

40. THE CONSEQUENCES OF THE CRIMINAL JUSTICE PIPELINE ON BLACK AND LATINO MASCULINITY

Black and Latino youth are overrepresented in every major component in the juvenile justice system (Kupchik 2006; Leiber 2002). Some researchers have called this “cumulative disadvantage,” as the overrepresentation increases from the time of arrest through the final point in the system, imprisonment (National Council on Crime and Delinquency [NCCD] 2007, 4). It is noteworthy that nearly 75 percent of juveniles admitted to adult state prisons in 2002 were youth of color (Kupchik 2006; NCCD 2007), although only 30 percent of juveniles arrested in this country are persons of color (NCCD 2007).

Mauer and Chesney-Lind (2004) have argued that the disproportionate incarceration of people of color has had unintended consequences in poor communities. They contend that such punishment not only adversely affects confined individuals but also extends to negative effects on families, communities, and the future livelihoods of those who come into contact with the criminal justice system. Among the collateral consequences of punitive criminal justice treatment of young adults in the inner city are constant surveillance and stigma imposed by schools, community centers, and families (Rios 2006); permanent criminal credentials that exclude black males from the labor market (Pager 2003); and a sense of mistrust and resentment toward police and the rest of the criminal justice system (Brunson and Miller 2006; Fine and Weiss 1998). In this article, I argue that an additional consequence of enhanced policing, surveillance, and punitive treatment of youth of color is the development of a specific set of gendered practices, heavily influenced by interactions with police, detention facilities, and probation officers. This criminal justice pipeline provides young men with meanings of masculinity that ultimately influence their decisions to commit crime and engage in violence. While race affects how a young person is treated in the criminal justice pipeline, masculinity plays a role in how young men desist or recidivate as they pass through the system. One of the outcomes of pervasive criminal justice contact for young black and Latino men is the production of a hypermasculinity that obstructs desistance and social mobility.

Harris (2000, 785) defines hypermasculinity as the “exaggerated exhibition of physical strength and personal aggression” that is often a response to a gender threat “expressed through physical and sexual domination of others.” Drawing on this definition, I contend that the criminal justice pipeline encourages expressions of hypermasculinity by threatening and confusing young men’s masculinity. This, in turn, leads the young men to rely on domination through violence, crime, and a school and criminal justice counterculture. Multiple points in the criminal justice pipeline may be salient for producing hypermasculinity, including three that are examined here: policing, incarceration, and probation. Detrimental forms of masculinity are partly developed through a youth’s interaction with these institutions of criminal justice.

Messerschmidt (1993, 1997, 2000) has argued that crime is a resource for “doing” race and gender (see also West and Fenstermaker 1995; West and Zimmerman 1987). He contends that “crime is employed to produce and sustain a specific race and class masculine identity” (1997, 41). In other words, crime is one of the avenues that men turn to in developing, demonstrating, and communicating their manhood. Indeed, criminal activity constitutes a gendered practice that can be used to communicate the parameters of manhood. As such, crime is more likely when men need to prove themselves and when they are held accountable to a strict set of expectations (Messerschmidt 1997). Furthermore, West and Fenstermaker (1995) contend that this accountability—the gendered actions that people develop in response to what they perceive others will expect of them—is encountered in interactions between individuals and institutions:

While individuals are the ones who do gender, the process of rendering something accountable is both interactional and institutional in character.... Gender is... a mechanism whereby situated social action contributes to the reproduction of social structure. (p. 21)

Here, I expand on Messerschmidt's notion of crime as a masculinity-making resource and on West and Fenstermaker's understanding of gender as a mechanism by which social structure is created and reproduced. Conceptualizing gender as structured action, a social process that changes based on interactions with specific types of institutions, in turn, allows us to explore how the criminal justice system shapes the development of specific forms of masculinity.

MASCULINITY, CRIME, AND CRIME CONTROL

Individuals shape their behavior according to gendered expectations and are subject to a system of accountability that is gendered, raced, and classed (Fenstermaker and West 2002; West and Fenstermaker 1995). Youth of color are inculcated into a set of hypermasculine expectations that often lead them to behaviors that conflict with the structures of dominant institutions. For example, Ferguson (2000) demonstrated that schools participate in the making of black masculinity in children as young as ten years old. Masculinity-making is heavily responsible for the deviance and punishment that takes place in the classroom and later in the criminal justice system.

To be assigned "real man" status by relevant others and institutions, young men must pass multiple litmus tests among peers, family, and other institutions. These masculinity tests, or codes, were identified by sociologists as early as the 1920s. In 1924, Edwin Sutherland discussed how boys are taught to be rough and tough, rendering them more likely than girls to become delinquent (cited in Sutherland and Cressey 1955). In 1947, Parsons noted that at the very core of American adolescence an aggressive masculinity is at play:

Western men are peculiarly susceptible to the appeal of an adolescent type of assertively masculine behavior... to revolt against the routine aspects of the primary institutionalized masculine role of sober responsibility, meticulous respect for the rights of others, and tender affection towards women. (Quoted in Kimmel 2006, 82)

Contemporary urban ethnographers also emphasize this point. For example, Anderson (1999) describes "young male syndrome" as the perceived, expected, and often necessary pressure to perform a tough, violent, and deviant manhood to receive and maintain respect (see also Dance 2002; Duneier 1999). Pyke (1996) found that masculinity is expressed differently by men of varied class positions. While wealthy men can prove their masculinity through the ability to earn money and consume products that make them manly, poor young men have to use toughness, violence, and survival as the means of proving their masculinity and resilience. Toughness, dominance, and the willingness to resort to violence to resolve interpersonal conflicts are central characteristics of masculine identity (Anderson 1999; Messerschmidt 1993). Such studies also explore how masculinity is central to the perpetuation of crime, but they do not examine how the criminal justice system is involved in the masculinity-making process.

Kimmel and Mahler (2003, 1440) move beyond an emphasis on crime, arguing that violent youth are not psychopaths but, rather, "overconformists to a particular normative construction of masculinity." I contend that these overconforming violent and delinquent youth give us clues as to how masculinity is developed in relation to institutional constructions of manhood. Mainstream society and the criminal justice system expect a masculine conformity that emphasizes hard work, law abidance, and an acceptance of subordinate social positions. Some young men attempt to embrace this masculinity as a means to reform. However, when they attempt to follow these expectations, they come to realize that doing so does not allow for survival on the streets, a place to which they can always expect to return.

In attempts to deal with young men's criminality, institutions develop practices heavily influenced by masculinity. In turn, inner-city males become socialized to specific meanings of manhood that are diametrically opposed to those expected by dominant institutions of control. Thus, gendered interactions

with the criminal justice system place young men of color in a double bind. Most buy into the system's ideals of reform by being "hardworking men." However, frustration with the lack of viable employment and guidance opportunities lead many young men to what seems to be the only alternative: hypermasculinity, or the exaggerated exhibition of physical and personal aggression. The stories and actions of young men in this study provide insight into how this double bind is partially generated by the criminal justice system itself.

METHOD

This investigation is based on ethnography involving in-depth interviews with forty black and Latino male adolescents living in Oakland, California. The study was conducted from 2002 to 2005. The sample includes twenty black males and twenty Latino males, ranging from ages fourteen to eighteen. Participants were recruited from two organizations that worked with "at-promise" youth and were selected through convenience and snowball sampling. Interviews were conducted either at the sites of the two community organizations or at a public space where the youth felt comfortable. Throughout this article I use pseudonyms for participants, organizations, schools, and gangs. Thirty of the forty participants had recently been incarcerated. The remaining ten youth had not come into contact with the criminal justice system. Most of the offenses committed by the delinquent boys were nonviolent. All forty youth reported having persistent contact with police officers while growing up. The thirty formerly arrested youth had all spent at least a week in juvenile facilities, and twenty-four had been assigned a probation officer.

I shadowed these young men, with permission from them and their parents, as they walked the streets, attended court, and participated in community center activities. While ethnographers traditionally study a specific site, I studied a mobile population and followed participants wherever they went, sometimes to a neighboring city, and sometimes to court and juvenile facilities by way of their parents. Shadowing allowed me to see and analyze routine practices and how these fit in with the full range of participants' activities.

My own biographic characteristics contributed to this research approach. I was twenty-five years old when the study began, had grown up in the neighborhood where most of these young men were from, and, like them, was incarcerated as a juvenile. This allowed me to gain the young men's trust and to develop a sense of camaraderie with them. Because of my similar biography, I also was subject to some of the punitive treatment that youth received during my observations. I too was constantly harassed by adults and brutalized by police who associated me with the participants. This gave me a keen insider sense, or what might be called a "carnal sociology" (Wacquant 2004; see also Goffman 1963), of what the young people were experiencing. On the other hand, as an insider, I was aware that I may have adopted some of the bias held by the youth in the study and deliberately tried to remain reflexive throughout the study and data analyses.

MASCULINITY VERSUS CRIMINALIZATION

Junior, a sixteen-year-old Chicano from Oakland, California, attended continuation school, which is a small campus where delinquent, truant, and other problem students are sent to do their course work as a final alternative to expulsion. I often shadowed Junior, walking with him to and from school, places of leisure, and home. One morning, as I walked with him to school, I counted six police cars patrolling his usual route, which is used by most teenagers from the poorer side of the neighborhood to get to school. Each patrol car slowed to stare us down as they spotted him. To buy a snack, Junior had to wait outside the neighborhood store for a few minutes because of store policy clearly stated on a sign reading, "only two kids allowed in store at one time."

Junior's school was located in the middle-class part of town, about five miles uphill from his home. As we approached the school's neighborhood, the residents who had previously called the police on Junior for sitting on their steps stared with suspicion. As he entered the school, he passed by the school-

stationed officer. The officer asked him, “What kind of trouble are you going to give me today?” We parted ways as I left him at the foot of the school entrance and watched him enter under the eye of the surveillance camera. He later told me that his teacher reported him to the school-based police officer for sleeping in class. All of this policing happened in a one-hour span, from 7:45 to 8:45 a.m. on a typical Monday morning.

These day-to-day interactions fostered a sense of criminalization, that is, being viewed as a criminal when simply going about routine practices, and they forced Junior to wonder whether he would ever be seen as a normal person or only as a criminal:

As a reaction to such treatment, Junior developed a tough front (Dance 2002) that used hypermasculinity as a form of coping, survival, and resistance. Junior's criminalization intensified his conflicts over manhood and ran a collision course with the criminal justice system's demands of passivity, compliance, and conformity to a subjugated racialized social status. Expectations of passivity and compliance, unaccompanied by change in social conditions, engender hopelessness and an inability to function both in mainstream institutions and on the street, where survival skills are intricately connected to hypermasculinity. Criminalization, policing, and the justice system's pressures on young men force them to make a choice: comply or become hard. When they comply, they fail on the street because they have to become passive and nondeviant, while at the same time they are unable to obtain employment or eliminate the criminal stigma marked on them by the system. On the other hand, when they fail to comply, they are likely to be harassed or arrested. Like Junior, the rest of the young men in this study encountered criminalization through gendered interactions as they entered the system. The first point of contact with hypermasculinity through criminal justice is with the police.

Police officers are themselves embedded in an environment that embraces masculinity. Indeed, academies train officers to practice a rogue and hostile masculinity. Prokos and Padavic (2002, 442) note that male officers “equate men and masculinity with guns, crime-fighting, a combative personality... and a desire to work in high crime areas.” This positioning reverberates in the inner city as “police officers in poor minority neighborhoods may come to see themselves as law enforcers in a community of savages, as outposts of the law in a jungle” (Harris 2000, 798). In this context, punitive police treatment of men of color is not only racial violence; it is also gender violence: “Violent acts committed by men, whether these acts break the law or are designed to uphold it, are often a way of demonstrating the perpetrator’s manhood. I call this kind of violence ‘gender violence’ and assert that men as well as women may be its victims” (Harris 2000, 783).

CASTRO: Dude [the officer] was pointing his gun. “I give up, I give up.” He hit him with a stick and broke his arm and this other fool had his knee on my neck. All 'cause we were smoking some weed... they beat us down and call us “little bitches.”

jails they would end up being the bitches.

Gendered police interactions and gendered violence begin at an early age (see [Brunson and Miller 2006](#); [Ferguson 2000](#)). Slick's story illustrates this phenomenon. He lives in the heart of a neighborhood that is home to one of Oakland's largest gangs, "La Nueve" (the East 9th Street Gang). In his childhood, Slick expected police to protect him from violent gang members. Then one day he realized that police saw him as "the enemy." Slick was eleven years old when he was first brutalized by the police, the same officers who had policed his neighborhood from the time that he was a small child:

One time we were at St. Anthony's [park]... the police out of nowhere started talking shit to me. And I uh, uh I pulled up my pants, I just pulled up my pants and he just grabbed me and slammed me on the ground and hit me with the club. He was like, he was like "Oh you look like you was gonna pull up your pants and do something." I was, I was pullin' up my pants 'cause I be sagging my pants sometimes.

Slick tried to pull up his pants to appear more formal and to signify to the officer that he was complying with the law. He figured if he pulled up his pants, the cop might see him as a "good kid," by explaining, "He tried to tell me not to sag my pants anymore so he wouldn't have to think I was a criminal." Eventually, Slick would develop coping strategies that helped him deal with the animosity he felt around police: he acted tough and put on a menacing performance when police came around. Slick cursed at police and gave them "dirty" looks when they drove by or pulled up next to us; his hyper-masculinity became a resource for keeping the police at bay. This strategy often worked, which led officers to call in backup when they decided to approach us. During my shadowing in Oakland, officers often approached preadolescent boys in only one patrol car. However, once the boys reached adolescence and commanded a certain bravado, officers always showed up in at least two patrol cars. The boys' "hard-core" behavior—developed through negative interactions with police officers—may have signaled to officers that they were armed and dangerous, and officers treated them as such.

On various occasions, the boys and I were "roughed up" by groups of police officers who drove up in multiple patrol cars. We were harassed, humiliated, and sometimes beaten. During these dozen or so times over the three years, I learned that officers use a brutal masculinity that inculcates a tough-toughness, a manly-manliness, and a hypermasculinity. This model often leads young men to perpetrate crime and violence, and it may sanction police to brutalize and arrest them, which leads youth to the next gate in the justice pipeline: incarceration. Once in confinement, these young men adopt a masculinity that would protect them not only from the streets and police but also from violence in confinement.

INCARCERATION

While incarcerated, young men are forced to overemphasize their masculinity. The story of Big Rob, an African American sixteen-year-old from Oakland, illustrates this point. He had been arrested for driving a "G-ride" (i.e., a stolen car). Rob's specialty was stealing cars and selling them to "chop shops," car shops that dismantle the cars and sell them for parts. At the time of the arrest, Rob was driving in a 1987 Buick Grand National. He was stripped and cavity-searched upon arrival at "one-hundred-and-fiftieth," the county's juvenile justice facility. His possessions were confiscated, and he was provided a dark blue jumpsuit with the words "property of Alameda County" printed on it.

The guard told me "take a shower and make sure you don't drop the soap, boy!" I didn't know what he was talking about. It wasn't until I asked some dude that I figured out what he meant.

"Don't drop the soap" is a reference to rape by other inmates in detention showers. Rob was placed in a cafeteria where about twenty or so youth congregated. They stared Rob down, giving him dirty looks. A few boys walked up to him and asked, "Where you from?" Rob told them, "Dirty thirties." They responded with the names of their turfs. "I had to act hard. I balled up my fist and was ready to knock a nigga' out." Rob eventually got into a fight, protecting himself from an attack. He was sent to

“solitary,” only allowed outside of his tiny cell with a cement bed to take a shower and call home. The officer who supervised his cell commented “you gonna’ learn how to be a man the hard way.” Once released, Rob and other young men like him bring this repertoire to the streets. “Man! They think I got better. Mothafucka’s just taught me how to be more violent, steal tighter rides [nicer cars].... I even ended up with more bitch-ass enemies.”

PROBATION

Probation practices subject boys’ ideas of manhood to strict evaluation. As agents of reform, probation officers attempt to teach young men how to be “real men” by demanding that they work toward a socially acceptable form of masculinity: acquire an education, attain a job, and support a family. They are told to get a job, do well in school, and stay out of trouble. The likelihood of failure is high since most avenues of legitimate success are out of reach. [Kimmel \(2006\)](#) argues that in the contemporary era,

Deindustrialization made men’s hold on the successful demonstration of masculinity increasingly tenuous; there are fewer and fewer self-made successes and far more self-blaming failures. (p. 216)

When these youth fail, they abandon the false expectations of obtaining a job; instead of becoming passive and hopeless, they adopt a hypermasculine ideal of survival.

For example, José, a fifteen-year-old who had been arrested for selling marijuana, lived in a state of confusion when it came to masculinity. His description highlights the contradiction he confronted:

They [probation officers] tell us to be “real men,” to show respect but they don’t see that if we show respect we’ll get treated like punk... being a man out here is different. It means smashing on a scrub [beating an enemy up] if he breaks your respect... it means handling your business in order to get paid... not being a bitch and shit, it means going to jail if you have to.

From José’s perspective, and those of many other youth I interviewed, it was extremely self-defeating for probation officers trying to reform them to attempt to do so by teaching them how a real man should act. These messages did not provide youth with tools to navigate the streets, to do well at home and in school, or to succeed at a job and make an income. Instead, youth saw two extreme worlds of manhood where only one was accessible—hypermasculinity. It is at this point where male youth made their decisions to affirm, develop, and demonstrate a manhood that appears to offer respect, economic gain, and social status ([Anderson 1999](#); [Jones 2004](#)) instead of hopelessness.

The ideal of manhood that probation officers try to inculcate is also one of responsibility. For these officials, the responsibility of a young man is to follow his “program” and not be rearrested. The message becomes, “a real man does not belong in jail.” Once a male enters jail or prison, he is at risk of becoming emasculated as his life is run by a system outside of himself. According to José, his probation officer, Mr. Bryan, explained the condition of men in containment through associations with feminization, by playing upon the fear and dread associated with men being treated like women:

You want to go to prison where everybody is gonna pimp you? The guards are gonna run you like a little bitch. The murderers and rapists [will] make you bend over, they gonna treat you like somebody’s wife.

While probation officers, and the community, attempt to instill young men with positive notions of manhood, the street contradicts this masculinity—one demands law abidance, the other contempt for the law. In trying to teach a dominant masculinity as a set of ideals, probation officers unintentionally push young men of color further into hypermasculinity.

DISCUSSION AND CONCLUSION

After being arrested and placed on probation, unable to continue selling drugs or stealing cars for in-

come, and unable to secure a job because of his record, T, a sixteen-year-old African American from Oakland, resorted to using women as a central source of income. When asked, “Where do you get money from?” T replied,

Pimp a bitch you know, let that bitch come out her pocket... act like I like her so she'll give me money and shit... most bitches will give me whatever I need... shoes, shirts, food, bus pass, whatever... or make her sell shit for me.

T made the decision to no longer commit crime. However, his solution was to fully embrace hypermasculinity and dominate women to accomplish what the criminal justice system expected of him—to desist from committing crime.

As a result, inner-city men come to embrace gendered practices that further limit their futures and harm those around them. The youth in this study reported trying to be “good men,” following the criminal justice system’s ideals of manhood by being passive, trying to do well in school, or looking for work. However, these strategies often placed them in a double bind such that they were unable to succeed both at work and in the streets. When the strategies fail, a seductive alternative surfaces in times of crisis—hypermasculinity.

As the criminal justice system perpetuates gender violence on young men to “teach them a lesson,” young men develop a hypermasculinity that symbolically attacks the system. They also embrace domination of others as a way to compensate for having their masculinity threatened. As adolescent boys make masculinity on the street, the institutions of control that manage them also generate meanings of manhood that correlate with the damaging identities these youth form on the street.

Both gender and race simultaneously shape the life course of inner-city men in the criminal justice system. Gender, like race, is always determined by specific contexts. In this case, the criminalization of black and Latino males and the criminal justice system’s expectations of masculinity provide young men with gender resources that often limit their life chances and channel them deeper into the racialized and gendered criminal justice system. The gender ideals purveyed by police, probation officers, and others do not translate adequately into the realities of the youth’s lives. In this context, hypermasculinity serves both as resistance and as a resource for self-affirmation. The criminal justice pipeline, in its attempt to reform racialized youth, imposes gender practices fraught with failure and insolvable contradictions. Provided with the options of hypermasculinity or hopelessness by the criminal justice system and the streets, marginalized boys end up choosing to become “real men,” to embrace hypermasculinity. While hypermasculinity may attract disrepute, it makes its practitioners feel self-fulfilled. This survival strategy, in turn, impedes desistance and social mobility and entitles the system to further punish racialized and gendered youth. In essence, then, gender is one of the processes by which the criminal justice system is involved in the reproduction of racial inequality.

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