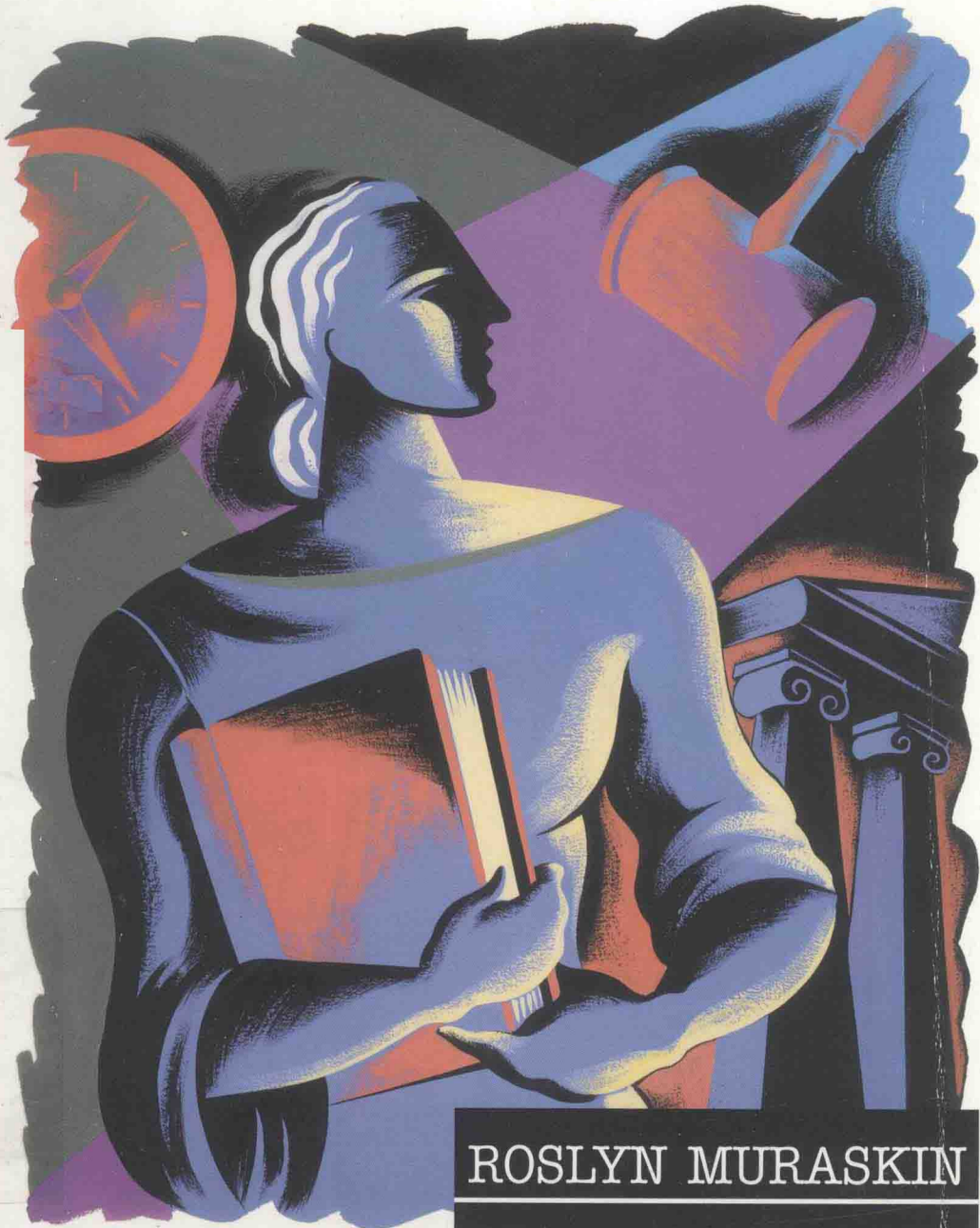


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Third Edition

IT'S A CRIME

WOMEN AND JUSTICE



ROSLYN MURASKIN

It's a Crime

Women and Justice

Third Edition



ROSLYN MURASKIN
Long Island University

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Dedication

Dedicated to all those women and men who gave of their time
and energy so that all women could be free!

And dedicated to my family, who has tolerated my giving of my
time to the cause of all women everywhere.

May my daughter, Tracy, my daughters-in-law, Stacy and Savet,
and my granddaughters, Linday and Nickia, and my grandson,
Benjamin, always know what it is to enjoy all the advantages
that life has to offer.

—*Roslyn Muraskin*

Foreword



Although relatively neglected until the 1980s, the study of women employees in the justice system, of women who break the law, and of women who suffer criminal victimization has received growing attention from theorists, researchers, and policymakers. The literature has made its way into both mainstream and specialized journals, specifically *Women and Criminal Justice* and *Violence Against Women*. There are numerous examples of concepts that had previously not been considered as central in criminological theory, but that once named and explored, allowed for the development of considerable research and policy agendas.

The War on Drugs and related invasive, aggressive, and punitive justice practices—which have been supported by local, state, and national criminal justice agencies—have been referred to as the War on Women, which has resulted in a tremendous influx of women into the courts and both jails and prisons. Large numbers of children have been separated from their primary caregiver, and large numbers of incarcerated women experience the stress of worry that their children do not have adequate care or just that of not knowing what is happening to their children.

Intimate partner violence is one of a number of offense types that damage women disproportionately. Others are sexual and gender harassment and sexual assault. Since the victimization of women has been highlighted by research in the last few decades, there has been a continuous discovery of previously unrecognized forms of abuse and previously unknown groups of women who are affected. For instance, women are controlled not only through physical battering but by economic deprivation that they can ameliorate only by obeying an oppressive husband or partner; and immigrant groups thought to be relatively untouched by wife abuse are found to be unknown to criminal justice system agencies, but to suffer both physically and emotionally.

Although theories relevant to gender and crime have been set forth and elaborated increasingly in publications and at conferences, there are still areas that are relatively unexplored or that are neglected in typical collections of readings and textbooks. One of these is the intertwining of gender with race, class, and ethnicity. Research designs that omit subgroups or ignore them in analysis, theories that focus on gender but ignore the multiple statuses that people hold, and a continuing tendency to view gender as a variable at the individual level and ignore the different opportunities and experiences afforded due to gender on a societal level perpetuate the deficits in existing knowledge.

Roslyn Muraskin's third edition of *It's a Crime: Women and Justice* contains articles written by people who approach their topics with passion and concern. Each chapter meets a need for further exploration of the reality of justice for women, and several provide information about previously unstudied or understudied groups. The content places what we know about women and justice within the broader area of women's issues, and extends to medical concerns of offenders and workforce dilemmas of women who work as judges, police, and lawyers. The book accomplishes its task by providing a critical examination of justice for women, and exposing the reader to a wide variety of viewpoints, analyses, and examples.

Merry Morash
School of Criminal Justice
Michigan State University
East Lansing, MI 48824

Preface



It's a Crime: Women and Justice (third edition) is probably the most comprehensive text with readings on the subject of women and the criminal justice system. "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has" (Margaret Mead). Over these many generations, dramatic social and legal changes have been accomplished on behalf of women's equality. Women have made these changes happen. They have not been passive, but rather, have worked together to make changes, to create a better world where there are few constrictions. During the times of the American Revolution when America gained a new democracy, women had yet to gain the freedom they deserved as human beings. There have always been women who have worked throughout history for the betterment of society.

At the Seneca Falls Conference in 1848, women gathered together to declare that "we hold these truths to be self evident that all *men and women* [emphasis mine] are created equal." In the *Declaration of Sentiments*, Elizabeth Stanton pointed out that "the history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world." It went into specifics:

- Married women were legally dead in the eyes of the law.
- Women were not allowed to vote.
- Women had to submit to laws when they had no voice in their formation.
- Married women had no property rights.
- Husbands had legal power over and responsibility for their wives to the extent that they could imprison or beat them with impunity.

- Divorce and child custody laws favored men.
- Women had to pay property taxes although they had no representation in the levying of these taxes.
- Most occupations were closed to women and when women did gain entry, they were paid only a fraction of what men earned.
- Women were not allowed to enter professions such as medicine or law.
- Women had no means to gain an education since no college or university would accept women students.
- With only a few exceptions, women were not allowed to participate in the affairs of the church.
- Women were robbed of their self-confidence and self-respect, and were made totally dependent on men.

These were strong words. This was the status quo for women in the United States in 1848. In the words of Elizabeth Stanton: "Now in view of this entire disenfranchisement of one-half the people of this country, their social and religious degradation—in view of the unjust laws . . . and because women feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of these United States." That was then. The movement produced few results. Women did not receive the right to vote until the passage of the Nineteenth Amendment to the Constitution early in the twentieth century.

In the words of Supreme Court Justice Ruth Bader Ginsburg: "I think about how much we owe to the women who went before us—legions of women, some known but many unknown. I applaud the bravery and resilience of those who helped all of us—you and me—to be here today" (1998).

The potential for progress in the realm of women's issues and the criminal justice system is possible because of the continuous battles that women have continued to fight in striving for something called *equality* or *parity of treatment*. The history of women indicates that gender should not be a factor in determining the legal rights of women and men, but it has been. Dating back to 1776, when this country was being formed and the laws were being written by men, it was Abigail Adams, in a letter to her husband, John, who insisted that if in the new American Constitution, "care and attention are not paid to the ladies," they will foment a rebellion. Women have been fomenting that rebellion ever since. The reader will find that the struggle is not over, even though women may have a voice and are being heard.

In this work we talk about women as slaves; witchcraft; affirmative action; disparate treatment of women; sexual harassment; crimes of violence; rights of privacy; women, drugs, and AIDS; women in prison; women as victims of crime; women in criminal justice professions; women and crime; and girls and delinquency.

The chapters that follow are written primarily by scholars and researchers in the field. This third edition, as the previous two, deals with the most up-to-date issues and policies that pertain to women as they are affected and treated by the criminal justice system as well as those basic rights believed to be most fundamental by all. The material and topics provide the best there is as they concern the gender-based problems we face in society today.

In the words of the late Ted Alleman (with whom I worked on the first edition): “Those who see the world entirely from a man’s perspective and are simply blind to the existence and influence of women are said to be androcentric in their thinking.” Traditional literature ignores the role of women. There are those who will deprecate and/or ignore a woman’s point of view entirely. For women, public denigration is not socially acceptable. Personal attacks should be a thing of the past.

Today, women and girls live the legacy of women’s rights. It is my passionate hope that this work will result in more meaningful and thought-provoking dialogue concerning the important problems women face in the criminal justice system. *It’s a crime*, if we do not realize the importance of the role that women play. Basic human rights are fundamental to all, women and men alike. The raw material is presented in this text—hopefully, you will make it come alive.

Roslyn Muraskin
Long Island University

About the Author and Contributors



Roslyn Muraskin, Ph.D., is Professor of Criminal Justice at the C.W. Post Campus of Long Island University. Her published works include *Visions for Change: Crime and Justice in the Twenty-First Century* (2002) (with A. Roberts), 3rd edition, Prentice Hall; *Morality and the Law* (2001) (with M. Muraskin), Prentice Hall; *Women and Justice: Development of International Policy* (1999), Gordon & Breach Publishers; "Police Work and Juveniles," in *Juvenile Justice Policies, Programs and Services* (1997), Nelson-Hall; "Mothers and Fetuses: Enter the Fetal Police," "Directions for the Future," and "Measuring Disparity in the Correctional Institutions." Dr. Muraskin serves as the editor of the *Women's Series* for Prentice Hall. The first volume is titled *Women Incarcerated: The Next Step*, and the second volume, *With Justice for All: Minorities and Women in Criminal Justice*. Dr. Muraskin serves on the Editorial Board of the *Encyclopedia of Criminology* and has written an article entitled "The Issue Is Abortion" for the next issue. Currently, she is working on a major text in the field of corrections for Prentice Hall.

Dr. Muraskin served in the capacity of Associate Dean of the College of Management (1990–1996) as well as the Director of the School of Public Service. She currently serves as the Director of the Long Island Women's Institute as well as Executive Director of the Alumni Chapter, both for the College of Management. She is Trustee of the Northeast Region for the Academy of Criminal Justice Sciences, and served as President of the Northeastern Association of the Academy of Criminal Justice Sciences.

She received her doctorate in criminal justice from the Graduate Center at the City University of New York, and her master's degree at New York University. She received her bachelor's degree from Queens College.

Dr. Muraskin's main interests are those of gender disparities within the criminal justice system. She is a frequent lecturer on issues of gender.

CONTRIBUTORS

Spencer R. Baker, Ph.D., is Assistant Professor of Education at Hampton University, Hampton, Virginia.

Cyndi Banks, Ph.D., is assistant professor in the Department of Criminal Justice at Northern Arizona University.

Barbara Bloom, Ph.D., is a faculty member of the Department of Criminal Justice at the California State University–Sonoma, Rohnert Park, California.

Hoan N. Bui, Ph.D., is a faculty member at the School of Criminal Justice at Michigan State University.

Jody Clay-Warner, Ph.D., is Assistant Professor of Sociology at the University of Georgia.

Meda Chesney-Lind, Ph.D., is Professor of Women's Studies at the University of Hawaii at Manoa.

Mona J. E. Danner, Ph.D., is Associate Professor of Sociology and Criminal Justice at Old Dominion University.

Elizabeth Piper Deschenes, Ph.D., is with the Department of Criminal Justice at California State University, Long Beach, California.

Lynette Feder, Ph.D., is an Associate Professor of Criminology and Criminal Justice at the University of Memphis.

Laura L. Finley is a doctoral student in criminology at Western Michigan University.

Peter S. Finley is a master's degree student in educational leadership.

Laura T. Fishman, Ph.D., is Associate Professor of Sociology at the University of Vermont.

Kimberly L. Freiburger is employed as an investigator in the Enforcement Division of the Department of Professional Occupational Regulation in Virginia.

Evelyn Gilbert, Ph.D., is a visiting professor in the Criminal Justice Program at the University of North Florida.

Thomas E. Guild, J.D., is Professor of Business Law at the University of Central Oklahoma.

Zelma Weston Henriques, Ph.D., is a professor in the Department of Law and Police Science at the John Jay College of Criminal Justice, City University of New York.

Drew Humphries, Ph.D., is Professor of Sociology as well as Director of the Criminal Justice Program at Rutgers University, Camden Campus.

Ida M. Johnson, Ph.D., is an associate professor in the Department of Criminal Justice at the University of Alabama.

Ciunial Jones serves on the staff of Illinois Treatment Alternatives for Safe Communities.

Janice Joseph, Ph.D., is Professor of Criminal Justice at the Richard Stockton College of Criminal Justice.

Kimberly Kempf-Leonard, Ph.D., is Professor of Criminology, Sociology, and Political Economy, and Director of the Center for Crime and Justice Policy in the School of Social Sciences at the University of Texas at Dallas.

Arthur J. Lurigio, Ph.D., a social psychologist, is Professor of Criminal Justice and a member of the graduate faculty at Loyola University, where he serves as department chair.

Joan Luxenburg, Ed.D., L.C.S.W., is a professor and Chair of the Sociology, Criminal Justice, and Substance Abuse Studies Department at the University of Central Oklahoma.

Sue Mahan, Ph.D., is Coordinator of the Criminal Justice Program at the University of Central Florida–Daytona Beach.

Zina T. McGee, Ph.D., is Endowed University Professor of Sociology at Hampton University, Hampton, Virginia, where she also serves as codirector of the Behavioral Science Research Center.

Michelle L. Meloy, Ph.D., is Assistant Professor of Criminology at Widener University.

Cheryl L. Meyer, Ph.D., J.D., is a faculty member at Wright State University in the School of Professional Psychology.

Susan L. Miller, Ph.D., is Professor of Sociology and Criminal Justice at the University of Delaware.

Etta F. Morgan, Ph.D., is Assistant Professor of Criminal Justice at Pennsylvania State University–Harrisburg.

Laura J. Moriarty, Ph.D., is associate professor in the Department of Criminal Justice and Assistant Dean of the College of Humanities and Sciences at Virginia Commonwealth University.

Martin L. O'Connor, J.D., is Associate Professor of Criminal Justice at the C.W. Post Campus of Long Island University.

Barbara Owen, Ph.D., is in the Department of Criminology at California State University, Fresno, California.

Tara C. Proano-Raps has earned her doctorate in clinical psychology at Wright State University, School of Professional Psychology.

Christine E. Rasche, Ph.D., is Associate Professor of Criminal Justice and Sociology at the University of North Florida, Jacksonville, Florida, where she also serves as the Director of the Graduate Program.

Jill Rosenbaum, Ph.D., is with the Department of Criminal Justice at California State University, Fullerton, California.

Inger Sagatun-Edwards, Ph.D., is a professor in the Administration of Justice Department at San Jose State University, where she has been department chair since 1992.

David E. Schulberg, J.D., is a part-time instructor at the Long Beach Community College in California.

Robert T. Sigler, Ph.D., is a professor in the Department of Criminal Justice at the University of Alabama.

Alisa Smith, Ph.D., is an assistant professor at Ramapo College of New Jersey.

James A. Swartz, Ph.D., is Director of Research and Information Services at Illinois Treatment Alternatives for Safe Communities.

Paul E. Tracy, Ph.D., is Professor of Criminology, Sociology, and Political Economy, as well as Director of the Crime and Justice Studies Program in the School of Social Sciences at the University of Texas at Dallas.

Cindy E. Weisbart is currently completing her doctoral degree from Wright State University's School of Professional Psychology in Dayton, Ohio.

Nanci Koser Wilson, Ph.D., is Professor of Criminology at Indiana University of Pennsylvania, where she is also a member of the Women's Studies Faculty.

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Tremendous thanks to all the contributors to the third edition of *It's a Crime: Women and Justice*. Their contribution has made this the largest volume ever and the best yet to be produced with regard to women and justice. All of the contributors have written in their areas of expertise, lending their research, knowledge, and love of the topic. They are all to be commended for their outstanding contributions.

A big “hug” and “thank you” to my editor, Kim Davies, who is one of the best in the field. She is a delight to work with and I look forward to many more projects. Thanks also to her assistant, Sarah Holle, who works hard to put together a finished project that all of us can be proud of. Special thanks to Naomi Sysak, an editor with whom it has been my pleasure to work, who knows how to lend an ear when needed.

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And once again a BIG THANK YOU to my husband, Matthew, who stood by me continuously while I devoted so much of my time to my “second love,” that of writing.

Roslyn Muraskin

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