



KATHERINE STUART VAN WORMER

CLEMENS BARTOLLAS

# WOMEN AND THE CRIMINAL JUSTICE SYSTEM

FOURTH EDITION

# **WOMEN AND THE CRIMINAL JUSTICE SYSTEM**

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*Fourth Edition*

# **WOMEN AND THE CRIMINAL JUSTICE SYSTEM**

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*Dedicated to Flora Templeton Stuart and Natalie Stuart Moorcroft,  
the sister and niece of Katherine van Wormer,  
respectively—two woman lawyers in Bowling Green,  
Kentucky, fighting for social justice.*

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# PREFACE

The world had changed in many ways since the second edition of *Women and the Criminal Justice System* was published in 2007 and has changed again since the third edition was published in 2011. The changes with which we are concerned have special repercussions for victims and offenders in the criminal justice system, some positive and some negative. On the positive side, the pendulum continues to swing toward a new progressivism characterized by a moderate government and a new “yes, we can” ethos. An emphasis on rehabilitation and substance abuse treatment, especially through special courts combined with the passage of less punitive, less racist drug control laws, is increasingly in evidence in the United States. In addition, the impetus to impose the death penalty has experienced a tangible decline, and rights for gay/lesbian/transgendered people have been strengthened across the states.

At the same time, a global economic crisis of epic proportions has brought an impact to bear on every social institution in the land. Many social service programs and agencies, including those providing domestic violence services, have suffered substantial cutbacks. With a universal rise in job insecurity and unemployment rates, a rise in domestic violence victimization, including murder-suicide and whole family murder-suicide, is in evidence in many states. As for the future, a rise in white-collar crime and other economically based crime is predictable. Taken together, these factors have implications for girls and women at every level of the criminal justice system, including those in the professions of law, policing, and correctional work.

The continuing impact of globalization on the criminal justice system and on professionals who work in that system has been profound. Economic conditions determine which kinds of crimes will be committed and opportunities for self-fulfillment. At the global level, consider the significant gap between the rich and the poor, a fact making women from impoverished regions of the world vulnerable to recruitment into the prostitution and sex-trafficking industry. Meanwhile, the market in illegal drugs pulls immigrant women into its vortex, while the war on drugs continues to be a war against poor women and minorities.

It is in this context of globalization and the increasing feminization of poverty that the fourth edition of *Women and the Criminal Justice System* is shaped. Persons familiar with the earlier editions will soon note that we have made major changes, including the replacement of a chapter on feminism with a chapter on gender-specific treatment and the thorough updating of the remaining thirteen. We have added new updated boxed readings as well. In a nutshell, the major changes that are new to this edition are:

- New Chapter 3 “Gender-Specific Programming for Female Offenders,” has been added consistent with guidelines from the National Institute of Corrections (replacing Chapter 3 on feminism theory and epistemology).
- Women in Crime (chapter 2) has been updated to reflect changes in arrest rates for female offenders and to reflect more recent information on the expanding literature on female pathways to crime.
- Antifeminist backlash, alternative feminisms, feminist methodology, and intersectionism coverage has been added to Chapter 1 Theoretical Perspective on Women and the Criminal Justice System.
- The increasing impact of globalization on victimization (Chapter 10) has been updated and new coverage of international programming has been added.
- Half of the featured boxed readings and most of the personal narratives are new to this edition.

This text is written consistent with the framework for evidence-based decision making for local criminal justice systems as endorsed by the National Institute of Corrections in its initiative of 2010. The report bills itself as a new paradigm for the justice system. The government’s

report examines key components of the correctional institutions and public policy through the lens of harm reduction. Harm reduction is a pragmatic approach geared to the reduction of crime, the creation of stronger and more vibrant communities, restoring families, and helping people who have gotten into trouble with the law to engage in healthier lifestyles. Harm reduction approaches are informed by research based on pilot studies and other extensive documentation. These approaches have a special relevance to women because when women are removed from society, whole families are punished. We are thinking especially of their children, and of the importance of providing them with stability. Harm reduction efforts can promote such stability by mandating substance abuse treatment where needed to help break the cycle of intergenerational offending. Other harm reduction initiatives to prevent future offending are as follows: the reliance on gender-based homelike care for female juvenile offenders whose acting out behavior is often connected to a past of regular victimization, intensive community supervision for adult offenders through drug courts and mental health courts instead of incarceration, comprehensive treatment programs for imprisoned women who have co-occurring disorders, and reentry programs to help former inmates adjust to challenges in returning to community life. Such approaches are built on a foundation of empowerment of individuals rather than a focus on institutionalization and shaming.

The fourth edition of *Women and the Criminal Justice System* continues to utilize an empowerment perspective. Empowerment theory integrates the personal with the political. An understanding of power and powerlessness is integral to this approach. Relevant to the criminal justice system, we focus on who makes the laws and who gets punished for which kind of crimes or for which drugs of choice—in short, who gets victimized by the system. Empowerment is a multidimensional construct that applies to the climate of social structures as well as to treatment of individuals. Person-centered, gender-specific initiatives, for example, can help girls and women in trouble with the law tap into their inner strengths to restore (or discover) a sense of well-being. From the victim's perspective, empowerment is about healing the wounds of crime and coming to see oneself not as a victim but as a survivor. Women professionals in the fields of criminal justice—law enforcement, law, and corrections, all of which are male-dominated, patriarchal fields—seek and often find empowerment when their voices are heard.

## PLAN OF THE BOOK

The book is divided into five parts. Part I, “Introduction,” lays out the theoretical framework: the empowerment perspective for understanding gender, patriarchy, and social control and how these three elements interact. Part II, “Female Crime and Delinquency,” is concerned with girls and women who have been arrested and convicted of crime. Chapter 2 examines current research on crime and delinquency, while Chapter 3 is devoted to gender-specific and trauma-informed strategies for working with female offenders. Chapter 4 examines delinquency across the life course.

Part III, “Drug Addiction, Prison, and Restoration,” takes us through women's pathway to crime when substance abuse is a factor, as it most often is. Personal and policy considerations are discussed. The final chapter in this section examines innovative processes that restore justice and promote healing and describes victim–offender conferencing as a form of restorative justice with much relevance.

Part IV, “Women as Victims and Survivors,” brings an empowerment perspective to the subjects of rape, partner abuse, and the victimization of women internationally. Recent statistics and research findings help reveal the extent and magnitude of the battering, rape, and sexual exploitation of women worldwide.

Part V, “Women as Professionals,” takes us into the realm of women as they promote social justice and engage in empowerment of other women (and men). Women's contributions to policing and legal fields have been significant, the more so in recent years. However, corrections is

an area in which women have moved from the helm of the profession to the periphery; prison privatization and emphasis on security over counseling are two contributing factors. Even here, however, women's contributions have been and still are substantial, including inside the prison system. In humanizing these areas of criminal justice, women often have had to confront organizational structures that were oppressive and unsuitable for their needs. Women of color have made inroads professionally but often only after challenging institutional racism and sexism simultaneously. Empowerment for women in these legally based fields has come in the form of participating in the formulation of social policy as an avenue for constructive social change, change often directed toward the empowerment of marginalized persons—the offenders and victims with whom and for whom the police officers, lawyers, and correctional staff work. The final chapter presents a summary of the book's themes and prospects of future directions.

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# **WOMEN AND THE CRIMINAL JUSTICE SYSTEM**



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# Introduction

Of all the problems in America today, none is as compelling as the colossal human catastrophe that is our criminal justice system. The United States now spends \$200 billion a year to arrest, try, and incarcerate nearly 25 percent of the world's prisoners, even though it has only 5 percent of the world's inhabitants (Romano, 2012). Fortunately, conservatives as well as liberals are looking at the possibility of reforming a system that is "far too invasive, expensive, and destructive to continue incarcerating every wrongdoer for every infraction." Commentators, including many who work inside of the criminal justice system, are calling the war on drugs a dismal failure and insist it should be curbed as this movement is economically unsustainable. However, a more progressive and individualistic (less "one-size-fits-all") social reform movement would benefit women and families most of all. Money saved on imprisonment and law enforcement crackdowns could be spent instead on bolstering substance abuse treatment, aftercare group homes, and domestic violence services.

This introductory chapter provides the social context necessary to examine the personal situations of women who are victims of crime, women who are convicted and sentenced for their crimes, and women who work in various capacities as professionals within the criminal justice system. That gender matters is the basic theme. This social context is the punitive criminal justice system mentioned above and the patriarchal society, in which males are dominant and females experience oppression in a variety of ways. In recent years, there has been a backlash both against rehabilitation and against many aspects of the feminist movement. That this backlash is played out against poor women of color and especially women in trouble with the law are major arguments of this book. This is not to say that women, including women of color, have not made inroads into the professional worlds of corrections and criminal law, and not to overlook the many new initiatives within the criminal justice system to bring gender-specific programming for girls and women.

As a starting point in a book that considers the many roles that women play within and across the criminal justice system, we turn to various perspectives on gender, race, and class, drawing on insights from feminist theory and the writings of feminist criminologists. Feminist perspectives, which focus on explaining and responding to the oppressed position of women in society, have much to offer to our understanding of the functioning of criminal justice institutions. Chapter 1, accordingly, offers a brief overview of relevant insights provided in the feminist and feminist criminological literature. Because they place gender at the forefront of the discourse, feminist teachings and scholarship can serve as a foundation for the later chapters on crime, delinquency, and professional roles. Seven representative schools of feminism are singled out; we discuss each approach in terms of cultural and political orientations. This chapter is written in the belief that an examination of sexism, racism, ethnicity, classism, and adultism (harsh treatment of the young) is essential to understanding the **multiple marginality** that girls and women face in American society and elsewhere.

---

# Theoretical Perspectives on Women and the Criminal Justice System

The task of this chapter is to first provide a theoretical overview to enhance our understanding of the criminal justice system in terms of the experiences of girls and women at various levels within the system. Forces for oppression and forces for empowerment will be discussed. Our discussion is informed by insights from major feminist perspectives concerning gender, female criminality, and victimization, and the interactive factors of race, class, and gender. An introduction to these perspectives is important because our subject matter is the study of the treatment of female offenders in the criminal justice system as well as women's occupational advances in the field. A second but not secondary concern of this chapter is women's agency and their personal and political empowerment across the landscape of criminal justice.

Because there is a lot we can learn from the art and science of feminist criminology, it is to this school of thought that we now turn to for guidance in our investigation. Committed to understanding the status of women in society and how this status impinges on women's roles within the justice system, feminist criminologists have been instrumental in shaping debates and conceptions of gender and crime, and in revealing the unique role of violence in the background of female offenders. Employing interdisciplinary theoretical frameworks, feminist criminology examines gender and gender inequality, as well as the intersections of race, ethnicity, class, gender, and age (Miller and Mullins, 2006, p. 204). Feminist criminologists also see themselves as scholar-activists in the pursuit of social justice and advocacy for change (Chesney-Lind, 2006).

In examining the challenges and obstacles faced by women offenders, victims, and workers in the justice system, this book has developed five underlying feminist themes. First, women offenders, victims, and practitioners experience sexism, racism, and classism on an ongoing basis, and these forms of **oppression** contribute to feelings of "multiple marginality" (Chesney-Lind and Pasko, 2013). Second, the effects of the multiple oppressions based on gender, class, and race are not merely additive, that is, simply interlocking and piled on each other (Dominelli, 2003; Littlefield, 2003), but are synergistic or multiplicative. Third, this examination focuses on the social construction of knowledge and how it is typically male oriented. The study of crime itself, as the following discussion reveals, has been by males about males. The myths concerning female offenders, victims, and practitioners are vivid examples of this social construction of knowledge. Fourth, this examination of women in the justice system heavily emphasizes the importance of social context. In this social context, in which the doors have opened to women professionally, oppression still exists at many levels. Subcultures within society have varying definitions and expectations of what it means to be a woman, and these norms and values can influence a girl's pathway into crime or into seeking advanced education and a career as correctional counselor or lawyer. Finally, our attention is drawn to the theme of empowerment, a theme that is echoed throughout the chapters of this text. Such a focus is chosen in that it provides a means or a direction for how women, whether offenders, victims, or practitioners, can move from oppression to empowerment.

Beginning with how the study of crime has been dominated by males and the main feminist theories of criminology, this chapter examines the oppressions that females experience in the social context of the United

States and elsewhere. These oppressions take place in a patriarchal society and are reflected in the laws defining women's place; the sexual harassment of women in criminal justice institutions; and the expressions of sexism, racism, and class bias as they affect women offenders, victims, and practitioners.

## THE STUDY OF CRIME AND THE MALE PERSPECTIVE

Men commit the majority of crimes. Arrest, self-report, and victimization data all reveal that men and boys commit more frequent and serious crimes than do women and girls. Men also have a virtual monopoly on the commission of corporate, organized, and political crimes (Messerschmidt, 2004). It is for this reason that "gender has consistently been advanced by criminologists as the strongest predictor of criminal involvement" (Belknap, 2007). Gender matters. Yet, as Frances Heidensohn, British pioneer of feminist criminology, once observed, "most criminologists have resisted this obvious insight with an energy comparable to that of medieval churchmen denying Galileo or Victorian bishops attacking Darwin" (Heidensohn, 1987, p. 22).

From a historical perspective, it is apparent that major theoretical works written by male criminologists about men and boys have been alarmingly gender-blind. Virtually all the classic delinquency theories were preoccupied with why males commit delinquent acts. Girls' delinquency, according to Belknap (2007), was seen as neither interesting nor important. Criminology traditionally placed boys in the center of research and program initiatives. But exciting research inspired by feminist thought is changing all this and bringing girls and women to the forefront of criminology. As early as the 1980s, Daly and Chesney-Lind (1988) listed five aspects of feminist thought that distinguished it from the majority of criminological inquiry:

- Gender is not a natural fact but a complex social, historical, and cultural product; it is related to, but not simply derived from, biological sex difference and reproductive capacities.
- Gender and gender relations order social life and social institutions in fundamental ways.
- Gender relations and constructs of masculinity and femininity are not symmetrical but are based on an organizing principle of men's superiority and social and political-economic dominance over women.
- Systems of knowledge reflect men's views of the natural and social world: the production of knowledge is gendered.
- Women should be at the center of intellectual inquiry, not peripheral, invisible, or appendages to men. (p. 504)

Feminist criminologists have employed these elements of feminist thought to conduct investigations of girls' and women's gendered lives and experiences in terms of race, class, and gender (Messerschmidt, 2004). The outpouring of feminist scholarship, in the work of feminist researchers such as Susan Brownmiller and Mary Koss, whose landmark writings on the nature and pervasiveness of violence against women, helped raise the national consciousness concerning women's rights. At about the same time, the work of feminist criminology's foremothers, such as Meda Chesney-Lind and Frances Heidensohn, helped lay the foundations for what is now generally a recognized body of scholarship on gender, crime, and criminal justice. Our awareness of the challenges facing frontline workers and professionals in the field of criminal justice has been further bolstered through the work of social science researchers such as Joanne Belknap and Roslyn Muraskin. Collectively, these feminist scholars have helped move the analysis of gendered power relations to the forefront of the discussion on delinquency, crime, and corrections (Messerschmidt, 2004).

Still, while the evolution of feminist conceptualizations and activism has often been credited with important gains, there have been setbacks, regarding both the co-optation of feminist ideals and an antifeminist backlash that is pervasive in the media and in the courtrooms. The

gains have been in the spread of gender-based programming in many of the nation's juvenile and adult institutions. The setbacks have been in the lawmaking and in enforcement of the law. The war on drugs is a war on women of color. This claim, which is voiced by Bloom and Chesney-Lind (2007), is based on the increasing imprisonment of impoverished minority women for involvement in drug-related crime. This situation, in conjunction with the media's showcasing of isolated episodes of girls' and women's violence, the judicial system's meting out of unduly harsh punishments, and the right-wing war on women's reproductive freedom, can be viewed as a counterreaction to women's successes in other areas of social life.

## OPPRESSION THROUGH A FEMINIST LENS

Oppression is a concept that is more sociological than psychological in that it is a consideration of discrimination against or putting down of groups of people on the basis of their social identity or characteristics. Such discrimination is usually on the basis of race, ethnicity, immigrant status, sexual orientation, or gender. Within the patriarchal society, oppression of women is incorporated in the norms of the society, sometimes described as "tradition." Patriarchy, as defined by Canadian sociologist Walter DeKeseredy (2011), is "a sexual system of power in which the male possesses superior power and economic privilege" (p.71). Under this definition, we would be hard put not to say that the United States and Canada qualify as patriarchal societies.

A denial of women's experiences of oppression is at the heart of the setbacks to women's advancing equality. Commentators who deny women's experiences in this manner argue that since women (and girls) have now achieved equality, they should not request special consideration on the basis of gender. In the courtroom sentencing and correctional design, accordingly, women's bid for equality often is carried out through ever-increasingly harsh treatment. The structural and interpersonal nature of women's oppression is thus ignored. **Feminist criminology** has as its ultimate goal the exposure of what Dominelli (2002) refers to as "false equality traps" and what Bloom and Chesney-Lind (2007) call "**equality with a vengeance**." As explained by Bloom and Chesney-Lind:

The differential treatment of women in sentencing and prison programming was challenged by an emerging "parity" perspective during the 1970s. As a result of prisoner rights' litigation based on the parity model (see Pollock-Byrne, 1990), women offenders are being swept up in a system that seems bent on treating women "equally." This equity orientation translated into treatment of women prisoners as if they were men. (p. 556)

Although the victims of such strategies are often poor and minority females in trouble with the law, such strategies have been used in the workplace as well to the detriment of many women. In divorce court, the emphasis on parity in parenting has been especially hard on women due to their lack of economic resources. The Power and Control Wheel, discussed in Chapter 9, graphically illustrates the basic forms of oppression that are used in violent situations to intimidate and control women in partnerships. Use of male privilege, isolation, emotional abuse, threats, and economic abuse are some of these forms. Feminist criminology confronts such systemic oppression through making its existence known and identifying the various strategies that are used to put a person or group in a subordinate position on the basis of gender, race, and/or class. It is the perspective of multiracial feminism, as Burgess-Proctor (2006) suggests, that is most relevant to feminist criminology in the twenty-first century.

For a closer look at the research on oppression, we can turn to the writings of Dominelli (2003), Mullaly (2010), van Soest (2008), and van Wormer, Kaplan, and Juby (2012). Common to all these writings is the belief that a clear understanding of oppression and power relations must inform the treatment of girls and women in the system. As defined by black feminist bell hooks (1984), oppression is the "absence of choices" (p. 5). Oppression is seen as characterized by power imbalances within a wider social system that reinforces the powerlessness of

certain groups. The four kinds of oppression that we have singled out from the antioppression literature are:

- Psychological oppression—operates at the interpersonal level with negative consequences for one's self-identity and sense of control over one's environment;
- Social oppression—is based on divisions of class, ethnicity, race, gender, and age;
- Economic oppression—stems from the limits on the resources available to people, who are thereby excluded from full participation in the society;
- Political oppression—involves domination by a powerful group of a less powerful group.

An outstanding example of the existence of all four forms of oppression is revealed in Jody Miller's (2008) ethnographic research on violence against urban African American girls. In the economically and politically disadvantaged community she studied, virtually all the young women reported being pressured or coerced sexually; some had experienced gang rape. The absence of police or community support for such victims was a major finding of the research. One of the most disheartening facts revealed in Miller's analysis was the extent to which young women adhered to ideologies that held female victims accountable for male violence.

Feminist criminologists are especially cognizant of those aspects of oppression that are related to the institution of justice. Concerning girls in the juvenile justice system, for example, Chesney-Lind and Pasko (2013) describe patterns of offending in girls from socially and economically deprived backgrounds who were psychologically traumatized by personal violence and who are now confined in residential treatment. These girls may have come to the attention of the authorities through running away, their drug involvement, or through involvement in prostitution on the streets. Personal and structural oppressions thus come together in the backgrounds of such individuals.

## FEMINIST PERSPECTIVES

Feminist perspectives historically, as stated above, have been peripheral to the study of crime and treatment within the justice system (Parker and Reckdenwald, 2008). For example, few attempts to identify “what works” in the crime prevention and offender rehabilitation research specifically addressed gender. The extent to which correctional organizations, including work roles, are gendered generally has been ignored as well. Even as some programs for female offenders are being designed with girls and women's special needs in mind, workers within the system are embedded in organizational structures that reflect the norms of the prevailing gender-stratified society. Therefore, reflecting societal norms, many mainstream criminologists and criminal justice practitioners have yet to appreciate the significance of feminism's contributions. To address this oversight, this section reviews some of the major feminist teachings from the past to the present time.

The first point to make about feminism is that there is not one feminism but many feminisms. Feminism, in fact, consists of a collection of different theoretical perspectives, each explaining the oppression of women in a different way. We start with a historical description of the three leading waves of feminism. Then we differentiate among the various schools of thought within contemporary schools of thought.

The first feminist movement was born in 1848 at the Seneca Falls Convention, when women demanded the right to vote. Its suffrage emphasis culminated when the Nineteenth Amendment to the Constitution was ratified in 1919. The second feminist movement began in the 1960s. It was sparked by the Equal Pay Act of 1963, which required equal pay for equal work, and Title VII of the Civil Rights Act of 1964, which applied to wages as well as hiring and promotions. Another major influence in the birth of the second feminist movement was the publication of Betty Friedan's groundbreaking *The Feminine Mystique* (2001/orig. 1963). Friedan issued a call for housewives to seek their own identity through the development of themselves as full human beings.

Heidensohn (2000) differentiates the first two waves of feminism in the United Kingdom in terms of a crusade in the Victorian era against state regulation of women (allowing for the

detention of prostitutes who had venereal disease), and an attempt in modern times to move the issue of victimization out of private hands and into the public arena of law enforcement. “It is not hard,” she states, “to see the parallels between ‘vice’ in relation to first wave feminism and ‘violence’ in the history of the second wave” (p. 27). A number of varieties of feminism evolved in the 1970s and 1980s, with much overlap between them—for example, liberal feminism, radical feminism, postmodernism, and so on. We describe these developments in the sections below. Feminist criminology also came of age during this time of political activism and social change (Chesney-Lind, 2006). This body of scholarship exists today, according to Chesney-Lind, as a mature field within a political landscape characterized by the politics of conservatism and backlash.

Emerging in the 1980s and 1990s, the third wave of the women’s movement challenged the idea that poor women, women of color, and lesbians share the same problems as white middle-class women or similarly located poor men, men of color, or gay men (Price and Sokoloff, 2004, p. 3). The privileging of white middle-class female voices is a familiar rebuttal to the pronouncements of movers and shakers from the second wave. **Third-wave feminists**, who are also called *women of color feminists*, *womanists*, and *critical race feminists*, object to white feminists defining “women’s issues” from their own standpoint without including women of color and third-world concerns. They also object to the antiracist theory that presumes that racial and ethnic minority women’s experiences are the same as those of their male counterparts. These modern-day feminist theorists focus on the significant roles that sexism, racism, class bias, sexual orientation, age, and other forms of socially structured inequality have in women’s lives. Central to their approach is the notion of **intersectionality**, which calls our attention to the interlocking sites of oppression inherent in the categories of race, ethnicity, class, gender, sexuality, and age. Third-wave feminism helps clarify not only those behaviors of women defined as criminal but also the many crimes against women. This approach makes clear the need to understand issues of social justice in evaluating the criminalization of women (Price and Sokoloff, 2004, p. 3). Furthermore, this form of feminist theory seeks ways for men and women to work together to eliminate racism, sexism, and class privilege. For example, bell hooks (1984), in the following passage, attacks what she perceives as the antimale stance of the early radical feminists:

They were not eager to call attention to the fact that men do not share a common social status; that patriarchy does not negate the existence of class and race privilege or exploitation; that all men do not benefit equally from sexism. They did not want to acknowledge that bourgeois white women, though often victimized by sexism, have more power and privilege, are less likely to be exploited or oppressed, than poor, uneducated, non-white males. (p. 68)

These feminist movements, especially in the second and third formulations, have resulted in at least seven main expressions of feminist theory that are relevant to criminal justice. These are: liberal feminism, radical feminism, socialist feminism, Marxist feminism, postmodern feminism, black feminism, and Latina feminism.

### **Liberal Feminism**

**Liberal feminism**, or egalitarianism, calls for women’s equality of opportunity and freedom of choice. Burke (2005) traces liberal feminism to the eighteenth- and nineteenth-century social ideals of liberty and equality. Liberal feminists look to legislation to ensure the rights of women and changes in socialization practices so that children do not grow up accepting of an unequal status (Payne, 2005).

In 1972, Congress passed the Equal Rights Amendment (ERA). In the campaign to ratify it, many women were mobilized into activism, and liberal feminists were introduced to the political mainstream. However, the defeat of the ERA in 1982 was associated with a conservative backlash, during which rights previously won by feminists, including affirmative action and legal abortion,

were challenged (Rollins, 1996). Despite this defeat, we owe a debt to the liberal feminist movement for the extensive legislation that was enacted as a result of the activities of its members. This perspective, however, is criticized for its reluctance to confront deep-rooted gender inequality as well as its failure to acknowledge the relevance of race (Burke, 2005; Dominelli, 2002).

## Radical Feminism

**Radical feminists** view masculine power and privilege as the root cause of all social inequality. The most important relations in any society, according to radical feminists, are found in patriarchy, a social system which is maintained through masculine control of labor, finance, and the sexuality of women (Burke, 2005).

In common with liberal feminism, proponents of the radical school argue that greater levels of inequality may lead to an elevated risk of domestic assault and homicide by placing women at a structural disadvantage (Vieraitis, Britto, and Kovandzic, 2007). In contrast with liberal feminism, this orientation focuses much more on women's oppression, while it values and even celebrates the differences between men and women (Payne, 2005). A major contribution has been the focus on victims' rights and on the prevalence of sexual violence toward women. Through the extensive documentation and grassroots activism provided by members of this group, the national silence on the role of violence in girls' and women's lives was broken. The naming of the types and dimensions of female victimization had a significant impact on public policy (Chesney-Lind, 2006). Radical feminism has been criticized, however, for its essentialism, or the belief that all men are the same, as are all women (Payne, 2005).

## Marxist Feminism

**Marxist feminists** argue that as private property evolved, males dominated all social institutions. Proponents of this belief system emphasize women's oppression as arising from their structured inequality in society (Payne, 2005). From this perspective, gender and class inequalities are viewed as closely related.

According to Marxist ideology, capitalism profits from the low-wage work of women in factories and corporations, both in the United States and elsewhere. Under capitalism, women who do not work are seen as confined in the home to domestic slavery, a form of exploitation that parallels the exploitation of the women workers.

Marxist feminists have been criticized for their overuse of economic explanations of women's opportunity to the neglect of the effect of family relationships and socialization factors (Burke, 2005). The lack of scientific proof for Marxist assumptions is another major criticism of this belief system. To challenge this argument, Vieraitis, Britto, and Kovandzic (2007) examined female homicide victimization data across counties in the United States. Their finding that counties with the highest levels of poverty had the highest homicide rates lends some support to Marxist feminist theory. Relevant to criminology, Marxist feminists explain domestic violence against women in part as related to their lack of access to resources and their relationships with men who are frustrated because of their own low economic standing (Littlefield, 2003).

## Socialist Feminism

**Socialist feminists**, in contrast to other feminists, give neither class nor gender the highest priority. Instead, socialist feminists view both class and gender relations as equal, as they interact with and reinforce each other in society. They thus offer a synthesis of the radical and Marxist feminist schools of thought. It is important, as Dominelli (2002) asserts, to maintain a perspective that emphasizes the gendered nature of human relations that divides men and women, while also attending to other forms of oppression and differences that divide women from each other. To understand class, socialist feminists argue, it is necessary to recognize how class is structured by gender, and understanding gender requires that one see how it is structured by class.



Proponents of this position advocate for equal work opportunities as well as special provisions such as child care arrangements for employees (Barak, Leighton, and Flavin, 2006). Relevant to women's work in the criminal justice professions, socialist feminism clarifies how women tend to become excluded from the highest-paying jobs and marginalized within the professional ranks due to male dominance and bonding.

### **Postmodern Feminism**

**Postmodern feminists** criticize other feminists for assuming that women are a “clearly defined and uncontroversially given interest group” (Smart, 1995, p. 10). While positivist feminists, as well as other modernists, claim that the truth can be determined, providing all agree on responsible ways of going about it, **postmodern feminism** argues for multiple truths that take contexts into account. Postmodern feminists also question whether scientific claims are provable and reject the idea that there is a universal definition of justice true for all people all of the time. Feminists who view society through a postmodernist lens are more inclined to focus attention on power relations rather than patriarchy as their frame of reference (Moore, 2007). They emphasize the importance of alternative discourses and accounts, which frequently take the form of examining the effects of language and symbolic representation. Postmodernist perspectives are criticized for their neglect of oppression in society and their undermining of feminist notions of solidarity and collective organizing against injustice (Dominelli, 2002). A contribution to criminology is the focus on deriving knowledge from qualitative data such as personal narratives of women in the correctional system.

### **Black Feminism**

*Black Feminist Thought* by Patricia Collins (2000) articulates the African American feminist position. Social change will only come, argues Collins, when the consciousness of individuals is raised—consciousness about the domination of intersecting oppressions. The historical structure of these interlocking oppressions must be acknowledged in order to transform the institutions of domination for the people's empowerment.

Hillary Potter (2006) utilizes a black feminist criminological framework that focuses on intimate-partner violence experiences of African American women. Following Collins' (2000) conceptualization of critical race theory, Potter examines women's victimization from a combined gendered and racialized standpoint.

Many African Americans concerned with the treatment of women in society prefer the term *womanism* to *feminism*. Womanism, to Littlefield (2003), “is an emergent theoretical perspective that reforms and expands mainstream feminist theory to incorporate racial and cultural differences, with a particular focus on African American women” (p. 4). Womanism, according to Littlefield, focuses on three key themes: the interlocking nature of multiple oppressions, the meaning of self-determinism for African American women, and the importance of naming and claiming African American women's culture. Moreover, writers from this school emphasize the key role that personal spirituality and religion play in African American women's cultural and personal empowerment.

The womanist and black feminist perspectives have implications for criminal justice scholars and practitioners in providing a basis for empowerment-oriented practice with racial and ethnic minorities. In bringing our attention to the intersection of race, gender, and class, African American theorists help us to recognize that the political backlash is not directed at women alone but that the oppression played out in mass incarceration has had serious repercussions for black girls and women. The message for feminist criminologists is clear—to focus on only one aspect of oppression (such as gender) to the neglect of the others is to miss a vital part of the equation.

### **Latina Feminism**

In 1973, Mirta Vidal wrote in “Chicanas Speak Out, Women: New Voice of La Raza,” an article that was reprinted in *Feminism and Socialism*, that when Chicano men talk about maintaining *la familia* and the cultural heritage of *la raza*, they are in fact talking about keeping women in the

kitchen, and pregnant. The real unity of men and women, as Vidal argued, is the unity forged in the course of struggle against their joint oppression: “It is by supporting, rather than opposing, the struggles of women, that Chicanos and Chicanas can genuinely unite” (p. 32). Although the Chicana Feminist Movement was a viable force for the liberation of women from Mexico, their story remains virtually untold in the mainstream feminist literature.

The impact of ethnicity, gender, and class are inextricably linked in the life of the Mexican American woman. Her socioeconomic class as a Spanish-speaking low-income Chicana woman determines her political and social position. In this way, her challenges differ from those of poor African American women and Anglo white lower-class women.

*Telling to Live: Latina Feminist Testimonios* is a more recent anthology selected and organized by the Latina Feminist Group (2001). Part I of this book is entitled “Genealogies of Empowerment” and includes vignettes and personal narratives of a diverse group of Latina women, for example, a Spanish-speaking Jewish woman, an academic, and a working-class Puerto Rican. A major theme is empowerment and the mapping of individual paths to achievement despite historical displacement. Collectively, these writers bear witness to social injustice related to social barriers and those derived from gender constraints.

Relevant to criminal justice, Lorraine Gutiérrez and Edith Lewis’s (1999) edited volume *Empowering Women of Color* provides the foundation for a model of empowering practice with Latina women. The two major components for such work are an understanding of power and powerlessness, and the importance of the development of a sense of self-efficacy in conjunction with a connectedness to social networks. Organizations must be transformed so that they are primarily accountable to the communities they serve.

### **Alternative Feminist Perspectives**

Amanda Burgess-Proctor (2006) has added lesbian feminism and Third World feminism to the standard list of feminisms, discussed above. She views lesbian feminism as a radical perspective that links women’s oppression to heterosexism and to men’s control of women’s social spaces. Third World feminism, in contrast, sees women’s oppression as a function of the economic exploitation of women in developing nations.

According to Burgess-Proctor, the past decade has seen an increase in domestic violence research that examines the experiences of lesbian, immigrant, and Muslim battered women. Alternative perspectives have arisen to represent the disparate situations of each unique group. Common to all these feminist perspectives is their concern with women’s oppression in a patriarchal society and the linkages among inequality, crime, and victimization.

### **THE RISE OF FEMINIST CRIMINOLOGY**

The criminal justice system is a system built on human tragedy. The tragedy is found in the personal stories and case histories of girls and women who, like the William Faulkner women, have had to “endure and then endure, without rhyme or reason or hope” (1936, p. 59). The stories and case histories tell of victimization, of personal crime and addiction, and of falling in the web of too-harsh sentencing practices—and also of survival.

For many who have come to earn the unfortunate label of “female offender,” their suffering began long before they got into trouble with the law. Things might have been so bad for some, in fact, that getting caught could almost be seen as a blessing, a turning point in their lives. Perhaps there was an encounter with someone in the system who cared or perhaps they were placed in an innovative program designed with gender in mind. This brings us to some remarkable stories of women on the other side of the law (from the offenders), women who went into corrections to reform the system and to help others reach their potential—among them prison wardens, probation officers, and lawyers. We are referring here to women who have served other women, working to empower others even as they themselves have been empowered.