Introduction

*Gender, Psychology, and Justice*

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If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected—those, precisely, who need the law’s protection most!—and listens to their testimony.

—James Baldwin, 1985

Gender structures social interactions in ways that frequently place girls and women at a disadvantage in many justice systems across the world (United Nations Office on Drugs and Crime 2008). More specifically, gender-related norms, assumptions, stereotypes, and biases often influence women’s and girls’ initial and repeated contact with justice officials as well as their vulnerability and victimization in legal settings. Together with racial, class, sexual, and other structural inequalities, they shape the way diverse women and girls experience justice decisions and interventions; they also determine the unique outcomes of their interactions with legal and mental health practitioners.

The American Psychological Association Guidelines for Psychological Practice with Girls and Women (APA 2007) define gender as a multilevel phenomenon: Intrapersonally, gender refers to the cognitive schemas, beliefs, and attitudes that guide individuals’ expression of their social identities in relational contexts. It also refers to the process whereby individuals engage in presentations of self that deviate or conform to gender norms and expectations (Butler 1999, 2004). At a macro-systemic level, gender is a societal structure that determines individuals’ social status and their access to resources, power, and privileges (Ayman and Korabik 2010).
The criminological literature has made visible the gendered nature of the criminal justice system. Feminist criminologists and legal scholars have well documented how gender restricts girls’ and women’s access to equitable justice through mechanisms that are evident, tacit, or hidden. They have demonstrated that gender influences the justice system’s responses to female offending and victimization (Belknap 2015; Silvestri and Crowther-Dowey 2008; Sprott, Zimring, and Doob 2009; Wykes and Welsh 2009). They have also identified the pathways that lead to girls’ and women’s involvement with the criminal justice system, as well as the unique challenges girls and women encounter as a result of sexual and physical violence, mental health problems, unmet health-care needs, substance dependence, family responsibilities, and discrimination in employment and education (Belknap 2015; Davies 2011; Morash 2005; Van Gundy and Baumann-Grau 2013).

Feminist criminologists and legal scholars have identified the conditions that explain the unprecedented increase in women’s and girls’ arrests and incarceration since the 1970s. These numbers have continued to rise at rates that surpass those of boys and men (Mauer 2013; Minton and Zeng 2015), although the majority of female offenders commit non-violent crimes that do not represent a risk for public safety (e.g., stealing, running away, violating court orders). Changes in policies—rather than changes in behaviors—explain why increasingly more women and girls are caught up in the net of the criminal justice system (Sprott, Franklin, and Doob 2009; The Sentencing Project 2007). These include the creation of new offenses and sentencing guidelines that have exposed women and girls with a history of victimization and substance abuse to a greater level of justice interventions (Kerig and Ford 2014; Travis, Western, and Redburn 2014). For example, at the peak of the war on drugs, the percentage of women sentenced to prison for drug-related, nonviolent crimes increased by more than 800 percent from 1986 to 1999 (American Civil Liberties Union 2005). The new drug policies of the 1980s and 1990s resulted in women’s criminalization and incarceration for possession, personal use, and street-level sale of illicit substances. Although women’s role in the drug trade was minor compared to that of men, they were subjected to the same mandatory-minimum sentencing laws.

The justice practices of the past forty years have been largely based on conceptual principles and assumptions—including personal theo-
ries about men and women—more than scientific evidence about what works to prevent crime (Travis, Western, and Redburn 2014). Among these conceptual principles is the emphasis on gender neutrality and equality in criminal justice, or the beliefs that the same laws are appropriate for both men and women and that men and women should be treated equally or similarly for the same crimes, when in fact, the application of criminal laws has often relied on gender bias and knowledge derived from the study of male offending (Belknap 2015; King and Foley 2014). Examples of this include mandatory and dual arrest laws in cases of domestic violence, whereby women victims of abuse are arrested and sometimes prosecuted (see chapter 2, Walker and Conte), or situations when sex-trafficked women are treated by judicial officials as consenting agents (see chapter 3, Bryant-Davis, Adams, and Gray).

Similar processes and approaches exist in the area of family court with a presumption in some jurisdictions and states that shared custody, or the equal involvement of a biological mother and father in parenting, is most beneficial, with limited attention to factors such as the psychological significance of attachment to primary figures or the presence of abuse (Bryan 2006; see also chapter 1, Ancis). This is the case even in the most extreme situations, such as family violence. For example, women are often punished by family courts for violating “friendly parent” assumptions (i.e., the premise that each parent should provide the opportunity for the other to have a loving and open relationship with the opposite parent) when reporting abuse during divorce and custody disputes (Dragiewicz 2010).

Since the 1970s, feminist scholars have investigated the processes that perpetuate gender discrimination and double standards in legal settings. In the criminal and juvenile justice system, they have highlighted paternalistic attitudes and practices that contribute to the differential treatment of male and female offenders. The term “chivalry” has been used to describe the view that women and girls are childlike and delicate, and the belief that justice officials have the responsibility to remove women and girls from risky situations (Javdani, Sadeh, and Verona 2011). In the courtroom, these beliefs have translated into greater leniency towards women and girls, provided their behaviors and crimes were congruent with gender norms and roles (Rodriguez, Curry, and Lee 2006). They have also resulted in the use of incarceration as a protective measure
against further abuse and as a mechanism to regulate women’s and girls’ conduct and sexuality (Javdani et al. 2011). Double standards for parenting are also evident in family court where noninvolved fathers are awarded custody while mothers who have been primary caretakers have to painstakingly prove parental fitness (Dragiewicz 2010).

The disregard for women’s experiences, combined with gender stereotypes, often contributes to biased and unjust outcomes, as well as the perpetuation of myths that influence court decisions (Danforth and Welling 1996). For example, negative perceptions in family court of female litigants as spiteful make women vulnerable to legal decisions based on faulty and unsubstantiated beliefs about parental alienation, and increase the risk that they will lose custody of their children.

Race and economic status further complicate the issue of gender discrimination in different arenas of the justice system. Social scientists have called attention to the overrepresentation of poor African American women and girls behind bars in the United States (Carson 2014; Mauer 2013; Saada Saar et al. 2015). They have also linked changes in the racial composition of female correctional populations to the emergence of a new definition of the female offender as a “real” criminal, angry and aggressive, rather than a vulnerable woman with rehabilitation needs (McCorkel 2013). These findings underscore the importance of examining the experience of justice-involved women and girls through the lens of multiple categories of analysis, including gender, race, class, and sexuality.

With the exception of research in some areas such as domestic violence, which is defined as a gender-related crime, psychologists have been mostly absent from discussions about women and girls in the justice system. In particular, they have not fully engaged in systematic and comprehensive research that evaluates the psychosocial outcomes of justice practices for women and girls; nor have they made a substantial contribution to the development and implementation of problem-solving justice, therapeutic jurisprudence, and gender-informed programming for diverse justice-involved populations. In some instances, mental health professionals—including psychologists—have perpetuated mythology about girls and women through unsubstantiated and nonscientific theories and practices, influenced by gender-biased assumptions, such as the notion of a “masochistic personality” in the case of abused
women or “parental alienation syndrome” in the case of allegations of child abuse.

While knowledge about justice-involved women and girls is expanding—in particular knowledge of the pathways that lead them to crime—including exposure to abuse and poverty, substance dependence, and mental illness—only a small number of specialized programs and services address their unique health-care needs and the challenges they encounter in securing employment, safe and affordable housing, child-care, and transportation (Ney, Ramirez, and Van Dieten 2012). Criminologist Barbara Owen and her social work colleagues, Barbara Bloom and Stephanie Covington, have proposed evidence-based principles to advance gender responsiveness in criminal justice practices, and identified key components of programming for women and girls: awareness and knowledge of gender differences in social positioning and privilege; emphasis on safety, self-worth, connectedness, and relationships; and a comprehensive and integrative approach to women’s and girls’ social, emotional, and psychological concerns. A handful of interventions for justice-involved women have been developed and tested, and they are now listed in the National Registry of Evidence-Based Programs and Practices: Beyond Trauma, Helping Women Recover, Seeking Safety, and Forever Free. Yet very few interventions target the specific risk factors that lead to girls’ involvement with the justice system (Office of Juvenile Justice and Delinquency Prevention 2010).

The dissemination and availability of gender-specific programs in diverse legal settings and their implementation and effectiveness with culturally and socially diverse women warrant greater attention. So does the translation of reliable and valid psychological research into evidence-based legal practices. Therapeutic jurisprudence (TJ), first introduced in 1987, provides an interdisciplinary framework for the use of psychological science to improve justice, minimize bias, and maximize the positive effects of legal decisions and interventions (Freckelton 2008). TJ is a field of inquiry that focuses on the administration of the law and its impact on individual and collective well-being (Hora, Schma, and Rosenthal 1999; Wexler 2011; Winick 1997). It draws attention to the therapeutic and antitherapeutic outcomes of legal rules and procedures as well as the roles and behaviors of justice officials. TJ represents a psychologically oriented and empirical approach to the application of the law with
a view toward positive behavior change and rehabilitation, autonomy, and choice, rather than punishment and incapacitation (Wexler 2011). It calls for the use of social science, its theories and methods, to study the legal system (Freckelton 2008), and offers guiding principles for problem-solving justice or the use of the law to address chronic social and public health concerns such as substance abuse and family violence (Winick 1997; Redlich and Han 2014). In sum, therapeutic jurisprudence highlights the relation between the law and the welfare of individuals and communities, raises important questions about the impact of legal practices on physical and mental health, and identifies goals and scientific methods for justice reforms that will benefit those who “need the law’s protection most” (Baldwin 1985, 527).

About Gender, Psychology, and Justice

This book contributes to the field of therapeutic jurisprudence by offering a careful examination of women's and girls' experiences in multiple arenas of the U.S. justice system, from their initial contact with law enforcement to their interaction with prosecutors, judges, and other court officials. The book answers questions about the therapeutic and nontherapeutic impact of legal rules and procedures on women and girls, with special attention to the theories and/or assumptions that have informed the responses of the justice system to the biopsychosocial needs of women and girls, and the use of research—or lack thereof—in legal decision making and interventions. The authors highlight the structural barriers that limit women’s and girls’ access to health care, housing, and employment, and that increase their risk for justice-system involvement. They discuss how the narrow focus on individual-level factors in justice procedures and programming and the corresponding disregard for external conditions may push women and girls further into the justice system, isolate them from their families and communities, and make it more difficult for them to achieve an independent lifestyle. The authors also provide recommendations for advancing evidence-based practice in justice settings, for translating psychological evidence and guidelines into legal procedures, and for increasing gender sensitivity and responsiveness in the training of justice and mental health professionals.
Introduction

To understand the unique concerns of diverse women and girls, it is essential to study how systems of social privilege and inequality influence women’s and girls’ experiences of the law. The authors in this book use the concept of intersectionality as a frame of analysis (Crenshaw 2005) to make visible the interlocking processes by which race, gender, class, and other social structures determine the distribution of social resources and power and the social location of diverse women and girls in the U.S. justice system (Barak, Leighton, and Cotton 2014). They attend to the intersection of women’s and girls’ multiple social identities in their discussion of the therapeutic and antitherapeutic application of the law, and in their recommendations for culturally and gender-sensitive practice with justice-involved women and girls. For example, in chapter 3, Thema Bryant-Davis, Tyonna Adams, and Anthea Gray explain how gender and poverty are linked to a punitive approach to criminal justice that further disempowers and harms victims of sex trafficking: Gender stereotypes shape the perception that women and girls are consenting individuals who engage in commercial sex acts, and poverty reduces their ability to defend themselves against prosecution and sentencing. Ironically, traffickers and consumers who have access to economic, social, and political resources are better equipped to avoid criminalization and involvement in the justice system. Likewise, chapter 5 and chapter 6 describe how poverty, race, and gender intersect in ways that increase women’s and girls’ risk for incarceration, through the perpetuation of structural disparities in health care, transportation, housing, or employment, and through the paternalistic and tacit administration of the law as a means to regulate girls’ conformity to prevailing gender norms.

The authors take a primarily qualitative approach to understanding women’s and girls’ lived experiences in relation to their social, cultural, and political environments. Qualitative research provides an opportunity to study previously unexplored topics (Morrow 2007). It developed from the need to investigate complex and dynamic relations between interacting elements of psychological phenomena, to study individual actions in their natural environments in order to increase the ecological validity of findings, and to define the nature, patterns, and meanings of human behaviors in real-world contexts (Camic, Rhodes, and Yardley 2003; Creswell 2013; Marecek 2003). Qualitative naturalistic research emphasizes descriptive language rather than quantification to represent
and explain human behaviors in specific situations, and employs unique strategies to establish the truthfulness or credibility of the findings, such as negative case selection and peer debriefing, selected in consonance with the study’s epistemological framework (Cho and Trent 2006; Dennis 2013; Gergen and Gergen 2003; Lub 2015).

Women’s and girls’ stories collected during the author’s research and clinical activities provide rich descriptions of the administration of the law and its impact on diverse female participants in the U.S. justice system. They constitute a preferred source of information for the analysis of complex social, interactional, and intrapersonal phenomena, and occupy a central position in the book’s discussions of intersectionality and therapeutic jurisprudence. The authors listen to the testimonies of women and girls and consider the meanings they attribute to their interactions with justice officials, with special attention to their perceptions of legal rules and procedures. While examining current scientific evidence about legal interventions, the authors concurrently honor the perspectives and voices of diverse women and girls to determine what empirical knowledge is missing or at odds with women’s and girls’ stories. For example, in chapter 4, Corinne Datchi highlights the coexistence of two narratives in drug treatment courts: a dominant and explicit narrative based on the findings of quantitative studies that show drug court is an effective strategy against addiction and crime, and a covert, subdued narrative that emerges from women’s testimonies and that suggests specific drug court interventions may have antitherapeutic effects on their mental health.

The authors examine external conditions that make women’s and girls’ social identities (e.g., gender, race, class) more or less salient in justice settings, and demonstrate why these conditions must be considered in order to determine the meanings of women’s and girls’ actions and to select appropriate legal and psychological interventions. Chapters 7 and 8 situate the “delinquent” behaviors of lesbian, transgender, and gender-nonconforming girls in the context of family rejection and violence to explain how running away and physical aggression may constitute girls’ way of coping with adverse circumstances. Chapters 8 and 9 highlight how changes in the criminal justice system have resulted in the increased use of detention to control girls’ and women’s nonviolent, drug-related behaviors. Lastly, chapter 10 highlights the salience of race
in the treatment of undocumented Mexican immigrants by U.S. Border Patrol agents: Racial marking overshadows immigrants’ gendered identity, and is a mechanism that contributes to the dehumanization of Mexican immigrants and that supports the use of excessive force against both men and women.

This volume focuses on the subjective experiences of women and girls, with the intention of offering new perspectives on what works and does not work in the U.S. justice system. The primarily qualitative approach of the book, combined with attention to existing quantitative research, makes it possible to identify core psychological and structural processes that help explain variations in outcomes and provide insight into the therapeutic mechanisms linked to greater gender sensitivity in the administration of the law. It serves not to identify the causes of women’s and girls’ behaviors but to explain the meanings of these behaviors in specific legal settings and to illuminate the conditions that shape women’s and girls’ responses, including mental health outcomes, to legal interventions. In addition, the focus of the book on women’s and girls’ stories responds to the challenge of conducting gender-sensitive quantitative research in settings where women and girls represent a small—yet growing—percentage of the population and where their specific circumstances are often buried within statistics that capture the characteristics of the male majority (Immarigeon 2011).

The Chapters

This book is composed of two parts. Part 1 focuses on multiple arenas of the justice system, ranging from less restrictive community-based settings (e.g., family courts and drug treatment courts) to juvenile detention centers and correctional facilities. Specifically, chapters in part 1 highlight the theories, rules, and assumptions that underlie justice practices in those settings and consider how legal interventions match the concerns women and girls express in research and clinical interviews. The chapters also examine how the intersections of race, gender, class, and sexual orientation determine the responses of justice officials and their interactions with diverse women and girls. Part 2 highlights common themes in the experiences of specific populations: transwomen; lesbian, bisexual, questioning, gender-nonconforming, and transgender
girls; poor women; and undocumented Mexican women. The chapters examine the circumstances that lead to female populations’ contact with the justice system, the unique needs and legal status of particular groups of women and girls in diverse legal settings, as well as the biopsychosocial outcomes that result from women’s and girls’ interactions with justice officials. The chapters in both part 1 and part 2 conclude with recommendations for improving the integration of psychological principles and guidelines into justice practices, and explain how women and girls would benefit from this integration.

**Part I: Women and Girls in Various Justice Settings**

In chapter 1, Julie R. Ancis describes women litigants’ experiences in family court. She outlines the ways in which power and control during marriage or partnership may be perpetuated in the legal arena during divorce and custody disputes. Although many authors have explored the various disadvantages that abuse survivors face when encountering the legal system and strategies used to disadvantage one party (Bryan 2006; Goodman and Epstein 2011; Winner 1996), discussion of power and control tactics frequently used in divorce and custody proceedings by abusive ex-partners, and often upheld by the legal system, is very limited. The author uses research based on in-depth interviews with diverse women engaged in divorce and custody disputes to examine gender biases in courtroom procedures and judicial decision making about child support, custody, and visitation.

In chapter 2, Lenore E. A. Walker and Carlye B. Conte examine how recent justice reforms have created barriers to seeking legal protection for victims of intimate partner violence. Specifically, they discuss women’s experiences of mandatory and dual arrest laws originally designed to enhance the effectiveness of criminal justice interventions in incidents of domestic battering. They highlight how gender biases complicate the application of these laws, and how this has led to the criminalization of women’s strategies for coping with interpersonal violence and trauma. They also describe how the judicial processes in which battered women get entangled often disregard the specific needs of victims and result in decreased safety. Race and immigration intersect with gender in ways that shape the unique circumstances of battered women. “Women, Do-
mestic Violence, and the Criminal Justice System” emphasizes the complexity of intimate partner violence and the need for a contextualized approach to justice interventions. The chapter concludes with the description of an evidence-based and trauma-informed program designed to empower battered women in the criminal justice system.

Similarly, chapter 3 calls attention to the criminalization and prosecution of human trafficking victims in the United States. The authors, Thema Bryant-Davis, Tyonna Adams, and Anthea Gray, link sexist beliefs to disparities in the legal processing of sex traffickers and their victims; they explain how gender norms and roles support the view that sex-trafficked women and girls are consenting agents of the sex trade, who willingly exchange sex for money, although sex trafficking, by definition, involves the use of coercion. Victims of sex trafficking are forced to enter and remain in the sex industry at a young age; and while in the sex trade, they become adults who live in fear, under the control of traffickers. The authors also examine how race and poverty put victims at a disadvantage in the justice system, limiting their access to information and resources that are necessary for protecting themselves against unfair, and even abusive, treatment by traffickers and justice officials. Gender-related myths about sex trafficking limit justice officials’ awareness and understanding of the violence, exploitation, and trauma sex-trafficked women and girls experience. The effects of trauma on the mental and physical health of victims are exacerbated when sex-trafficked women and girls come into contact with the justice system, are treated as criminals, and are offered little protection from their traffickers and abusers. To conclude, the authors argue for a multilevel approach to the social problem of sex trafficking and the development of treatment programs for victims.

In chapter 4, Corinne C. Datchi focuses on women’s experiences in adult drug treatment courts. Drug treatment courts offer community-based correctional alternatives to incarceration for nonviolent felons who engage in criminal activities to sustain their drug use. They use a variety of methods—including urinalysis, breathalyzers, and jail—to monitor drug offenders’ adherence to a sober, prosocial lifestyle, and enforce their compliance with drug treatment. The scope of the courts’ surveillance power extends to the addicts’ home, place of employment, treatment provider, and recovery community. The chapter examines
women’s perception of how a drug court defines and addresses their addictions through a system of reward and punishment. It brings to light the medical and psychological theories that operate within drug court and inform the drug court team’s understanding of addiction and deviance, in particular, the idea that addiction is a disease beyond the control of the individual. These theories promote a universal view of addiction and the addict that conceals human differences and makes it difficult to consider the context of gender and race in legal decisions and practices.

In chapter 5, Elizabeth A. Lilliott, Elise M. Trott, Nicole C. Kellett, Amy E. Green, and Cathleen E. Willging examine the social processes that lead to women’s return to prison in poor and underserved rural areas of the United States: The privatization of health-care services, the paucity of community-based resources and postrelease assistance with treatment, employment, and housing, the neoliberal policies that emphasize individual responsibility and ignore the impact of social disadvantages, and gender and racial stereotypes are factors that make prisons an inevitable “choice” for women with a criminal history. Imprisonment offers the promise of shelter, food, health care, and human bonding, while reentry is associated with deprivation and social marginalization. For women prisoners, returning to small rural communities presents enormous challenges. The success of their release from the criminal justice system depends on their ability to meet the conditions of their discharge, to break away from antisocial kin and peer networks, to secure employment, and/or to remain sober. This chapter explains that achieving those tasks is not a matter of individual will and choice, but an issue that requires structural change and greater availability and access to comprehensive treatment programs.

In chapter 6, Kendra R. Brewster and Kathleen M. Cumiskey share the insight they gained from their participation in a tutoring program for teenage girls in a detention facility. They argue that the girls’ experience of incarceration was characterized by ambivalence and contradictions: On the one hand, the girls found safety in the juvenile justice facility and gained access to basic resources such as food, shelter, and health care. However, their relationships with the staff reproduced some of the abusive dynamics the girls experienced at home. The authors discuss how the use of punitive and harsh discipline, threats, and yelling to manage the behaviors of girls behind bars could intensify conduct
problems and lead to girls’ further involvement in the juvenile justice system through transfers to more secure facilities. They also suggest that mental health and educational services for girls in juvenile facilities offer a space where girls can care for and be cared for by others and develop healthy models of relating; where they can have a voice; and where they can redefine their identity, not as delinquent teens but as girls with strengths and career aspirations. However, psychological and educational programs may also have unintended consequences: They help at-risk girls build a bond with the juvenile justice staff and the facility rather than the home they will return to upon their release. The authors argue that it is important to consider how programming within juvenile justice facilities may facilitate ongoing contact with the girls’ communities and relatives, and prepare the former as well as the latter for the girls’ reentry. Strengthening girls’ connection with their communities and families, addressing the dynamics of abuse that lead girls into the juvenile justice system, and helping girls build vocational skills and gain access to essential resources are processes that may help prevent girls’ further involvement in the criminal justice system.

Part II: Specific Populations of Justice-Involved Women and Girls

In chapter 7, Alexis Forbes and Kevin L. Nadal describe the gender-based violence transwomen are exposed to both inside and outside the criminal justice system, including hate crimes, mistreatment by police officers, and physical and sexual assault during detention. They highlight the criminalization of gender nonconformity through profiling and unlawful arrests, the violation of transwomen’s rights to safety, and the barriers to legal protection from social, physical, and emotional harm. Verbal humiliation, threats, destruction of property, and denial of gender-affirming medical and mental health care are some of the discriminatory practices that transwomen experience in the criminal justice system. These are forms of abuse that increase transwomen’s social marginalization and vulnerability, and prevent them from gaining access to justice. The authors also discuss how legal measures such as administrative or solitary confinement, designed to protect transwomen during detention, have produced adverse consequences, in particular increased psychological stress and limited access to social interactions.
and prison programming. To increase fairness in legal interventions, the authors encourage the use of existing gender-affirming treatment guidelines. They also note the need for social advocacy and systemic change and for the creation of inclusive environments at the level of families, communities, and institutions.

Chapter 8 expands the discussion on non-gender-conforming and nonheteronormative populations in the justice system. The authors, Angela Irvine, Aisha Canfield, and Jessica Roa, point out the invisibility of lesbian, bisexual, questioning, gender-nonconforming, and transgender (LBQ/GNCT) girls in the juvenile justice system. In particular, they note that questions about youth's sexual orientation are absent from risks and needs assessment, although scientific evidence has established a link among youth's LBQ/GNCT identity, family and school conflict, homelessness, and involvement in the juvenile justice system. The authors discuss the harmful consequences that result from the oversight of youth's sexual orientation and gender identity, including reliance on stereotypes and biases, harsh punishment of gender-nonconforming behaviors, reproduction of abuse, and the lack of adequate and scientifically based programming for LBQ/GNCT girls.

In chapter 9, Erica G. Rojas, Laura Smith, and Randolph M. Scott-McLaughlin II call attention to the link between poverty and women's entanglement with the criminal justice system. Overwhelmingly, incarcerated women are poor women of color with low levels of education and limited opportunities for employment. They come from disenfranchised neighborhoods where tough-on-crime policies have resulted in the exponential growth of correctional female populations and have exacerbated social disadvantage. Without the financial resources necessary for effective legal representation, poor women of color experience harsher punishment compared to White middle-class women, for non-violent crimes that represent survival strategies. This chapter uses an intersectional lens to highlight the interconnectedness of socio-structural processes and show how classism and patriarchy operate simultaneously and conjointly to create barriers that limit women's ability to move out of poverty and correctional supervision. In particular, the authors discuss the laws and policies that bar justice-involved women from public assistance, keep them in situations of economic deprivation, and reduce their ability to resist entanglement with the criminal justice system. They also
highlight women’s mental health needs and their difficulties in accessing adequate medical care inside and outside of the criminal justice system.

Chapter 10 adds to the discussion of social, political, and legal factors that contribute to the criminalization of poverty. Anna Ochoa O’Leary examines the link among the U.S. Border Patrol’s mistreatment of undocumented Mexican immigrants, the criminalization of illegal immigration, and the racial biases that dehumanize Mexicans and give license to deny due process rights. Border-crossing narratives suggest that both men and women are equally exposed to acts of violence by Border Patrol agents during arrest and detention. These include threats, verbal degradation, and sexual and physical abuse. To some extent, the dehumanization of undocumented immigrants conceals gender differences. This chapter also highlights the dearth of studies on undocumented immigration, border-crossing violence, and its impact on women’s mental health. This may be due to the transient nature of immigrant populations and the lack of transnational research partnerships on both sides of the U.S.-Mexico border. Given the traumatic nature of women’s immigration experiences, it is crucial to identify and understand the unique psychological outcomes Mexican women suffer during migration, arrest, and detention, and to evaluate the resources that are available to them in specific familial, social, cultural, and legal contexts.

The volume concludes with a chapter that examines how the psychology of men may support the promotion of gender-sensitive practices in the U.S. justice system. Jonathan Schwartz and Jennifer Bahrman provide an overview of the discipline, its theories, and research on gender-role conflict and gender-role strain. They discuss how these two concepts can expand our understanding of the social processes that criminalize women involved in the sex trade, willingly or through coercion. They explain how men’s beliefs about how they should be, feel, think, and act determine their attitudes towards women (e.g., the extent to which they objectify and devalue women who sell sex), their acceptance of prostitution, and their participation as consumers of sexual services. The authors also highlight how gender norms render male consumers invisible and therefore immune to legal processing. The authors argue that it is critical to use the principles of the psychology of men to bring into focus men’s roles and responsibilities in the victimization of women through prostitution and sex trafficking. They also discuss the need for preven-
tion programming that targets male consumers of illegal sexual services and is based on empirical knowledge produced by studies in the field of the psychology of men.

Conclusion

This book offers an interdisciplinary discussion of how gender, race, national origin, sexual orientation, and class influence justice practices and their effects on diverse women's and girls' social and psychological well-being. It attempts to foreground the tacit rules and implicit theories that underlie legal decisions and interventions; it also evaluates the use, or nonuse, of scientific evidence in various justice settings with diverse female populations. The aim is to increase awareness of women's and girls' concerns, to identify knowledge gaps and research needs, and to provide directions for translating existing scientific findings into gender- and culturally sensitive practices. Increased awareness and knowledge is a first and necessary step towards justice, equal opportunity, and fairness for all. However, it is not enough. Systemic change requires that we use this empirical knowledge to formulate new guiding principles for the therapeutic administration of the law.

REFERENCES


