Critical approaches to criminology question a great number of common assumptions about crime and justice. Most important, they seek to challenge the traditional split between “good guys” and “bad guys” that often shapes our thinking about law and order. While critical criminologists all share this goal, there is a wide array of different schools of critical criminology, each of which takes its analyses in different directions, focusing on different aspects of social inequality and criminal justice. They don’t necessarily disagree with each other, they just emphasize different aspects of social inequality or different ways to explain it. In this chapter, we will explore some of the different streams of critical criminology, all of which start from a shared set of assumptions, but each of which takes these assumptions in very different directions.

We will start our discussion of critical criminology with the father of the subject: Karl Marx. Although Marxism is now associated with the disastrous communist governments of the 20th century, his views are still relevant and influential in the modern world, and his theories have shaped a great deal of contemporary criminology. Then we will turn to a few later versions of critical criminology: critical race theory and feminist criminology. At the end of the chapter, we will discuss other branches of critical criminology, including postmodern theory and ecological criminology. While these theories are very different from each other, each in its own way seeks to get beyond the conventional perspective that criminals are bad and that the police and the criminal justice system are good.

ECONOMIC INEQUALITY AND CRIME

Learning Objective 4.1—Explain how economic inequalities shape conceptions of crime, law, and justice.

Karl Marx (1818–1883) was a German economist, sociologist, philosopher, and social activist who was interested in the ways that economic systems have shaped society in human history. According to Marx, society is composed of different economic classes (such as workers and business owners) who have differing and ultimately conflicting interests. For Marx, in all societies there is a struggle for power among these different classes, each of which is seeking to advance its own interests—usually at the expense of the other classes. The business owner wants to make profits, and employees want to make a salary and provide a decent life to their families. To an extent, of course,
their interests coincide—a profitable company can pay its workers—but if the business owner has a choice between making more money and paying the workers more, the owner will usually choose to make more money if she can get away with it. According to Marx, all human history is a conflict between different classes, each of which seeks to advance its own interests in the face of opposing interests of other classes. Marx called this conflict **class struggle**. In the medieval period, the peasants, the nobility, and the church were different classes with different interests who often fought each other for domination. In the Roman world, the elites, the peasants, and the slaves all sought a path to dominance. All history consists of some form of class struggle, according to Marx.

While Marx argued that society is composed of classes in conflict with each other, what shapes this conflict is the economy. As new discoveries are made, and new technologies are invented, they change the way that the economy functions and thereby alter the dynamics of class conflict. Changes in how we produce goods change how society is organized, as these new developments pick out winners and losers. Some classes lose ground if they can’t adequately adapt to new economic realities, some gain power, and still others may be eliminated entirely. For example, once steam power and factories came into existence during the Industrial Revolution of the late 18th century, the traditional nobility, whose power was based on the control of land and farming, was no longer the only group with economic power. New groups (factory owners) harnessed the new technologies for their own ends and began to challenge the old nobility’s dominance—eventually overthrowing the old aristocracies. To use a more contemporary example, with the rise of computers, new groups (techies) have gained power, challenging others who once controlled how products are made and information is disseminated. The old economy of “brick and mortar” stores and the profits of record companies and entertainers are now under threat by online stores and streaming music sites. Each of these changes in the economy marks a stage in the class conflicts that define human history. Ultimately whoever can generate the most economic power, what Marx calls capital, wins in the class conflict, until later economic developments change, and a new class rises.1

While they are fighting each other for control of society, both sides of the conflict believe that they are morally right and can usually provide reasons for why they deserve to be on top. That is, the wealthy people of the world justify their wealth, and they try to convince people in other classes that they are right to be dominant. (Poor people are lazy, or poor people are naturally inferior to the rich, or rich people have been chosen by God to be successful; these are some common reasons that rich people have used to justify their wealth and privilege.) Marx used the term **ideology** to describe these beliefs: Classes create and promote ideologies that justify their advantages and try to convince the other classes that their ideology is the correct one. For example, Marx famously described religion as “the opiate of the masses.” By this he means that religious beliefs are often used to keep poor people in line, resigned to their fate, and unwilling to question the status quo. For Marx, the class conflict that is at the

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1 Here I am ignoring the part of Marx’s theory that claims that one class, the proletariat, will rise and become the dominant class for all time (his theory of socialism), as this is not relevant to the study of crime. Moreover, it’s the part of his theory that is most demonstrably false.
heart of human society is one that is often a conflict of ideas. Ideologies are intellectual weapons that groups use to seek to control of the minds of peoples occupying the lower classes and to justify their power.

While religion is one of the most obvious forms of ideology, there are many others, some of which are intimately connected with criminal justice. Political theories such as liberalism and conservativism are ideologies that shape American life—each of which serves the interests of a different group. One of the most important aspects of American ideology is the concept of private property: the belief that we own certain objects and that, as a result, we have the absolute right to do with them what we wish. This idea has not always been with us, and its modern form was only created in England in the 18th century by philosophers like John Locke. Jean-Jacques Rousseau, the French philosopher, was skeptical of this idea and thought it was harmful for humanity. As he famously said,

The first person who, having enclosed a plot of land, took it into his head to say *this is mine* and found people simple enough to believe him, that man was the true founder of civil society. What crimes, wars, murders, what miseries and horrors would the human race have been spared, had someone pulled up the stakes or filled in the ditch and cried out to his fellow men: “Do not listen to this imposter. You are lost if you forget that the fruits of the earth belong to all and the earth to no one!” (Rousseau, 1755/1992, p. 44)

Private property, the bedrock of modern capitalism, is an ideology according to Marx (and Rousseau), and it is an ideology that serves the interests of the rich. It allows them to believe that they have a right to own as many homes and cars and have as much money as they wish, and those without property have the right to starve.

Of course, the notion of private property is closely linked to the notion of theft. Taking other peoples’ property is not only considered morally wrong but is considered to be a serious crime in almost all societies. But if Marx is right and private property is part of capitalist ideology, then we should be skeptical about this belief. A Marxist would argue that property is not truly owned by any individual, the wealthy do not have a right to everything they own, and therefore it is not necessarily wrong for a person who needs something badly to take it from somebody who has but doesn’t need it. In the novel *Les Misérables* by the French writer Victor Hugo, the protagonist Jean Valjean is arrested and sentenced to five years in prison for stealing bread to feed his starving sister. While we might agree that private property is important, it’s hard to say that it was wrong for Valjean to steal the bread. Many might say that it was a bigger wrong for Valjean to be arrested and punished for doing something that was ultimately good. Many “Robin Hoods” who steal from the rich and give to the poor are considered heroes, even if they live by a code that does not respect private property.

*Les Misérables* is, of course, an extreme example of the excesses of private property, but a Marxist would point out the massive economic inequalities in our society and the role that the ideology of private property plays in upholding it. One percent of the earth’s population owns more than the other 99% combined—and many of the poor die from diseases that would be easily treatable if they had more resources (Oxfam International, 2015).
Americans deeply believe in the concept of private property and that one should work hard to earn her own fortune, but from a Marxist perspective, this belief serves primarily to keep the poor in their poverty and allow the wealthy to justify their privileges. The fact that very few people who are born in poverty in the United States are successful in escaping their condition and face so many additional challenges in life shows that often hard work is insufficient for success. Equally important, the wealthy have the power to influence the government to get it to create laws that reflect their interest in protecting their property—and hence the criminal justice system becomes a tool of the wealthy classes, according to a Marxist criminologist.

For a Marxist criminologist, criminal laws reflect the ideology of the ruling class and ultimately promote its interests. Criminals are often just those people who refuse to play by society’s accepted rules—people who are seeking to advance themselves in a system that is stacked against them. Marxists can even go further and argue that many people who society finds admirable (corporate CEOs, politicians, church leaders) are in fact the real criminals, because they help support and promote a social system that is fundamentally unjust. Society would be better served if much of their wealth were confiscated and used to benefit the poor. As it stands, Marxists see a direct link between criminality and social inequality. In capitalist society, the criminal justice system is complicit in maintaining inequality: It arrests people who try to change the system, and it protects the private property of those few who are lucky enough to possess it.

Equally important for the Marxist is the belief that crime does not exist because criminals are “bad people” with no respect for the law. Rather a great deal of criminal activity is an understandable response to an unjust and unequal society. Rapists and pedophiles are surely criminals, but other so-called criminals like drug dealers and thieves are simply trying to succeed in a system that is designed to keep them down. Like the innovators of strain theory from the last chapter, criminals in a capitalist society are simply following capitalist values to their extreme—the only difference is that wealthy and powerful people can influence the politicians who make the laws that protect their interests, and the criminal element can’t. The capitalists can influence government to keep their businesses legal. Thus Marxists change the equation regarding who are considered the bad guys and the good guys in capitalist society: The police and the criminal justice system are (often) the bad guys, and the criminals are (often) the good guys.

Marx was the first critical sociologist, but many criminologists have been influenced by his ideas since. Sometimes, these people are called conflict criminologists, because they see society as a struggle between different groups, and they argue that crime and criminal justice policy reflect this struggle. Here, we will primarily refer to these scholars as critical criminologists. As a critical researcher, Marx was fundamentally interested in how economic differences, that is, class conflict, shaped society. But later critical criminologists focus on other ways that the criminal justice system is unfair: most often in terms of race or gender. In the following sections, we will examine these schools of critical criminology, seeing how they develop Marx’s ideas, and take them in different directions.

There was one other feature of Marx’s work that was taken up by later critical criminologists. For Marx, research was not simply a way to shed light on how society works. Rather, criminology and other types of social analysis are supposed to be tools for making
the world a better place. As he famously put it in relation to philosophy, “Up until now, philosophers have only interpreted the world; the point however is to change it” (1888/1978, p. 109). Marx was actively trying to change society so that it would be more equal and saw his work as part of this struggle—he was a devout communist, and throughout his life he worked to organize workers to overthrow capitalism. Research should not just sit there in books but should be a tool for making society better—researchers should be engaged in changing the institutions that they find so unjust and unfair. If a theory did not help liberate the poor, it was useless for Marx. Following Marx’s lead, almost all critical criminologists see themselves as activists in part, working to change the criminal justice system in ways that they believe will make it fairer for those who are on society’s bottom rung. They are not simply studying crime and society’s response to it, they usually see themselves as activists trying to change the system for the better.

RACIAL INEQUALITY AND CRIME

Learning Objective 4.2—Demonstrate the different ways that the criminal justice system reflects society’s racial inequalities.

Marx was primarily interested in how the conflict between different economic classes shapes a society, and Marxist criminologists study how class struggle plays out in the worlds of crime and criminal justice. But there are other ways to look at the impact of social conflict on the criminal justice system. One of the most important of these, particularly in the United States, is through the lens of race.

America has been a racially polarized society since its formation, and we have been shockingly hypocritical about racial issues for a very long time. The Declaration of Independence, the founding document of the United States, declared that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” At the same time as this document was being written, Americans held nearly a million people in slavery, subjected to brutal and dehumanizing treatment. After the Civil War, Jim Crow laws and segregation laws in the South kept many black Americans in circumstances that were in many ways indistinguishable from slavery—even as the nation was fighting wars to spread democratic values and human rights abroad (Blackmon, 2009). The United States fought two world wars abroad to protect democratic societies while denying the right to vote to huge sections of its own population. The civil rights movement gave many African Americans political equality and the right to vote, but many remain mired in poverty and subject to all kinds of barriers limiting their ability to succeed and participate in American life. Many white (and other nonblack) Americans remain suspicious and fearful of African Americans and largely unsympathetic to their situation. Many black Americans feel distrusted and marginalized by the rest of society.

Critical race theory looks at how society in general, and the criminal justice system in particular, keeps African Americans subordinate. Clearly the over-policing and over-incarceration of black Americans, particularly young, male blacks, plays a large role in keeping African Americans poor and marginalized. African Americans are far more likely to be stopped by the police than white people are (Meehan & Ponder, 2002).
If they are stopped, they are more likely to be searched (Knowles, Persico, & Todd, 1999). And they are more likely to be arrested by the police (Kochel, Wilson, & Mastrofski, 2011). The incarceration rate for black men is significantly higher than the rate for any other group, even though they commit crime in no greater proportion than any other group. When convicted of similar offenses, African Americans get longer sentences than other offenders (Kansal & Mauer, 2005). Native Americans fare even worse (Franklin, 2013). Although the causes of this inequality are complicated and debatable, it is a demonstrable fact that African Americans and other minorities are disproportionately targeted by American criminal justice.

As we discussed in the introduction to this book, American criminal justice is closely bound up with racial issues, and the criminal justice system has played a significant role in perpetuating racial inequalities in America. As we will see in more depth

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**CRIMINAL (IN)JUSTICE**

**The Convict Lease System**

The Thirteenth Amendment officially abolished slavery in the United States in 1865. This amendment, coupled with a set of laws and political reforms, was intended to protect the formerly enslaved population of the American South and help them become full members of a new American society in the aftermath of the Civil War. While the amendment declares that “neither slavery nor involuntary servitude . . . shall exist within the United States, or any place subject to their jurisdiction,” it left one crucial exception. Slavery was abandoned “except as a punishment for crime whereof the party shall have been duly convicted.” In some parts of the South, this exception became a tool to re-enslave the people who had just been liberated. These policies became one of several important ways that American criminal justice has been turned against its black citizens.

The end of slavery led to a labor shortage in the South as few of the freed blacks wished to return to the work that they had previously been forced to perform. To obtain the labor needed, southern states passed a series of new laws that were designed to enable the arrest of the newly freed former slaves. Laws were passed, known as the “Black Codes,” which criminalized harmless behavior such as vagrancy among southern blacks, and these laws were then used as an excuse to arrest the “offenders.” Once they were detained, these African Americans could be leased by the government to local plantations and other industries—often the same places where they had been enslaved before the Civil War. These laws were often designed with loopholes for white vagrants to avoid a similar fate.

Critical race theorists often point out that the convict-lease system represents one of a set of ways that the Civil War did not truly lead to the emancipation of the black population. Instead, the war marked a change in how blacks were kept in servitude, but they remained enslaved. Rather than enslaving blacks directly, the post-war criminal justice system became a tool of the former slave owners, allowing them to keep African Americans politically marginalized and forced into a new but very familiar form of bonded labor. These laws continued in different forms in the South through the 20th century, and their legacy persists today.
in later chapters, many aspects of American criminal justice, particularly policing and prisons, but also laws and courts, have been shaped by the racial dynamics of American society. After the Civil War, African American prisoners were used as labor in private businesses in a situation not that different from antebellum slavery. During the struggle against segregation in the South in the 1960s, the police were often used to harass, abuse, and even kill civil rights activists. “Bull” Connor, head of the Birmingham, Alabama, Police Department, used his officers to viciously beat activists who sought legal equality for blacks, as did many other local law enforcement officials. In contemporary America, many African Americans blame the police for using excessive force against black youth—and almost weekly a new report appears about police officers attacking and sometimes killing unarmed black men. The distrust between the police and African Americans runs deep and has a long history, and this distrust is the basis for the research of many critical race theorists.

One theme discussed among critical race theorists that we will discuss more in later chapters relates to laws that look racially neutral on paper, but that have a very different influence on blacks and other minority groups than on white people. No criminal laws dictate that different racial groups are to be punished differently (this would be unconstitutional), but in practice, seemingly race-neutral laws may lead to wildly disproportionate consequences for different races. To use one example, until recently the possession of crack cocaine was punished significantly more severely than was the possession of powdered cocaine (Sklansky, 1994). While this does not mean that black people are to be treated worse than whites, the reality is that crack cocaine was and remains a drug that is sold and used by African Americans. There is very little chemical difference between the two drugs—they are effectively the same except that one is often consumed by wealthier white people and the other by poor black people. (This disparity was reduced by the Fair Sentencing Act of 2010, but it still exists.) Other cases include loitering laws, which are often used to justify the police harassment of minorities and other people considered to be socially undesirable, an issue we discussed in Chapter 2. Some laws that seem race neutral (that is, they don’t explicitly treat the races differently) nonetheless are profoundly racist in their impact.

Another aspect of critical race theory is racial threat theory. Developed by the sociologist H. M. Blalock (1967), this theory argues that black Americans are perceived as a threat to white Americans’ power, wealth, and security, and as such must be controlled by white dominated society. According to Blalock, racial minorities represent three different sorts of threats to white Americans: economic threat, political threat, and symbolic threat. “Symbolic threat” occurs when whites perceive minorities as deviant and a threat to culture (such as when white people complain about the way that young black men allow their pants to “sag” below their waistline) (Dollar, 2014). According to Blalock, the feeling of insecurity or threat among white people causes them to use the power of the state, primarily through the criminal justice system, to maintain their domination over other groups. According to this model, the state is a tool of white hegemony, that is, the dominance of white people over other minorities politically, economically, and ideologically. By marginalizing minorities and enforcing the values that are associated with white culture, the state ensures that white ideals and white people remain the dominant force in society.
There are a lot of statistics—some collected by criminologists, some by state and federal governments—that show just how differently the criminal justice system treats minorities. As with every other important topic, the data does not lend itself to a simplistic analysis, but a lot of it nonetheless backs up the assertion of critical race theorists that the criminal justice system targets African Americans for excessive policing and excessive punishment. The criminal justice system looks very different if you are black or brown than if you are white. Keep in mind that statistics can be misleading, but they can still help us get an understanding of how the criminal justice system supports and promotes racial inequalities.

Here are a few pieces of data to help as a foundation.

As you can see in Figure 4.1, blacks are about 13% of the population, whites are 61%, and Hispanics are 18%. But African Americans (and Hispanics) are much more likely to be poor: The percentage of whites who live in poverty is 11.6%, while the percentage of African Americans who live in poverty is 25.8% (Macartney & Bishaw, 2013), and the median income for white Americans is $71,000.00 per year, while the median income for African Americans is $43,000 per year (Pew Research Center, 2016). Finally, the incarceration rate of African Americans is significantly higher than those for other races (see Figure 4.2).

Though they are a relatively small percentage of the U.S. population, African Americans are disproportionately imprisoned, and they are disproportionately poor.

Of course, these statistics by themselves do not definitely show that the United States oppresses African Americans. Conservative critics can always charge that blacks commit more crimes than do white people and are therefore more likely to be arrested and imprisoned. It's undeniably true that most crime data show that violent crimes are disproportionately committed by African Americans. The homicide rates from the Bureau of Justice Statistics show that over half of all homicides are committed by African Americans (Figure 4.3).
The same report shows that a nearly identical percentage of African Americans (47%) are victims and that most of the homicides committed by blacks are on other blacks. (When it comes to nonviolent crime, the data is a little fuzzier.)

If we adjust crime data based on income and compare poor blacks to poor whites, the crime data looks quite different (Figure 4.4). Poor people of all races are more likely to be victimized by violent crime and are more likely to commit violent crimes, and poor blacks and poor whites are victimized at roughly the same levels (Harrell, Langton, Berzofsky, Couzens, & Smiley-McDonald, 2014).

Moreover, even though blacks do not report use of illegal drugs more than whites, they are much more likely to be arrested for drug use. In Beckett’s study of the drug trade in Seattle (Beckett, Nyrop, & Pfingst, 2006), to use one example, researchers discovered that “African Americans constituted 16% of observed drug dealers for the five most dangerous drugs but 64% of drug dealing arrests for those drugs” (The Sentencing Project, 2013, p. 11).

Black offenders tend to get harsher sentences than white offenders when they commit (Continued)
identical crimes. In a study of over 77,000 federal criminal cases, criminologist David Mustard discovered that African Americans received sentences that were 5.5 months longer than those of white offenders (Hispanics received sentences 4.5 months longer), even when you factor in the severity of the crime and other related issues. There is no state where a higher percentage of white people are incarcerated than black people.

The map in Figure 4.5, compiled by the Sentencing Project (sentencingproject.org), shows that in every state in the United States, there are higher percentages of the black population incarcerated than the white population—it is only a matter of how many more African Americans are imprisoned.

It is important to keep in mind that, from a critical perspective, this kind of data can only tell us so much about inequality in America, and it probably wouldn't convince a hard-core skeptic regardless. More important, crime statistics and incarceration rates only...
provide a picture of the world as it is. Critical race theorists argue that the crime rate and the economic inequalities in America reflect deeper injustices that go back centuries. It is understandable if black people commit more crimes—after all, they are often denied traditional routes to success and must overcome deep prejudices in American society to get a fair shot at success. In one famous study, job applicants with black-sounding names like Lakeisha or Jamal were 33% less likely to get a call back for an interview than were identical applicants with white-sounding names like Emily or Greg (Bertrand & Mullainathan, 2004). Also, the data presented here has all of the problems that we discussed in the first chapter: It can be biased and inaccurate in a host of ways. Unfortunately, we cannot know what the racial makeup of prisons would look like in a society that never had segregation or slavery, we can only study the world as it is with all its imperfections.

GENDER INEQUALITY AND CRIME

Learning Objective 4.3—Describe the role that gender inequality plays in the study of crime and criminal justice.

While feminism as a label still has negative connotations to some, the principles behind it remain important, even if they are often misunderstood by critics. Given that it is trying to promote the interests of nearly half of humanity, it is no surprise that feminism is a complicated and conflicted movement. What holds all feminists together is the idea that men and women ought to be treated equally in society, and that for the most part, they are not. What distinguishes different forms of feminism is what is meant by equality and how much society needs to change for men and women to truly be equal. Some are moderate and believe that, with some relatively minor changes, society can be equalized—we just need to remove barriers for women to succeed and make changes that consider the fact that women are physically and psychologically different from men. Others, called radical feminists, are closer to Marx and maintain that society would have to be completely transformed from top to bottom, including dismantling institutions like the family and marriage, for true gender equality to be realized.

Feminists all agree that most of the power in America is currently possessed by men, the gender that has controlled society, government, and culture since the beginnings of civilization. Feminists call this male-centered social order the patriarchy and seek to overcome it through various forms of political action. According to feminist scholars, for millennia, society has been shaped according to the perspectives, desires, and needs of men, and many women have been fooled into accepting these male standards as the obviously right ones—similar to Marx’s views about the ideologies of different classes. Any woman who has wanted power or success in life has had to get it on the terms that men have set down. Whether it is standards of what it is to be beautiful (young, skinny, large breasts) or what it means for a woman to be fulfilling her “natural role” in life (taking care of the home, raising kids, caring for her husband), men have defined women’s roles in society. We live in a society dominated by men and male perspectives on right and wrong, good and bad, and the proper conduct for the different genders.

Feminist criminologists take the assertion that society is male dominated and uses it to analyze crime and critique the criminal justice system in a variety of different ways. As
Daly describes it, “The central questions asked by feminist scholars concern the place of sex/gender relations in the shaping of crime, justice, and criminology” (Daly, 2005). Like other feminists, feminist criminologists are involved in a wide array of different forms of research and hold different views about the nature of gender inequality. Here I will focus on a few of the most significant streams of feminist criminology.

Some feminist criminologists argue that crimes that impact women are studied less than those that affect men, simply because women’s concerns are not taken seriously by society more generally. For example, homicide is a crime that affects women in ways that are very different from the ways that it affects men, but women as victims are not researched in significant depth. As one researcher points out, “Women are more likely to be victimized by intimates (e.g., spouses or boyfriends), whereas men are typically killed by strangers or acquaintances,” but “the empirical research is extremely limited with regard to gender inequality and female homicide victimization” (Vieraitis & Williams, 2002, pp. 35–36). Other crimes affect women almost exclusively, such as rape, and these need to be studied with an eye specifically toward how women experience rape without assuming that men and women would respond to unwanted sexual advances in the same way. Rape is rarely a means for male sexual gratification but is more often a crime of violence—a way for a man to terrorize and control a woman, meaning that it is a tool of male dominance. By putting the victimization of women in the center of the study of victims of crime, feminists can enlighten us about the unique ways that women are mistreated in a patriarchal society. One in six women has been the victim of an attempted or completed rape, and the majority of rapes are committed by someone known to the victim (Figure 4.6).

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**Figure 4.6 Statistics About Sexual Violence**

8 out of 10 rapes are committed by someone known to the victim

- 19.5% are committed by a stranger.
- 39% are committed by an acquaintance.
- 33% are committed by current or former spouse, boyfriend, or girlfriend.
- 6% are committed by more than one person or the victim cannot remember.
- 2.5% are committed by a non-spouse relative.

Other feminist criminologists focus on crimes where women are perpetrators, and in their research, they seek to understand why women resort to criminal behavior. Traditionally, most criminologists have studied male offenders for many reasons but primarily because there are far more of these than there are female offenders. Why women are less likely to engage in criminal behavior was unquestioned as was the unique nature of the female criminal. An examination of female offenders reveals that many women engage in criminal behavior for reasons that reflect women’s unequal position in society. For example, some women commit crimes such as theft and drug dealing because they are the sole caretakers of their children and must find a way to feed their families without another wage earner in the home (Chesney-Lind & Pasko, 2013; Grundetjern, 2018). As one convicted crack dealer put it, “I don’t regret it because without the extra income, my kids wouldn’t be fed every day. Even though I do have a good job when I work and stuff like that, it’s hard raising two kids by yourself” (Ferraro & Moe, 2003, p. 20). Others may do so for different, less noble reasons, but regardless, they have motivations that can’t adequately be understood by using theories that are designed to explain the criminal behavior of men. Putting female offenders at the center of a study of criminal behavior reveals many important facts that are overlooked if we treat such offenders as a mere afterthought.

Still others examine the roles played by women within the criminal justice system, focusing on the unique challenges faced by female police officers, female court workers, and female correctional officers. As women have moved into traditionally male fields, they have affected an important shift in how the criminal justice system operates. Female criminal justice professionals face challenges that men rarely do—sexual harassment, for example—and also bring unique skills to the field of criminal justice. Female criminal justice professionals may take approaches to their work that are different from those of men, some of which may be better suited to the job. By studying how the presence of women in the criminal justice system changes the way it operates, criminologists can learn how to improve the criminal justice system overall.

Recently feminists have been debating carceral feminism. Carceral feminists believe that the best response to rape and other crimes against women is to aggressively push for harsher punishments against those who commit these crimes. When Brock Turner, a Stanford University student who was convicted of rape and several related offenses stemming from a January 15 attack on a woman outside of a fraternity house, was given a six-month sentence by a male judge, some feminist critics charged that the sentence was far too light. In response, they led a successful recall campaign against the judge who gave the sentence, hoping to send a message that those who assault women will face serious consequences. Skeptics, including many feminists, have charged that carceral feminists ultimately hurt the poor and minorities and don’t solve the problem of patriarchy. Wealthy accused rapists can use money to hire lawyers to defend themselves and avoid the harshest punishments, while poor defendants cannot. Instead, these critics argue that feminist criminologists should seek to change the beliefs of people about women rather than “excessively” punish men who hurt women. “The underlying logic of carceral feminism relies on increased policing, legal frameworks, and arrest, as opposed to political, social, and economic changes that would alter power relationships between men and women” (Sweet, 2016, p. 203).
The fear that a woman would falsely accuse a man of rape is common among men. Men often fear that a woman could accuse a partner of rape after the fact out of a desire for revenge for some reason, and her alleged attacker would be unable to defend himself because the encounter happened in private. In the 17th century, the English jurist Lord Hale put it succinctly, arguing that rape “is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent” (1736/1847, p. 634). Because of the unique context where rape occurs, men are said to be particularly vulnerable. The alleged attacker could be forced into a “he said, she said” situation, and his life could be ruined.

It is undeniable that there are false accusations of rape, but they are relatively few. One study of 136 alleged rapes over 10 years found 8—about 5.9%—that were false accusations (Lisak, Gardinier, Nicksa, & Cote, 2010). Extrapolating from other research on the subject, the researchers estimate that about 2%–10% of all rape allegations are false. Going beyond accusations, many of which are dismissed by investigators before they get to the point of prosecution, determining the number of people convicted for rapes that they did not commit gets more complicated. One study of the 345 exonerations from 1989 to 2003 found 121 (36%) of these were for rape. None of this is definitive, but it does suggest that accusations are uncommon and convictions even less so.

On the other hand, there are good reasons to believe that rape is an underreported crime. According to the Justice Department, nearly 77% of rapes were not reported to the police in 2016; this figure is much higher than the rate of unreported assaults (56%) (Morgan & Kena, 2018). There are good reasons for this: Women who report being raped can face retaliation from their attacker or from broader society, which often harshly judges women’s sexual behavior, even when it is nonconsensual. When Christine Blasey Ford came forward and accused Supreme Court Justice Brett Kavanaugh of assaulting her in high school, she was publicly ridiculed in the media and by President Trump himself—an extreme example of what is a common experience for rape victims. Some fear the stigma of being labelled a rape victim by those around them. Still others think that they won’t be believed or even blame themselves for the attack (Williams, 1984).

False accusations of rape are terrible, but they are relatively rare compared to the massive number of rapes and sexual assaults that go unreported in America. Over the last few years, some women have responded to the election of Donald Trump (who once bragged about sexually assaulting women and “grabbing them by the pussy”) and public accusations against celebrities like Harvey Weinstein and Bill Cosby by coming forward with their own stories of sexual harassment, sexual abuse, and rape. Many feminists hope that the stigma surrounding rape will lift in the #MeToo era, and more women will come forward to share their stories not only on social media, but also with the police.

Are there ways to prevent false accusations of rape? Are there good ways to encourage rape victims to come forward? What are they in your view?
There is no single feminist perspective on crime and criminal justice, and there is no single subject studied by feminist criminologists. There is widespread disagreement among feminists about what feminism means and what are the best ways to talk about gender inequality in America today. This should not be surprising, given the fact that, according to feminists, women face challenges from the patriarchy on many different fronts. Because women’s inequality is such a complicated issue, it makes sense that feminists who try to study and understand this inequality would be complicated, too.

**Feminism and Rape**

One important example of the influence of feminism is in how the criminal justice system handles the crime of rape. We’re used to thinking about rape as numbering among the most horrifying and brutal crimes one could commit, but it wasn’t always this way. Historically, rape was considered a relatively nonserious offense by the public, and only a generation ago, rape jokes were a common staple for comedians. The crime was even defined in such a way that it was legally impossible for a husband to rape his wife. (Rape was defined as “carnal knowledge of a woman by a man other than her husband, by force and against her will” in the common law [Dressler & Garvey, 2017, p. 403].) Rape wasn’t taken very seriously by American culture and, as a result, wasn’t taken seriously by the criminal justice system.

There are many aspects of rape that make it a unique crime, but the thing that matters most for us is what it reveals about gender relations in our society. It is commonly believed that men always want sex and will pursue it whenever it is available. Women are expected to be “pure” and not invite unwanted male sexual advances—to do otherwise is to somehow be immoral. If a woman dresses provocatively or flirts with men, she must “want it,” and it’s her fault if a man attacks her. We don’t look at any other crime and ask what victims did to “deserve” what they got. As feminists have pointed out, none of these views about sexual relations are natural, but rather reflect patriarchal views about the appropriate roles for men and women. Women are supposed to guard their own virtue and be on guard against sexually aggressive men, who “naturally” pursue sexual gratification whenever it is available to them.

Rape is the one crime that, historically at least, was defined by men, committed by men, and prosecuted by men, but men were almost never its victims. As a result, the law has generally reflected the views of men about sex and the fear that men could be falsely accused of rape by a woman seeking revenge. Whether these fears are founded (they’re not—most experts believe that rape is underreported as a crime—see “Reality Check: False Accusations of Rape”), they have historically been used, alongside the aforementioned assumptions about women’s sexual conduct, to limit the prosecution of rape and affected how the law was constructed.

How has rape law reflected the perspective of men? Perhaps the most significant way is through the so-called *resistance requirement*. Often, criminal law has required that women resist their attacker to establish that they were raped. If a woman failed to resist, even if the sex was nonconsensual (for example, if the woman said “no” to her attacker but did not fight back), there was usually no rape, legally speaking. Of course, if a woman resists her attacker, it will often do absolutely no good, as men are usually much stronger, and few women have been taught basic self-defense techniques. In addition, if a woman resists, it is highly likely that she will be beaten by her attacker, only worsening her condition. Even if
REALITY CHECK

What if Robbery Were Treated Like Rape?

This script is an excerpt from “The Rape of Mr. Smith” an article by Connie Borkenhagen (1975).

In the following situation, a holdup victim is asked questions by a lawyer.

“Mr. Smith, you were held up at gunpoint on the corner of First and Main?”
“Yes”
“Did you struggle with the robber?”
“No.”
“Why not?”
“He was armed.”
“Then you made a conscious decision to comply with his demands rather than resist?”
“Yes.”
“Did you scream? Cry out?”
“No, I was afraid.”
“I see. Have you ever been held up before?”
“No.”
“Have you ever GIVEN money away?”
“Yes, of course.”
“And you did so willingly?”
“What are you getting at?”
“Well, let’s put it like this, Mr. Smith. You’ve given money away in the past. In fact, you have quite a reputation for philanthropy. How can we be sure that you weren’t CONTRIVING to have your money taken from you by force?”

“Listen, if I wanted—”
“Never mind. What time did this holdup take place, Mr. Smith?”
“About 11:00 P.M.”
“You were out on the street at 11:00 P.M.? Doing what?”
“Just walking.”
“Just walking? You know that it’s dangerous being out on the street that late at night. Weren’t you aware that you could have been held up?”
“I hadn’t thought about it.”
“What were you wearing at the time, Mr. Smith?”
“Let’s see . . . a suit. Yes, a suit.”
“An EXPENSIVE suit?”
“Well—yes. I’m a successful lawyer, you know.”
“In other words, Mr. Smith, you were walking around the streets late at night in a suit that practically advertised the fact that you might be a good target for some easy money, isn’t that so? I mean, if we didn’t know better, Mr. Smith, we might even think that you were ASKING for this to happen, mightn’t we?”

How is Mr. Smith’s experience different from how you think an ordinary crime victim would be treated by the police? Why does this interrogation feel wrong? Does this strike you as similar to how young women are criticized for their sexual behavior by our society? Why or why not?


resisting would make a difference, many women report freezing up during the attack and feel that they are having an out-of-body experience that prevents them from resisting their attacker (Hopper, 2018). Requiring that a rape victim resist her attacker is both pointless and dangerous, but, from a male perspective, it makes perfect sense: If a man did not resist his attacker, we would find something odd about it.
Rape law has changed a great deal over the last four decades, and many of these sexist assumptions have disappeared from our criminal codes. The reason for this is, quite simply, that women have begun to play a significantly larger role in the legal profession, and their views about rape have begun to be incorporated into the law. Women began attending law school, becoming lawyers, judges, and law professors, and were thereby able to change the laws in a way that reflected women’s views about rape. For example, the resistance requirement has largely been eliminated from the books in most states, and it has become easier to prove that a man committed rape. In addition, the “marital rape” exception was removed from the law. To an extent at least, modern rape law has begun to reflect a woman’s perspective.

Beyond changing the law, feminists have changed how rape is investigated and how rape victims are treated by the criminal justice system. One example of this is rape shields. Under these laws, it is unlawful to ask about a rape victim’s sexual history, that is, details about her sex life, during a trial. This prevents defense lawyers from turning the prosecution of the rapist into an interrogation of the victim’s behavior or her sexual morality—issues that are irrelevant to whether she was raped. In addition, it prevents crafty defense lawyers from intimidating rape victims by threatening to disclose embarrassing personal details regarding their sexual history in open court. By preventing the defense from bringing up distracting issues about the rape victim’s “virtue” (to use an antiquated term), rape shield laws protect the victim while keeping the trial’s focus on the relevant issue: Did the defendant commit the crime?

In the past, the law did not reflect the experience of women, because they had very little power to influence a system that was controlled by men and reflected men’s point of view. The law did not change because men became more sensitive to women’s experiences—it changed because women gained influence in our political and legal system and used this power to change the law. While there is still a great deal of work to do to prevent rape and to ensure that this crime is treated appropriately by the criminal justice system (many rape kits that hold evidence about the identity of rapists are untested around the United States; see “Evidence of Rape Ignored,” 2013), feminist lawyers and criminologists have dramatically improved the way that rape is handled by criminal justice professionals. As women play an increasingly influential role in the American legal community, graduating from law schools and police academies in increasing numbers, and as feminist criminologists continue to work for change in the criminal justice system, it will be interesting to see what other laws and policies begin to reflect a feminist perspective.

INTERSECTIONALITY

Learning Objective 4.4—Identify the ways that race, sex, and class overlap in American inequality.

As Marxist, feminist, and critical race scholars developed their theories, some researchers were dissatisfied with all of them. While each perspective provided important insights, none of them alone felt sufficient. Often advocates of the different critical theories ignored the contributions of the others, as though theirs was the only key to understanding inequality in America and in the rest of the world. The different theories were all a part of the story of American inequality, but none of them alone was adequate to truly grasp it in all its complexity. As the sociologist Patricia Hill Collins put it in relation to black women, “Regardless of social class and other differences among U.S. Black women, all were in some way affected by intersecting oppression of race, gender, and class” (Collins, 2008, p. 15).

Rape shields: Laws that prevent defense lawyers from interrogating the sexual history of rape victims.
**Intersectionality theory** tries to understand how different factors shape criminal behavior and criminal justice without assuming that it is all about one of them. As Daly and Stephens put it, intersectional criminologists study how class, gender, and race (and age and sexuality) construct the normal and deviant . . . how these inequalities put some societal members at risk to be rendered deviant or to engage in law-breaking, and . . . how law and state institutions both challenge and reproduce these inequalities. (Daly & Stephens, 1995, p. 193)

Thus, to use one example, violence against black women cannot be understood adequately without understanding how “the experiences of women of color are frequently the product of intersecting patterns of racism and sexism, and how these experiences tend not to be represented within the discourses of either feminism or antiracism” (Crenshaw, 1991, pp. 1243–1244). By examining how different forms of oppression interact, we can get a better understanding of the complex experiences of marginalized groups. In many ways, intersectionality is at the heart of a great deal of modern critical criminology, and it has been tremendously influential over the last two decades.

### WHAT WOULD YOU DO?

**When Your Friend Is Raped**

You’ve hung out with your friend, Shannon, since freshman year, and since then, you’ve also known her on-again-off-again boyfriend Lewis. They’ve gotten together and broken up more times than you can count, and each time you’ve been there for her. Every time they would break up, and after you’ve helped her work through the pain, you’d turn around and they had reconciled.

On Monday, after your chemistry class, you get a text from Shannon to meet up. You head over to the cafeteria, and she is sitting at a table with a blank look on her face. She tells you that she met up with Lewis last night at his apartment to “talk things through.” After a few drinks, they began kissing but shortly after, Shannon decided that she couldn’t go through with it—she was done with him.

As Shannon described it, Lewis didn’t get the message. “I told him ‘no,’ but he kept going. I was unsure of what was going on. It was like it was happening to somebody else. I just . . . froze.” She said that she was frightened and confused as it was happening. Afterward, Shannon woke up in the middle of the night in Lewis’s bed and walked back to her apartment. After hearing Shannon’s description, you realize she was raped.

Shannon doesn’t know what she should do. She doesn’t want to go to the police, because “Lewis is a good guy and shouldn’t have his life ruined.” She also isn’t sure anybody would believe her, because she was drinking with Lewis and spent the night in Lewis’s apartment, and (as she put it), “Who would sleep next to her rapist?” You, Lewis, and Shannon are all in a pretty tight group of friends, and you know that many of them would probably side with Lewis, because he’s popular and well liked in your group. On the other hand, it’s clear to you that Lewis raped Shannon.

What would you counsel Shannon to do and why? Would you inform the campus police against Shannon’s wishes? Why or why not? What resources other than the police are available on your campus for rape and sexual assault survivors?
GREEN CRIMINOLOGY, QUEER CRIMINOLOGY, AND POSTMODERNISM

Learning Objective 4.5—Examine the environmental, postmodern, and queer criminology movements.

Green Criminology

Green criminology is the field that uses criminological methods to examine the harm done to the environment through human activity. Many types of criminal activity have a profound impact on the natural world, including things like illegal polluting (dumping toxic waste in unlawful or unsafe ways), unlicensed hunting (called “poaching”), the trade of endangered animals, and the environmentally damaging extraction of natural resources, such as through mountain top removal mining. Green criminologists combine the goals of the environmental movement and the methods of criminology to understand how governments, private companies, and explicitly criminal groups harm the environment through their activities. Green criminologists examine how corporate and personal greed conspire against the environmental interests of the rest of the planet. Some green criminologists go further and argue that some activities that are technically legal but harmful to the environment should nonetheless be thought of as crimes and studied by criminologists as if they were.

Postmodernism

Postmodernism is a catchall term that refers to a wide variety of different theories that are used in sociology, literary studies, and philosophy. What all of them hold in common is a skepticism toward the idea that human beings are making progress toward a better world and that there is a single right way to organize society. Among the influential criminologists who could be labeled “postmodern” are Michel Foucault and Jonathan Simon, though there are many others. They are both concerned about the way that criminal justice policies, and even the study of criminal behavior, creates tools for human beings to be controlled and manipulated in ways that we don’t realize. Even if we haven’t committed a crime, we are constantly monitored in a wide variety of ways as though we were criminals. Without even using force or violence, our everyday activities are controlled by a network of social systems that constantly track, monitor, and evaluate us. This means that the old means of controlling people (the police) are less important than the “postmodern” controls that take over our lives in a million big and small ways.

Probably the most important postmodern criminologist was Foucault, whose work has influenced almost every field of social science. A French philosopher and historian, Foucault’s most influential book, Discipline and Punish (Foucault & Sheridan, 1995), studied the history of prisons and other institutions, such as schools and the military, over the past 400 years. Foucault’s perspective on this history is unique: He argues that while prisons seem to have become more humane over time as they abandoned physical torture, bloody executions, and other gruesome punishments in favor of incarceration and rehabilitation, in reality these institutions have become more controlling and more dominating, as every aspect of prisoners is studied, analyzed, examined, and controlled for the sake of maintaining discipline and order in the prison. The prison is no longer about stopping crime; it has become about controlling the offenders’ “souls,” for lack of a better term. Rather than a

Green criminology: The field of criminology that studies environmental crimes.

Postmodernism: A collection of social theories that question both conservative and leftist criminology theories and reject the idea that there is a right way to organize a society.
place where bodily injury is inflicted, the modern prison becomes a place where the actions and even the thoughts of the prisoner are controlled and manipulated by the prison’s disciplinary system.

Foucault argues further that the prison is just one example of an institution that is obsessed with both ordering and controlling human behavior—in business, government, and even sexuality, both liberals and conservatives are fixed on directing and monitoring what we do, how we live, and how we think. Schools, prisons, hospitals, and other institutions begin to look very similar as they become obsessed with controlling and shaping human behavior. We are monitored and molded by a vast number of public (police, prisons) and private (insurance companies, doctors) groups, who also monitor each other and themselves, in a society based entirely on subtly controlling everybody’s behavior. The prison is only the most obvious example of a society set on total control of all aspects of human behavior, what Foucault calls a disciplinary society.

Foucault’s ideas have been very influential in almost every field of social science and the humanities, and his views about crime control have been taken up by many prominent criminologists in England and the United States. The most notable of these perhaps is Simon. In his book _Governing Through Crime_ (2009), he argues that in the United States, crime control has become a major tool by which the government has expanded its power over its citizens. The dangers of crime have become a convenient excuse for the government to expand its power with little protest from the populace, who are understandably concerned about public safety.

Crime has provided a precious wedge for government. Because the power of the state to criminalize conduct and severely punish violations was one unquestioned in the Constitution, the ability of the state to take drastic action against convicted wrongdoers provides an unparalleled constitutional avenue of action. It was an avenue which both conservatives and liberals would take with vigor. (Simon, 2009, p. 29)

Like Foucault, Simon argues that the overreach of the government through the criminal justice system is not simply a tool of the powerful over the weak, as Marx or most other critical criminologists would maintain, but rather is a universal tool used by all sides. Liberals use the criminal justice system to attack conservatives (say, by criminalizing corporal punishment for children) as much as conservatives do it to liberals. Simon’s fear is not that conservatives will use the criminal justice system to perpetuate social injustice, but rather that government control over people will increase beyond what is appropriate for a free society.

Two major features distinguish the postmodernists from other critical criminologists. First, according to postmodernists, the problems that they see in contemporary criminal justice are not simply the result of power struggles among different groups, but rather are the result of the actions of all different sides. Progressives and conservatives both share blame for the overcontrolling criminal justice system that we currently have. The problem for Simon and Foucault is not who oversees criminal justice in the United States, but rather the way that power monitors and controls more and more of our lives. Second, they do not suggest that there is a simple way to fix this problem that they diagnose: Empowering the weak will not necessarily stop the problem of excessive control over our lives. In fact, it could make it worse—simply changing who controls the levers of power only lulls people into a false sense of security.
WHERE DO I FIT IN?

CRIMINAL JUSTICE REFORM

Most critical criminologists believe that the problems we see in American criminal justice reflect deeper social inequalities that must ultimately be addressed for real change to happen. There are a great number of activists that attempt to reform the system to make it fairer and less discriminatory. Many of these organizations work at the state and local level and recruit college students as volunteers and sometimes as paid employees. Working with these groups is a great way to make a difference and to get valuable personal and professional experience.

There are too many of these types of organizations to name here (if you search the internet for “criminal justice reform” with the name of your state, you'll probably find many groups near you), but some of the biggest are The Sentencing Project, which helps research and reform American criminal justice; the American Civil Liberties Union, which works to protect the rights of those accused of crimes; and the Equal Justice Initiative based in Alabama, which helps poor criminal defendants. The Vera Institute of Justice has worked for over 50 years to reform American criminal justice, including sentencing reform, immigrant rights, and juvenile justice. The Namaste Foundation has produced an excellent list of organizations devoted to criminal justice reform at https://www.namaste.org/blog/exceptional-nonprofits-in-criminal-justice-reform. If you’re interested in making a difference in American criminal justice, these are all excellent places to start.

Queer Criminology

Crime and criminal justice have been at the center of the gay experience in America for a long time. People whose sexuality does not fit the traditional heterosexual model have often been treated as criminals, and those people whose gender identities don’t match up with their anatomy have often been targets of violent crime. It is fitting then that many historians believe that the modern LGBTQ rights movement (LGBTQ stands for “lesbian, gay, bisexual, transgender, and queer”) began with a police raid at the Stonewall Inn, a gay bar in Manhattan in 1969. Queer criminologists take this point up and seek to understand how crime and the criminal justice system impact the lives of these sexual and gender minorities.

There is a lot of complex terminology in queer studies, and it can sometimes be difficult for those who are not part of the queer community to completely grasp it nuances. Most queer scholars argue that there is a difference between our sex, that is, our biological makeup as male or female, and our gender, that is, the social characteristics that we attribute to men and women. Our sex is relatively fixed, but gender is a social construction that changes over time. Long hair and the color pink, for example, were once associated with masculinity, but now in the 21st century they’re considered feminine. In America, crying in public is not considered manly, but in much of the world straight men cry (and hold hands, and tell each other that they love each other). The way men and women dress, act, and love are all social constructs for the most part. They change over time and are very different in different parts of the world, and not everybody feels completely comfortable in the gender that they’ve been told is theirs.
Perhaps it is because our genders are so important to our identity, but are ultimately so fragile, that society often rigorously punishes many people who step out of the normal gender roles. Men who love men and women who love women have been punished in Western societies for a long time. Biological males who see themselves as women are degraded and are subject to violence and even murder when their trans identity is discovered. Young people who are gay are sometimes sent to camps where church leaders and pseudo-psychologists try to turn them into heterosexuals, though there is no evidence that such conversions are successful. Queer people can be subject to blackmail, abuse, and violence of all kinds. In 2016, a Florida man motivated by a hatred of gays murdered 49 people at the Pulse Nightclub, a prominent gay club in Orlando, Florida, before killing himself. Murder and suicide rates for LGBTQ Americans are significantly higher than for others, and rates are increasing even as the people in this community get more rights from the government.

Queer criminologists study the different ways that crime and justice issues affect the LGBTQ population (Panfil, 2018). They can do this in several different ways. Some queer criminologists study the unique issues that queer people face in the world of crime, including antigay violence and similar hate crimes and crime within the LGBTQ community, such as intimate partner violence in gay couples. Others outline some of the unique challenges that LGBTQ crime victims face in dealing with a criminal justice system that is often either ignorant of their situation or unsympathetic to their concerns. For example, many gay men are hesitant to call the police when they experience violence from their intimate partners because of their previous experiences with police homophobia (Finneran & Stephenson, 2013). Finally, some queer criminologists criticize mainstream criminologists (and other critical criminologists) for inadequately understanding the social construction of gender and sexuality in their examinations of crime and justice. By challenging the assumptions and stereotypes of sexuality and gender, queer criminology provides new ways to think about how social inequalities shape criminal justice.

CHAPTER SUMMARY

This chapter has been a study of the different forms of critical criminology. Starting with the Marxist view that crime and criminal justice reflect the dominant interests of class struggle, we have seen how this idea developed and adapted to changing times. Critical race theory uses this assumption to examine how crime and justice play a role in the oppression of racial minorities in the United States. Feminists see criminal justice as deeply gendered and biased against women. Intersectionality seeks to combine these different insights to place crime in a much more nuanced light. All believe that society is deeply flawed and see these flaws reflected in our criminal justice system and the ways that we think about crime.

The important thing you should take away from these critical approaches is that while they are different, they each start with the same basic claim: There is something deeply wrong with our society today, be it racism, sexism, economic inequality, or something else. Further, these deeper problems are reflected in crime and in the criminal justice system in America. The poor commit more crime because society has made them poor. Minorities commit crime because they have been marginalized. Finally, the criminal justice system serves as a tool for protecting the privileges of those on top (the wealthy, whites, men) by controlling those on the bottom to prevent them from becoming a threat. Criminal justice can only be fixed according to these theories if the deeper problems in society are addressed—anything short of that is simply a bandage placed on a gaping wound.

While the approach in this book is a critical one and is heavily influenced by these types of critical criminology, they will not be the only theories we will use going forward. We
will also refer to the more traditional criminological theories examined in the previous chapter, as they also have important insights about policing, courts, and corrections. In the next section, we will turn away from the analysis of crime and criminal behavior and toward the other side of the equation: how society responds to crime. This means turning away from crime itself and toward the criminal justice system, including policing, courts, and the system of punishment and corrections. Of course, criminology and criminal justice are linked insofar as our beliefs regarding the causes of crime shape criminal justice policy. Further, critical criminologies are focused as much on studying and critiquing criminal justice as they are on crime itself. For critical criminologists, crime is not the problem, society is. So, while the focus of this book is now shifting, the material we have covered so far will remain relevant.

REVIEW/DISCUSSION QUESTIONS

1. Which social inequalities discussed by critical criminologists do you find to be the most significant (if any)? Why?

2. How can society begin to address some of these deeper social inequalities through changing the way that we deal with crime?

3. Intersectionality theory says that race, gender, and class overlap in different ways in criminal justice. Look at a crime discussed in your newspaper. How might the crime have been different had the offender (or victim) been a different age, race, or gender?

4. In the last chapter, we discussed more conventional criminological theories. How are the theories we’ve discussed in this chapter like, or different from, those in the last chapter?

KEY TERMS

Carceral feminism  91  
Class struggle  80  
Critical race theory  83  
Feminist criminology  90  
Green criminology  97  
Ideaology  80  
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