex/Gender Discrimination in the Paid Labor Force	302
Comparing Racial and Gender Workplace Discrimination	304
The Matron Role: Women's Breaking Into CLS Jobs Through Sexist Stereotypical Positions	305

Women as Token Workers	306
Women Trailblazers	307
The Significant Role of Legislative and Court Rulings on Women's Work in the CLS	310
Prisoner Privacy and Prison Safety: Legal Resistance to Women Guards	313
Women Guards' Assumed Threat to Prison Security/Safety	313
(Men) Prisoners' Rights to Privacy	315
Gender Similarities and Differences in Guards' Job Performance and Attitudes	317
Resistance to Women Guards and Guards' Views of Gender and the Job	318
Job Performance and Attitudes	320
Job Satisfaction and Stress	323
Summary	325
Chapter 12 • Women Working in Policing and Law Enforcement	327
What Is Policing?	328
Women Breaking Into Police Work	329
Comparisons Between Women Breaking Into Policing With Women Breaking Into Prison/Jail Work	329
Phases and Stages of Women's Entry Into Policing	330
The First Women Police in the United States and Globally	334
Police Officer Identities	337
Title VII and Other Legislation and Policies	338
Resistance to Women in Policing	339
Sexual Harassment	341
Gender and Stress	342
Gender Differences in Job Performance	343
Classifications of Women Police Officers	347
Women's Representation in Policing	349
Recruitment and Retention	350
Promotion	353
The Intersection of Racism and Sexual Identity With Gender and Sexism	354
Racism	354
Heterosexism/Homophobia/Transphobia	356
Summary	358
Chapter 13 • Women Working in the Courts	360
The History of Women on Juries	361
The History of Women's Access to Legal Education and Training	363
(Mostly White) Women's Entry Into Legal Education and Practice	363
Women of Color's Entry Into Legal Education and Practice	366
Women in Law Schools Since the 1950s	368

Women Attorneys	370
The Number of Women Attorneys	370
The Experiences of Women Attorneys	371
Gender Differences in Job Performance	371
Hiring, Job Placements, Retention, and Attrition: Leaky Pipes and Glass Ceilings	373
The Gendered Implications of Marital and Family Status for Lawyers	377
Gendered Income Gaps	379
Mentoring and Job Satisfaction	380
The Gendered Nature of Sanctions Against Lawyers	381
Women Judges	381
Looking for Gender Differences in Judges' Decision-Making	385
Women Law Professors	388
Summary	390

PART V • CONCLUSIONS 391

Chapter 14 • Effecting Change 392

Improving Theoretical Approaches	396
Transformative Critical Feminist Criminology	396
Combining Feminist-Friendly Theories in the Same Study	396
Improving Research Methods	398
Two Strategies Cutting Across Offending, Victimization, and CLS Workers	401
Community-Coordinated Responses (CCRs) and Restorative Justice (RJ) Models	401
Trauma-Informed Care (TIC)	405
Changing the Risks for and Responses to Girls and Women's Offending	406
Changing Responses to Gender-Based Abuse (GBA)	410
Responding to Sexual Abuse	411
Responding to Intimate Partner Abuse (IPA)	413
Resistance and Fighting Back	414
Changes for Women Working in the Criminal Legal System (CLS)	416
Summary	417

References 418

Index 527

• Preface and Acknowledgments •

This is the fifth edition of *The Invisible Woman*. It is remarkable and inspiring how much feminist, intersectional, and critical criminologies have changed since the first edition, and especially in the time since I submitted the fourth edition in 2014. So many more scholars whose representation has been missing from criminology scholarship have made incredible contributions, truly shifting the lens of this field. In fact, it was impossible to read, much less incorporate, all the research since 2014 on gender and offending, victimization, and criminal legal system (CLS) workers. For this, I apologize because I likely missed some publications I should have included. One of the other differences in the past six years is far more scholarship on LGBTQI+ criminology. I have always attempted to include what we now call queer criminology and count myself among those who have contributed to it. With this edition there was so much more queer, feminist, intersectional, and even environmental criminology to add. Although it is so encouraging that the lens of criminology has significantly expanded from the almost all cisgender white men who published in criminology journals and attended the criminology conferences when I started as a graduate student in 1981, this expansion has a long way to go in representing disparate people as researchers and study participants. Given the significance of positionality and othering by researchers, it is vital to expand the inclusion of scholars based on the intersections of gender, race, class, sexuality, and so on.

Turning to my more personal acknowledgments, I always say I have the best partner, child, sister, friends, and current and former students of anyone I've known. Scott Summers, we are coming up on 30 years of nonmarital bliss and you have encouraged me to finish every edition, including the first edition that arrived in the mail the same month our amazing Casey Belknap-Summers was born. Casey, I have truly loved every age and you made parenting easy. Madelyn Strahan, you've been a great addition to our family of three, and I'm so appreciative of all the time you and Casey spend with us. We sure do know how to vacation!

I dedicated the last edition of this book to my sister, Sandra Dangler, and to one of the survivors of the 1963 Birmingham church bombing, Sarah Collins Rudolph, and in memory of her sister Addie Mae Collins. The Ku Klux Klan not only murdered Addie Mae Collins but blinded Sarah Collins Rudolph in one eye in the bombing. Sandy, you're the best mita ever, and Sarah, it is such an honor to have become friends of you and your wonderful husband, George Rudolph, since I sent you the fourth edition of this book. I am humbled and grateful.

This edition is dedicated to the missing and murdered Indigenous women and girls (MMIWG), a group which includes Indigenous people who are nonbinary/trans and have been victims of misogynistic, racist, nationalistic, and homophobic murders. This dedication also expresses support for those Indigenous women, girls, and queer folks who have survived these hateful acts. Although the movement

started in Canada, the phenomenon of these horrific crimes is also prevalent in the United States.

This edition is also dedicated to my dear friend, Helen Eigenberg, who died of cancer in 2019. Helen, Nancy Wonders, Mona Danner, and I met at the “crim” conferences through the American Society of Criminology’s (ASC’s) Division on Women and Crime (DWC) decades ago and realized we were all born in 1958. We’ve been through a lot together in both our work and personal lives (including three of us diagnosed with breast cancer since we first met). We became such solid friends and we were fortunate to have many long weekend vacations that had nothing to do with a crim conference. Helen was an amazing feminist scholar, teacher, and friend and could truly have been a stand-up comic had she wished. To learn more about Helen, go to <https://ascdwc.com/2019/01/mourning-the-loss-of-dr-helen-eigenberg/>. I chose Helen to interview me for the ASC Oral History project, which she did about six weeks before she died (https://www.asc41.com/videos/Oral_History/Joanne_Belknap.html). I miss her immensely. Helen, Mona, Nancy, and the sisterhood of the DWC have been a mainstay of my career and personal life.

I’m incredibly grateful to my colleagues in the University of Colorado Boulder (CU Boulder) Department of Ethnic Studies (DES), who allowed me to change my tenure line to this great department! I’ve worked in many academic departments and DES has been by far the best in every way—the most concerned with both teaching and activism, while holding rigorous research standards and publishing such critical and excellent scholarship. I specifically want to thank my “work husband” in Ethnic Studies, Nick Villanueva (even though he already has a husband and I’ve never had a husband), for his big heart, teaching and research advice, and open door. My DES colleagues made me be a better scholar and teacher and have been incredibly supportive of my Inside-Out Prison Exchange classes. It has been a huge honor to teach these classes (the only free college classes for prisoners in Colorado at the time I was teaching them, thanks to funding from the CU Boulder Office of Community Engagement). The Inside-Out classes allowed me to experience the kindness and brilliance of so many incarcerated women and men and to meet the amazing prison teachers Nadine Kerstetter and David Russell. I’m also hugely grateful to Lindsay Roberts, librarian extraordinaire, who chased down citations I couldn’t find and spent so much time with me in the library, on the phone, and on Zoom.

The friends and family that I have not already listed that I thank are (mostly alphabetically) Joan Antunes, Ronette Bachman, Claudia Bayliff, Jon Belknap, Bonnie Berry, Susan Buckingham, Lynette Carpenter, Terry Dangler, Emmanuel David, Anne DePrince, Jenn Doe, Patrick Greaney, Jana Kappelar, Shoni and Gary Kahn, Dora-Lee Larson, Vera Lopez, Nikhil Mankekar, Gail McGarry, Janie McKenzie, Polly McLean, Merry Morash, Onye Ozuzu, Jane and Fred Pampel, Joe Prizio, Sheetal Ranjan, Jan Roman, Cynthia Russell, Bernadette Stewart, Cris Sullivan, Jason Williams, Patti Witte, Edie Zagana, and “Upper Case,” Sue, Jamie, and Erin Summers. Regarding undergraduate and graduate students, I’ve been a professor since 1986 and taught so many who have significantly changed my life for the better. I hope you know who you are because I’m worried to make a list and forget someone. Thank you to the “older” ones for staying in touch with me all these decades, and to the newer ones who at least act like you think I’m funny and a good mentor. As I’ve said to my students the past

few years: “No pressure, but my generation has made a mess of things, especially the criminal legal system, and you all have to fix it.”

And Jessica Miller, I am so immensely grateful to you! Thank you for contacting me to switch this edition of *The Invisible Woman* to SAGE! This edition is by far the best and I’m grateful for your confidence in me, as well as your patience and guidance. I am also so appreciative of the careful copyediting and advice from Colleen Brennan and Rebecca Y. Lee after the manuscript left my hands.

I submitted this manuscript right as the COVID-19 pandemic was causing lockdowns in the United States. Many of us are at home and working remotely, but there are so many people who can’t work from home, have lost their jobs, already didn’t have adequate health care, are incarcerated, are living with an abusive family member, and made more invisible and marginalized as a result of this pandemic. The impact of COVID-19 on the most marginalized, including prisoners, is being documented, although there is far less press about women’s prisons. In my final edits of this preface, I also want to acknowledge the profound successes the #BlackLivesMatter movement has had, and will likely continue to have, including changing police practices and tearing down racist statutes, following the lynching of Ahmaud Arbery and the police killings of George Floyd and Breonna Taylor. I wish I had time to tie this critical period of criminal legal system accountability into this edition of the book, but I don’t (and asked to add these few sentences at the very last hour). This is giving me hope about structural changes in policing that are beyond the expansion of community policing and adding more women, queer folks, and people of Color to law enforcement, but actually changing who responds to the mentally ill, more funding for education and less for law enforcement, and so on.

SAGE and the author would also like to thank the following reviewers for their input and for helping improve the fifth edition:

Benjamin D. Albers, Bridgewater College

Robbin Day Brooks, Arizona State University

J. Robert Duke, University of Alaska Fairbanks

Angelina Inesia-Forde, Walden University

Christina Mancini, Virginia Commonwealth University

Ariane Prohaska, University of Alabama

• New to This Edition •

This edition is heavily updated with research and data that have appeared since the last edition was published in 2014. Some of the chapter titles have changed because the foci have changed. Topics new to this edition include anti-carceral/abolitionist feminism, structural sexism, adultification, environmental criminology, the #MeToo movement, revenge porn, and trauma-informed care. Given that queer criminology has grown, there is more information on this, as well. Finally, the previous edition had 13 chapters. In this edition, what was formerly Chapter 4 “A Gendered Account of Women and Girls’ Offending” is now two chapters: Chapter 4 “Accounting for Gender–Crime Patterns” and Chapter 5 “The Context of Women and Girls’ Offending.” The world charts included at the end of the previous chapters have been updated. They would have used so much space in the book (driving the costs up), that SAGE acquisitions editor Jessica Miller and I decided to make these available for free to the teachers and students who adopt this book. Specific differences by chapter include:

- *Chapter 1, Gendering Criminology Through an Intersectional Lens*, is updated and the title changed to reflect the broader focus on intersectionality, with new concepts including the Global South, the Global North, sex-positive criminology, carceral feminism, missing and murdered Indigenous women and girls (MMIWG), and structural sexism.
- *Chapter 2, Theories Part I: Positivist, Evolutionary, Strain, Differential Association, Social Control, and Women’s Emancipation Theories*, also changed titles and, along with the next chapter on theories, is reorganized and provides more recent tests of the theories.
- *Chapter 3, Theories Part II: Critical, Labeling, Cycle of Violence, Life Course, Pathways, and Masculinity Theories*, like Chapter 2, changed titles and is reorganized and provides more recent tests of the theories covered in this chapter. This chapter also includes three new figures. One is on critical race feminism; another compares cycle of violence, pathways, and life course theories; and the last is Gunnison’s (2015) test of life course theory.
- *Chapter 4, Accounting for Gender–Crime Patterns*, has more recent data on U.S. arrest rates and patterns for many specific offenses over time. It introduces three steps to assessing, interpreting, and explaining gender-convergence patterns over time.
- *Chapter 5, The Context of Women and Girls’ Offending for Specific Crimes*, provides far more information on how the commission of various crimes is

gendered. It includes a new figure on girls' strategies for meth procurement based on Lopez and colleagues' (2019) work, introduces the concept of "bargaining with the patriarchy," and presents research on nonmedical prescription drug use and child abductions/kidnappings.

- *Chapter 6, Processing Women and Girls in the Criminal Legal System*, introduces new material on cultural variables, the complexity of chivalry, and the legacy of racism in confounding measures of crime. This chapter also addresses the necessity for statistical models to account for the intersections of gender with race, and the usefulness of separate statistical models for females and males to determine whether contributors to CLS outcome decisions are gendered.
- *Chapter 7, Incarcerating, Punishing, and "Treating" Offending Women and Girls*, is reorganized and provides updated data on gender and incarceration and introduces more research on the children of incarcerated women, including prison nurseries.
- *Chapter 8, Gender-Based Abuse (GBA)*, is significantly reorganized and updated, introduces environmental criminology as it relates to feminist criminology, and addresses MMIWG as a GBA.
- *Chapter 9, Focusing on Sexual Abuse*, is reorganized and updated and introduces a new figure on child sexual assault victims and perpetrators. It includes more on street sexual harassment and introduces the changes from Professor Anita Hill's ordeal to the #MeToo movement and the significance of sexual abuse kits (SAKs). Anti-carceral feminists' concerns with CLS responses are discussed, as is the extraordinarily high risk of sexual abuse victimization among trans women.
- *Chapter 10, Intimate Partner Abuse (IPA) and Stalking*, introduces a new section on additional IPA tactics by perpetrators against immigrants, LGBTQI+ individuals, and people with disabilities. A new figure summarizes the ways that IPA is a GBA among different-sex couples. IPA against trans and intersex individuals is introduced, as is anti-carceral feminists' movements toward more decriminalization of domestic violence.
- *Chapter 11, Women Working in Prisons and Jails*, introduces how the growing visibility of nonbinary gender identities and rights should include women's right to work in the CLS and summarizes recent research documenting sexism against women working in prisons and jails.
- *Chapter 12, Women Working in Policing and Law Enforcement*, includes women's continued poor representation and advancements in police work, and the hostile workplace that is still all too common. It introduces Workman-Stark's (2017) five steps of police identity formation, the link between community-oriented policing and how women "do" policing, and transphobia in policing.
- *Chapter 13, Women Working in the Courts*, similar to Chapters 11 and 12, documents the continued sexism faced by women working in the courts,

particularly in law firms, particularly in terms of the introduced concept BigLaw. Women's representation in law schools and as judges has improved.

- *Chapter 14, Effecting Change*, introduces the ecological model of victimization, offending, and working in the CLS; new figures on transformative critical feminist criminology; the concepts of trauma-informed care and digital documenting; and a section on improving research methods and community-coordinated responses.

• About the Author •

Joanne Belknap, Professor of Ethnic Studies at the University of Colorado Boulder, received a PhD in Criminal Justice and Criminology from Michigan State University in 1986. She is both a Fellow and Past-President of the American Society of Criminology and has written numerous scholarly publications, most of which involve gender-based abuse and the connection between trauma and offending through an intersectional feminist lens. Dr. Belknap has secured almost 2 million dollars in grant money to conduct research on women, girls, and crime; served on state advisory boards for female offenders and women in prison; served on U.S. Attorney General Janet Reno's Violence Against Women Committee; gave expert testimony to the Warren Christopher Commission investigating the Rodney King police brutality incident in Los Angeles; and taught college classes in women's and men's prisons through the Inside-Out Prison Exchange Program. She has received numerous research, teaching, and service awards.

Introduction

Chapter 1 Gendering Criminology Through an Intersectional Lens



Gendering Criminology Through an Intersectional Lens

The more stigmatized their social position, the easier it is to victimize them. The further a woman's sexuality, age, class, criminal background, and race are from hegemonic norms, the more likely it is that they will be harmed—and the more likely that their harm will not be taken seriously by their community, by anti-violence programs, or by the general public.

—Richie (2012, pp. 15–16)

This book presents the current state of women, girls, gender, and justice, in criminology (the study of crime), focusing on the United States. To understand this requires two approaches. First, it is necessary to comprehend historical developments of the status of women and girls in the home, society, and the workplace. Second, sexism does not occur in a vacuum; rather it intersects with race/ethnicity, class, sexuality, (dis)ability, immigration and nation status, and so on. Therefore, it is vital to use an *intersectional* approach to examine the impacts of gender (P. H. Collins & Bilge, 2016; Potter, 2015). To this end, this book includes relevant historical factors, many with lasting legacies, and addresses criminology through a gendered and intersectional lens.

In addition to reporting the challenging state of justice in the past and present United States, this book also identifies successes and progress in theories, research, policies, and practice. Given that a larger portion of this book is more about the injustice than justice experienced by crime victims, defendants/offenders, and workers,

the term *criminal legal system* is used in lieu of what many people refer to as the *criminal justice system*. In sum, most of this book reports on the unjust processing of girl and women victims and defendants/offenders, and the challenges of women working in the criminal legal system as police, jail/prison staff, lawyers, and judges. However, advances in society, criminology, the criminal legal system, and justice will also be identified. The purpose of this chapter is to introduce readers to this book and to expose them to an overview of the important concepts and phenomena necessary to understand gender and crime. These significant concepts include a presentation of women and girls' invisibility in criminology and criminal legal system studies and society, relevant concepts and definitions, and an understanding of how the images of women and girls in society have affected their experiences as victims, offenders, and professionals working in the criminal legal system.

The bulk of *The Invisible Woman* is the three sections between the first and last chapters: offending (Section II), victimization (Section III), and criminal legal system workers (Section IV). The offending section, Section II, includes chapters on criminology theories (Chapters 2 and 3), gender patterns in offending and being labeled "offender" (Chapter 4), gendered contexts in offending (Chapter 5), gender differences in how the criminal legal system (CLS) processes offenders (Chapter 6), and gender differences in punishing and incarcerating offenders (Chapter 7). Section III, the victim section, is on gender-based abuses. *Gender-based abuses* (GBAs) are abuses committed disproportionately against women, girls, queer (LGBTQI+) and gender-nonconforming individuals. Chapter 8 introduces GBAs, Chapter 9 focuses on sexual victimizations (e.g., rape and sexual harassment), and Chapter 10 is on intimate partner abuse (also known as intimate partner violence and "domestic violence") and stalking. Section IV is on women workers in the criminal legal system (CLS), with chapters devoted specifically to jail/prison work (Chapter 11), police work (Chapter 12), and court work (i.e., lawyers and judges) (Chapter 13). The book closes with Section V, a summary of advances that have been accomplished in gender and crime (Chapter 14).

Diversity Among Women and Girls

As stated in the first paragraph, understanding the effects of sexism cannot be conducted in a vacuum because sexism is not experienced the same by everyone. Rather, gender intersects with such characteristics as race/ethnicity, class, sexuality/sexual identity, (dis)ability, nationality, immigration status, age, and so on. Significantly, gender role stereotypes, experiences, and opportunities vary for women and girls of different classes, races/ethnicities, (dis)abilities, sexualities, religions and nationalities (e.g., Arnold, 1990; Bachman, Zaykowski, Lanier, Poteyeva, & Kallmyer, 2010; Belknap, 2010; Belknap, Holsinger, & Little, 2012; Brennan, 2002; Burgess-Proctor, 2006; Chigwada-Bailey, 1997; C. F. Collins, 1997; P. H. Collins & Bilge, 2016; Corliss, Cochran, Mays, Greenland, & Seeman, 2009; Dorr, 2004; Garfield, 2005; Jones, 2010, 2018; Scherer & Reyns, 2019). Historically, feminist scholarship has focused too strongly on the lives and experiences of white, straight, middle-class women and girls, with missing, inadequate, or sometimes, offensive assessments of race/racism, class/classism, sexuality/homophobia, and other marginalizing characteristics. Significantly,

research consistently documents how the greater the matrix of oppression (the more oppressed groups one is a member), the more marginalized and discriminated against the individual (P. H. Collins & Bilge, 2016; Richie, 2012). Although the term *intersectional feminism* is more recent, the meaning has been promoted by women of Color from across the globe since at least the 1800s (P. H. Collins & Bilge, 2016; Roberts & Connell, 2016).

In 1988, African American feminist scholar D. K. King published her classic article, “Multiple Jeopardy, Multiple Consciousness,” to address African American women’s multiple jeopardies (marginalizations) in terms of race, gender, and typically class, but also how African American women become invisible under “African American” when “male” is assumed, *and* under “women” when “white” is assumed. In 1990 African American legal scholar A. P. Harris defined *multiple consciousness* as a “process in which propositions are constantly put forth, challenged, and subverted” (p. 584). This challenge and subversion, according to Harris (1990), is due to the phenomenon of *gender essentialism*, whereby women’s experiences are “isolated and described independently of race, class, sexual orientation, and other realities of experience” (p. 585). Around the same time, Asian American legal scholar Matsuda (1989) described how law school typically trains in bifurcated thinking, by separating what one *believes* is relevant from what one’s legal training has *taught* is relevant. This requires a “shifting” between one’s lived experiences “and the white consciousness required for survival in elite educational institutions” (p. 8). Matsuda closed with this directive:

I cannot pretend that I, as a Japanese American, truly know the pain of, say, my Native American sister. But I can pledge to educate myself so that I do not receive her pain in ignorance. And I can say as an American, I am choosing as my heritage the 200 years of struggle by poor and working people, by Native Americans, by women, by people of color, for dignified lives in this nation. I can claim as my own the Constitution my father fought for at Anzio, the Constitution that I swore to uphold and defend when I was admitted to the bar. It was not written for me, but I can make it my own, using my chosen consciousness as a woman and person of color to give substance to those tantalizing words “equality” and “liberty.” (p. 10)

More recently, Lopez and Pasko (2017) describe the invisibility of Latinas in criminology research: Latinx people “have historically been classified as White people” in official U.S. data, and Latinas’ experiences in the CLS are often “blurred with those of Latino boys and men” (p. 196).

This book makes visible women and girl victims, women and girl defendants/offenders, and women working in the criminal legal system (CLS), acknowledging that women and girls’ experiences are not identical but are impacted by their race, class, sexual identity, national origin, and other personal and potentially marginalizing and privileging characteristics. Many of these have been long-ignored/invisible. Although there is significant scholarship and awareness needed in many areas of criminology, fortunately there is increasing research on LGBTQI+, Indigenous (e.g., Morris & Wood, 2010), Latinx individuals (Flores, Camacho, & Santos, 2017; Lopez, 2017; Lopez & Pasko, 2017), and people with disabilities (Scherer & Reyns, 2019). Notably, *queer*

criminology is an essential and growing subfield within criminology (Ball, 2016; Buist & Lenning, 2016; Panfil, 2017; D. Peterson & Panfil, 2014; E. S. Peterson & Skinner, 2019; Wodda & Panfil, 2018; Woods, 2017).

A crucial concept in this analysis is the Global South. *Global South* is a shift from using terms such as *Third World*, *Underdeveloped*, or *Developing* countries to broadly refer to geographic regions in Asia, Africa, and Latin America. Replacing the prior labels for the Global North (previously referred to as Developed and First World nations) and Global South “marks a shift from a focus on development or cultural difference toward an emphasis on geopolitical power relations” (Dados & Connell, 2012, p. 12). Significantly, “colonization itself was a gender-structured process, colonial societies were strongly gendered in new ways and postcolonial societies to have produced new configurations of gender relations” (Roberts & Connell, 2016, p. 137). Moreover, racism, nationalism, and “deeply troubling expressions of violent masculinity” are embedded in many criminological theories from the Global North, at the same time that they fail to address the present criminogenic impact from the “violence of coloniality itself” (Carrington & Hogg, 2017, p. 181). In 1998, Indigenous scholar and criminologist L. Ross (1998) wrote that Native American “loss of sovereignty is implicitly tied to Native criminality in complex, historical ways” (p. 2). In sum, there is a presumptuousness when scholars of the Global North, particularly in the United States, where most criminological theories have been developed, assume that their theories should apply world-wide (Belknap, 2016; Carrington & Hogg, 2017; Liu, 2009; Suzuki, Pai, & Islam, 2018).

In addition to using Global South/North as terms for the nation inequities described earlier, I will largely use Indigenous and Native American somewhat interchangeably but will not use “Indian” to refer to Indigenous peoples in the United States (unless quoting someone who uses this term). Similarly, “Hispanic” is an offensive identifier to many given “its association with Spain, the nation that oppressed their ancestors in Mexico and Central and South America” (Delgado & Stefancic, 2017, p. 69). Thus, consistent with others and the cumbersomeness of using Latina/Latino/Latinas/Latinos, “Latinx” is used to comprise all of these. Some people decry this is being too “PC” (politically correct). I contend it is important not to continue troubling labels that are offensive to the people being labeled, and that people should have the right to identify themselves rather than continue labels started by colonists or other outsiders. This is not perfect (i.e., Latinx); not everyone who is Latinx prefers this term. At the writing of this edition of this book, however, it is arguably the most respectful and accurate term.

What Is Feminism?

Feminism and feminists recognize that gender inequalities exist in society and value change that enhances gender equality. African American feminist hooks (1984) defines feminism simply as “the struggle to end sexist oppression” (p. 26). She compares patriarchy to racism and other forms of oppression and points out that for sexism to end, racism and other forms of oppression cannot remain intact. Feminism, therefore, is part of the larger movement to end domination in all of its forms (hooks, 1990). “The aim of feminism is not to benefit solely any specific group of women, any particular race or class of women. It [feminism] does not privilege women over men.

It has the power to transform in a meaningful way all our lives” (hooks, 1984, p. 26). The need for feminism, then, arises from the desire to create a world without gender and other forms of oppression.

Unfortunately, a number of myths have damaged the concept of feminism as a legitimate issue and approach. The media and politicians sometimes exaggerate or manipulate statistics and incidents in order to condemn feminism and keep women in gender-specified roles (e.g., see Faludi, 1991). Daly and Chesney-Lind (1988) identify three myths about feminism: (1) Feminism lacks objectivity, (2) feminist analysis narrowly focuses on women, and (3) there is only one feminist perspective. Regarding charges that feminism lacks objectivity, Daly and Chesney-Lind point out that men and nonfeminists are no more objective about gender issues than are women and feminists. The problem is that too often “men’s experiences are taken as the norm and are generalized to the population” (p. 500). With regard to the criticism that feminism focuses too narrowly on women, in fact, feminist analysis does not ignore men and masculinity; rather, men are included in—but are not always the center of—the analysis. Obviously, it is impossible to study gender without studying different genders, but it is also important to study the roles of masculinity and femininity and how they are framed depending on who is doing them. Feminist criminologists have increasingly included studies of men, sometimes only men (or boys), to examine the role of *masculinity* to explain phenomena such as offending (Jones, 2018; Panfil, 2017; Presser, 2008).

In her book *The Chosen Ones: Black Men and the Politics of Redemption*, N. Jones (2018), an African American, feminist, criminology scholar, reports on a five-year ethnographic study she conducted of San Francisco’s Fillmore neighborhood. “*The Chosen Ones* is written from the perspective of Black men who see the ghosts of the destruction they brought to their neighborhoods as young boys and who now want to make good” (p. 86). Jones identifies the confusing and contradictory messages Black men confront about Black masculinity while trying to both “find a new place in their families and in their neighborhood” and redefine “in word and deed what it means to be a man worthy of a measure of respect that is not solely rooted in physical dominance” (p. 16). Indeed, these men must negotiate this while the criminal legal system (CLS) is “organized around the bodies of Black men” (p. 27).

Feminist theory, overall, “is a woman-centered description and explanation of human experience and the social world. It asserts that gender governs every aspect of personal and social life” (Danner, 1991, p. 51). Yet it is important to recognize there are variations of feminisms. “The subject of feminism is by no means static or consensual but rather is a field of arguments, disagreements, transformations, and problematizations that vary over time” (Martinez, 2018, p. 327). For example, there are Marxist, socialist, liberal, radical, postmodernist, intersectional, Black, African American, Chicana, Asian American, Indigenous, Native American, Queer, Spanish, Brazilian, French, second wave, third wave, institutional, para-institutional, and many other feminisms and feminists. Crossley’s 2017 book, *Finding Feminism: Millennial Activists and the Unfinished Gender Revolution*, is a study of diverse millennial feminist activists (e.g., racial diversity, women, men, queer, trans, etc.) on three U.S. college campuses, identifying and documenting a range of young activist women and men engaged in intersectional feminism, and challenging the

enactments of privilege and discrimination in the intersections of gender, race, class, sexuality, and other inequalities.

Thus, not all feminists think alike. On the other hand, there is a common thread among feminists: Gender inequality and discrimination exist, are disproportionately experienced by and perpetrated against girls and women, and need to be challenged. Increasingly, feminists have embraced hooks's (1984) perspective that fighting sexism cannot be achieved without also fighting racism, classism, homophobia, and so on. Despite the differences between some of the "feminisms," they all push to rethink and improve women's, girls', and gender-nonconforming individuals' lives. Feminist changes may help men and boys, too; for example, feminism has been key in improving fathers' roles in nurturing their children (Berton, Bureau, & Rist, 2017).

Criminology has often included the field of *deviance* whereby crime is deviant, but so are other instances of marginalized people acting and being out of culturally and often legally prescribed spaces. Wodda and Panfil (2018) document *sex-negativity*, "a perspective that treats any form of sexuality aside from heterosexual marital sex as deviant and abnormal," as a method practiced by both early CLS practitioners and criminologists preoccupied with women and girls' sexuality" (p. 583). Thus, Wodda and Panfil advocate for moving toward *sex-positive feminist criminology*, which includes "positive notions of [sexual] desire, affirmative (or 'yes means yes') [sexual] consent, and concern for the well-being of self and others" (p. 589) and "recognizes the uniqueness of individual sexuality" (p. 590). Sex-positive feminist criminology is "more than merely endorsing the right to engage in (or not engage in) sexual behaviors. The kind of sex-positivity we support is structural—a way to think about sexuality, wanting, and desire in a way that encompasses a wealth of intersectional human experience" (p. 600).

An important and contested development in feminisms has been concern about the incongruency of advocating for more state-sanctioned punishment of perpetrators of gender-based abuses (GBAs, such as rape and intimate partner abuse) while many feminists, and particularly feminists of Color, have provided significant and realistic concerns about the sexist, racist, classist, and counterproductive police, court, and prison systems. Following World War II, and mostly in the 1960s through the 1990s, the liberal law-and-order era in the United States started whereby liberal social policies were "balanced" by implementing conservative CLS policies that resulted in more police, prisons, incarceration, and no one was more criminalized and targeted than people of Color, primarily African Americans (Bumiller, 2008; Mack & McCann, 2018; Murakawa, 2014; Thuma, 2014). Significantly, many scholars stress that liberal Democrats, such as President Bill Clinton, were central to the carceral and racist state (e.g., Middlemass, 2017; Murakawa, 2014; Stevenson, 2015). The resulting "racialized and gendered policies . . . not only fail to respond to the needs of those harmed, but also target and disenfranchise communities of color" (Mack & McCann, 2018, p. 331). To this end, in 2000, a number of well-known feminist criminologists of Color, including Angela Y. Davis and Beth Richie, formed INCITE!, a grassroots organization specifically designed to address these inconsistencies between advocating for victims of GBAs at the same time as addressing the violence perpetrated against people and communities of Color in and by the criminal legal system (see <http://www.incite-national.org/page/about-incite>).

Bumiller's (2008) powerful book *In an Abusive State* convincingly documents how feminist campaigns against sexual violence "evolved in alliance with the state," placing "cultural anxieties associated with sexual terror . . . on the public agenda, polarized gender- and race-based interests and fueled notions" (p. xv). Whittier (2016) identifies *carceral feminism* as "feminist activism aimed at increasing state enforcement against violence against women" (p. 792). Stated alternatively, carceral feminists ultimately favor the more official CLS "justice" responses to social justice responses; the latter are aimed at addressing structural problems that intersect with gender inequality, such as poverty and racism. Whittier stresses that it is unlikely anyone identifies as a carceral feminist, as "carceral feminism is a term of critique meant to point out the dangers of relying on the state's punitive power to advance women's liberation" (p. 792). Perhaps nowhere has carceral feminism played a larger role than in responses to sex trafficking, as carceral feminism is most heightened in cases of gender, sexuality, and the law (Bernstein, 2010, 2012), which will be addressed later in this book. Goodmark's (2018) book *Decriminalizing Domestic Violence* provides a compelling analysis for how domestic violence laws are harmful not only to intimate partner abuse offenders but also to the victims, arguing that responses and policies be developed more through viewing this as a human rights, public health, community, and economic concern rather than a CLS concern. Collectively, in contrast to what has been identified as *carceral feminism* is *abolitionist feminism* or *anti-carceral feminism*, an approach initiated by INCITE!, which is increasing in support and referenced repeatedly in this book.

Women and Girls' Invisibility

The title of this book was chosen to reflect the strong theme of *invisibility* in the three major areas covered in the book: (1) women and girls as offenders, (2) women and girls as victims, and (3) women professionals working in the CLS. Before the 1980s, the research on women, girls, and crime was scant, practically invisible. It was as if their victimizations, offending, and existence were unimportant or meaningless. With the second wave of the U.S. women's/feminist movement (the 1960s and 1970s), more women hoping to study what is now referred to as feminist criminology, were accepted into law school, and criminology, psychology, social work, and sociology advanced degree programs, resulting in feminist criminology growing at increasing rates. The first edition of this book was published in 1996, when there was far less research published on women, girls, and crime, and most of it was in the United States and England. Fortunately, this research has significantly expanded not only in the United States and England, but around the world. However, this makes it much more difficult to adequately include all this research, so the book's focus is on the United States.

This book is dedicated to the missing and murdered Indigenous women and girls (#MMIWG). Later in this book we will come back to MMIWG, but it is necessary to identify colonization and resistance to it as very much related to feminist criminology, just as slavery is. The same could be said about the United States that is stated in this quote from Canada's 2019 MMIWG Report:

In the 16th century, “explorers” commissioned by European states arrived in what is now Canada to claim newly “discovered” lands for their benefactors, with the purpose of drawing out its resources for their funders in Europe. They were looking for resources—loot—and hoped to find them in the Americas. While the term “explorer” may suggest a kind of harmless searching or wandering, these voyages were anything but that. Instead, they set the stage for a full-scale assault on Indigenous Nations and communities that has lasted nearly 500 years. (National Inquiry into the Missing and Murdered Indigenous Women and Girls, 2019, p. 234)

Historically, women and girls were left out of victimization and offending studies or, if included, were typically done so in sexist, racist, classist, homophobic, and other stereotypic ways. A study of U.S. and British criminology publications from 1895 to 1997 found “a glaring and persistent deficiency” in the representation of women and girls in criminology studies, which was attributed at least in part to the underrepresentation of women criminologists (Hughes, 2005, p. 21). Similarly, historical accounts of criminology often ignored women criminologists’ contributions to the field (Laub & Smith, 1995).

On a more positive note, significant pro-feminist changes have occurred: Criminology scholarship and university curricula more often include women and girls, and academia is producing more feminist and queer scholars and publishing outlets (such as journals). Moreover, intersectional feminist criminology is more routinely expected in publications. The growth of feminist and intersectional scholarship is evident in every new edition of *The Invisible Woman*, whereby there is far more research to review on women, girls, and LGBTQI+ as offenders and victims, and within the context of race, class, sexuality, and so on. Unfortunately, a 2015 study found that although women’s representation as authors in criminology journals indicates increases over time, they are still very underrepresented in six mainstream (compared to the two gender-specialized) criminology journals (Eigenberg & Whalley, 2015). Similarly, a study of pictures in “Intro to Criminal Justice” textbooks found there were three times as many depictions of men as women per chapter (Love & Park, 2013). When women did appear, they were most likely victims or peripheral people. Men were five times more often than women to be portrayed as any category of CLS professionals (i.e., police officers, judges and lawyers, and guards) and seven times more than women as police officers (which, we will find in Section III of this book, is the least gender diverse of CLS jobs).

Women and Girls as Offenders

Most criminology theories are concerned with what “causes” crime and thus focus on factors related to offending, primarily male juvenile offending. Until the late 1970s, it was highly unusual for these studies to include girls or women in their samples. Although gender is the strongest factor indicating a person’s likelihood to break the law, these (almost exclusively male) researchers rarely thought it necessary to include women or girls in their samples. The irony is that “sex, the most powerful variable regarding crime has been virtually ignored” (Leonard, 1982, p. xi). Criminology theories were constructed “by men, about men” and explain

male behavior rather than human behavior (p. xi). Significantly, studying why women and girls offend less frequently than men and boys “could arguably provide clues for dealing with men’s criminality” and provide more deterrence to offending (A. Morris, 1987, p. 2).

When the researchers included girls in their samples prior to the 1980s (and too often since then), it was typically to see how girls fit into boys’ equations. That is, rather than include in the study a means of assessing how girls’ lives might be different from boys’ lives, girls’ delinquency has typically been viewed as peripheral and unnecessary to understanding juvenile offending and processing. It is not a coincidence that the criminal behavior of women and girls (regardless of race) (Leonard, 1982; A. Morris, 1987) and people of Color (regardless of gender) (A. Morris, 1987; Ross, 1998; Wotherspoon & Hansen, 2019) has historically (and, to some extent, currently) been attributed to biological causes, whereas white boys and men’s crimes are more frequently attributed to economic and social factors such as social class, access to opportunities to learn crime, and area of residence in a city.

Another aspect of the invisibility of female offenders is the “correctional” institutions provided for women and girls. The jails, prisons, and delinquent institutions for women and girls, both historically and presently, vary drastically from those for boys and men, mostly to the disadvantage of girls and women. Moreover, historically, treatment and punishment issues/opportunities differ vastly for women based on race (Butler, 1997; C. F. Collins, 1997; P. H. Collins, 1990; Freedman, 1981; Rafter, 1985; Young, 1994). The excuse for the lack of research on institutions housing women and girl offenders, as well as the lack of training, vocational, educational, and counseling programs available to incarcerated women and girls, is that women and girls make up a small percentage of offenders. This lack of interest in and opportunities for women and girls are particularly disturbing given that since the 1970s, their incarceration rate grew much faster than men’s (Hammett & Drachman-Jones, 2006; Immariageon & Chesney-Lind, 1992; Kline, 1993; Lo, 2004; Mumola & Beck, 1997; Sokoloff, 2005).

Women and Girls as Victims

Section III of this book focuses on the victimization of women and girls. The most common crimes committed against women and girls—sexual abuse (including rape), intimate partner abuse (domestic violence), and stalking—are not only some of the most invisible and underreported crimes, but they are also some of the most frequent, abusive, fear-inducing, humiliating, and often, violent and dangerous, crimes.

Research on violence against women and girls, also known as *gender-based abuse*, has also increased exponentially in recent years. This is in part due to the increased number of women and feminists in academia and has been greatly aided by the implementation of the federal Violence Against Women Act (VAWA) of 1994, the first U.S. federal legislation addressing gender-based abuse (Murshid & Bowen, 2018). VAWA was signed into law by President Clinton in 1994, and the Office on Violence Against Women was established in 1995 to implement this act, and it was reauthorized in 2000, 2005, and 2013 (Stuart, 2005; Valente, Hart, Zeya, & Malefyt, 2001; Whittier, 2016). Due to VAWA, research on violence against women (e.g., domestic violence, sexual assault, and stalking) has been funded, and programs in

a variety of agencies (e.g., police, courts, Native American communities) regarding violence against women have been implemented and funded at unprecedented rates (Stuart, 2005). VAWA 2000 included a substantial expansion of protections for immigrant victims of domestic violence and sexual assault and was passed with the Victims of Trafficking and Violence Protection Act of 2000 (Murshid & Bowen, 2018). The 2013 reauthorization of VAWA was passed only after being critically threatened by a partisan standstill primarily due to Republicans' reluctance to expand the program to gay, lesbian, bisexual, and trans victims and undocumented immigrants and reticence to increase authority to American Indian tribes to address intimate partner abuse in their communities (Deer, 2018; Whittier 2016). The VAWA 2013 debates were fraught with both sexist and racist rhetoric, framing "the racialized 'criminal alien' sexually threatening to the 'vulnerable' woman" (Mayers, 2019, p. 61). Immigrants were dichotomized into "deserving" and "undeserving" of citizenship, in efforts to enhance border control with Mexico (Mayers, 2019, p. 61).

The VAWA reauthorization needed in 2018 expired due to the U.S. federal government shutdown under President Trump (December 2018–January 2019). In April 2019 the U.S. House of Representatives passed a VAWA Reauthorization bill, including trans victims and banning convicted domestic violence abusers from purchasing guns, but at the date of writing this, it has not been considered by the U.S. Senate.

Women as Professionals in the Criminal Legal System

The final major area covered in this book, Section IV, is women's employment in the CLS. The three major types of employment opportunities in this system are work in prisons and jails, policing/law enforcement, and the courts (i.e., lawyers and judges). Section IV of this book examines historical and current issues for women employed as correctional officers (guards), police, and lawyers and judges. In all of these professions, women have faced considerable resistance to entering these jobs and receiving promotions. Women's disadvantage in the workplace is a "more enduring feminist concern," and this is disproportionately so in CLS professions given the sexist "assumptions about gender norms for women" (Rabe-Hemp & Miller, 2018, p. 231). This resistance was and is based primarily on the attitude that women are unsuitable for these jobs because working with male offenders requires "manly"/hyper-masculine men. "Before the 1970s, almost all criminal justice employees in the world were men" (Rabe-Hemp & Miller, 2018, p. 231). Title VII, a 1972 amendment to the 1964 Civil Rights Act, proved crucial for women's professional entrance into jobs in the criminal legal system. Unfortunately, women's advancement in both numbers and rank has been slow. Despite current efforts by law schools and police departments to hire more women, the numbers of women in these occupations are still quite low, as are the number of women working in men's penal institutions (the majority of incarceration facilities) and women becoming partners in private law firms. As reported later in this book, even today some women working in these fields (policing, prisons/jails, legal firms, and courts) still face some minor and major resistance, sexual harassment, gender discrimination, obstacles, and hostility from some male administrators, coworkers, and the public (Helfgott, Gunnison, Murtagh, & Navejar, 2018).

Blurring of Boundaries of Women's Experiences in Crime

In addition to acknowledging the invisibility of women offenders, women victims, and women working in the criminal legal system, it is important to recognize the overlapping of these categories in many women's experiences. Given the extraordinarily high rates of gender-based abuse (see Chapters 7 through 9), it would be difficult to have women working in the criminal legal system who had *not* been victimized by GBA. Similarly, the offending chapters (Chapters 2 through 6), including some criminology theories (e.g., pathways and cycle of violence theories) address the well-documented relationship between gender-based abuse and other victimizations and offending behaviors. Many of these accounts suggest that the likelihood that prior victimization (especially gender-based abuse victimization) and offending (especially sex work/prostitution, running away, and drug offenses) are significantly related. For example, women and girls escaping abusive homes often have few legal avenues and engage in crimes such as sex work, selling drugs, and property crimes, in order to survive.

As discussed earlier, women victims, offenders, and professionals in the CLS have historically remained invisible. Because of the shame associated with sexual abuse and abuse by a partner, these crimes are not routinely reported to the criminal legal system, research interviewers, or even family members and health care officials. Similarly, offending women have remained invisible because, until recently, they made up less than 5% of the prison population. Although no actual count exists, U.S. prisons have housed, and continue to house, countless women who killed their very abusive mates as a last resort (e.g., Browne, 1987; Richie, 1996). Finally, roles for women professionals in the criminal legal system were largely nonexistent until the 1970s. The goal of this book is to make issues surrounding women and crime more visible, to trace the changes in society and the criminal legal system that have occurred, and to propose changes that still need to occur. But first, to understand these issues, it is important to have an understanding of feminism and the difference between sex and gender.

Sex Versus Gender

Differences between men/boys and women/girls have been divided into two categories: sex differences and gender differences. *Sex differences* are biological differences, including differences in reproductive organs, body size, muscle development, and hormones. Even biologically it is not always clear what sex someone is; 1 in 2,000 births are intersex individuals, and the pattern has been to have the doctor decide the sex at birth in these "questionable" cases (Kessler, 1990). *Gender differences* are those that are ascribed by society and that relate to expected social roles. Examples of gender differences include clothing, wages, child-care responsibilities, and professions. Not only are most differences between males and females *gender* (as compared to *sex*) differences, but gender-based differences are rooted largely in inequality (MacKinnon, 1990). Because society creates these inequalities, society must also be the solution to restructuring the images and opportunities of women and men (and girls and boys) to achieve equality.

Sex and gender differences are further complicated by the recognition that sex is not a female–male binary and that people are born with unclear biological sex

markers, including “ambiguous” genitalia (not clearly distinguishable whether the body part is a penis or a clitoris) and ranges of hormones and chromosomes (Sanz, 2017). Sanz (2017) points to Global North scientists’ devotion to a sex binary since the 18th century and their commitment to disavowing the extensive biological distributions among the “sex” continuum. The acceptance of sex as nonbinary makes the social construction of gender as peculiar as it should be considered. Forbes’s (2014) definition of *trans* (an abbreviation of the word transgender) is simply people who “live as the gender that is not associated with their birth sex” (p. 388). Thus, a proposed way of moving feminist criminology forward is to trans framework, that is, to move beyond a gender binary (male–female binary), to help address the multitude of ways that gender privileges and oppresses (Musto, 2019, p. 50).

Court cases on sex discrimination have historically confused sex and gender differences, often ruling to the disadvantage of women on the basis that cultural/societal (or gender) differences are “immutable” (Rhode, 1989, p. 3). That is, legal discourse has historically failed to distinguish sex differences from gender differences, viewing both as inherent and not recognizing the role society plays in perpetuating gender inequalities. Inherent in this distinction between sex and gender are the concepts of sexism and patriarchy. *Sexism* refers to oppressive attitudes and behaviors directed at any gender; that is, sexism is discrimination or prejudice based on gender. In practice, the discrimination, prejudice, and negative attitudes and behaviors based on sex and gender are directed primarily at women (e.g., women are not as “good” as men, women exist for the sexual pleasure of men, women are defined by their beauty, etc.). Sexism can be further divided as it is in Chapter 6, distinguishing between *benign* and *benevolent sexism*, and include *structural sexism*, described in Chapter 7. Homan (2019) defines *structural sexism* as “systematic gender inequality in power and resources” and distinguishes between its enactment at the state (macro), marital dyad (meso), and individual (micro) levels (p. 487). Although Homan applies structural sexism to health inequality, it applies also to the criminal legal system and justice inequality. Marital status as a gendered/sexist phenomenon is raised frequently in this book, as is macro structural inequality in terms of how laws, policies, police, courts, prisons/jails/youth detention institutions perpetuate gender inequality for women/girls as victims, offenders, and workers in the criminal legal system. Homan stresses that structural sexism must be studied “across a variety of status characteristics, including race, education, marital status, sexual orientation, and parental status” (p. 509).

Patriarchy, on the other hand, refers to a social, legal, and political climate that values male dominance and hierarchy. Central to the patriarchal ideology is the belief that women’s nature is biologically, not culturally, determined (Edwards, 1987) and that laws are from men’s standpoint, consistent with men’s experiences (MacKinnon, 1989). What feminists identify as (socialized/constructed) gender differences (e.g., the ability to nurture children), therefore, are often defined as sex differences by the patriarchy. Patriarchy and its privileges, then, remain as part of the defining quality of the culture and thus of criminology and the criminal legal system. Starting in the 1970s, some feminists have advocated for “feminist or woman’s law” in order to “describe, explain and understand women’s legal position, especially for the purpose of improving women’s position in the law and society” (Dahl, 1986, p. 240). Jurisprudence is the philosophy or science of law.

Feminist legal scholars developed *feminist jurisprudence* to understand the law “as an institution of male dominance” (Haney, 2000, p. 644). Yet feminist legal scholar Smart (2002) questions whether even feminist jurisprudence can “de-center” the legal system when patriarchy is so ingrained in it.

In sum, understanding the distinction between sex and gender informs us that most differences between men and women and boys and girls are societally based (gender), not biologically determined (sex). Although this is encouraging in that we are more likely to be able to change society than we are to alter biology (and the ethics of biological changes are daunting), this book examines how gender differences are strongly entrenched in tradition and have negatively affected the lives of women and girls, including in the criminal legal system. Furthermore, sex differences, such as the ability to become pregnant, have also worked to women’s disadvantage in employment and many law cases.

Importantly, then, gender is a social (not biological) construct, but in some sense so, too, is “sex” when it has historically, and often currently, been decided by doctors whether intersex newborns are “boys” or “girls” when they do not clearly fit into one or the other of the female-or-male gender/sex binary. In trying to view gender as beyond a binary, I use the terms *female* and *male* reluctantly in this book given the biologically heavy associations with those words. But it is also very cumbersome to use phrases such as “girls and women” and “boys and men” so I still sometimes use *female* and *male*, if reluctantly, also recognizing that sex and gender are nonbinary. It is also necessary to stress that similar to sex, race, too, is socially constructed. A large body of research documents the phenomenon that biological racial categories do not exist (Delgado & Stefancic, 2017; Haney-López, 2006; Mendez & Spriggs, 2008; Wing, 2003; Zuberi, 2001). This is not to deny the very real practices and experiences of sexism and racism, but rather to understand that sex and race are socially constructed, and the social construction has been used to deny rights to Indigenous, African American, Latinx, and Asian American people (Hernández, 2017).

What Are Feminist Methods?

It is useful to recognize that not only does feminist theory distinguish itself from many theories (other than Marxist and radical theories) in its efforts to be applied and result in societal and political changes (*praxis*) but also that in many senses, feminist theory purports a variety of means of collecting data, particularly in terms of hearing women and girls’ voices. For example, Maher (1997) writes in her book on women crack users that she was partially motivated to conduct her research because of the ways these women were presented as “monsters” in the media: “I want to present the accounts of a group of women we hear much about but little from” (p. x). Additionally, it is important to address the idea that feminist theory and methods are not designed to understand women exclusively. Notably, to fully address male offending, using feminist theory and applications of masculinity can help explain males’ likelihood of offending. Instead, historically criminology researchers designed theories to explain boys and men’s criminality and then, sometimes, tried to “fit” them to girls and women (also known as “the add-women-and-stir approach” and “the generalizability problem”) (Daly & Chesney-Lind, 1988; Naffine, 1996).

The maleness of crimes is true of the United States of America, of Britain, of Australia and indeed of all Western countries. Men are the vast majority of violent and non-violent offenders. . . . In view of this remarkable sex bias in crime, it is surprising that gender has not become the central preoccupation of the criminologist, rather than an afterthought. Surely it would be natural to ask the “man question”: what is it about men that makes them offend and what is it about women that makes them law-abiding? (Maher, 1997, p. 6)

The focus on method in criminology has been “empirical criminology,” or rather, how can we *scientifically* understand such important criminological and criminal processing questions as “Why do (some) people commit crimes?” “What policies best deter offenders from future offending?” “How are decisions made by the police, prosecutors, judges, parole review boards, and others?” “How frequently do different types of crimes occur?” “What increases people’s chances of victimization?” and “How can victims of crimes best recover?” We can approach answers to these research questions empirically (scientifically) through many methods. Although more research focuses on or includes women, an ongoing problem is when gender/sex is simply used as a control variable in statistical models. It is usually more appropriate to at least conduct separate models for males and females to determine if the variables are operating the same in significance, power, and direction.

Feminist methods might mean composing more sensitive questions to quantify a rate or determining how best to construct interview, survey, and focus group items about the research questions that need to be asked. Concerning the issue of more sensitive questions, for example, it was common before the 1980s to measure rape occurrence as the number of rapes reported to the police. Feminist researchers later began asking women directly, knowing that many rape victims do not report their victimizations to the police. Next, it became apparent that asking women whether they have been raped “lost” a number of rapes, given that many raped women and girls (and we now know, raped men and boys) do not define their experiences as “fitting” the legal definition of *rape*. Now it is known that the best method to capture rape rates is to ask study participants whether they have been “forced or coerced to have sex” rather than simply to ask, “Have you been raped?” The former wording captures a far more accurate measure of rape.

Finally, feminist research methods, perhaps more than any other method, have attempted to focus on the relationship between the researcher and those studied:

Insofar as women’s perspectives and experiences are subordinated in scientific inquiries and the larger culture, feminist researchers seek to eliminate hierarchies of knowledge construction. We are sensitive to our place in such hierarchies, so we disclose the multiple, historically specific positions we hold in relation to both study questions and participants. (Presser, 2005, p. 2067)

Presser’s (2005) study of males convicted of violent crimes (including rape) is a prime example of *reflexivity*, where she consistently addresses the way power relations between the interviewees and her (the interviewer) became part of the data. For example, the ways some of these men mildly coerced and threatened her during data

collection not only influenced the method but also the findings. *Feminist standpoint theory* is a starting point for many feminist studies and stresses that “the way we do research is framed by our standpoint” and our perception of “knowledge is always situated, as our materially grounded and socio-culturally formed standpoint within a particular society influences what we can know about our world” (Dengler & Seebacher, 2019, p. 247). Dengler and Seebacher (2019), in their work on decolonial and socioecological transformations, warn that Global North feminist researchers need to “overcome our situatedness and partiality by including heterogeneous voices and perspectives from other lived realities both in the Global South and the Global North alike” (p. 247). This caution can be expanded to those of us who have never been incarcerated or even arrested but who are conducting research on incarcerated adults and children.

Criminological feminist research methodology, then, involves many choices, including the research topics, means of collecting and interpreting data, understanding the researcher’s relationship with the participants, *reflexivity* (the critical examination of the research process itself), and a commitment to policy and action. We need to ensure we identify “strategies for social change and ending domination in all its forms” (Flavin, 2001, p. 281) and an obligation to use our findings to make these changes . . . not solely publish our findings (Belknap, 2015; Flavin, 2001).

The Effect of Societal Images on Women Regarding Crime

It is difficult to understand how women victims, offenders, and professionals are viewed and treated in the CLS without first understanding the images of women in society. Feminist research includes documenting that women have been dichotomized into either “Madonnas” or “whores” (Feinman, 1986; McDermott & Blackstone, 2001, p. 89). These sexuality-driven images of women and girls are both historic and current in the societal and formal/system processing of women and girls as offenders, particularly regarding their sexuality (Chesney-Lind & Merlo, 2015; McDermott & Blackstone, 2001). In her paradigm-shifting book, *Black Feminist Thought*, P. H. Collins (1990) identified four “interlocking” sexist, racist, classist *controlling images* of Black women in the United States: *mammies*, *matriarchs*, *Jezebels*, and *welfare mothers*. *Mammies* are a controlling image caricatured from slavery but of the postslavery, financially exploited Black women hired to do the emotional and household labor in white homes that would otherwise be expected of white wives and mothers. This is at the expense of the Black women’s own families given their time in white homes. *Matriarchs* are the controlling image that condemns Black women for failing their own children (often while they were financially exploited doing the emotional and domestic labor in white homes) with a corresponding devastation on society from these women’s supposedly errant and irresponsible Black children (then adults) (pp. 74–75). “Such a view diverts attention from the political and economic inequality affecting Black mothers and children and suggests that anyone can rise from poverty if he or she only received good values at home” (p. 74). Third, *Jezebels* are Collins’s controlling image of Black women as sexually aggressive or “whores,” an

image also originating in slavery and justifying the sexual exploitation and assault (e.g., wet nurses and rape) of Black women and girls (p. 77). Finally, *welfare mothers* are Collins's controlling image related to the "breeder" image of slavery combined with Black women's increasing dependency on the "welfare state" since World War II. Clearly, these images portray the lasting impacts of slavery while not only denying the legacies of slavery and racism interlocking with sexism and classism, but actually fostering the continued stereotyping and oppression of Black womanhood.

Young (1986) challenges the Madonna/whore typology to the extent that it may apply only to white women. She claims that whereas the Madonna/whore dichotomy implies a good girl/bad girl dichotomy, categories for women of Color include no "good girl" categories. Instead, she views women of Color as falling into four categories, all of which are negative. The *amazon* is seen as inherently violent and capable of protecting herself; the *sinister sapphire* is vindictive, provocative, and not credible; the *mammy* is viewed as stupid, passive, and bothersome; and the *seductress* is sexually driven and noncredible as a victim or professional (Young, 1986). These are like P. H. Collins's (1990) "controlling images" of Black womanhood. DeFour (1990) discusses the additional ramifications for women and girls of Color regarding sexual harassment. She argues that these women may be more at risk of sexual harassment victimization yet receive the least serious responses due to societal portrayals of them as "very sexual" and "desiring sexual attention" more than their white sisters. DeFour points to cultural myths portraying Latinas as "hot-blooded," Asian women as "exotic sexpots," and Native American women as "devoted to male elders" (p. 49). Thus, not only are women and girls treated differently than men and boys for identical sexual behaviors, but *among* women there is often discrimination in expectations due to damaging myths.

The widely known 1990 movie *Pretty Woman* received numerous accolades as a romantic comedy. The movie portrayed a sex worker who married one of her patrons. One could argue that the effect of this "feel-good" movie on girls would be, "Wow! Sex work/prostitution results in finding handsome, rich, doting, wonderful husbands!"—hardly the message mainstream U.S. culture supports. The movie *Thelma and Louise* released shortly thereafter, in 1991, depicted two women taking a road trip during which one, Louise, shoots and kills a man trying to rape the other, Thelma, in a parking lot outside of a bar. Louise fears (it would seem legitimately, given information provided later in this book) that she is going to receive serious prison time for killing the man attempting rape. This results in the two women trying to evade the police. Despite six Oscar nominations and one win for *Thelma and Louise* (and one Oscar nomination and no wins for *Pretty Woman*), a significant number of people, including journalists, portrayed *Thelma and Louise* as a "bad" message for girls. Notably, the reviews for *Pretty Woman* never came to that conclusion. One could argue that the takeaway message is "sex work is fun and rewarding and helps women find wealthy, attractive, and doting husbands, but don't shoot a man trying to rape your friend."

A final example of popular images of criminals that are gendered and raced is the way school shootings are portrayed in the media. The media have ignored the strong gender and race patterns of school shootings: The perpetrators are primarily white boys, and the targets have disproportionately been girls (Danner & Carmody, 2001; Farr, 2018; Moore, 2003; Newman, 2004; Steinem, 1999). Farr's (2018) careful and

comprehensive analysis of 29 kindergarten through 12th grade U.S. rampage¹ school shootings (31 shooters) between 1995 and 2015 found all the shooters were boys, 81% were white (13% were full or part Native American and 6% were Latino), and 97% (all but one) identified as heterosexual. Three-fourths of the shootings were in high schools, and 93% were in suburban or rural schools. Farr refers to the pressure of masculinity status for adolescent boys—to be cool, tough, straight (heterosexual), and repudiate femininity. Farr found all school shooters were made aware of failures at masculinity by classmates, through such means as “emasculating bullying, rejection by girlfriends, and marginalization in general” (p. 93).

Certainly, it is ideal that girls reject unwanted flirtation and romances, so this is not to blame girls who have broken up with or have never had any interest in being with boys who later became shooters. The 2018 Parkland, Florida, Marjory Stoneman Douglas High School shooting occurred after Farr’s (2018) data collection, but one of the victims, Shana Fisher, had been increasingly aggressively pursued by the shooter (<http://www.latimes.com/nation/la-na-texas-shooter-20180519-story.html>). Farr found many school shooters reported rejection by a girlfriend or potential girlfriend, and many “described their experiences of sexualized physical victimization by male peers, such as being tea-bagged (having another boy shove his genitals in their face), having another or other boys urinate on them, having their head pushed into the toilet” (p. 82). In addition to their masculinity status failings, “all of the shooters had at least one of three long-standing personal troubles: psychiatric disorder, family dysfunction, or situational volatility” (p. 93). Thus, rampage school shootings are impacted by cultural demands about adolescent boys’ masculinity status but also clearly intersect with personal troubles. Notably, one recommendation that Farr concludes with is requiring schools to address “adolescent masculinity issues in their curriculum” (p. 94).

Summary

Given the history of criminology as “one of the most thoroughly masculinized of all social science fields . . . the phrase ‘feminist criminology’ may well seem something of an oxymoron” (Britton, 2000, p. 58). Feminist criminology has been growing since the 1970s and is having an increasingly strong impact on this male-dominated field: “Feminist criminologists have been at the forefront in pointing out that when women and other marginalized groups are ignored, devalued, or misrepresented, society in general and the understanding of crime and justice in particular suffer as a result” (Flavin, 2001, p. 271). Relatedly, in 2006 H. Potter developed Black feminist criminology through her research on how “Black women experience and respond to intimate partner abuse and how the criminal legal system responds to battered Black women” (p. 106).

This chapter presented the numerous ways that women and girls’ experiences as victims, offenders, and professionals in the criminal legal system (CLS) have been made invisible. Concepts such as sex, gender, feminism, patriarchy, toxic masculinity, and carceral feminism were explored. In addition to including race and class along

¹Farr’s (2018) definition of a *rampage* school shooting is one where the intent was to kill multiple people, at least one of whom was a student, or firing into a group of people that included at least one student.

with gender in intersectional feminist criminology, sexuality is vital, as is viewing gender past a male–female binary phenomenon. This chapter discussed the importance of including LGBTQI+ individuals in assessing gender, feminism, and crime, and not assuming a monolithic experience for women, girls, and LGBTQI+ individuals, and the reasons why race, class, sexual and gender, and other variables must be considered when discussing and researching women and girls' experiences and behaviors. Thus, in addition to Musto's (2019) recommendation to trans gender in order to successfully transform feminist theory, research, and practice, she and many others (as cited in this chapter) stress the need to resist carceral feminism. A. P. Harris (2011) summarizes much of what this chapter attempted to introduce, that is, how an intersectional analysis is necessary and the past and current challenge of revamping our criminal legal system where justice is rarely achieved for victims or offenders:

Although destructive masculinity and its prominence in the criminal justice system have seemingly not changed much in the past decade, at least two new developments have taken place. First, scholars and activists committed to ending domestic violence and violence against sexual minorities have become increasingly disenchanted with the criminal justice system, and increasingly aware of its insidious role in the decimation of poor black and brown communities. Meanwhile, racial justice scholars have become increasingly aware of the toll that destructive masculinity takes on those communities. (p. 17)

Women and Girls' Offending

- Chapter 2 Theories Part I: Positivist, Evolutionary, Strain, Differential Association, Social Control, and Women's Emancipation Theories
- Chapter 3 Theories Part II: Critical, Labeling, Cycle of Violence, Life Course, Pathways, and Masculinity Theories
- Chapter 4 Accounting for Gender–Crime Patterns
- Chapter 5 The Context of Women and Girls' Offending for Specific Crimes
- Chapter 6 Processing Women and Girls in the Criminal Legal System
- Chapter 7 Incarcerating, Punishing, and “Treating” Offending Women and Girls



Theories Part I

Positivist, Evolutionary, Strain, Differential Association, Social Control, and Women's Emancipation Theories

The academic field of criminology is implicitly colonizing . . . a discipline built upon penal tourism, applying a tour-bus approach to ideas on crime, casually sightseeing and piecing together snapshots of medical anthropology, biology, sociology, psychology, and patriarchal conceptions of racial gender to produce an incomplete yet seemingly cohesive conception of “the criminal.”

—Saleh-Hanna (2017, pp. 698, 691)

Most criminological theories were constructed by men and about why (some) men and boys break the law (Chesney-Lind & Chagnon, 2016; Leonard, 1982; Messerschmidt, 1993; Naffine, 1996). Criminology is not unique among academic disciplines in its historical exclusion of women and girls from most research questions (Fausto-Sterling, 1985; Allison Morris, 1987; Smart, 1976; Spender, 1981), but it is ironic given that sex/gender is one of the best predictors of criminality across time (Britton, 2000, p. 60) and age (Loeber & Farrington, 2000). There are two important implications of focusing solely on men and boys' experiences: (1) The theories and findings are really theories and findings about boys and men's crime, and (2) we must question the validity of any “general” theory if it does not also apply to girls/women (Allison Morris, 1987, p. 2).

Rasche (1975) offered three explanations for the historical neglect of women's offending: (1) Women make up a small percentage of prisoners (approximately 7%, currently); (2) prison authorities are more likely to oppose research on women (than on men) prisoners; and (3) women are deemed insignificant compared to the more "deserving" offenders: men. Smart (1976) reported that when women offenders were acknowledged in criminology research, it was in terms of their deviations from the stereotypical aspects of women's lives, such as maternal deprivation. Further, women law-breakers historically (and to some degree today) have been viewed as "abnormal" and as "worse" than male law-breakers—not only for breaking the law but also for stepping outside of prescribed gender roles of femininity and passivity.

Rasche's (1975) and Smart's (1976) charges still prevail to some extent, although there has been a huge increase in research on women prisoners and girl delinquents since 1975, particularly from a feminist perspective. This is due to three reasons. First, since 1980, the beginning of mass incarceration in the U.S., women's increasing rate of incarceration even outpaced men's (see Chapter 7 in this book). Second, the feminist movement influenced most scholars to acknowledge the significance of gender in studying crime and proposing theories. Finally, as stated previously, the feminist movement also resulted in far more women and feminist scholars studying crime.

It is impossible to discuss all theories that have been applied to offending and victimization, even in two chapters. The chapters are divided starting with some of the more sexist (and racist, classist, and heterosexist) theories, although not all of the theories in this chapter fall into this category, and some have been supported in feminist scholarship. The most sexist theories in this chapter are the positivist, evolutionary, and women's emancipation theories. The ones that have omitted girls/women underpinnings but have been more carefully applied include strain, differential association, and social control theories.¹ Finally, many of the studies reported in this and the following chapter use the National Longitudinal Study of Adolescent Health data, often referred to as Add Health. These longitudinal data of nationally representative U.S. youths began in 1994 with the Wave I of questionnaires distributed to about 20,000 students in Grades 7 through 12, followed by Wave II in 1996 when almost 15,000 of the same individuals were interviewed, and to date, three more waves involving reinterviews. Wave IV, the most recently available at the time of writing this edition of this book, were when the research subjects were 24 to 32 years old.

The Original and Positivist Studies

The original and positivist studies of female criminality were conducted between the end of the 19th century and the middle of the 20th century. The most prominent researchers included Cesare Lombroso and Guglielmo Ferrero (1895/2004),

¹Some of these were or are called hypotheses instead of theories, but for simplicity, they will almost routinely be referred to as theories in this and the next chapter.

W. I. Thomas (1923, 1967a, 1967b), Sigmund Freud (1933), and Otto Pollak (1950). These studies were grounded in the belief that biological determinism accounts for female criminality: Whereas men are rational, women are driven by their biological constitutions. Positivist approaches were informed by four main assumptions: (1) Individual characteristics, not society, are responsible for criminal behavior; (2) there is an identifiable biological nature inherent in all women; (3) offending women are “masculine,” which makes them incompetent as women and thus prone to break the law; and (4) the differences between male and female criminality are due to sex, not gender, differences. The classical theorists have been accused of viewing women as turning to crime because of their “perversion of or rebellion against their natural feminine roles” (Klein, 1973, p. 5).

In addition to the sexist nature of the classical studies, they also have been classist, racist, and heterosexist, focusing on wealthy, white, straight, married women as the “feminine” standard. These theorists’ works are reviewed in the following sections. The historic legacy of racial criminalization is the U.S. history of equating a specific race with crime and the ongoing discrimination, assuming crime is biologically inherent to every race but white (Delgado, 1994; Hernández, 2017; Russell-Brown, 2009), including Black/African Americans (Hernández, 2017; Muhammad, 2010), Indigenous/Native Americans (Hernández, 2017; Ross, 1998), Latinx Americans (Flores, 2018; Hernández, 2017), and Asian Americans (Hernández, 2017). Notably, racial criminalization is even more heightened for immigrants of Color, regardless of whether they have become citizens (Flores, 2018; Hernández, 2017), and President Donald Trump’s racist rhetoric and practices regarding Latinx immigrants have increased equating Latinx people with crime (Flores, 2018), an association that is highly inaccurate. More specifically, research on the percentage of Latinx immigrants (and sometimes total number of Latinx residents regardless of citizen status) in an area is unrelated to the crime rate, or is actually a protective factor, with more Latinx residents related to lower crime rates (Light & Miller, 2018; Ramos & Wenger, 2019; Tosh, 2019; Wadsworth, 2010).

Similarly, before the 1970s it was customary practice in countries of the Global North (colonizers) to equate what we now refer to as LGBTQI+ with “criminal” and “deviant” (see Woods, 2015). The deviancy and criminal labels were applied to queer people for being gender nonconforming (if they were women/girls who presented as masculine or men/boys who were feminine) and for being sexual deviants for being attracted to their same sex (Woods, 2015). Queer criminology scholar Woods (2015) found that although the 1970s were key in the beginning of LGBTQI+ pride, LGBTQI+ people became invisible, disappearing from mainstream criminology and delinquency theories (p. 133).

Cesare Lombroso (1835–1909)

Lombroso, a physician, psychiatrist, and criminal anthropologist who studied incarcerated men and women in 19th-century Italy, is often referred to as the “father” of criminology. In forging a legacy of scientific studies of crime, however, his positivist method set the stage for sexist, racist, heterosexist, and classist approaches to studying the causes of crime and responding to alleged criminals. He published the first

edition of *Criminal Man* in Italian in 1876, and with his son-in-law, Guglielmo Ferrero, Lombroso published *Criminal Woman, the Prostitute, and the Normal Woman* (also referred to in English as *Criminal Woman* and *The Female Offender*) in Italian in 1893. Although *Criminal Woman* was first published in English two years later (in 1895), it was a far briefer version of the original *Criminal Woman* and retitled *The Female Offender* (Vyleta, 2006). Moreover, despite a total of five editions of *Criminal Man* published between 1876 and 1897, it was not published in English until 1911 (also a briefer version of the original but not as significantly cut as *Criminal Woman*) (Beccalossi, 2008). The late feminist criminologist Nicole Hahn Rafter, with historian Mary Gibson, provided far more detailed and comprehensive English translations of *Criminal Woman* in 2004 (Lombroso & Ferrero, 1895/2004) and material from all five editions of *Criminal Man* in 2006 (Lombroso 1876–1897/2006), which also includes Rafter and Gibson's commentary on inconsistencies and troubling assumptions and positions.

Central to Lombroso's work over time was his identification of *atavism*, a “throwback” to an earlier evolutionary human development stage, to explain criminal behavior. “Lombroso firmly maintained that deviants are less highly evolved than ‘normal’ law abiding citizens” (Smart, 1976, p. 31). In *Criminal Man*, Lombroso first proposed a racial hierarchy with Black Africans at the bottom and white Europeans at the top, identifying people of Color as “savages” with physiological and psychological anomalies (Lombroso, 1876–1897/2006). In the 1984 edition, Lombroso added the category of “born criminal” and added “degeneration to atavism to explain physical and biological malformation....rather than inherited weakness” (Beccalossi, 2008, p. 130). In their search for degeneration and atavism, and assuming criminal behavior was a biological trait, Lombroso and Ferrero measured and documented incarcerated women's craniums, heights, weights, hair color (and baldness), moles, tattoos, and genitalia. Racism surfaces here in their description of how women of Color “resemble men in their strength, intelligence, and sexual promiscuity” (Lombroso & Ferrero, 1895/2004, p. 18). Another troubling impact of Lombroso and Ferrero's (1895/2004) work is their association between women and girls' sexuality and their offending, whereby they viewed women criminals as having been born with “exaggerated eroticism,” which was assumed to make them narcissistic (e.g., about their own sexual desires), more like men, *and* to make them prostitutes (p. 185). They state, “all those feelings of affection that bind woman to man are born not of sexual impulse, but from instincts of subjection and devotion acquired through adaptation” (p. 76). Oddly, Lombroso and Ferrero concluded that women offenders showed less degeneration (criminality and deviance) than men simply because women had not evolved as much as men, despite claiming that criminals were more atavistic (than noncriminals). That is, despite women's perceived slower evolution, Lombroso and Ferrero viewed them as *less* likely than men to be criminal because they were “inferior” to men (Flood, 2007, p. 215).

Lombroso and Ferrero (1895/2004) provided two simplistic categories available to women, both of which they considered inferior to men: (1) bad, primitive, and masculine women; and (2) law-abiding, civilized, and feminine women (p. 10). Feinman (1986) identified this as a biologically driven Madonna/whore duality (p. 4). Madonnas were subservient, loyal, and submissive to their husbands who protected them, but the “whores” received men's punishment for being evil and causing men pain and destroying them. Woods (2015) documents the legacy of

Lombroso's characterizations of queer women and men as inherently criminal, resulting in gender-nonconforming and queer people being "viewed through a lens of deviance" (p. 135).

Clearly, regardless of gender, by focusing on the physical and psychological makeup of the individual in determining criminal behavior, Lombroso and Ferrero dismissed both the effects of socialization or social-structural constraints as important determinants of criminal behavior, and the impact of sexist, racist, and/or classist *labeling* of behavior as criminal. Lombroso and Ferrero's work had devastating effects on the Italian women's movement at the time, providing "proof" that women are biologically inferior to men, thus unworthy of equality demands in education, work, and the home (Lombroso & Ferrero, 1895/2004). Notably, the "father" of criminology's work had longer lasting and more negative impacts on the study of female crime than on male crime (Lombroso & Ferrero, 1895/2004, p. 4).

W. I. Thomas (1863–1947), Sigmund Freud (1856–1939), and Otto Pollak (1908–1998)

Thomas, a U.S. sociologist heavily influenced by Lombroso, wrote the books *Sex and Society* (1907/1967a) and *The Unadjusted Girl* (1923/1967b), in which he constructed overly simplistic links between gender, sexuality, class, and crime. Considered more liberal than Lombroso, he defined criminality as "a socially induced pathology rather than a biological abnormality" (Smart, 1976, p. 37). Yet, his seeming obsession with women and girls' sexuality and denial of sexist access to opportunity indicate he was not so different. For example, like Lombroso and Ferrero, Thomas viewed gender differences in the likelihood to become "politicians, great artists, and intellectual giants" as sex (biological) differences, overlooking the strong societal restrictions of women during that era (Smart, 1976, p. 37). An example of a sex difference Thomas promoted was that love varieties are inherent in nervous systems, and women have more love varieties, resulting in their disproportionate "and intense need to give and feel love," which lead them into prostitution where they are "merely looking for the love and tenderness which all women need" (Smart, 1976, p. 39), discounting that most people who engage in sex work do so because access to legal or similarly lucrative work is not available to them. Similarly, Thomas equated girls and women's sex-outside-of-marriage with delinquency/criminality, whereas this "promiscuity" was never mentioned regarding boys and men's delinquency and criminality (Heidensohn, 1985, p. 117). He purported that middle-class women are less criminal due to their investment in protecting their chastity, while poor women long for crime in the manner of a new experience, and delinquent girls manipulate males into sex as a means of achieving their own goals.

Thomas favored psychological over economic motivations to explain female criminality; the disadvantaged position of women and girls in society held little importance to him in accounting for gender differences in crime. Given that Thomas was writing in an era of mass illness and starvation, the choice to ignore economic deprivation as a potential cause of female crime is rather remarkable (Klein, 1973). His later work, however, acknowledged that women were property of men, and he departed from social Darwinism to examine the complexity of

the interaction between society and the individual (Klein 1973). The impact of “promiscuity” being attributed almost solely to girls and women has had a lasting impact on their criminalization, as will be seen later in this book.

Founder of psychoanalysis, Austrian Sigmund Freud, centered his explanations of female behavior around the belief that women are anatomically inferior to men—hence, Freud’s infamous “penis envy” approach to explaining female behavior. To Freud, the healthy woman experiences heterosexual sex as a receptor, where sexual pleasure consists of pain, while the sexually healthy man is heterosexual and aggressive and inflicts pain (Klein, 1973). Included in this analysis is a glorification of women’s duties as wives and mothers and, in turn, the view that medical treatment of deviant women involves “helping” them adjust to their “proper” traditional gender roles (Klein, 1973, p. 5). In addition to the obvious sexism, Freud’s theories are fraught with racism, classism, and heterosexism, whereby “only upper- and middle-class women could possibly enjoy lives as sheltered darlings” (Klein, 1973, p. 18).

Pollak’s (1950) book *The Criminality of Women*, published more than a half century after Lombroso and Ferrero’s work, is intricately linked with their approach. Like Thomas, Pollak believed both biological and sociological factors affect crime. But like Thomas, Lombroso and Ferrero, Pollak portrayed biology and physiology as the fundamental influences on female criminality, repeating many of their assumptions and prejudices (Smart, 1976). Pollak purported that there are no real gender differences in offending, but rather, relative to boys and men, girls and women “mask” (hide) their crimes. In addition, girls and women receive more chivalrous (lenient) treatment in the criminal legal system, making it appear that they are less criminal. His supporting evidence for girls and women’s “deceitful” nature is their ability to hide their menstruation and orgasms and their inactive roles during sexual intercourse. One wonders what happened to girls and women who did *not* hide that they were menstruating, especially in that era. Additionally, Pollak failed to consider that women’s inactive role during heterosexual sex (where it existed or exists) may be culturally, rather than biologically, determined. Further, women’s training in acquiescence to men, particularly during sex, could account for the fact that women were not hiding orgasms but rather were not experiencing them. Smart compares Pollak’s deceitful woman analysis to Eve’s deceit with Adam (in the Bible), where women are viewed as evil and cunning: “It is Pollak’s contention that women are the masterminds behind criminal organizations; that they are the instigators of crime rather than the perpetrators; that they can and in fact do manipulate men into committing offenses whilst remaining immune from arrest themselves” (Smart, 1976, p. 47).

The Legacies of the Positivist Theorists From the 1960s and 1970s

The enduring effects of the positivists can be viewed in the research on female criminality that was published in the 1960s and 1970s. Similar to Pollak, Konopka’s (1966) book, *The Adolescent Girl in Conflict*, and Vedder and Somerville’s (1970) *The Delinquent Girl* identify girls as criminal instigators. Konopka views girls’ crime as a

result of emotional and sexuality problems, whereas Vedder and Sommerville view it as a result of girls' inability to adjust to the "normal" female role (Klein, 1973). Most disquieting, Vedder and Sommerville attribute high rates of delinquency among African American girls to "their lack of 'healthy' feminine narcissism"—an explanation with racist overtones (Klein, 1973, p. 25). Both books ignore economic and social explanations at the expense of explaining female criminality through physiology and psychology. Following this logic, they see psychotherapy as the solution to girls' delinquency and ignore the need to address the potentially criminogenic social and economic constraints in which many delinquent girls were (and still are) enmeshed. Finally, in their book *Delinquency in Girls*, Cowie, Cowie, and Slater (1968) rely on masculinity, femininity, and chromosomes to explain girls' criminality. "In this perspective, the female offender is different physiologically and psychologically from the 'normal' girl," in that the delinquent girl is too masculine and is rebelling against her femininity (Klein, 1973, p. 27).

Taken together, the positivists failed to see sexism in access to power, nor how this could intersect with race, class, and other characteristics. Thus, in the positivist school, even when some professed that social and economic factors could also play a role, women and girls' criminal (and some other) behaviors were believed to be largely biologically determined and often tied to their sexuality. The complexity of their criminal behavior was reduced to a challenge of the traditional gender role—a role not rooted in nature (biology), but rather societally specified. The positivists assumed that the girl or woman who defied the prescribed gender role had a problem, and thus the positivists were blind to the possibility that there was a problem with gender prescribed roles, regardless of girls and women's resources or situations, individually or collectively. They failed to recognize the racist and classist aspects of patriarchy whereby the prescribed societal gender roles often vary across race and class, with different (racist and classist) implications among women and girls (Rice, 1990). As we will see in the following three chapters, women and girls' offending is often still interpreted through a positivist lens, and the responses to offending girls and women are too often practiced with vestiges of the traditional or positivist approach, fraught with sexism, racism, and classism, and sex-negativity, including a hypervigilance about women and girls' sexuality.

Biosocial and Evolutionary (Psychological) Theories (BSETs)

One could argue that the primary legacy of the positivists from the 1990s are the researchers promoting the biosocial and evolutionary theories (BSETs). Since the 1990s, BSET theorists have gained increasing recognition for their claims that we cannot ignore biology in the commission of crimes or even blaming victims (at least in part, responsible for their victimizations). Biology as the "driver" is troublingly reminiscent of the early positivist theories. Notably, Saleh-Hanna (2017) compares the Global North's current "biosocial evolutionary perspective with criminology's

positivism, witnessing how this alliance infects and colonizes mainstream conceptions of crime and justice” (p. 691).

A 2009 article, “What Biosocial Criminology Offers Criminology,” while making a strong plug for the theory, only very briefly addresses gender and then does so in sexist contexts. Wright and Boisvert (2009) claim that men are more violent than women because women’s mating preferences are for the biologically competitive men (who will provide for them and their future children). However, it is unclear, and indeed counterintuitive, why women would prefer violent men and why they would be better providers and fathers. A large BSET study using U.S. federal sentencing data found that both men and women committed less physical aggression during property offending if they were parents (as opposed to nonparents) (Boothroyd & Cross, 2016). Although the authors did not have access to the individuals’ testosterone levels, they concluded that parental status was related to physical aggression due to lowered testosterone levels because other studies have reported lower testosterone levels during parenthood (which seems like a bit of a scientific leap to make).

L. Ellis (2004, p. 144) believes that the Y-chromosome and testosterone predispose most males to criminality in the form of nonplayful competition and victimizing behaviors around the onset of puberty “as they start their reproductive careers,” although other research insists “there is no evidence of an increase in aggression coinciding with puberty” (Archer, 2009, p. 259). Another study “proving” the link between male sex hormones and crime was a study of college students’ self-reported criminality and “androgen-promoted” physical traits, such as body hair, body strength, and penis size; as predicted, the men who reported the largest penises, most body hair, and so on, reported the most violent criminality (L. Ellis, Das, & Buker, 2008). L. Ellis et al. (2008) do not seem concerned that the men “doing gender” as hypermasculinity might also exaggerate their strength, body hair, and penis sizes. Alternatively, Archer (2009) believes that “physical aggression occurs as an innate pattern of behavior [by age two in both sexes] that is subsequently inhibited by social learning, to different extents in boys and girls” (p. 265).

BSET as an Explanation of Sexual Abuse

A significant amount of the BSET resurgence in the last quarter century has been to explain infidelity (cheating on one’s romantic/sexual partner) and gender-based abuses such as rape, intimate partner abuse, and child abuse (including child sexual abuse) rather than general offending or delinquency. Even in her groundbreaking book *Against Our Will: Men, Women and Rape* (discussed more fully in Chapters 7 and 8), feminist Brownmiller (1975) views rape as possible because men have penetrating penises and women have penetrable vaginas. BSET explanations of men’s violence against women emphasize that “sexually aggressive behavior is a biopsychosocial phenomenon that is primarily engaged in by males” (Hall, Hirschman, Graham, & Zaragoza, 1993, p. 1). But both males and females have genitalia that can be abused, and Cahill (2001) effectively argues that males also have penetrable anuses that can be sexually abused (by any gender). If we recognize that it is the ability to coerce or

physically overpower another person through forceful sexual contact, then clearly sexual abusers and victims alike can be any gender. Given that most babysitting, child-care work, childhood teaching, and parenting are performed by women (or girls) who typically have considerably more physical power than the children they oversee, we would expect child sexual abuse to be predominantly committed by women and girls. This is clearly not the case and defies the BSET contention that physical domination ability is the main determinant of sexually abusing,

Many current-day promoters of BSET claim to integrate the biosocial approach with social theory (just as some of the early positivists did), and some, even with feminist theory. But the result (similar to the similarly situated early positivists) is claiming that biology, with perhaps a smattering of sociological forces, predicts why females are victims and males are offenders. In this context, gender-based abuses (i.e., rape and intimate partner abuse) are typically explained (or even excused) by such biological forces as sex drives and hormones. Key to the evolutionary theory approach is the concept of *adaptation*. As applied to investigating why men/boys perpetrate rape, it is as an adaption that “would increase the reproduction or survival of descendants and, therefore, that person’s genetic material” (Burch & Gallup, 2004, p. 244).

L. Ellis (1993, p. 23) uses natural selection to explain that our gender roles are a result of our biological dispositions, whereby men gain by being pushy about sex and women gain by showing such feminine traits as coyness and hesitancy. He suggests men and boys compete for the best female sex partners, whereas girls and women compete with each other to find the best male who can provide for their offspring. Ellis believes that males do not rape because they want to dominate females but that they use these dominating and aggressive rape behaviors simply to copulate (have sexual intercourse) and spread their genes (p. 24). Similarly, Duntley and Shackelford (2008) report, “Rape is a strategy aimed directly at obtaining reproductive resources at a cost to the victim. A male rapist may benefit from the behavior by siring offspring that he may not otherwise have produced” (p. 376). Sociobiologists believe that men “naturally” pursue more sexual partners (to better plant their seeds), while women are more “naturally” monogamous (to be choosier in picking the fathers of their future children).

Baker’s (1996) *Sperm Wars* details (without any references to other research and no subsequent validation) ways in which sperm are “egg-getters” (try to fertilize ova) and “egg-killers” (try to kill other men’s sperm inside of women) and how confusing, unpredictable, and moody women are relative to men. L. Ellis and Walsh (1997) claim that women resist sex/rape until they are confident the male will provide for their offspring. Of course, this simplistic reasoning does not explain why men and boys, premenstrual girls, postmenopausal women, women and girls on effective birth control, and others would resist rape. Not surprisingly, Ellis and Walsh’s perspective is not only sexist but also racist and classist. For example, they suggest African Americans are more criminal than Whites and Asian Americans due to “an evolutionary foundation for racial/ethnic differences” (p. 252).

In 2000, Thornhill and Palmer published the controversial book *A Natural History of Rape: Biological Bases of Sexual Coercion*, claiming that an evolutionary approach is better suited to understanding the causes of rape than are social

science and social learning. Like L. Ellis (1993), they view rape as an adaptation used by men who are unsuccessful in their efforts to have consensual sex with women. The book has been soundly criticized on numerous fronts, including ignoring scientific evidence, misrepresenting facts, and being simplistic and misleading (Coyne & Berry, 2000; Ward & Siegert, 2002). With an amusing example, Coyne and Berry (2000) point out that evolutionary psychology and the focus on adaptation, specifically that natural selection is the basis for all human actions, are problematic: “The most imaginative and committed sociobiologist would be hard-pressed to show that masturbation, sadomasochism, bestiality, and pornography’s enthusiasm for high heels are all direct adaptations” (p. 122).

A 2014 BSET study using NIBRS (a U.S. police database) define it as “the largest sample of sexual assaults ever analyzed” (Felson & Cundiff, 2014, p. 281). The aim was to show that sexual assault is an exception to the Felson and Cundiff’s earlier age-desistance phenomenon (that most offenders slow or stop their criminal behavior as they age). They state:

Older men have almost as strong a sexual attraction to younger women as do younger men. . . . However, since young women tend not to be sexually attracted to older men, older men do not have sexual access to young women. While prostitutes provide older men opportunities for consensual sex with young women, their services are expensive. As a result, some men use illegitimate means, i.e., sexual assault, to satisfy their conventional aspirations. (Felson & Cundiff, 2014, p. 274)

Felson and Cundiff’s simplistic argument is that young women aged 15 to 19 are at the greatest risk of men raping them “because of their contact with motivated offenders, their vulnerability, and their sexual maturity and attractiveness” (p. 282), although they include no measures of victims’ and nonvictims’ “attractiveness” or sexual maturity. Because Felson and Cundiff (2014) found “males of all ages are likely to target young women” (p. 278) (but males also target boys and young men) and older men are more likely to commit sexual than physical assaults (p. 279), they concluded “the tendency for sexual assaults to involve male offenders and female victims reflects male sexuality rather than attitudes about women” (p. 273). In sum, BSET is used to excuse rapists while blaming biology and women and girl victims.

BSET as an Explanation of Intimate Partner Abuse (IPA)

In addition to sexual abuse, BSET is used as an explanation for intimate partner abuse (IPA) (domestic violence) (Janssen et al., 2005). One evolutionary psychologist insinuates that all women are more attracted to more domineering men (Barber, 1995, p. 418). A small study solely of men verbally and physically abusive to their wives attributed their IPA to their elevated testosterone levels (Soler, Vinayak, & Quadagno, 2000), while a larger study found no relationship between men and boys’ aggression and their testosterone levels (Huesmann, Lefkowitz, Eron, & Walder, 1984). Yet other BSET proponents hypothesized that “men’s partner-directed violence is

produced by psychological mechanisms evolved to solve the adaptive problem of paternity uncertainty" (Kaighobadi & Shackelford, 2009, p. 282). Other BSET studies focus on "competitively disadvantaged males" (CDMs), hypothesizing that men who rate as low quality for mates because of their low socioeconomic status and physical unattractiveness are more likely to use coerciveness and violence to gain sex (because it may be their only access to it) and to use violent sex against their wives and children in order to terrorize their wives (dominating their wives through abusing their children) into not leaving them (e.g., Figueredo et al., 2001; Figueredo & McCloskey, 1993). Once again, this approach is inherently offensive on numerous levels (e.g., class and societal ideas of attractiveness). Ironically, Figueredo and his colleagues' test of this found the opposite of what was hypothesized: CDMs were more likely to abuse competitively disadvantaged females (CDFs) than the "higher mate quality [women] partners" they would seemingly need to abuse to "keep" (Figueredo et al., 2001, p. 315).

A survey study of women claimed to confirm BSET, reporting that women's fear of crime levels predict their long-term mates, specifically that women with higher fear of crime levels prefer "aggressively dominant and physically formidable" mates (Snyder et al., 2011). This study did not address the culturally gendering phenomena confirmed by other research, by which women and girls are socialized to be afraid of crime and rape (Rader & Haynes, 2011; van Eijk, 2017), so much so that protecting themselves from men raping them is as a realistic, additional, gendered, and financial burden girls and women bear (Bitton & Shavit, 2015). And then there is the stark irony of society encouraging women to seek protection from men for men's gender-based abuses of them.

Feminist and Other Responses to the Application of BSET to Gender-Based Abuses

Still others (not cited earlier) support BSET and/or using biology as a "cause" of crime, including gender-based abuses (e.g., Barber, 1995; Crawford & Johnston, 1999; Hines & Saudino, 2004; Wrangham & Peterson, 1996). Yet, the BSET explanation that gender-based abuses are biologically determined does not simply fly in the face of feminism but of science as well (e.g., Cahill, 2001; Fausto-Sterling, 2000; Small, 1993; T. Taylor, 1996). *Evolution, Gender, and Rape*, edited by C. B. Travis (2003), is an interdisciplinary book comprised solely of responses to Thornhill and Palmer (2000) and is unanimously critical of the "bad science" employed in *A Natural History of Rape*. Perhaps Cahill (2001) sums it up best when she poignantly argues in *Rethinking Rape*: "It is at least theoretically possible to understand the penis as other than a penetrating, violent tool, and indeed to rid it of such meaning entirely; and it is this theoretical possibility that affords room for hope" (p. 24).

A book edited by Björkqvist and Niemelä (1992), titled *Of Mice and Women: Aspects of Female Aggression*, reports studies by leading scholars regarding sex differences and similarities in aggressive behavior. One study concludes, "The majority of evidence indicates that in the general population differences in aggressiveness reflect the level of testosterone only to a limited extent, if at all. There is no reason to suggest that testosterone causes the behavior of males and females to differ markedly" (Benton, 1992, p. 46). Other studies reported in this