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Violence and Female Delinquency:

Gender Transgressions and Gender Invisibility

Laurie Schaffner†

I. INTRODUCTION

Elizabeth Martin,¹ a bright, blonde, sixteen-year-old “valley-girl” from suburban Northern California, was detained in a juvenile probation facility when I met her. She gave the following explanation for her current situation:

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† Ph.D. candidate, Sociology Department, University of California at Berkeley. This Article draws from research undertaken for my forthcoming dissertation, *Worlds of Girls in Trouble* (University of California at Berkeley) (on file with author). My overall thesis is that the decisions and behaviors of female juvenile delinquents must be recast in terms of their own gendered experiences with sexualization, emotions, and violence. Another part of this analysis, focusing on girls' sexualization and sexual offenses, was published as *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 HASTINGS WOMEN'S L.J. 1 (1998), © 1998 by University of California, Hastings College of the Law, and reprinted in modified form as *Do Bad Girls Get a Bum Rap? Sexual Solutions and State Interventions*, in *MILLENNIUM GIRLS: TODAY'S GIRLS AROUND THE WORLD* 269, 269-95 (Sherrie A. Inness ed., 1998). This new Article focuses on girls' unique exposure to violence and their violent offenses. My thanks to the editors and members of the *Hastings Women's Law Journal* for their cooperation.

I am deeply indebted to the people I cannot name—the young women and professionals who granted me interviews and allowed me to spend time with them. I would also like to thank Rebecca S. Engrav, Debbie Jaret, Anna R. Kirkland, Amy L. Steigerwalt, and the other members of the *Berkeley Women's Law Journal* who edited, fact-checked, and assisted so brilliantly. Finally, my heartfelt appreciation goes out to my professors, colleagues, friends, and family for their intellectual and emotional support: Laura Abrams, Elizabeth Bernstein, Troy Duster, Margaret Fiedler, Arlie Hochschild, Becky Jenkins, Kay Levine, Cary Littell, Kristin Luker, Pedro Noguera, Jackie Orr, Julie Posadas, Lucinda Ramberg, Will Rountree, Nancy Stein, Barrie Thorne, and Martha Torres-McKay.

1. All names, identifying details, and case histories have been altered to protect the confidentiality of study participants. This research is based upon my forthcoming dissertation and past articles, as noted above.

I was in detention in Oakland and my dad came to pick me up from there. On the way home, I told my dad, "Give me the cell phone—I gotta call my boyfriend." He's all, "No way—you are in big trouble." So all I did was kind of show him this little knife on my key chain and he goes all ballistic and when we got home, he calls the police and now I'm in here for assault with a deadly weapon or brandishing a knife or something like that!²

Martin shared that her father "always criticized" her mother.³ Gradually, Martin revealed that there had been regular violence in the home and that she had to be hospitalized after one of her father's beatings. She preferred living at her nineteen-year-old boyfriend's house because "he really helped me after I tried to kill myself."⁴

Since the 1970s, I have had an interest in understanding young women, like Elizabeth Martin, who are in trouble with the law. In the 1990s, I conducted research for my doctoral dissertation, collecting data from ethnographic observations, focus groups, and in-depth interviews with female juvenile offenders in the so-called correctional system.⁵ I met with young women in various settings, including detention facilities and psychiatric wards, and interviewed the adults who worked with them. Much of my research revolves around the real-life experiences of girls such as Elizabeth Martin with the ultimate goal of developing a theory of female juvenile violent crime that incorporates girls' unique, gendered experiences. The following stories highlight the situations and problems that girls face because of their sex. This Article then builds on these stories by incorporating them into a framework for the study of girls' delinquency.

Fifteen-year-old Alegra Johnson, a young woman from downtown Los Angeles, was in detention for assault with a deadly weapon, or "ADW." Johnson was tall, heavy, light-skinned—articulate, bright-eyed, and fast-talking. She said her father was "a one-night stand for [her] mother."⁶ She confided that she had been "touched sexually" when she was twelve years old by a "friend of [her] mom's."⁷ Johnson explained the circumstances surrounding the offense for which she was detained, saying, "I didn't want to go to that probation school! It was like forty guys and one girl. And they harass me! I knew I was gonna go off on them!"⁸ John-

2. Interview with girl in detention. [To protect the interviewees' confidentiality, their names and the locations and dates of the interviews have been omitted. All of these interviews were conducted between the years of 1994 and 1999.—Ed.]

3. *Id.*

4. *Id.*

5. The sampling for this ethnographic research was not statistically representative nor statistically random. However, I interviewed and studied the files of over 100 young women in detention facilities across the nation. I interviewed adults who work with female offenders. I also spent time in various settings with a small number of girls on probation.

6. Interview with girl in detention.

7. *Id.*

8. *Id.*

son was placed in detention because she "cracked a boy's head because he was trying to grab [her] tits." These events occurred in a special school for troubled youth which Johnson had been ordered to attend as part of her probation for a prior offense. In a moment of self-awareness, Johnson observed: "You know, I used to be sweet, but I became sour."¹⁰

Seventeen-year-old Norma Guzman grew up with her great aunt in the Mission district of San Francisco because her mother was addicted to crack cocaine, or as Guzman put it, "strung out on dope."¹¹ Guzman was Salvadoran-American, with wide, round features and a soft way about her. When Guzman was fourteen years old, her great aunt passed away. Guzman went to live with a cousin who, one year later, was killed in an act of street violence on her block. During our conversation in a drab, institutional interview room in the detention facility where Guzman was housed, she explained that she was "stressed and depressed."¹² Guzman was charged with assault after a fight in Dolores Park, where she and her twenty-two-year-old boyfriend had been "kickin' it [passing time] in the park."¹³ Another girl approached her and pulled her hair. As Guzman explained, "My hair is long and curly and that little bitch was jealous 'cause her hair was short and stringy."¹⁴

This Article focuses on the plight of young women in the juvenile justice system¹⁵ and their unique life experiences. These young women tend to be, but are not exclusively, from no-income, low-income, and working-class families.¹⁶ One reason is that girls from middle-class and wealthy families tend to be diverted from adjudication early on in the court process.¹⁷ African-American and Latina/Hispanic girls are also disproportionately represented in juvenile detention.¹⁸ In addition, while my

9. *Id.*

10. *Id.*

11. Interview with girl in detention.

12. *Id.*

13. *Id.*

14. *Id.*

15. The category "young women" is by no means unitary. In this Article, I use the terms "girls" and "young women" interchangeably. Girls in detention facilities are typically thirteen to seventeen years old. See OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION & GIRLS INC., U.S. DEP'T OF JUSTICE, PREVENTION AND PARITY: GIRLS IN JUVENILE JUSTICE 3 (1996) [hereinafter PREVENTION AND PARITY].

16. See *id.* at 20-21; see also 1 BARBARA OWEN & BARBARA BLOOM, OFFICE OF CRIMINAL JUSTICE PLANNING, MODELING GENDER SPECIFIC SERVICES IN JUVENILE JUSTICE: POLICY AND PROGRAM RECOMMENDATIONS 3 (1998) (finding that economically marginalized populations are disproportionately represented among adolescent females in the juvenile justice system).

17. Most likely these young women are "diverted to the growing private system of substance abuse treatment programs, ranches, group homes, and psychiatric facilities" where girls are incarcerated "voluntarily." PREVENTION AND PARITY, *supra* note 15, at 17.

18. See AMERICAN CORRECTIONAL ASS'N, THE FEMALE OFFENDER: WHAT DOES THE FUTURE HOLD? 8 (1990) (stating that half of girls in detention are "minorities"); OWEN & BLOOM, *supra* note 16, at 3 (noting an overrepresentation of girls of color in the juvenile probation system in California); PREVENTION AND PARITY, *supra* note 15, at 20 (finding that African-American females are the fastest-growing category of young people adjudicated delinquent); MELISSA SICKMUND ET AL.,

work shows that not all of the girls in the system are heterosexual;¹⁹ lesbian, bisexual, queer, and questioning girls remain invisible because their specific needs and situations are ignored.²⁰

The mission of this Article is to discuss key topics regarding violence and female juvenile delinquency and to explore the epicenter of girls' violent behavior. This Article is not an attempt to solve juvenile detention problems *per se*, or to offer solutions or alternatives to girls' detainment. Instead, it proposes a revamping of the framework traditionally used to study "delinquency" and suggests that specific topics need additional research if we are to understand the experiences and needs of girls detained in correctional systems for violent offenses.²¹ Parts II and III describe recent debates over the number of violent offenses by girls. Part IV focuses on the juvenile justice system's shift away from penalizing the sexual girl to penalizing the violent girl. Part V discusses how our understanding of the contexts in which girls' violent acts occur must broaden to include the realities of their lives.²² I suggest that we extend our traditional definitions of juvenile violence to include the ways in which violence is uniquely experienced and perpetrated by the young women who end up in the juvenile corrections system. Identifying what kinds of behaviors we are actually punishing, and exploring where real threats to public safety lie, will sharpen our interpretations of violent acts committed by young women.

U.S. DEP'T OF JUSTICE, JUVENILE OFFENDERS AND VICTIMS: 1997 UPDATE ON VIOLENCE 42 (1997) (finding that minority youth outnumber nonminority white youth in public custody facilities by more than two to one); Jeffrey A. Butts, *Offenders in Juvenile Court, 1993*, JUV. JUST. BULL., July 1996, at 3 (finding that between 1989 and 1993, the delinquency case rate for black youth was more than twice the rate for white youth).

19. See Interviews with girls in detention.
20. Sexual orientation is not even a category in most data collections, nationally or at local and county levels.
21. For notable works discussing adult, as opposed to juvenile, female offenders, see generally FRED A. ADLER, *SISTERS IN CRIME: THE RISE OF THE NEW FEMALE CRIMINAL* (1975) (arguing that the women's liberation movement and women's adoption of male sex roles and identities led to an increase in female crime); JOANNE BELKNAP, *THE INVISIBLE WOMAN: GENDER, CRIME, AND JUSTICE* (1996); ANN JONES, *WOMEN WHO KILL* (1980) (exploring the history of how and why American women commit murder); CORAMAE RICHEY MANN, *WHEN WOMEN KILL* (1996) (focusing on females arrested for homicide); BARBARA OWEN, *IN THE MIX: STRUGGLE AND SURVIVAL IN A WOMEN'S PRISON* (1998) (studying survival strategies in an adult women's prison); Jody Miller, *Up It Up: Gender and the Accomplishment of Street Robbery*, 36 *CRIMINOLOGY* 37 (1998) (analyzing factors in adult female armed robbery and violent offending).
22. This Article focuses on contextualizing girls' violent acts within their exposure to violence. For a discussion of how contextualizing girls' sexual and emotional experiences "may reveal new ways to understand girls' decision-making processes," see Laurie Schaffner, *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 *HASTINGS WOMEN'S L.J.* 1, 4-6 (1998).

II. THE RATE AT WHICH GIRLS COMMIT VIOLENT OFFENSES

Researchers and scholars disagree on whether the female juvenile violent crime rate has actually increased in the past decade. Some researchers report a 125% increase in female juvenile arrests for violent crimes between 1985 and 1994.²³ However, one key national study cautions that the increase is not as dramatic as the percentages suggest, finding that the total number of girls arrested for violent offenses is so small that any numerical change will correspond to a large percentage change.²⁴ Furthermore, scholars argue that any increase in violent crime statistics may be more superficial than real.²⁵ Some scholars point to the current trend of reclassifying certain status offenses as violent offenses.²⁶ Additionally, others note that, instead of simply breaking up fights and working to solve disputes among young people, police increasingly make arrests for aggravated assault at the scenes of disagreements.²⁷ Still others suggest that increased police training and attention to domestic violence—"automatic arrests" for domestic violence crimes, for example—may influence police decisions and encourage police officers to widen the net of people arrested during violent family disputes, leading to more arrests of young women.²⁸

Even so, many researchers agree that girls are now being arrested more frequently for violent crimes. One report states that girls were "about twice as likely to commit a violent crime" in 1996 as they were in 1983.²⁹ The number of female juveniles arrested for violent crimes in-

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23. See Sheila R. Peters & Sharon D. Peters, *Violent Adolescent Females*, CORRECTIONS TODAY, June 1998, at 28.
 24. See PREVENTION AND PARITY, *supra* note 15, at 6. Furthermore, it is important to remember that the overwhelming majority of violent juvenile crimes are committed by males. According to the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, 87% of violent crimes were committed by males in 1992. See HOWARD N. SNYDER & MELISSA SICKMUND, U.S. DEP'T OF JUSTICE, JUVENILE OFFENDERS AND VICTIMS: A FOCUS ON VIOLENCE 2 (1995).
 25. See Elizabeth Donohue et al., *School House Hype: School Shootings and the Real Risks Kids Face in America*, JUST. POL'Y INST., July 1998, at 6 (noting that between 1990 and 1995, homicides in America dropped by 13% but coverage of homicides on the ABC, CBS, and NBC evening news programs increased by 240%); Dan Macallair, *Lurid Coverage Feeds Hysteria About Juveniles*, S.F. CHRON., Oct. 20, 1997, at A21 (describing the media's tendency to "translate isolated events into a national crisis" by framing the events as symptoms of a national trend).
 26. See, e.g., Peters & Peters, *supra* note 23, at 28; see also FRANKLIN E. ZIMRING, AMERICAN YOUTH VIOLENCE 1, 38-41 (1998) (using trends in adult crime rates as a proxy for offense reclassification and concluding that reclassification schemes explain most of the increase in both adult and juvenile crime rates).
 27. See, e.g., Fox Butterfield, *Guns Blamed for Rise in Homicide by Youths in 80s*, N.Y. TIMES, Dec. 10, 1998, at A29 (arguing that more juveniles are being arrested for altercations that previously were ignored); see also Anne Bowen Poulin, *Female Delinquents: Defining Their Place in the Justice System*, 1996 WISCONSIN L. REV. 541, 549-51 (1996) (describing law enforcement's tendency to use altercations as the basis for a delinquency charge now that status offenses alone cannot be the basis of a delinquency charge in most areas).
 28. See, e.g., E-mail communications from Dr. Kelly Dedel, National Council on Crime and Delinquency, to Laurie Schaffner (Apr. 3, 1998) (on file with author).
 29. Michael Hedges, *Crime Rate of Teen Girls Is Skyrocketing*, S.F. EXAMINER, Dec. 4, 1996, at A11.

creased twenty-five percent between 1992 and 1996.³⁰ My own research supports these data. In my sample, thirty-seven percent of the young women had been adjudicated delinquent for violent offenses, more than any other type of offense.³¹ Six percent had petitions filed or were adjudicated delinquent for homicide or attempted homicide. In contrast, a 1987 national study of girls in correctional facilities found that thirty-nine percent had been arrested for property crimes and only twenty-two percent for violent crimes.³²

My ethnographic evidence reveals that probation officers, group home staff, and juvenile district attorneys have noted an increase in the number of girls coming into the system for violent crimes. These officials make comments such as, "These girls are out here acting like males! They are in gangs, carrying weapons, beating each other up! They hide razor blades in their hair, under their tongues. Our police officers have to be very careful when dealing with the young ladies on the streets nowadays."³³

Those who resist acknowledging this increase in violence may fear admitting that violence is no longer only a male problem.³⁴ Perhaps they are hesitant to contribute to "sensationalized accounts of [violent] female offenders."³⁵ However, even though girls' violence rates are significantly lower than those of boys, the increasing rates are quickly becoming a widespread and growing national problem.

III. REASONS FOR THE INCREASE IN VIOLENT ACTS COMMITTED BY GIRLS

Scholars and policy makers also disagree about the causal forces behind the increase in the number of female violent offenders. In general, criminologists have forwarded biological, psychological, political, or economic explanations for the etiology of criminal behavior.³⁶ Some scholars

30. See Howard N. Snyder, *Juvenile Arrests 1996*, JUV. JUST. BULL., Nov. 1997, at 3.

31. I divided the participants into five categories by offense: violent offenses (37%); drug offenses (29%); property offenses (24%); and sex-related offenses (4%) (although 15% admitted to having turned tricks, stripped, or lapdanced); and other miscellaneous status and minor probation violations (6%).

32. See AMERICAN CORRECTIONAL ASS'N, *supra* note 18, at 8. While my sample and the American Correctional Association's national sample cannot be compared directly, trends are reflected in the proportions.

33. Interviews with group home staff, juvenile prosecutors, and probation officers.

34. See Miller, *supra* note 21, at 60 (discussing feminist scholars' hesitancy to grapple with women's violence). It is possible that some are reluctant to admit that young women can be violent perpetrators because they do not want to contribute to a decrease in public sympathy for girls, or do not want to dispel the myth of girls as victims, rather than perpetrators, of violent acts.

35. *Id.* at 60; see also Meda Chesney-Lind, *Girls, Gangs, and Violence: Anatomy of a Backlash*, 17 HUMANITY AND SOCIETY 321, 340 (1993) (arguing that the media sensationalizes, marginalizes, and stereotypes girls of color who are caught up in the juvenile justice system for violent crimes).

36. See BELKNAP, *supra* note 21, at 39 (critiquing classic and contemporary criminological theories of the causes of criminal behavior).

suggest that evolutionary survival strategies provide the best explanation for understanding violent criminal behaviors.³⁷ Commentators have even posited the existence of a "violent new breed" of young criminals,³⁸ or questioned whether teenagers' underlying nature has changed.³⁹

I contend that biological, hormonal, and evolutionary explanations do not sufficiently capture, or more importantly, aid our understanding of the nature of the violent acts committed by youths, and especially girls, today. By noting changes in the *quality* of girls' offenses, rather than focusing solely on the overall increase, we can understand girls' violence as a reflection of the violence they experience in everyday life, a violence that has become part of the contemporary dominant mainstream and youth cultures in the United States.⁴⁰

According to the World Health Organization, few countries are as violent as the United States.⁴¹ As a recent sociological report on the social causes of violence begins, "American society is engulfed in a world of violence."⁴² Although overall violent crime rates are down, they are still increasing for youth.⁴³ Between 1985 and 1994, the number of persons arrested for murder and non-negligent manslaughter increased by 150% for persons under eighteen years of age, while for persons eighteen years or older, the increase was only eleven percent.⁴⁴

Anthropologist Nancy Scheper-Hughes, studying everyday violence in Brazil, warns that a lived daily environment of violence may lead to a routinization of suffering. People "fail[] to see or to recognize as prob-

37. See, e.g., David Rowe, *An Adaptive Strategy Theory in Crime and Delinquency*, in DELINQUENCY AND CRIME 268 (J. David Hawkins ed., 1996).

38. See ZIMRING, *supra* note 26, at 6-7 (discussing popular media reports of a "new breed" of violent teenage criminals).

39. See, e.g., Butterfield, *supra* note 27, at A29 (reporting on scholarly debate over the theory that today's juvenile criminals are more predisposed to violence than teenagers in the past); see also ZIMRING, *supra* note 26, at 6-7 (discussing popular media reports of a "new breed" of violent teenage criminals).

40. For example, close to one-fifth of the high school students in a nationwide survey had carried a weapon in the last month and over one-third had been in a physical fight during the last year. See CENTERS FOR DISEASE CONTROL AND PREVENTION, 47 MMWR No. SS-3, U.S. DEP'T OF HEALTH AND HUMAN SERVS., YOUTH RISK BEHAVIOR SURVEILLANCE; UNITED STATES 1997, at 6-7 (1998). Another study found that "half the people arrested in 1991 for murder in the United States were under the age of 25." CHARLES STEWART MOTT FOUND., A FINE LINE: LOSING AMERICAN YOUTH TO VIOLENCE 8 (1994); see also Butterfield, *supra* note 27, at A29 (reporting the increase in homicide rates for juveniles between 1984 and 1997).

41. See DELBERT ELLIOT ET AL., AMERICAN SOCIOLOGICAL ASS'N, YOUTH VIOLENCE: CHILDREN AT RISK 4 fig.1 (1997) (showing that only the Bahamas and Ecuador have higher per capita homicide rates than the United States, out of 41 countries shown).

42. FELICE J. LEVINE & KATHERINE J. ROSICH, AMERICAN SOCIOLOGICAL ASS'N, SOCIAL CAUSES OF VIOLENCE: CRAFTING A SCIENCE AGENDA 1 (1996).

43. See Fox Butterfield, *Violent Crime Declines Again—4th Year in Row*, S.F. CHRON., May 6, 1996, at A3 (reporting that rapid juvenile violent crime rate increases could lead to overall juvenile crime rate increases).

44. See FBI, U.S. DEP'T OF JUSTICE, CRIME IN THE UNITED STATES, 1994, at 221 (1995); see also JAMES GARBARINO ET AL., CHILDREN IN DANGER: COPING WITH THE CONSEQUENCES OF COMMUNITY VIOLENCE xi-xii (1992) (addressing the effects of community violence on children); LEVINE & ROSICH, *supra* note 42, at 9 (noting that it is important to consider age when attempting to understand violence).

lematic what is considered to be the norm (as well as normal, expectable)."⁴⁵ It is not that Americans consider violence "normal" or "usual," but that violence has become so widespread that we find ourselves adjusting, accepting, and adapting to it. In a 1994 workshop on violence and the American family at the National Research Council Institute of Medicine, researchers found that:

American culture currently fosters a perception that violence and fear-induced compliance are effective in achieving short-term objectives in controlling the behavior of others. Violence within the family is reinforced by reports and images in the media, in entertainment programming, and in sports that implicitly condone or promote the use of violence.⁴⁶

We even coin terms, such as "date rape" or "road rage," for our new violent trends. Young women in the United States may reflect and reproduce this increasingly violent culture.

IV. FROM SEX TO VIOLENCE: PUNISHING GENDER TRANSGRESSIONS

Historically, the law focused on the "sexy" bad girl.⁴⁷ In the first decades of the 1900s, Jane Addams wrote of the immoral temptations of working girls in the dance halls,⁴⁸ and the Gluecks devoted an entire chapter of their book on delinquent women to "Illicit Sex Convictions."⁴⁹ Up until quite recently, the *femme fatale* and Marilyn-Monroe-type sex kittens symbolized the sexually tantalizing and whore-like "bad girl," which contributed to our notions of what deviant behaviors to punish.⁵⁰ The previous goal of the juvenile correction system was to improve girls' morality and reform their sexual behavior.⁵¹

45. NANCY SCHEPER-HUGHES, *DEATH WITHOUT WEeping: THE VIOLENCE OF EVERYDAY LIFE IN BRAZIL* 272 (1992).
46. BOARD ON CHILDREN AND FAMILIES, NATIONAL RESEARCH COUNCIL, *VIOLENCE AND THE AMERICAN FAMILY* 5 (1994).
47. See Poulin, *supra* note 27, at 545 (discussing female juveniles' historical punishments for behavior which did not conform to that of stereotypical girls); Schaffner, *supra* note 22, at 3, 8-10.
48. See JANE ADDAMS, *THE SPIRIT OF YOUTH AND THE CITY STREETS* 7-13 (1909).
49. SHELDON GUECK & ELEANOR GUECK, *FIVE HUNDRED DELINQUENT WOMEN* 88-102 (1934); see also SOPHONISBA P. BRECKINRIDGE & EDITH ABBOT, *THE DELINQUENT CHILD AND THE HOME: A STUDY OF THE DELINQUENT WARDS OF THE JUVENILE COURT OF CHICAGO* 314 (Survey Associates 1916) (1912) (noting that 80% of girls tried in juvenile proceedings between 1903 and 1908 were charged with immorality); ANTHONY PLATT, *THE CHILD SAVERS: THE INVENTION OF DELINQUENCY* 111 (1969) (reporting that girls could be held as "dependent" for living or working in a house of "ill fame").
50. See generally FRANKIE Y. BAILEY & DONNA C. HALE, *POPULAR CRIME AND JUSTICE* 11 (1998) (discussing the *femme fatale* figure in films of the 1940s); JOHN D'EMILIO & ESTELLE B. FREEDMAN, *INTIMATE MATTERS: A HISTORY OF SEXUALITY IN AMERICA* 279 (1988) (arguing that stories of seduction and seductive advertising spread images designed to stimulate male fantasies).
51. See MARY ODEM, *DELINQUENT DAUGHTERS: PROTECTING AND POLICING ADOLESCENT FEMALE SEXUALITY IN THE UNITED STATES, 1885-1920*, at 1-2 (1995) (arguing that public anxiety led to the state's regulation of juvenile female sexuality because of fear of the consequences of deviant

The idea of a "new female delinquent"⁵² arose out of seminal feminist analyses of female offenders in the 1970s.⁵³ Criminologists speculated that the new female delinquent was more active, agentic, and physical compared to her pre-women's liberation counterpart.⁵⁴ Scholars have since turned away from citing women's liberation as responsible for the new "masculine"-type female offender.⁵⁵ However, changes in gender roles do explain, at least to some extent, why society chooses to punish specific juvenile behaviors at specific times. Today, many scholars, feminists, and criminologists agree that, although females comprise a very small proportion of the total number of violent juvenile criminals, the rise in violent female delinquency must be analyzed separately from the delinquency of young males in order to be properly understood.⁵⁶

Gender norms, specifically regarding sexuality, have shifted in the last few decades. What is sexually and morally transgressive to mainstream American popular culture has changed.⁵⁷ Today, middle-class, bare-

behavior); Schaffner, *supra* note 22, at 8-10; see also MARY CARPENTER, JUVENILE DELINQUENTS: THEIR CONDITION AND TREATMENT 81-87 (Patterson Smith Publishing 1970) (1853) (arguing both that "young girls when low and degraded are worse than boys in similar circumstances" and that it is more important to reform girls because of their role as nurturers); PLATT, *supra* note 49, at 91-99 (noting that new measures were developed to regulate children's social activities in order to keep them "dependent" and away from illicit activities); Laura S. Abrams & Laura Curran, *Wayward Girls and Virtuous Women: Social Workers and Female Juvenile Delinquency in the Progressive Era*, AFFILIA: JOURNAL OF WOMEN AND SOCIAL WORK (forthcoming Spring 1999) (manuscript at 5-9, on file with author).

52. See generally Daniel Curran, *The Myth of the 'New' Female Delinquent*, 30 CRIME AND DELINQ. 386, 386 (1984) (countering the claim of such a designation).
53. See, e.g., ADLER, *supra* note 21 (arguing that women's liberation has led to women being "masculinized" and to an increase in female crime that especially affected girls).
54. See Poulin, *supra* note 27, at 556; David A. Ward et al., *Crimes of Violence by Women*, in WOMEN, CRIME, AND JUSTICE 171, 188 (Susan K. Datesman & Frank R. Scarpitti eds., 1980) (finding that in 1968 women offenders were more violent, aggressive, and active participants in criminal activities than in 1963).
55. See Curran, *supra* note 52, at 386, 398 (arguing that increases in female delinquency rates are due to juvenile reclassifications and new procedural standards, not the women's liberation movement); Susan K. Datesman & Frank R. Scarpitti, *Women's Crime and Women's Emancipation*, in WOMEN, CRIME, AND JUSTICE 355, 366-69 (Susan K. Datesman & Frank R. Scarpitti eds., 1980) (arguing that social and economic oppression, not movements for equality, have led to an increase in female violence and criminal activity); Jennifer James & William Thornton, *Women's Liberation and the Female Delinquent*, 17 J. OF RES. ON CRIME AND DELINQ. 230, 230, 243 (1980) (reporting findings suggesting that feminist ideas lead to decreases in girls' aggressive delinquency). See generally Dorie Klein, *The Etiology of Female Crime: A Review of the Literature*, reprinted in WOMEN, CRIME, AND JUSTICE 70, 79 (Susan K. Datesman & Frank R. Scarpitti eds., 1980) (describing Lombroso's classification of criminal women as masculine in order to expose earlier myths concerning women and crime).
56. See, e.g., Sharon Tracy & Randall G. Shelden, *The Violent Female Juvenile Offender: An Ignored Minority Within the Juvenile Justice System*, JUV. AND FAMILY CT. J., 1992, at 33, 33-34 (calling for the need to study the female offenders who are ignored by state officials and intervention programs); Adrien K. Wing & Christine A. Willis, *Critical Race Feminism: Black Women and Gangs*, 1 J. OF GENDER, RACE, AND JUST. 141, 142-43 (1997).
57. See CONSTANCE A. NATHANSON, DANGEROUS PASSAGE: THE SOCIAL CONTROL OF SEXUALITY IN WOMEN'S ADOLESCENCE 90-91 (1991) (tracing the emergence of social alarm regarding sexual and moral danger for young urban women and noting that, one hundred years ago, what would now be considered "late adolescent behavior" was regarded as "the first steps down the garden path to prostitution"); Ann Snitow et al., *Section II: Sexual Revolutions*, in POWERS OF DESIRE: THE POLITICS OF SEXUALITY 115, 115-16 (Ann Snitow et al. eds., 1983) (arguing that the breakdown of

midriffed Gap-Girls exhibit a sexiness, formerly troublesome, that is now routinized, accepted, and normalized.⁵⁸ As a result, certain behaviors, such as illegitimate pregnancy, extramarital sex, and prostitution, are less alarming today, both to the general public and in the eyes of the law.⁵⁹

One of the effects of this change is that teenage girls now increasingly come to the attention of juvenile authorities for assault or other violent behavior.⁶⁰ This shift reflects two trends: Girls *are* expressing themselves with more aggression and anger,⁶¹ and authorities and the media now focus on violent behavior⁶² more than on sex-related offenses, such as prostitution.⁶³ Not only has girls' behavior shifted away from norms, but norms have shifted for girls' behaviors. Juvenile correction officers and the general public now view violent crime as a more serious social problem⁶⁴ than the decline of sexual values. A recent survey asked

Victorian morality and the resulting sexual "freedom" has recently led to shifts in what sexual practices are acceptable and which are condemned by the state); Carole S. Vance, *More Danger, More Pleasure: A Decade After the Barnard Sexuality Conference*, in *PLEASURE AND DANGER: EXPLORING FEMALE SEXUALITY* xvi, xvi-xxxv (Carole S. Vance ed., Pandora Press 1992) (1984) (identifying a 1982 Barnard conference as the "beginning of the sex wars" between pleasure-pro-sex and danger-anti-pornography feminists, which contributed to relaxed norms in contemporary American youth culture). See generally *Seventeen* and *YM* magazines' advice to girls column.

58. See JOAN JACOBS BRUMBERG, *THE BODY PROJECT: AN INTIMATE HISTORY OF AMERICAN GIRLS* 165-71 (1997); Schaffner, *supra* note 22, at 15-17 (arguing that media images encourage a "sexual-romantic fix" for girls' needs); see also any current issue of *Seventeen* or *YM Magazine* targeting a youthful female readership, full of photos of barely-clad females and advice on sexual mores.
59. See ALAN GUTTMACHER INSTITUTE, *SEX AND AMERICA'S TEENAGERS* 6, 11 (1994) (noting that teenagers are initiating sexual behavior at earlier ages than in the past); D'EMILIO & FREEDMAN, *supra* note 50, at 275-300 (examining how sexual and moral values, practices, and meanings changed in America from the 1800s to the present); Kegan Doyle & Dany Lacombe, *Porn Power: Sex, Violence, and the Meaning of Images in 1980s Feminism*, in "BAD GIRLS"/"GOOD GIRLS": WOMEN, SEX, AND POWER IN THE NINETIES 188, 188-204 (Nan Bauer Maglin & Donna Perry eds., 1996) (highlighting debates beginning in the 1980s among feminists about censorship and pornography); Jill Nagle, *Introduction to WHORES AND OTHER FEMINISTS* 1, 2 (Jill Nagle ed., 1997) (noting the growing movement to decriminalize voluntary sex work). While illegitimate pregnancy and extramarital sex are perhaps more accepted, these behaviors are still under political attack. See Megan Weinstein, *The Teenage Pregnancy "Problem": Welfare Reform and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, 13 *BERKELEY WOMEN'S L.J.* 117, 122-27 (1998) (discussing welfare "reform" and attacks on teen motherhood). See generally Schaffner, *supra* note 22.
60. See Hedges, *supra* note 29, at A11 (reporting the increased number of violent crimes by girls and the changes in responses of girls from verbal to violent); Peters & Peters, *supra* note 23, at 28-29.
61. See LYNN PHILLIPS, *THE GIRLS REPORT* 49 (1998).
62. See BAILEY & HALE, *supra* note 50, at 85-142 (discussing the role of the media and journalism in the construction of popular opinion and crime); see, e.g., Douglas Foster, *The Disease Is Adolescence*, *UTNE READER*, July/Aug. 1994, at 50-56; *Primetime Live: Girls in the Hood* (ABC television broadcast, July 1, 1998). Perhaps sensationalizing the accounts of a few violent female juveniles invites us to generalize about the whole teen population. Panic about "youths and violent crime" shift the public gaze away from social, cultural, and economic inequalities. See CHRISTINE GRIFFIN, *REPRESENTATIONS OF YOUTH: THE STUDY OF YOUTH AND ADOLESCENCE IN BRITAIN AND AMERICA* 9-10 (1993) (arguing that social commentators blame "problem youth," rather than capitalism or patriarchy, for social problems).
63. See *infra* notes 76-79 and accompanying text.
64. See Michael Males, *Executioner's Myth*, *L.A. TIMES*, May 4, 1997, at M1, M6 (reporting that politicians continue to focus on fear of juvenile crime despite falling juvenile crime rates); Beth

adults what they thought were the most serious problems facing children today: twenty-four percent mentioned crime, while only two percent mentioned "sexual freedom."⁶⁵ When teenagers were asked what they thought was the biggest problem facing people their own age, nine percent answered violence and crime while only three percent mentioned sex.⁶⁶ Whether it is a result of "progress," social construction, or media hype, we are witnessing a shift in our cultural and political definitions of "bad" girls and "good" girls.⁶⁷

Throughout history, violent behavior has been linked to males and perceived as masculine. Some scholars even claim that gender socialization is the single strongest predictor of violence.⁶⁸ Between 1976 and 1991, nine out of ten juvenile murderers were male.⁶⁹ One longitudinal study of 800 children compared boys' and girls' early aggressive behavior and found that early aggression was associated with later educational and social failure for girls more than for boys.⁷⁰ The authors offer this explanation:

[S]ociety is more tolerant of aggressive behavior in young males than in young females. Thus, when a girl responds aggressively, she is marked as deviant, and it is more likely to interfere with educational and social attainment. For boys, who are characteristically more aggressive, however, prosocial behavior that can mitigate the effects of aggression becomes the more important predictor of educational and social success regardless of early aggression.⁷¹

One scholar notes that we may be asking the wrong questions concerning the popular notion that "boys will be boys":

Shuster, *Contradiction in Crime: As the Numbers Fall, Fears Keep Rising*, S.F. SUNDAY EXAMINER AND CHRON., Aug. 23, 1998, at A3 (noting increased fear of crime despite falling crime rates).

65. See SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 1997, at 101 (Kathleen Maguire & Ann L. Pastore eds., 1998).
66. See *id.* at 102; see also HORATIO ALGER ASS'N, THE MOOD OF AMERICAN YOUTH 50-51 (1996) (reporting that 25% of American students believe that crime and violence are the most important problems facing the nation, whereas only 15% state that a decline in moral and social values is the most important problem).
67. This shift in public and penal attention away from the "sexy" bad girl can be seen in the changes in various nations' laws concerning prostitution. In the 1970s and 1980s, many Western industrialized democracies—excluding the United States, but including Australia, Canada, Denmark, Norway, Sweden, and the Netherlands—decriminalized the prostitute-client transaction (some states have maintained penalties for prostitution-related activities such as pimping and pandering). See Nanette J. Davis, *Introduction: International Perspectives on Female Prostitution to Prostitution: AN INTERNATIONAL HANDBOOK ON TRENDS, PROBLEMS, AND POLICIES* 1, 5-7 (Nanette J. Davis ed., 1993); Elizabeth Bernstein, *The State, Sexuality, and the Market: The Regulation of Prostitution in Denmark, Norway, and Sweden* 4-6 (1998) (unpublished manuscript, on file with author). See generally Schaffner, *supra* note 22, at 5-8, for a discussion of sexualized notions of "bad girl" and "good girl" behavior.
68. See ALBERT K. COHEN, *DELINQUENT BOYS* 44-48 (1955); see also ELLIOT ET AL., *supra* note 41, at 13 (explaining the impact of early socialization on juvenile offenders).
69. See SNYDER & SICKMUND, *supra* note 24, at 22.
70. See Leonard D. Eron & L. Rowell Huesmann, *The Relation of Prosocial Behavior to the Development of Aggression and Psychopathology*, 10 AGGRESSIVE BEHAVIOR 201, 204-05 (1984).
71. *Id.*

With understandable frustration, some . . . react[] to the violence data with the question: What is it about male sexuality that makes men that way? . . . Rather we should be asking: What is it about the construction of masculinity in different cultures that promotes aggressive sexual behavior by men? And, what is it about the construction of femininity and the structure of economic and social power relations in societies that permits this behavior to continue?⁷²

A deeply nuanced gender theory that frames forms of aggression and violence as part of normed masculine socialization⁷³ explains the prevailing impression among some juvenile correctional workers that girls are "acting like males" and should be punished for these transgressions.⁷⁴

In general, juvenile court proceedings reflect and reinforce these social myths regarding gender and crime: Males are violent and aggressive,⁷⁵ females are sexy and relational.⁷⁶ How can we square these myths with the fact that, in 1996, assault was a more common reason for arrest for girls than for boys,⁷⁷ while slightly more than half of the juveniles arrested for prostitution were male?⁷⁸ Perhaps these statistics reflect a new trend that our cultural myths about gender preclude us from seeing: We punish gender transgressions.

Many of the girls who now come to the attention of juvenile corrections and the media are those who have adopted a "masculine gender

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72. Lori L. Heise, *Violence, Sexuality, and Women's Lives*, in *THE GENDER SEXUALITY READER: CULTURE, HISTORY, POLITICAL ECONOMY* 412, 424 (Roger N. Lancaster & Micaela di Leonardo eds., 1997).
 73. See generally Tim Newburn & Elizabeth A. Stanko, *Introduction* to *JUST BOYS DOING BUSINESS? MEN, MASCULINITIES AND CRIME* 1, 1-9 (Tim Newburn & Elizabeth A. Stanko eds., 1994) (describing men's crime in the context of different theories of masculine socialization).
 74. See Poulin, *supra* note 27, at 544, 549, 560-61 (discussing various stages in the juvenile justice system where girls are penalized or treated differently for behavior that is not stereotypically female); Schaffner, *supra* note 22, at 11-13 (discussing consequences of girls' "oppositional resistance" to "oncoming gendered expectations").
 75. See PAUL KIVEL & ALLAN CREIGHTON, *OAKLAND MEN'S PROJECT, MAKING THE PEACE* 108-12 (1997) (describing a workshop for young men that attempts to unpack the term "act like a man" and challenge stereotypical messages to boys such as "hang tough," "take the pain," "go it alone," and "don't show feelings except anger"); Michael Kaufman, *The Construction of Masculinity and the Triad of Men's Violence*, in *GENDER VIOLENCE: INTERDISCIPLINARY PERSPECTIVES* 30, 30-32 (Laura O'Toole & Jessica R. Schiffman eds., 1997).
 76. See EDWIN M. SCHUR, *LABELING WOMEN DEVIANT: GENDER, STIGMA, AND SOCIAL CONTROL* 53, 220 (1983) (noting that deviance from female gender norms includes being aggressive and "unladylike" and that the violent female is one who tests society's established boundaries); Schaffner, *supra* note 22, at 3.
 77. Aggravated assault ranked higher as a reason for girls to be arrested (ninth) than for boys (twelfth) in 1996. See *PREVENTION AND PARITY*, *supra* note 15, at 4. But cf. Rick Kosterman et al., *Childhood Risk Factors for Persistence of Violence in the Transition to Adulthood: A Social Development Perspective*, Address Before the American Society of Criminology Annual Meeting (Nov. 1998) (finding that the male gender was the single best predictor of violence in adolescents).
 78. See *PREVENTION AND PARITY*, *supra* note 15, at 5. But see SNYDER & SICKMUND, *supra* note 24, at 2 (stating that, in 1992, girls comprised 52% of total juvenile arrests for prostitution). Even proportions fluctuating around half and half are contrary to the results one might intuit based on our cultural myths, which suggest that the overwhelming majority of prostitution arrests would be of girls.

strategy”⁷⁹ of violence, assault, and aggression. Sociologist Arlie Hochschild defines “gender strategy” as “a plan of action through which a person tries to solve problems at hand, given the cultural notions of gender at play.”⁸⁰ Traditionally, “being sexy” could have been seen by juvenile authorities as a “feminine” gender survival strategy, even though it was criminalized.⁸¹ “Being aggressive” has historically been the domain of “masculine” gender strategic behavior, which, in its extreme forms, was criminalized as well.⁸² Certain forms of contemporary delinquency, in contrast, can be framed as gender transgressions: We punish when boys are “feminine” (prostitutes, homosexual) and when girls are “masculine” (aggressive). In some cases, girls are no longer being criminalized for acts that are not considered gender transgressions. For example, San Francisco City and County rarely prosecutes girls for solicitation any more; instead, officials cite female sex workers for “public nuisance,” “loitering,” or “jaywalking” offenses, in accordance with the recommendations of the 1996 Final Report of the San Francisco Task Force on Prostitution.⁸³

To summarize, much of the behavior that would have been severely punished in the past no longer gives rise to criminal liability or social sanctions. Contemporary mainstream culture and law focus increasingly on girls who commit violent acts. Officials and researchers often explain this behavior as “girls acting like boys.” In a sense, these comments are astute: We punish girls who use boys’ gender-linked responses for addressing conflicts. However, the situation is more complex. Girls who respond violently are reacting to different pressures than boys who respond with violence. Girls’ violent acts cannot be prevented, and the girls themselves cannot be understood, “rehabilitated,” or successfully empowered without an awareness of the ways in which their life experiences differ from those of boys.⁸⁴ Even if only a small number of girls are committing violent offenses, we must contextualize the social logic which affects their behavior.

79. For a discussion of masculine gender strategy, see generally NEWBURN & STANKO, *supra* note 73.

80. ARLIE HOCHSCHILD, *THE SECOND SHIFT* 15 (1989).

81. See Schaffner, *supra* note 22, at 4-5 (analyzing girls’ sexual gender strategies).

82. Caution should be taken against making a binary and reductionist conflation of social and physical ideas about sex and gender. Young women can and do “choose” to be both “sexy” and “aggressive.” See Dorie Klein, *The Etiology of Female Crime: A Review of the Literature*, 8 *ISSUES IN CRIMINOLOGY* 3, 27 (1973).

83. See SAN FRANCISCO TASK FORCE ON PROSTITUTION, FINAL REPORT 6 (1996); see also Beth Bernstein, *What's Wrong with Prostitution? What's Right with Sex Work?: Comparing Markets in Female Sexual Labor*, 10 *HASTINGS WOMEN'S L.J.* (forthcoming 1999) (manuscript at 19-20, on file with author) (noting that San Francisco adopted a more official “decriminalization” policy toward prostitution during Mayor Brown’s administration); Interviews with and fieldnote observations of juvenile district attorneys, juvenile prosecutors, and probation officers. A full discussion of the fate of boys charged with prostitution is not within the scope of this Article.

84. See Stephanie S. Covington, *The Relational Theory of Women’s Psychological Development: Implications for the Criminal Justice System*, Address Before the American Society of Criminology Annual Meeting (Nov. 1998).

V. THE INVISIBILITY OF GIRLS' EXPERIENCES: BROADENING DEFINITIONS OF "VIOLENCE" FOR AND BY FEMALE JUVENILE OFFENDERS

The adults who work with girls in juvenile corrections commonly attribute girls' violent behavior to shifts in gender roles. They say that violent girls are "acting like males."⁸⁵ As discussed in the prior section, to a certain extent these comments are insightful—laws punish girls when they use male-type survival strategies which involve violence. However, the situation is more complex, as girls are doing more than just "acting like males." Contextualizing female offending behaviors in the realities of girls' lives reveals that violence by girls is intimately related to the violence that girls witness and are victims of in increasing numbers and in new ways. Failing to take a critical look at the contexts of their experiences does a disservice to the girls, who are in desperate need of emotional, educational, psychological, and economic assistance and nurturing.⁸⁶

Scholars and policymakers have analyzed youth violence in the context of "community violence."⁸⁷ However, these analyses generally assume that the "serious and habitual offender" is a male offender who belongs to a gang, fights with weapons, assaults, carjacks, and commits arson or robbery.⁸⁸ Similarly, much of the history of—and theories about—youths in trouble are based on studies of the male experience. In contrast, the history of female juvenile delinquency is a history of state interventions in the sexual behavior of mostly working-class, immigrant, and/or women of color in urban settings.⁸⁹ Many textbooks, ethnog-

85. See Interviews with and fieldnote observations of juvenile district attorneys, juvenile prosecutors, and probation officers; see also Poulin, *supra* note 27, at 549-50; Hedges, *supra* note 29, at A11.

86. See LESLIE WOLFE & JENNIFER TUCKER, CENTER FOR WOMEN POLICY STUDIES, REPORT OF THE SUMMIT ON GIRLS AND VIOLENCE (1998). Girls frequently asked for "help with my anger" in my interviews with them.

87. "Community violence" refers to gang activity, domestic violence, murder, and other violent behavior in inner-city communities. See GARBARINO ET AL., *supra* note 44, at xi.

88. Most studies of "serious and habitual offenders" do not acknowledge that female offenders may not fit this paradigm. See, e.g., EDWARD HUMES, NO MATTER HOW LOUD I SHOUT: A YEAR IN THE LIFE OF JUVENILE COURT (1996); MARTÍN SÁNCHEZ JANKOWSKI, ISLANDS IN THE STREETS: GANGS AND AMERICAN URBAN SOCIETY (1991); OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, 1995 NATIONAL YOUTH GANG SURVEY (1995) (neglecting to provide data on the gender of gang participants); OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, GUIDE FOR IMPLEMENTING THE COMPREHENSIVE STRATEGY FOR SERIOUS, VIOLENT, AND CHRONIC JUVENILE OFFENDERS (James C. Howell ed., 1995). Recent multidisciplinary research focuses on girls' perceptions and experiences, retrieving social theory from its male's eye view. See BRUMBERG, *supra* note 58; MEDA CHESNEY-LIND & RANDALL G. SHELLEN, GIRLS, DELINQUENCY, AND JUVENILE JUSTICE (1992); CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1993); ODEM, *supra* note 51; MARY E. PIPHER, REVIVING OPHELIA: SAVING THE SELVES OF ADOLESCENT GIRLS (1994).

89. See ODEM, *supra* note 51, at 4-5; Rachel Devlin, *Female Juvenile Delinquency and the Problem of Sexual Authority in America, 1945-1965*, 9 YALE J.L. & HUMAN. 147, 148-52 (1997); Schaffner, *supra* note 22, at 8-10; Laura Abrams, *Social Reformers and Wayward Girls: Representations of Virtue and Chastity in the Progressive Era* 2 (Dec. 1998) (unpublished manuscript, on file with author).

raphies, and theoretical overviews about delinquency include at most one chapter on "gender"—meaning girls.⁹⁰ Additionally, the few reports and studies of delinquency and violence that do not focus on boys look mainly at girls in gangs.⁹¹ Thus, our current theories about youth and violence do not adequately explain the new rising rate of violence in which young women are involved—sometimes as witnesses, sometimes as victims, and sometimes as perpetrators.⁹² Nor do the current theories account for girls' uniquely gendered sexual experiences,⁹³ which often lead to violence, or for the ways in which misogyny affects girls.⁹⁴

This Section highlights ways in which the community violence experienced by girls differs from that experienced by boys. First, witnessing or being a victim of violence may influence girls differently than boys. Second, domestic violence and wife-beating in particular deeply affect all family members—especially daughters and sisters. Third, "girl-hating" and girls' own misogyny increase the level of violence in girls' lives. Fourth, homophobia leads to violence against girls who are, or are perceived to be, lesbian, bisexual, queer, or questioning. And, fifth, sexual harassment of girls in schools and on the streets often goes unrecognized and precedes their own violent acts. Recognition of these different experiences is needed both to understand girls' violent actions and to develop more effective intervention and prevention strategies concerning juvenile girls' violence.

A. The Effects of Witnessing or Being a Victim of Violence

Psychologists have long known that adolescents' exposure to community violence has serious consequences.⁹⁵ Studies show that exposure to violence in the media may result in young people (1) becoming "less sensitive to the pain and suffering of others," (2) being "more fearful of the world around them," and (3) possibly behaving in more "aggressive or

90. See, e.g., PHILIPPE BOURGOIS, IN SEARCH OF RESPECT: SELLING CRACK IN EL BARRIO 213 (1996); DELANCEY STREET FOUNDATION, SAN FRANCISCO JUVENILE JUSTICE COMPREHENSIVE ACTION PLAN 29 (Mar. 1997); DONALD J. SHOEMAKER, THEORIES OF DELINQUENCY: AN EXAMINATION OF EXPLANATIONS OF DELINQUENT BEHAVIOR 226 (3d ed. 1996); James C. Howell, *Youth Gangs: An Overview*, JUV. JUST. BULL., Aug. 1998, at 3. See generally Poulin, *supra* note 27, at 541-43 (noting that delinquency research is mostly male-oriented).

91. See, e.g., ANNE CAMPBELL, THE GIRLS IN THE GANG (1986); COHEN, *supra* note 68, at 44-48; MARY G. HARRIS, CHOLAS: LATINO GIRLS AND GANGS (1988); HUMES, *supra* note 88, at 43-56; Howell, *supra* note 90, at 3.

92. See WOLFE & TUCKER, *supra* note 86, at 7-10 (calling for a redefinition of girls' violence that would recognize girls' use of violence as a "way of fighting back against physical and sexual victimization" and the threat of such treatment).

93. However, I have attempted to fill this gap by offering an analysis of key factors in delinquency and girls' sexual experiences. See Schaffner, *supra* note 22, at 8-10.

94. See *infra* Part V.C.

95. See GARBARINO ET AL., *supra* note 43, at 1; Joy D. Osofsky, *The Effects of Exposure to Violence on Young Children*, 50 AM. PSYCHOLOGIST 782, 782 (1995).

harmful ways towards others."⁹⁶ Directly witnessing or being a victim of violence has even more detrimental effects.⁹⁷

Girls in juvenile corrections revealed that they witnessed an inordinate amount of violence on a routine basis.⁹⁸ They witnessed brothers, friends, cousins, fathers, and boyfriends being kicked, beaten, punched, knifed, shot, and killed.⁹⁹ They also witnessed their mothers being devalued and hurt physically by fathers, stepfathers, and boyfriends.¹⁰⁰ The young women in this population are often unnoticed, mute witnesses of front-line violence in day-to-day urban life.

In addition to witnessing violence in their communities, girls are disproportionately victims of abuse. Researchers Sheila Peters and Sharon Peters report:

[A]dolescent females are four times more likely than adolescent males to be physically and/or verbally abused. Three-fourths of those sexually abused as children are female. Rape victims are disproportionately adolescent and female. Adolescent females ages 14 to 17 account for approximately 38 percent of date rape cases. . . . Homicide is the second-leading cause of death for African-American females ages 15 to 19.¹⁰¹

In a recent study, ninety-two percent of girls in the California juvenile correctional system reported experiencing sexual, physical or emotional abuse.¹⁰² Many reported experiencing combinations of multiple forms of abuse and abuse on multiple occasions.¹⁰³ The call is being sent out by probation departments and social service agencies for a collaborative and action-centered approach to this grave problem.¹⁰⁴

96. AMERICAN PSYCHOL. ASS'N, VIOLENCE ON TELEVISION 1 (n.d.); see also CHARLES STEWART MOTT FOUND., *supra* note 40, at 16 (finding that "the average child is exposed to 8,000 television murders and more than 100,000 other violent acts by the time he/she enters seventh grade" and noting that Saturday morning programming for children was found to contain 20 to 25 violent acts per hour).

97. See Deborah Baskin et al., *The Political Economy of Female Violent Street Crime*, 20 FORDHAM URB. L.J. 401, 411 (1993); see also Bessel A. van der Kolk, M.D., *The Psychological Consequences of Overwhelming Life Experiences*, in PSYCHOLOGICAL TRAUMA 1, 1-22 (Bessel A. van der Kolk, M.D. ed., 1987) (examining the impact of traumatic experiences on human behavior).

98. See Interviews with girls in detention; see also Sylvia Johnson, *Girls Are in Trouble: Do We Care?*, CORRECTIONS TODAY, Dec. 1998, at 136, 138, 140 (finding that girls in the juvenile justice system witnessed stressful life events at young ages).

99. See Interviews with girls in detention.

100. See *id.*

101. Peters & Peters, *supra* note 23, at 28-29; see also LAWRENCE A. GREENFELD, U.S. DEP'T OF JUSTICE, SEX OFFENSES AND OFFENDERS 24-25 (1997) (finding that almost 85% of the victims of imprisoned rape and sexual assault offenders were female and that for "1 in 4 imprisoned sexual assaulters, the victim had been their own child or stepchild").

102. See LESLIE ACOCA & KELLY DEDEL, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, NO PLACE TO HIDE: UNDERSTANDING AND MEETING THE NEEDS OF GIRLS IN THE CALIFORNIA JUVENILE JUSTICE SYSTEM 6 (1998); Poulin, *supra* note 27, at 559 (noting that "[d]elinquent girls in particular tend to" have been "physically or sexually abused").

103. See *id.*; see also OWEN & BLOOM, *supra* note 16, at 16.

104. See, e.g., Johnson, *supra* note 98, at 136, 140.

Girls in my study frequently live in worlds tainted by aggression and assault. Many adolescents experience power struggles with siblings and parents, but for these girls common household disputes such as not being able to see a boyfriend, use the telephone, or have a party become imbued with violence.

My mom called the police and turned me in for another thing. I did hit her, though.

I hit my brother. I'm tired of him slapping me around!

I only accidentally stuck my brother with a knife while I was doing the dishes!

My brother accused me of threatening him with a golf-club and throwing a coffee can at his head. He was beating me up! He wants me to get sent to placement!¹⁰⁵

However, girls' experiences such as these remain invisible in studies and theories in the criminology literature. The short- and long-term effects of girls' exposure to violence are under-theorized and untested.¹⁰⁶ Data from my interviews and observations made clear that factors such as witnessing and experiencing sexual and physical trauma are key to understanding and interpreting girls' violent offenses.¹⁰⁷ It is essential to contextualize girls' perpetration of violence within the violence they experience: witnessing it, listening to it, watching it, suffering it. Scholars note that violence can become normalized, even routinized, as an emotional strategy and a psychological response to troubles and frustrations.¹⁰⁸ This routinization of violence in girls' everyday lives appears to have a strong effect on their subsequent behaviors.

Scholars who study adult female participation in violence note that women who experience extensive violence in everyday life "may be more likely than women who are situated differently to view violence as an appropriate or useful means of dealing with their environment."¹⁰⁹ For

105. Interviews with girls in detention; see also E-mail communications from Dr. Kelly Dedel to Laurie Schaffner, *supra* note 28.

106. See Schaffner, *supra* note 22, at 8-10. A notable exception is Chesney-Lind's contributions regarding the criminalization of girls' survival strategies. See MEDA CHESNEY-LIND, *THE FEMALE OFFENDER: GIRLS, WOMEN, AND CRIME* 23-31 (1997) (noting that many young women run away from "profound sexual victimization at home and, once on the streets, are forced into crime to survive").

107. Other scholars have reached similar conclusions. See, e.g., ACOCA & DEDEL, *supra* note 102, at 6; JUDITH HERMAN, *TRAUMA AND RECOVERY* 104 (1992); OWEN & BLOOM, *supra* note 16, at 16; see also Bessel A. van der Kolk, M.D. & Mark Greenberg, *The Psychobiology of the Trauma Response: Hyperarousal, Constriction, and Addiction to Traumatic Reexposure*, in *PSYCHOLOGICAL TRAUMA* 63, 64 (Bessel A. van der Kolk, M.D. ed., 1987) (discussing unique reactions to stimuli by people who have experienced trauma).

108. See HERMAN, *supra* note 107, at 104; NANCY SCHEPER-HUGHES, *supra* note 45, at 272; van der Kolk & Greenberg, *supra* note 107, at 64.

109. Miller, *supra* note 21, at 41; see also Sally Simpson, *Caste, Class, and Violent Crime: Explaining Differences in Female Offending*, 29 *CRIMINOLOGY* 115, 115 (1991) (arguing that violence is interpreted and understood differently along gender, race, and class lines).

young women who are exposed to and who suffer violent and/or sexual assaults, aggression itself may become a seemingly reasonable response.¹¹⁰ Instead of being "passive victims," these girls are beginning to fight back and resist the onslaught of violence perpetrated upon them. This results in a theoretical and practical "tug-of-war" for juvenile justice officials and theorists: Is much of girls' violence aggressive assault or, rather, an act of resistance to the violence perpetrated against them?¹¹¹ Understanding the context in which girls' violence occurs reveals that the latter answer is more likely to be correct.

B. Domestic Violence and Woman-Battering

Children are born into families where they learn culture, family history, values, and how to love and work.¹¹² Families can simultaneously offer girls love, nurturing, and encouragement, and also violence, incest, neglect, homophobia, and abuse.¹¹³ Many girls in trouble wandered in empty and painful family situations and reported feeling "passed around" to aunts and grandmothers, foster care, and group homes.¹¹⁴

One reason for family troubles is domestic violence. Witnessing woman-battering affects daughters deeply. One study estimates that 3.3 million youths each year witness parental abuse, ranging from batteries to fatal assaults involving knives and guns.¹¹⁵ Criminology theorists generally correlate family violence and marital discord with "at-risk youth" and delinquency.¹¹⁶ Other studies find that adolescents who grow up in homes characterized by violence are more likely to report being violent.¹¹⁷ Even though most children who grow up in homes where there is marital discord do not become violent, and many children who are exposed to violence

110. See HERMAN, *supra* note 107, at 104; van der Kolk & Greenberg, *supra* note 107, at 64.

111. See WOLFE & TUCKER, *supra* note 86, at 7.

112. See DAVID CHEAL, FAMILY AND THE STATE OF THEORY 4 (1991); Jennifer Pastor et al., *Makin' Homes: An Urban Girl Thing*, in URBAN GIRLS: RESISTING STEREOTYPES, CREATING IDENTITIES 15, 15 (Bonnie Ross Leadbeater & Niobe Way eds., 1996).

113. See Laurence Steinberg, *Autonomy, Harmony, and Conflict in the Family Relationship*, in AT THE THRESHOLD: THE DEVELOPING ADOLESCENT 255, 255-76 (Shirley Feldman & Glen Elliott eds., 1990).

114. See Interviews with girls in detention; Schaffner, *supra* note 22, at 14; see also ACOCA & DEDEL, *supra* note 102, at 6; KAROLE L. KUMPFER, U.S. DEP'T OF JUSTICE, FAMILY STRENGTHENING IN PREVENTING DELINQUENCY: A LITERATURE REVIEW 1 (1994) [hereinafter KUMPFER, FAMILY STRENGTHENING]; KAROLE L. KUMPFER, U.S. DEP'T OF JUSTICE, STRENGTHENING AMERICA'S FAMILIES: PROMISING PARENTING STRATEGIES FOR DELINQUENCY PREVENTION 1 (1993) [hereinafter KUMPFER, STRENGTHENING AMERICA'S FAMILIES]; 2 BARBARA OWEN & BARBARA BLOOM, OFFICE OF CRIMINAL JUSTICE PLANNING, MODELING GENDER SPECIFIC SERVICES IN JUVENILE JUSTICE: POLICY AND PROGRAM RECOMMENDATIONS 30 (1998).

115. See CHARLES STEWART MOTT FOUND., *supra* note 40, at 16.

116. See generally KUMPFER, FAMILY STRENGTHENING, *supra* note 114, at 16-17; KUMPFER, STRENGTHENING AMERICA'S FAMILIES, *supra* note 114, at 6.

117. See TERENCE P. THORNBERRY, U.S. DEP'T OF JUSTICE, VIOLENT FAMILIES AND YOUTH VIOLENCE, FACT SHEET #21 (1994); see also Wanda K. Mohr, *Making the Invisible Victims of Domestic Violence Visible*, 2 DOMESTIC VIOLENCE REP. 81, 82 (1997) (finding that "[c]hildren of battered women are the nation's invisible victims of domestic violence").

learn alternative ways to respond to problems, domestic violence remains an important area of study for those seeking to understand girls' violence. Researcher Leslie Acoca notes that:

It is critical to highlight the growing body of literature examining the potentially deleterious effects of witnessing domestic violence on the health and behavior of child witnesses. This research reveals that the consequent disorders generally fall into two groups: internalized problems such as withdrawn or anxious behaviors and externalized problems such as aggression and delinquency.¹¹⁸

My own research suggests a link between witnessing wife-beating and perpetrating violence in girls' own lives. As one young woman in my sample explained, "I get drunk and beat my girlfriend the same way my dad gets drunk and beats my mom."¹¹⁹ Other accounts reveal that young women in detention witness or experience an inordinate amount of family violence:

My dad is in jail for DV on my mom. It was a mess—I remember when the police came for him.

My dad was an abusive alcoholic and the divorce helped him straighten up. But since their divorce when I was 11, all went downhill from there for me.

I called the police on my dad I don't know how many times! Fights: my dad taught me, "If someone hits you then hit them back!" I don't know how many times he's been in jail for assault and battery!¹²⁰

Elizabeth Martin, who watched her father hurt her mother and suffered abuse herself, sat in detention over a "fight with my Dad."¹²¹

These kinds of experiences must come to the fore of criminology literature if we are to understand girls' aggression and anger. Marital discord is consistently related to delinquency,¹²² but little definitive research has studied the ways in which girls who witness wife-beating respond by being aggressive themselves. Family violence, especially wife-beating,

118. Leslie Acoca, *Outside/Inside: The Violation of American Girls at Home, on the Streets, and in the Juvenile Justice System*, 44 CRIME AND DELINQ. 561, 566 (1998) (emphases, quotation marks, and citations omitted); see also P. Susan Penfold, *Children of Battered Women*, INT'L J. OF MENTAL HEALTH, Spring-Summer 1982, at 108, 108-14 (noting that the effects on child witnesses to domestic violence have previously been underexamined because of stereotypes that hindered discussion of domestic violence generally); Mindy S. Rosenberg & B.B. Robbie Rossman, *The Child Witness to Marital Violence*, in TREATMENT OF FAMILY VIOLENCE, 183, 183 (Robert T. Ammerman & Michel Hersen eds., 1990) (finding that children who witness violence in the home are likely to develop behavioral and psychological problems).

119. Interview with girl in detention.

120. Interviews with girls in detention.

121. Interview with girl in detention.

122. See KEVIN N. WRIGHT & KAREN E. WRIGHT, U.S. DEP'T OF JUSTICE, FAMILY LIFE, DELINQUENCY, AND CRIME: A POLICYMAKER'S GUIDE 12-14 (1995); see also Cathy Spatz Widom, *Does Violence Beget Violence? A Critical Examination of the Literature*, PSYCHOL. BULL., July 1989, at 3, 14 (reviewing studies of family violence and subsequent juvenile delinquency).

needs to be included explicitly in analyses of delinquency and of girls' involvement in violent crimes.¹²³

C. Girl-Hating and Misogyny

Girls themselves absorb misogyny from the larger culture, particularly when they witness other women being devalued.¹²⁴ This harms them in two ways—it leads to girl-on-girl violence, and it prevents them from forming the friendships that might help them thrive in adolescence or escape other violence in their lives.

Many young women in my study talked about witnessing their mothers and other women being debased through physical or verbal abuse.¹²⁵ After seeing such events, girls may view women and other girls as worthy of less respect and interest,¹²⁶ reflecting the mainstream society that devalues women and girls.¹²⁷ Young women recounted stories about bloody fights, using weapons such as knives, against other girls:

I got kicked out of school so many times for fighting, whatever. See these scars? This scratch? They from fighting the other girls at school.

I have a temper—I fight back. Girls jump me. I get in so many fights because females hate me. I have so many enemies. All my life girls been pickin' on me.

There was a girl at school and I gossiped about her behind her back. She beat me up. So I got a knife from the school kitchen and stabbed her twice in the back.

I saw this girl in a phone booth and she was lookin' at me funny. I hadda' jump her and I grabbed her gold chain around her neck. I don't like anyone frontin' me like that.¹²⁸

In their interviews, girls reported that they felt plagued by unresolved arguments and fights with other girls and rival groups and that they often skipped school because it did not feel safe.¹²⁹

123. Unlike mainstream criminology, the disciplines of psychology, sociology, and history address adolescent female experience in the context of domestic violence and childhood abuse. See generally OWEN & BLOOM, *supra* note 114, at 34-35 (summarizing literature which links girls' delinquency to sexual and physical abuse); Janet Jacobs, *Victimized Daughters: Sexual Violence and the Empathic Female Self*, 19 SIGNS 126, 127 (1993) (discussing how victimized daughters turn their rage at their mothers and bond with their perpetrating fathers).

124. See PIPHER, *supra* note 88, at 206; Teresa Bernardez, *Adolescent Resistance and the Maladies of Women: Notes from the Underground*, in WOMEN, GIRLS & PSYCHOTHERAPY: REFRAMING RESISTANCE 213, 219 (Carol Gilligan et al. eds., 1991); Sherry Ortner, *Is Female to Male as Nature Is to Culture?* (1972), reprinted in SHERRY ORTNER, *MAKING GENDER: THE POLITICS AND EROTICS OF CULTURE* at 21 (1996).

125. See Interviews with girls in detention.

126. See Bernardez, *supra* note 124, at 218-19.

127. See *id.* at 219 (arguing that "observing a devalued female in the household who allows herself and her daughter to be mistreated" leads to rebellion).

128. Interviews with girls in detention.

In addition to causing girl-on-girl violence, girls' misogyny prevents them from forming beneficial friendships with other girls. As one social service provider explained:

These girls need to learn to come together and work together. Working together is how they will heal. The girls are so divided and male-identified. When they come together, especially survivors of childhood abuse, they see how they undermine their own success. Working together is the healing—healing is the coming together.¹³⁰

My interviews revealed that the friendships to which young women might potentially turn for help and nurturing seemed to be lacking emotional support or worse.¹³¹ The young women I met who were in trouble with the law had difficulty navigating friendships and camaraderie with each other. Girls in my study talked about how much they mistrusted other young women, "they talk all about your business behind your back."¹³² They repeatedly said that they preferred to hang out with males; they complained that "females are triflin'" and that "I don't communicate a lot with girls because they talk too much and I have to beat them up."¹³³

Misogyny is prevalent in mainstream culture. Girls absorb it from the media, interactions with others, and most especially from other girls, which both leads them to commit violent acts against other girls and prevents them from forming healing friendships.

D. Homophobia as Violence

Reframing homophobia, the fear and hatred of homosexuality, as a form of community violence, demonstrates that it is a form of violence perpetrated against and by girls.¹³⁴

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129. Interviews with girls in detention. Furthermore, violence on school property has emerged as a serious social problem. See JOHN DEVINE, *MAXIMUM SECURITY: THE CULTURE OF VIOLENCE IN INNER-CITY SCHOOLS* 5, 7 (1996); JOSEPH F. SHELEY & JAMES D. WRIGHT, U.S. DEP'T OF JUSTICE, *HIGH SCHOOL YOUTHS, WEAPONS, AND VIOLENCE: A NATIONAL SURVEY* 1-7 (1998). According to one recent study, almost nine percent of female students nationwide had been in a physical fight on school property. See CENTERS FOR DISEASE CONTROL AND PREVENTION, *supra* note 40, at 9 (1998).
 130. Interview with program director for girls' services.
 131. *But see* VIVIENNE GRIFFITHS, *ADOLESCENT GIRLS AND THEIR FRIENDS: A FEMINIST ETHNOGRAPHY* 95 (1995) (finding that girls "quarrel" and then work it out). Young women in detention spoke much more about feeling disappointed by adult women and other girls. See JILL MCLEAN TAYLOR ET AL., *BETWEEN VOICE AND SILENCE: WOMEN AND GIRLS, RACE AND RELATIONSHIP* (1995) (describing various obstacles to relationships among women and between women and girls); Sharon Thompson, *What Friends Are For: On Girls' Misogyny and Romantic Fusion*, in *SEXUAL CULTURES AND THE CONSTRUCTION OF ADOLESCENT IDENTITIES* 228 (Janice Irvine ed., 1994) (asserting that increased violence among girls is a reflection of girls' own misogyny).
 132. Interviews with girls in detention.
 133. *Id.*
 134. Data that links homophobia to violence against and by girls is extremely difficult to obtain: the experiences of queer girls are not tracked in national or public education, juvenile justice, or public health records. A recent newspaper article states that, "A 1984 study produced by the

Homophobia is on the rise in schools, and gay-bashing is widespread.¹³⁵ In a recent poll of thousands of America's highest-achieving high school students, almost half admitted prejudice against gays and lesbians.¹³⁶ The religious right recently began an anti-gay campaign, consisting most notably of newspaper ads urging gays to "convert" to a heterosexual lifestyle.¹³⁷ These ads may fuel verbal and physical assaults against lesbian, bisexual, queer, and questioning girls. Ten percent of girls reported "being called lesbian" in a national survey of sexual harassment in schools.¹³⁸

Lesbian, bisexual, queer, and questioning girls suffer in silence and are hesitant to discuss their sexuality and identity issues freely.¹³⁹ Little is known about the numbers and experiences of lesbian, bisexual, queer, and questioning young women in the juvenile corrections system. Some agencies estimate that, nationally, as high as twenty to forty percent of the runaway and street youth population surviving in the street economy may be gay or lesbian.¹⁴⁰

Homophobia affects girls in juvenile corrections in different ways. One young woman testified that when she was locked in detention, she was "never given a roommate because she [was] a lesbian," and "[s]pecial showering arrangements were made to prevent her from showering with the other girls."¹⁴¹ One girl told her story of moving into a group home, saying that there was so much surprise about her being a lesbian that "I

National Gay Task Force in New York found that . . . 20 percent of lesbians polled said they had experienced verbal and physical assaults in secondary school." Leslie A. Lowell, *Invisible Youth*, S.F. BAY GUARDIAN, Oct. 4, 1995, at 27. See generally QUANG H. DANG, CITY AND COUNTY OF S.F., INVESTIGATION INTO THE NEEDS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER AND QUESTIONING YOUTH 61 (1997) (finding that lesbian, gay, bisexual, transgender, queer, and questioning youth experience harassment from other youth and staff in the juvenile justice system).

135. See Anthony R. D'Augelli & Lawrence Dark, *Lesbian, Gay, and Bisexual Youths*, in REASON TO HOPE: A PSYCHOSOCIAL PERSPECTIVE ON VIOLENCE & YOUTH 177 (L.D. Eron et al. eds., 1995); James Brooke, *Homophobia Often Found in Schools*, Data Show, N.Y. TIMES, Oct. 14, 1998, at A19; Nishat Kurwa, *Do Schools Condone Harassment of Gay Students?*, S.F. EXAMINER, May 19, 1998, at D7; Carol Ness, *Gay Bias Rising Among Top Students*, S.F. EXAMINER, Nov. 12, 1998, at A1; Kathleen Sullivan, *Gay Youths Struggle in Personal Hell*, S.F. SUNDAY EXAMINER AND CHRON., July 26, 1998, at D1, D4. Recently, a newspaper containing three reports of violent attacks on gays carried the banner headline "It's the Most Violent Time of the Year." See BAY AREA REPORTER, Dec. 10, 1998, at 1.
136. See Ness, *supra* note 135, at A1.
137. See, e.g., N.Y. TIMES, July 13, 1998, at A11; WALL ST. J., Aug. 10, 1998, at A5; WASH. POST, July 14, 1998, at A7.
138. See AMERICAN ASS'N OF U. WOMEN, HOSTILE HALLWAYS: THE AAUW SURVEY ON SEXUAL HARASSMENT IN AMERICA'S SCHOOLS 9 (1993).
139. See DANG, *supra* note 134, at 61; Anthony R. D'Augelli, *Developmental Implications of Victimization of Lesbian, Gay, and Bisexual Youths*, in STIGMA AND SEXUAL ORIENTATION 187, 193-94 (Gregory M. Herek ed., 1998); Joyce Hunter, *At the Crossroads: Lesbian Youth*, in DYKE LIFE 50, 51 (Karla Jay ed., 1995); Schaffner, *supra* note 22, at 18-20 (discussing how "the social stigma and marginalization arising from homophobia becomes another injurious sexualization of girls' lives" that may lead them to delinquency).
140. See THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, RUNAWAY AND HOMELESS YOUTH—FACT SHEET 2 (n.d.).
141. DANG, *supra* note 134, at 10.

prepared myself to get in a fight when I went downstairs later that night for dinner."¹⁴² Findings from one Human Rights Commission hearing indicate that "[m]any youth who enter the juvenile justice system for hate-related crimes have committed offenses against LGBTQQ people."¹⁴³

Approximately thirty-five percent of the girls in my sample mentioned involvement or interest in same-sex relationships, concerns about other girls "in here" being gay, and/or concerns about family members being gay.¹⁴⁴ Some girls from my study revealed that they had beat up their girlfriends/lovers:

I was involved with a hooker—she was bisexual. I was always buyin' her things but we fought a lot. I beat her up off crystal so I got an ADW off that.¹⁴⁵

I beat my girl 'cause she ran away with Miguel. First we left him but then he started buggin' her. Then we fought. I beat her bad.¹⁴⁶

Lesbian, bisexual, queer, and questioning girls are victimized by both males and other females. When girls are miseducated about lesbian and homosexual history, experiences, desires, and practices, they may strike out violently towards each other. The effects of homophobia, both on the girls who are victims of violence and on the girls who perpetrate violence because of it, must be taken into account by those seeking to understand the environment of violence for female juveniles.

E. Sexual Harassment as Violence

Many girls reported being sexually harassed in public, especially at school.¹⁴⁷ Although they often are not able to fight back successfully, some girls do attempt to retaliate.¹⁴⁸ When this happens, they are fre-

142. This young woman had been driven out of her house by her homophobic mother, but the girls in the group home accepted and supported her although they treated her as something of a spectacle. See Carlford Wadley, *A Lesbian in the System*, FOSTER CARE YOUTH UNITED: ON THE INSIDE LOOKING OUT, Jan.-Feb. 1994, at 6.

143. DANG, *supra* note 134, at 61.

144. See Interviews with girls in detention.

145. Interview with girl in detention. One would need to talk more with this young woman to sort out the converging factors in her life that led to her beating up her lover, her substance use, and her homophobia. Drugs and alcohol are often linked to violent behavior. According to one national report, "[A]lcohol . . . has been linked with high incidence of violence and aggression." The impaired judgment and violence induced by alcohol contribute to alcohol-related crime. Rapes, fights, and assaults leading to injury, manslaughter and homicide often are linked to alcohol because the perpetrator, the victim, or both were drinking." SECRETARY OF HEALTH AND HUMAN SERVS., CENTER FOR SUBSTANCE ABUSE PREVENTION, MAKING THE LINK: VIOLENCE AND CRIME & ALCOHOL AND OTHER DRUGS ML 002 (1995) (quoting SECRETARY OF HEALTH AND HUMAN SERVS., SEVENTH SPECIAL REPORT TO THE U.S. CONG. ON ALCOHOL & HEALTH (1990)).

146. Interview with girl in detention.

147. See Interviews with girls in detention; see also AMERICAN ASS'N OF U. WOMEN, *supra* note 138, at 7 (reporting that 81% of students report some form of sexual harassment in school).

148. See WOLFE & TUCKER, *supra* note 86, at 3. Surprisingly, in one report on general violence at school (not necessarily in response to sexual harassment), the girls in the sample were involved in approximately the same number of violent incidents as the boys. See DANIEL LOCKWOOD, U.S.

quently labeled violent offenders by school and state officials.¹⁴⁹ The officials may view the initial harassment, however, as a new, acceptable form of teenage interaction and not as constituting sexual harassment. An expert on the sexual harassment of girls at school states that, "[W]hether it's the criminal version of sexual assault or the civil version of sexual harassment, school is a very violent place for girls."¹⁵⁰ School violence is often framed as a "gun" issue, not a "gender" issue.¹⁵¹ Yet being verbally abused by boys, being grabbed and fondled sexually, and even being shot at by boys were topics that girls brought up in their interviews regarding sexual harassment and school.¹⁵²

Girls' violent acts are often preceded by sexual harassment perpetrated against them by others. Many accounts from girls in detention reflected their school experiences and were similar to those of Alegra Johnson: "I was suspended from school because this boy put his hands on me and I tried to hit him back."¹⁵³ Young women have somehow remained the invisible witnesses to and recipients of much school violence, which is rarely characterized as sexual harassment. These girls deal with the fear by

DEP'T OF JUSTICE, VIOLENCE AMONG MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS: ANALYSIS AND IMPLICATIONS FOR PREVENTION 3 (1997).

149. See Interviews with girls in detention.

150. Laura Palmer Edwards, *An Interview with Nan Stein, Senior Research Scientist, Center for Research on Women*, WELLESLEY CTRS. FOR WOMEN RES. REP., Spring 1998, at 4.

151. See STUART GREENBAUM, U.S. DEP'T OF JUSTICE, KIDS AND GUNS: FROM PLAYGROUNDS TO BATTLEFIELDS 3 (1997); SHELEY & WRIGHT, *supra* note 129, at 1-7.

152. See Interviews with girls in detention; see also AMERICAN ASS'N OF U. WOMEN, *supra* note 138, at 8 (reporting that 65% of girls had been touched, grabbed, or pinched in a sexual manner while in school); WOLFE & TUCKER, *supra* note 86, at 3 (describing adolescent girls' fear of physical and sexual violence).

153. Interview with girl in detention. One common way that girls enter the juvenile system is through a process termed "bootstrapping." When girls come before a juvenile probation judge, it is common that school attendance becomes one of their probation conditions. Then, if for any reason the young women become truant, they can then be "bootstrapped" into lockdown for violating probation. See PREVENTION AND PARITY, *supra* note 15, at 19. It is typical to meet young women in detention for not attending school because of fights involving self-defense from harassing males. See Interviews with girls in detention; see also AMERICAN ASS'N OF U. WOMEN, *supra* note 138, at 15 (stating that 24% of girls reported not wanting to attend school because of harassment).

fighting¹⁵⁴ and by dropping out.¹⁵⁵ Over half of the young women in my sample had already quit school.¹⁵⁶

Juvenile justice reports on "school violence" rarely notice or link this violence to gendered forms of sexual harassment. That girls are targets and recipients of sexual harassment remains hidden in criminology reports about community violence. School officials may refuse to acknowledge the increasing number of harassment claims in schools. Without this knowledge, girls' violent acts appear unprovoked and aggressive. With this knowledge, the juvenile justice system could more effectively intervene in these situations and prevent such violent outcomes.

VI. CONCLUSION

By taking a masculinist perspective on community violence and focusing only on guys, guns, and gangs, contemporary criminology scholarship and the general public miss much of what young women experience. A routinization or normalization of violence in girls' everyday lives may result in a rage which they cannot express in safe, healthy ways. The new "bad" girl is an angry girl, and the reasons for her frustrations are not acknowledged, perceived, or validated, resulting in a justifiable anger. As one children's rights activist explains, "[M]any young women in juvenile corrections have not yet healed from early childhood sexual injury, emotional neglect and loss, and are simply being re-injured by the system."¹⁵⁷

Not only do we need to expand the definition of "violence" to include girls' experiences, but we must conduct further research into the factors that contribute to punishing girls for gender transgressions. That girls are expressing themselves violently is difficult for some to see and analyze critically. Many adults who work with girls in group homes and detention facilities as counselors, social workers, and probation officers

154. See WOLFE & TUCKER, *supra* note 86, at 3 (indicating that young women often respond to harassment by fighting back). In a surprising finding from one national report, girls were the offenders in all incidents in which knives were used. See LOCKWOOD, *supra* note 148, at 3.

155. In 1993, almost six percent of all young women aged 16 and 17 of all races had dropped out of high school. Twelve percent of girls of "Hispanic origin" had dropped out (the highest drop-out rate in 1993 in the United States for any race/gender combination was for Latinas/Chicanas). See STATISTICAL HANDBOOK ON WOMEN IN AMERICA 303 (Cynthia M. Taeuber ed., 1996). Because truancy and not completing high school are linked to many problems for teenagers, it is important to understand how to help this particular population of girls get on track with their academic tasks by making schools free of violence and sexual harassment against girls. See ACOCA & DEDEL, *supra* note 102, at 105-07; EILEEN M. GARRY, U.S. DEP'T OF JUSTICE, TRUANCY: FIRST STEP TO A LIFETIME OF PROBLEMS 1-2 (1996); Sharon Cantelon & Donni LeBoeuf, *Keeping Young People in School: Community Programs That Work*, JUV. JUST. BULL., June 1997, at 1.

156. See Interviews with girls in detention. National studies of girls in trouble with the law find that school problems are a significant factor in delinquency. See PREVENTION AND PARITY, *supra* note 15, at 10-12.

157. Interview with children's rights activist; see also ACOCA, *supra* note 118, at 564-74 (describing the degree to which young women experience violence in their day-to-day lives and linking the violence to delinquency, depression, and other problems).

perceive girls as more manipulative than boys, emotionally out of control, prone to outbursts and running away from placements, and violent in their responses to authority.¹⁵⁸ However, these explanations for girls' violent offenses do not place them in any structural or emotional framework that makes for a clear understanding or informed interpretation of their actions.¹⁵⁹

The stories and experiences of Martin, Johnson, and Guzman are typical of young women in detention nationwide. As a response to their increasingly violent environments and life experiences, they sometimes strike out violently in anger and rage. These experiences provide the life contexts for girls' violent actions and expressions of aggression.

Therefore, a new focus in criminology needs to be developed which acknowledges the limitations of viewing juvenile violent behavior solely from a male-centered paradigm. It must account for girls' unique life experiences and how these experiences situate them in a world of violence that girls are likely to reproduce. The five examples I have highlighted are areas where girls are uniquely affected and would benefit from a re-worked definition of community violence and juvenile violent crime. We cannot begin to prevent, nor even interpret, the meanings of girls' violent behaviors without formulating explanations of the social forces that influence *girls'* violent behavior, as opposed to "juveniles" as a unitary group. In addition, we must move beyond punishing gender transgressions. For female juvenile delinquent intervention, prevention, or treatment programs to work, the officials and activists who design and implement them must acknowledge and incorporate the realities, meanings, and effects of troubled girls' exposure to and experience with violence.

158. See Interviews with service providers in community-based agencies, "counselors" [guards] in detention facilities, and probation officers; see also Joanne Belknap et al., *Understanding Incarcerated Girls: The Results of a Focus Group Study*, 77 THE PRISON JOURNAL 381, 397 (1997) (listing a variety of responses of juvenile justice workers regarding girls, including the judgment that girls are more difficult to work with than boys).

159. See Interviews with service providers in community-based agencies, "counselors" [guards] in detention facilities, and probation officers.