

Third Edition

INVESTIGATING DIFFERENCE

**HUMAN AND CULTURAL RELATIONS
IN CRIMINAL JUSTICE**

Sarah Prior and Lynn Jones, editors



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Dedication

To our Criminology and Criminal Justice students, past, present, and future, and to any others who are grappling with the important questions about difference, inequality, and justice.

*To our supportive partners and lovely children who helped us along the way.
You are the reason we do this work.*

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FOREWORD

“Discovery consists of looking at the same thing as everyone else does and thinking something different.”

ALBERT SZENT-GYÖRGYI

This book is an invitation to think *differently* about justice. Readers will be guided in deep exploration of justice—its meaning and administration—through consideration of *difference*.

The third edition of *Investigating Difference* is produced by faculty primarily housed in the College of Social and Behavioral Sciences at Northern Arizona University with leadership from scholars in the Department of Criminology and Criminal Justice. *Investigating Difference* offers readers a distinctive collection of essays that weave together insights from social sciences in an interdisciplinary study of intersectionality of socially constructed difference and systems of justice.

Readers will develop a rich understanding of the meaning of difference, especially its significance in relation to notions and administration of justice. By examining how difference is constructed, manifested, and perpetuated through systems of justice, readers will gain insights about how intersecting dimensions of difference shape norms and policies that define criminality, dynamics of social control, experiences of victimization, and the operation of systems of justice. *Investigating Difference* offers a distinctive framework for understanding tensions, paradoxes, and problems inherent in efforts to achieve justice in societies around the world. It reveals how inequality, globalization, culture, international/intercultural relations, politics, religion, social movements, and changes affect conceptions and experiences of justice, laws, and systems of adjudication and sanction.

In this place and time, we tend to think about justice in terms of individual conduct and outcomes. At the same time, we are likely to conceive of difference as matter of individual variations. The essays in this book coalesce around the insight that individual attributes are meaningless outside a context that construes their meaning, designates associated traits and proclivities, and ascribes on their basis position in a structure of relations and power. The radical implications of the perspectives of construction of difference and intersectionality for the practice of justice are considered by authors who bring focus to varied dimensions of social stratification.

Investigating Difference takes readers on a journey of inquiry to discovery. Readers will be provoked to bring a new perspective to familiar ideas, practices, and patterns in the administration of justice. I congratulate the editors and authors for crafting this powerful volume and bringing to students of justice a new edition that elaborates on the core themes of prior editions with attention to new and emerging issues.

Royalties from sales of this book are directed exclusively to scholarships and other support for students at Northern Arizona University. I thank the authors for investing in our students—those who will shape the future.

Karen Pugliesi, Ph.D.
Dean, College of Social and Behavioral Sciences
Northern Arizona University
April 2016

PREFACE

As this book was going to press, Donald Trump was elected President of the United States, even as Hillary Clinton won the popular vote. This was reminiscent of the 2000 presidential election in which Al Gore lost to George W. Bush, even though Gore won the popular vote. The social and political dynamics of difference played an important role in this election as they do in all elections. Social scientists are quick to point out the gender gap in voting, or how different racial and ethnic groups align with particular candidates. Intersections of social class, education, and age with gender and race/ethnicity also matter significantly as we attempt to understand voting patterns.

In part, the outcome of this election is surprising as many look back to the campaign itself. The campaign period emphasized difference with a female candidate in Clinton and the negative rhetoric of Trump. Several chapters in this book highlight Trump's negative characterization of difference regarding immigrants, members of the LGBTQ community, women, people with a disability, and members of racial minority communities. These comments exacerbated an already divided nation around issues of identity. In the coming weeks, months, and years, difference will continue to hold center stage in social interactions, political decisions, and our laws and policies. It is up to us as students, as scholars, as justice workers and professionals to continue to recognize difference as a resource rather than a source of division or hatred.

New to This Edition:

- Reorganization of the chapters and book sections to move beyond a prioritization of race and instead to emphasize the multitude of social identity categories that matter in the justice system
- New content including chapters on intersectionality, specialty courts, and whiteness, as well as newly authored and conceptualized chapters on gender, sexual orientation and gender identity, victimization, African Americans, Asian Americans, immigration, disability, and religion
- Priority given to the theme of intersectionality and overlapping identities in the context of criminal justice and social justice
- Additional discussion of globalization and the impact on victims, offenders and practitioners in the justice system
- Special topics within chapters in the form of short text boxes, including case studies and a few personal experiences written by practitioners doing justice work in the community
- Each chapter begins with learning objectives and ends with discussion questions

INSTRUCTOR SUPPLEMENTS

Instructor's Manual with Test Bank. Includes content outlines for classroom discussion and teaching suggestions from the text. This also contains a Word document version of the test bank.

PowerPoint Presentations. Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

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ALTERNATE VERSIONS

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ACKNOWLEDGMENTS

In the time since the previous two editions of this book, our department has changed somewhat in terms of personnel, and so the process of creating a third edition shifted. Rather than creating a collectively edited volume, we instead grounded the third edition in information gathered about “what works” regarding the text and its content with discussions among the faculty teaching our Investigating Difference course, as well as a publishers’ survey of faculty use of the text. We acknowledge the hard work of the faculty involved in the original edition, including Marianne Nielsen and Barbara Perry who led that first editorial effort. In her role as Chair of the Department of Criminology and Criminal Justice, Marianne Nielsen facilitated the work of the current editorial team in launching the third edition; our current Chair, Phoebe Morgan, continued to facilitate department support of this project. We also thank the Dean of the College of Social and Behavioral Sciences for her interest in the new edition, as well as for her involvement by writing our foreword.

With the first edition, the emphasis on difference and criminal justice was a fairly novel idea for a text and for criminal justice curriculum. In our own department, what was a single class on difference has evolved into a broader curricular emphasis such that issues of social construction of difference, inequality, criminal justice, and social justice cut across most of our courses. As such, we were able to draw on many of our faculty to author chapters and textboxes (which are a new feature of the third edition) in ways that reflect their own research and teaching on issues of difference. Some chapters in this third edition reflect our new department, and we are excited to have new authors in the book: Christy Arazan (specialty courts), Stephani Williams (race), Brooke de Heer (victims), and Sarah Prior (multiple chapters and co-editor). We also appreciate the additional contributions by authors in the second edition who agreed to write new chapters: Rebecca Maniglia (whiteness), Nancy Wonders (gender), Lynn Jones (multiple chapters and co-editor), and Mike Costelloe (immigration). We are grateful for the willingness of individuals outside our department who participated by writing in their areas of expertise, as well as followed our requests to incorporate more justice themes or topics. In particular, we acknowledge these contributions by our Northern Arizona University colleagues and those outside the university: An Tuan Nguyen (Ethnic Studies, chapter on Asian Americans); Mohamed Mohamed (Sociology, chapter on religion); Carole Mandino (Civic Service Institute, chapter on the elderly) and her co-author, Sherry Bell (Arizona attorney); Katherine Mahosky and Karen Applequist (Institute for Human Development, chapter on individuals with disability) and their co-author, Meghan McDowell (Winston Salem State University). We also thank our numerous textbox authors, including our department colleagues and others outside the department and university. Look for these in each chapter—these really improve the new edition!

We thank the NAU Interns-2-Scholars program, which funded student support for our project. Dominic Garduno, an undergraduate Criminology and Criminal Justice major, helped gather data for authors. We also thank two graduate students, Madeline Stenger and Jenna Fejervary, for their research assistance and editorial support in response to our many requests as editors. We would like to thank Nicole Jamila Hendricks (Holyoke Community College) who reviewed the previous edition and provided helpful comments. We also thank Gary Bauer, Jennifer Sargunar and Purnima Narayanan (and the many others behind the scenes) at Pearson for their help with the editorial and production process, and their sustained interest and enthusiastic encouragement for a revised edition of this book.

We are pleased to remind you that we continue to deposit all royalties from this book into our Investigating Difference Scholarship Fund. Undergraduate and graduate students receive support for travel to present their research at conferences or to otherwise support their scholarly activities. Cheers to our next generation of researchers!

*Sarah Prior and
Lynn Jones*

May 2016

Introduction

Investigating Difference

Sarah Prior and Lynn Jones

The United States remains one of the most diverse countries in the world. As we discussed in the first two editions of *Investigating Difference*, difference matters, particularly in the United States and in the globalized world, because of the increased contact and interaction with people we see as “others.” **Difference matters, period.** In the ever-globalizing world with increased trade and communication, socially constructed ideas about difference matter. As we discussed in the second edition of this book, understanding difference is critical for society as a whole, but particularly crucial for those involved in the criminal justice system. Seeing difference and diversity as a resource, rather than a problem or as something to fear or hate, allows us to strive for equality, equity, and justice.

Though we know that ideas about gender, race, sexuality, ability, and class, among others, are “real” in the sense that they matter and have significant social and institutional consequences, we also know that the meaning behind these identity categories is socially constructed and that it changes over time. There is no biological race. Instead, there are the socially constructed meanings that we have applied to race, thus prioritizing whiteness in the United States over other racial groups. Skin pigmentation, phenotype, ethnic origin, and similar characteristics have all been used to justify ideas about who should and who should not have power in the United States. Socially constructed ideas about gender roles and sex categories perpetuate a patriarchal system that prioritizes hegemonic masculinity and heteronormativity over femininity and sexual minorities. This means that society, not biological fact, has created the notion that men are strong and women are weak.

As we wrote the third edition, significant events took place in the United States that reignited discussions of how difference matters in relation to the criminal justice system. Many of these events will be discussed in further detail in later chapters: the shooting of Michael Brown in Ferguson, Missouri, and the killing of Eric Garner in New York; the riots that took place in Baltimore in response to the death of Freddie Gray, and the growth of the Black Lives Matter movement; and Trayvon Martin’s death and George Zimmerman’s acquittal—all further charged the national dialogue about race. We are in the middle of a very contentious political election. The media coverage and national conversation about Republican candidate Donald Trump and his proposals to ban Muslims from the United States and to build a wall between the United States and Mexico have further sparked contention about racialized politics, immigration, and the distinction between free speech and hate speech. We have felt the consequences of the implementation of the Affordable Care Act, both positive and negative, and the ways health care has continued to be an issue of justice and equity (or lack thereof) in the United States. The Supreme Court struck down the Defense of Marriage Act (DOMA) and ruled in favor of legalizing marriage equality (*Obergefell v. Hodges*). Transgender advocates grew more vocal in their quest for equality, which was further emphasized in the public transition of Bruce Jenner, a U.S. Olympic gold medal athlete, to Caitlyn Jenner. These are just a few of the many widely publicized issues that took place since the last edition of this book. It is a particularly ripe moment to discuss issues of difference.

THIRD EDITION ROADMAP

The previous editions of *Investigating Difference* have helped students and faculty acknowledge and understand that difference is something to be seen as a resource and to be celebrated. There are those who continue to view difference as a negative, or as something to be feared or hated. This fear often results in violence. In addition to violence, these views of difference also create bias or unequal justice responses. It is because of this we continue to think about how difference matters in the justice system.

As a department of criminology and criminal justice, we continue to promote a broader curricular emphasis on issues of the social construction of difference, inequality, criminal justice, and social justice, and our faculty continue to engage in these broader issues in their teaching and scholarship. As such, the third edition of this text reflects changes to the department and an evolution of how our single class, CCJ 345W: *Investigating Difference*, has transformed into a broader departmental standpoint on issues of difference, diversity, and justice.

There are changes in the third edition that are both structural and content-oriented. In this edition, readers will notice new textboxes in each chapter that are used to further emphasize ideas presented throughout the text. Some of these textboxes present case studies, while others are anecdotes or personal stories from professionals in the field. Authors for these textboxes come from a broad range of disciplinary backgrounds, including faculty from our department, colleagues with expertise in certain areas from other departments within the College of Social and Behavioral Sciences (SBS) and other colleges at Northern Arizona University, community partners, and other justice professionals.

In addition to the textboxes within each chapter, readers will also notice that each chapter begins with chapter objectives and ends with chapter discussion questions. These objectives and questions are meant to facilitate learning for students and provide teachers with additional tools to utilize concepts within the book. We hope that students and teachers find these additions helpful as they traverse often-complicated discussions about difference. Additionally, the book has been reorganized and sections have been restructured. In each new part, there are section introductions that provide readers with an overview of the important concepts and ideas presented in that section, as well as more thematic linking to the book as a whole.

As we thought about how to investigate difference in our own lives, in our teaching, and in our commitment to the community and to our students, we recognized that our previous editions of this text seemed to prioritize certain kinds of difference over others. This is true in our everyday lives. Race, in particular, is a difference category that is prioritized in the United States. We do not mean prioritized in that race is privileged, but rather that it is the difference category most often talked about. We fell into the same problem. Our previous edition spent significant time discussing issues of race and neglected other difference categories. We wanted to spread out the discussion of difference in this new text. As you will see, we still spend significant time discussing racial categories; however, we have reframed several other chapters to more thoroughly address other issues of difference. Some chapters in this text have been updated, while others have been completely rewritten. In addition to the updating and re-envisioning of some chapters, we also wanted to prioritize and more clearly discuss the importance of *intersectionality*. In the second edition, Nancy Wonders wrote that “the organization of this book uses specific historic group identities as a heuristic device for exploring differences. However, to the extent that it is possible, each chapter will touch on some of the ways that differences overlap to affect justice experiences and outcomes as a way to remind readers that lived experiences are always a product of unique intersections between individual biographies and the larger social world” (2009, p. 20). While some

chapters throughout the text did a strong job of discussing how experiences are affected by overlapping identities, many did not do so thoroughly. Some identities are more likely to have a positive or negative impact on experiences with the justice system, yet some compounded identities either further advantage or further disadvantage individuals. In this edition, we wanted to emphasize that identities and their social meanings matter for how people experience the criminal justice system in the United States in both positive and negative ways.

Chapter Overview

Based on this, we have reorganized the chapters in this current edition. We begin with a more theoretical focus on issues that pertain to investigating difference in the criminal justice system in *Part One: Framing Difference*, such as social construction, racism, sexism, intersectionality, microaggressions, and privilege, among many others. The next two chapters (Wonders, Chapter 2, and Prior and Jones, Chapter 3) define and discuss important concepts that will be threaded throughout the entire text. Wonders' chapter (Chapter 2) is an updated version of the chapter in the second edition, while the chapter by Prior and Jones (Chapter 3) is a newly written chapter highlighting concepts that are linchpins throughout the text. We then move to an updated version of Nielsen and Maniglia's chapter on cultural competency and communication (Chapter 4) and to finish out Part One is a new chapter on specialty courts in the United States (Arazan, Chapter 5). In this chapter, Arazan highlights how the use of specialty courts (like drug courts, veterans courts, and family courts) can further advance equity in our justice system. These types of courts move beyond a sole focus on incarceration and instead emphasize the important context of offending and the value of rehabilitation and restoration.

With *Part Two: Categories of Difference: Gender and Sexuality*, we decided to discuss issues of gender and sexuality earlier in this version of the text. Part of this was due to the fact that our survey of instructors teaching the course, both on our campus and on campuses around the country, highlighted that these issues were eclipsed by the many chapters devoted to race and thus presenting them earlier will help shed additional light. This is particularly timely given the recent legal battles regarding everything from marriage equality to public bathrooms, as well as political contests in which female candidates sometimes experience sexism. All three chapters in this section are newly written chapters that address issues discussed in previous editions, but in new ways and by new authors. Chapter 6 is a re-envisioning of the discussions on gender by Wonders. Too frequently when we discuss gender, it is code for "women." The chapter in the previous edition was limited in this way. Though the chapter provided excellent information about women in the criminal justice field as victims, offenders, and professionals, it neglected to discuss how men's experiences with the justice system differ. The next chapter (Jones and Prior, Chapter 7) is a new look at issues faced by people in the LGBTQ community as well as broader sexuality and gender identity issues. This chapter builds on Wonders' discussion of sex and gender and emphasizes that while sex and gender are often conflated with sexuality, each are related but distinct. To round out this section, we have a new chapter on victimization (de Heer and Jones, Chapter 8) that is theoretically grounded in victimology and utilizes campus sexual violence as a case study to highlight intersectional issues in victimization. This chapter further elaborates on the overall section themes around gender, and the authors also illustrate common misconceptions about victims and victimhood that are detrimental to victims of crime who do not fit within the "good victim" framework.

Part Three: Categories of Difference: Class and Race focuses primarily on race and class issues in the United States. Michalowski (Chapter 9) revisits his previous chapter on social class and provides a broad and intersectional discussion of class in America.

This section then moves to discuss issues of race in the United States, including a newly written chapter on whiteness (Maniglia, Chapter 10), an updated and revised chapter on Native Americans (Nielsen and Robyn, Chapter 11), and two newly authored chapters on African Americans (Williams, Chapter 12) and Asian Americans (Nguyen, Chapter 13). Michalowski's and Nielsen and Robyn's chapters (Chapters 9 and 11, respectively) are both revisions of chapters that appeared in the second edition of this text. The chapter on whiteness is a concept that was not addressed in the previous edition. The other chapters in this section are topics that were discussed in the previous edition, but new authors have revitalized and re-envisioned them into what you see here (Chapters 12 and 13).

We live in northern Arizona, and our state is a ripe place for discussions on issues of immigration and justice. While ultimately this is a continuation of identity categories based on race/ethnicity, we have decided to combine these chapters into their own section, *Part Four: Categories of Difference: Immigration and Race*, given the primacy of immigration panic that happens around us. First, Costelloe (Chapter 14) re-envisioned the chapter from the previous edition on issues of immigration and violence. He provides a historical overview of immigration and immigrant mobility in the United States. Alvarez (Chapter 15) revises and updates his previous chapter on Latinos in the United States and highlights important regional issues such as Arizona Senate Bill 1070 (SB 1070). Lastly, Costelloe (Chapter 16) concludes this section with an updated discussion of how immigration (particularly undocumented immigration) serves as a moral panic in the United States and casts immigrants (documented or not) as threats.

Our final content section, *Part Five: Categories of Difference: Forgotten Difference*, investigates identity categories that are often neglected in the typical "race, class, gender" discussions. We start this section with two chapters focused on age as a category of difference. Maniglia (Chapter 17) updates her discussion on juveniles/youth in the justice system, and Mandino and Bell (Chapter 18) revise and update Mandino's previous discussion of aging and the elderly in the justice system. Chapter 19 is a newly written chapter by Mahosky, McDowell, and Applequist that looks at disability in terms of difference. Lastly, Mohamed (Chapter 20) wrote a new chapter on religion and discusses the historical and contemporary significance religion plays in interactions with the justice system.

The concluding section of the book, *Part Six: Reframing Difference*, briefly wraps up the text and reminds us that difference matters, and that meanings of difference can be reconstructed for social justice and criminal justice.

Reference

- Wonders, N. (2009). Conceptualizing difference. In The Criminology and Criminal Justice Collective of Northern Arizona University, *Investigating difference: Human and cultural relations in criminal justice* (2nd ed., pp. 10–22). Upper Saddle River, NJ: Prentice Hall.

Framing Difference

This section of the book provides readers with an overview of how difference matters in the criminal justice system. As was discussed briefly above, some chapters in this section are more theoretical in nature and focus on important concepts that are used throughout the remainder of the text. These chapters are really the foundation of the book. Rather than focusing on specific identity categories (i.e., race, gender, ability, etc.), these chapters look at the structural and institutional components of difference and examine how difference is constructed, criminalized, celebrated, and contested within the criminal justice system.

SOME NOTES ON TERMINOLOGY

Throughout these first few chapters, readers will be provided with a number of important concepts that will be further elaborated on throughout the rest of this book. Some of these terms appeared in previous editions of this text, others are new to this edition. Many of these concepts are hotly debated and are often sources of significant contestation.

Chapters 2 and 3 that follow are best discussed together not only because they are thematically related, but also because Chapter 3 builds on and further defines concepts discussed by Wonders in Chapter 2. In her update to the chapter “Conceptualizing Difference,” Wonders provides additional clarification to her chapter in previous editions. She discusses the power of ordinary people to construct difference differently through politics, social movements, daily life, and, importantly, in their work as justice professionals. She has provided additional context and elaboration on some of the contemporary global justice challenges that are linked to difference and provides additional attention to strategies of social change. Her updated chapter also provides important new concepts such as *cultural capital* in her discussion of social class and *social stratification* in her discussion of structured social inequality. In her discussion on the socially constructed and blurred nature of gender, she provides additional discussion of concepts like *gender identity* and *gender expression*. Additionally, Wonders introduces the concept of *microaggressions*, which is discussed throughout the text in order to highlight the destructive impact of these kinds of devaluations. Overall, this chapter has additional references to historical circumstances, and provides broad discussion on issues such as the *micropolitics* of everyday life, color-blind and gender-neutral ideologies, additional challenges facing a globalized world, and a discussion of how human rights can be an important framing device.

Building on Wonders’ incredibly strong introduction, Prior and Jones’ newly added chapter provides readers with additional theoretical discussion on some of the important concepts that are emphasized throughout the book. First, Prior and Jones provide a much more thorough discussion of the theoretical concept *intersectionality*. They build on Wonders’ brief discussion and elaborate on the historical nature of the concept and how it has been used. Kimberle Crenshaw (1989) originally coined intersectionality when she attempted to discuss the experiences of women of color, specifically black women, in the legal sphere. Similar to Wonders, Prior and Jones expand on the point that understanding

the experience of blacks and then analyzing the experience of women is by no means the same as understanding the experience of black women. The fact that multiple identity categories can be compounded to further disadvantage and oppress certain groups of people further emphasizes the need to understand difference from an intersectional framework. While intersectionality can be an important framing tool, some scholars have argued that it has been applied in an inconsistent and messy manner and instead urge us to utilize other frameworks such as Ken's (2007) *interlocking oppressions* framework. In their discussion of interlocking oppressions, Prior and Jones highlight some of Ken's key arguments such as the use of social locations as a tool to think theoretically about both social and physical locations because individuals are often relegated to specific social locations that come with a variety of advantages and disadvantages. In using the term interlocking, Ken is pushing scholars and activists to recognize that social identity categories do not merely intersect one another. They are "completely bound up with one another, incapable of being separated" (Ken, 2007, p. 13). Prior and Jones also highlight the fact that the previous discussion of race, class, and gender tended to ignore the experiences of "unmarked" normative groups such as white people, members of the middle class, and able-bodied individuals. Building on Wonders' discussion of *microaggression*, Prior and Jones provide a definition and numerous examples of how microaggressions have become part of the national dialogue. As will be discussed in more detail throughout the text, in contrast to the kinds of blatant overt discrimination that the United States saw during the Jim Crow era, microaggressions emphasize the subtler and covert kinds of discrimination commonly found in everyday language and interactions. These kinds of microaggressive behaviors often come from well-intentioned people, who do not know, understand, or realize how harmful their behavior is. It is what Harvard Professor of Psychiatry Alvin Poussaint calls "death by a thousand nicks." Prior and Jones additionally add a discussion of *racialization* in order to demonstrate the complex process of socially constructing and ascribing characteristics and meanings to biological racial categories. Lastly, Prior and Jones discuss the importance of understanding privilege in order to understand difference. In the previous edition of this text, Gould (2009) described the importance of understanding *privilege* as being *earned* or *unearned*. Prior and Jones further this discussion of privilege and describe how most privilege and disadvantage comes from unearned identities. For example, race, gender, and ability are identities that are unearned, so any advantage/privilege or disadvantage/oppression that comes with them is also unearned. Prior and Jones close this discussion by providing the example of how difficult it is for some groups to understand privilege when they do not feel like they are experiencing it.

In the second edition of this text, Nielsen and Maniglia provided important discussion of cultural competency and the significance of communication for justice professionals. Throughout their revised chapter, Nielsen and Maniglia (Chapter 4) provide several examples of communication competence and the rewards of competent communication. While justice professionals have been receiving training on intercultural communication since the 1960s, recently these trainings have been reexamined to ensure that justice professionals, especially police officers, get the training they need to deal with cultural changes in the communities they serve. As the authors highlight, diversity significantly influences communication. They specifically examine three such diversity categories, *gender*, *culture*, and *power/status*, in order to demonstrate the importance of cross-cultural communication and competency. Nielsen and Maniglia further elaborate that since culture is largely *non-spoken/nonverbal* in that it is transmitted through observation and imitation rather than through explicit instruction, becoming culturally competent is also about navigating nonverbal communication such as posture, dress, touching, facial expressions and eye behavior, or similar. The authors conclude their discussion of cultural competency and communication by

discussing the challenges to communication. They highlight issues of *stereotyping*, *ethnocentrism*, and *naming* and emphasize six critical skills for culturally competent communication, including *being mindful*, *managing ambiguity*, *managing anxiety*, *practicing empathy*, *adapting*, and *making accurate predictions and explanations*. These skills are crucial for all individuals interacting in our very diverse world, but are particularly crucial for justice professions in the pursuit of sustained justice.

The concluding chapter in Part One provides readers with a new chapter that investigates how difference matters in specialty courts. As Arazan (Chapter 5) describes, the United States has a history of responding to social problems with criminalization and incarceration, particularly in ways that create inequality. This will be further emphasized in many chapters throughout the text. This incarceration response, what many call the prison-industrial complex because of its apparent tie to economic interests, has disproportionately and significantly affected poor communities of color. Policies implemented in response to the War on Drugs have been statistically more harmful to non-white communities, which means that many of our jails and prisons have disproportionate minority populations in their facilities. The failure of mandatory minimums and other policies in achieving their goals has fueled incarceration and this has led to grassroots social movements seeking a justice system that meets the unique needs of the offenders, victims, broader community, and the courtroom workgroup. In this chapter, Arazan provides a historical overview of how specialty courts were created and gives the social and political context to how they currently operate. She discusses how specialty courts function differently from traditional criminal courts, such as by replacing the traditional adversarial court process with a process that is more collaborative, often treatment-oriented, and is geared to long-term success. She examines many examples of specialty courts, including the most prevalent court, *drug courts*, but also *mental health courts*, *veterans treatment courts*, *tribal health to wellness courts*, and *domestic violence courts*. Arazan concludes her discussion of specialty courts with an overview of the benefits as well as unintended consequences and the future of these courts. As Arazan points out, existing research on specialty courts shows the potential of this alternative, which has saved taxpayer dollars, reduced recidivism, and can more adequately address the unique needs of some offenders than can traditional criminal courts.

Taken together, the chapters in Part One are meant to provide readers with a very broad understanding of how difference matters in terms of academic theories, overall societal interaction, and also in terms of the criminal justice system. These chapters provide the framework for the later discussions of specific categories of difference. It is our hope that by the end of this book readers are better equipped with a historical understanding of difference, with new terminology, and with a contextualized knowledge of how issues of difference and privilege intersect and inform how we interpret and understand each other.

References

- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1989(1), article 8.
- Gould, L. (2009). Privilege and the construction of crime. In *The Criminology and Criminal Justice Collective of Northern Arizona University (Eds.), Investigating difference: Human and cultural relations in criminal justice* (2nd ed., pp. 23–38). Upper Saddle River, NJ: Prentice Hall.
- Ken, I. (2007). Race–class–gender theory: An image(ry) problem. *Gender Issues*, 24(2), 1–20.

Conceptualizing Difference

Nancy A. Wonders

CHAPTER OBJECTIVES

- Explore how and why difference is socially constructed.
- Analyze the relationship between power, privilege, and difference.
- Explain how soft and hard social control, categorization, prejudice, stereotyping, discrimination, and law help to create and maintain difference.
- Explore how the concept of intersectionality informs consideration of difference.
- Discuss the consequences of the social construction of difference for justice professionals.
- Consider the challenges and opportunities globalization poses for investigating difference and attaining greater justice for all.

Despite the critical role that difference plays within the criminal justice system, it is rare for either practitioners or scholars to spend time investigating difference. It is often taken for granted that the differences between people are natural and obvious and, therefore, uncontroversial. Yet, little about difference is actually either natural or obvious. And difference is far from uncontroversial.

In this chapter, I outline some of the important insights about difference that have emerged from the contemporary literature on difference and identity. My primary objectives are to explore “difference” as a topic of study, introduce some of the key concepts and common themes regarding difference that are contained in the chapters that follow, and examine links between difference and contemporary justice challenges. The subsections that follow offer answers to these questions: What is difference, and where does it come from? Why do some differences matter while others do not? What is the relationship between law and difference? Why study difference within the field of criminology and criminal justice?

DIFFERENCE IS SOCIALLY CONSTRUCTED

A great many people think that the most important differences between individuals are fundamentally biological. Race, ethnicity, sexual orientation, gender, age, and even social class are frequently viewed as inherited traits—what sociologists call *ascribed characteristics*. In this view, people are designated “female” or “male” because they are born with particular genitalia. People are “black” because they were born with dark skin; “white” because their skin is lighter in color. What is most interesting about biology, however, is not how different we all are from each other, but rather how remarkably similar most people are in both design and function.

Indeed, the biological differences that do exist between people rarely matter in themselves; instead, people make differences matter through the process of social interaction, which is to say that difference is *socially constructed*. It is the *meaning* attached to differences—including biological differences—that makes some kinds of difference matter

more than others. From this perspective, constructing difference is a social process that can only be understood historically, contextually, and culturally—we are all “doing difference” all the time (Fenstermaker & West, 2002). To reiterate, *the social construction of difference* is the phrase used to describe the social and cultural meanings attached to human variation.

Of course there are many biological differences between people. Some people have larger noses, smaller feet, larger breasts, or lighter skin. However, biological differences do not come with instructions telling us how to think about or respond to them. In fact, if biology were destiny, we probably would not spend so much time and money dressing our girls in pink and our boys in blue because boys would be “naturally” masculine and girls “naturally” feminine, regardless of the color of their clothes or other markers used to signify their sex to the rest of the world. Nor would Jews have been made to wear yellow stars during World War II so that they could be identified easily. Nor would children born with ambiguous genitalia have been surgically altered to become either “female” or “male.” Nor would we need to eat certain kinds of traditional foods or engage in particular cultural celebrations to reinforce our ethnic identities. But the reality is that we put enormous energy into constructing and enforcing gender, ethnicity, sexuality, race, and other differences as a kind of insurance against “nature.” Race, ethnicity, gender, sexuality, social class, and even age reflect the meaning we give to differences rather than natural facts about our biology. To further illustrate this point, let’s examine some of the ways that the historical meanings associated with the categories of sex and gender, sexuality, race, and ethnicity have changed over time.

Today, it is frequently assumed that women are naturally more interested than men in fashion and beauty, and that these interests are associated with femininity and femaleness. It is important to remember, however, that in Victorian England, it was men who wore wigs, high heels, stockings, and frilly blouses. Instead of exhibiting femininity, this set of differences was strongly associated with masculinity and power and the ability to purchase these accessories was closely linked to social class and wealth. Only “real men” wore wigs! Biology is clearly not destiny. For this reason, many scholars find it useful to make a distinction between biological “sex” and “gender”: *sex* refers to human variations in bodies, hormones, genitalia, and reproductive abilities (which have relatively limited consequence since reproduction directly affects only a small portion of the human life cycle), whereas *gender* refers to the social characteristics, statuses, and legal identities that have come to be loosely associated with sex (e.g., these typically fall along a range from femininity to masculinity) (Lorber, 2011). Sexual variation exists, but it is the meaning that is made out of that variation through the construction of gender that has the greatest consequence for individual life chances. Importantly, children must be taught how to act in gender-appropriate ways. The behaviors associated with each gender, however, have changed over time as society has changed, and are not determined by biological differences. History reveals that:

Sex categorization involves no well-defined set of criteria that must be satisfied to identify someone; rather, it involves treating appearances (e.g., deportment, dress, and bearing) as if they were indicative of an underlying state of affairs (e.g., anatomical, hormonal, and chromosomal arrangements). The point worth stressing here is that, while sex category serves as an “indicator” of sex, it does not depend on it. Societal members will “see” a world populated by two and only two sexes, even in public situations that preclude inspection of the physiological “facts.” . . . Gender, we argue, is a situated accomplishment of societal members, the local management of conduct in relation to normative conceptions of appropriate attitudes and activities for particular sex categories. From this perspective, gender is not merely an individual attribute but something that is accomplished in interaction with others.

(West & Fenstermaker, 2002, p. 65).