

**INTEGRAL Season Three: Gender Justice and The Common Good
Bannan Institute, Ignatian Center for Jesuit Education, Santa Clara University**

“Constructing Masculinity in the Criminal Justice System”

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THERESA LADRIGAN-WHELPLEY: Welcome to INTEGRAL, a podcast production out of the Ignatian Center for Jesuit Education at Santa Clara University; exploring the question: Is there a common good in our common home?

I'm Theresa Ladrigan-Whelpley, the director of the Bannan Institutes in the Ignatian Center and your host for this podcast. We're coming to you from Vari Hall on the campus of Santa Clara in the heart of Silicon Valley, California. This season of INTEGRAL, we're looking at the ways in which gender justice intersects with our pursuit of the common good.

STEPHANIE WILDMAN: Society needs to acknowledge gender.

PATRICK LOPEZ-AGUADO: We can see the clear evidence of the dangers involved in socializing practices that tie masculinity to power.

SHARMILA LODHIA: While there is a long history of feminist activism in India and a vibrant advocacy community working to address gendered violence in the region, there was something different happening here.

SONJA MACKENZIE: We must build movements in solidarity with those whose equal dignity is unequally endangered as we address the pressing societal, moral, and ethical dimensions of gender justice.

MYTHRI JEGATHESAN: Do they see women as extractive commodities and subordinated clients to patriarchal patrons? Or do they see them in the context of their desires and aspirations for the future?

THERESA LADRIGAN-WHELPLEY: To unpack these issues, we're joined today by Patrick Lopez-Aguado, Assistant Professor in the Sociology Department at Santa Clara, and Bannan

Institute Scholar in the Ignatian Center. Professor Lopez-Aguado holds a PhD in Sociology from UC Santa Barbara, and his research interests include juvenile justice, urban ethnography, and the collateral consequences of mass incarceration. He's currently completing a new book, entitled *Stick Together and Come Back Home*. Welcome Patrick!

PATRICK LOPEZ-AGUADO: Thank you Theresa. In examining how mass incarceration impacts us as a society, it is important for us to consider how criminal justice institutions function as socializing forces, particularly among young people. In my upcoming book, *Stick Together and Come Back Home*, I explore how criminal justice facilities institutionalize a range of identities, and among these are some very specific lessons about masculinity. To explore what these are, I'd like to begin with a looking at a fairly typical confrontation between boys in a juvenile justice facility, specifically, a classroom for youth on juvenile probation.

As is often the case in such clashes, it escalates quickly. We are in Mr. Castro's classroom, sitting in the back corner. In the middle of the room we can see Adam, a boy with shaggy hair and a forearm tattoo, talking to someone else two rows to his left and a few seats up, another boy with a fade wearing a grey hoodie. It's hard to hear what he's saying, but the boy in the hoodie glares back at him before yelling

BEN: Do something then!!

PATRICK LOPEZ-AGUADO: Adam stands up and the other boy immediately follows. As the boys stare at each other, Mr. Castro and his in-class assistant both shout for them to stop. Adam takes off, running through the row of desks between them. He turns the corner around a desk and charges down the aisle towards his rival, but Mr. Castro runs up the same aisle and intercepts him, catching him in his right arm a mere 3-4 feet before Adam can reach his target.

The boy in the hoodie, now comfortably behind Mr. Castro, steps back and laughs at Adam, slouching his shoulders back to flaunt a relaxed and unconcerned posture. The school's probation officers and security guards rush into the room and the teachers point out the

two boys. They push the boys to opposite sides of the room and handcuff them to take them out. As he's being cuffed, Adam looks over his shoulder and yells out to the boys who were sitting by him before he rushed his rival.

ADAM: You saw me! That boy backed up hella!

PATRICK LOPEZ-AGUADO: More so than actually inflicting any damage on his opponent, it is important for Adam that he is recognized as the aggressor, and that it is known that it was the other boy who took a step back. His blind charge at the boy in the hoodie is quickly and predictably stopped before causing any harm, but done in the plain sight of his peers it has still accomplished its purpose. Indeed, the interaction is evaluated by the other boys in the class within a few minutes of it unfolding. When another student comes in late, the boys in class excitedly fill him in on what he just missed, twisting around in their seats and hurriedly describing the event. Mr. Castro tries to get them to focus back on the lesson plan but they are too interested in recapping the fight to pay attention. They ignore him and continue to recount – and more importantly, evaluate – the confrontation and the parties involved. Oscar, the student sitting next to me, shakes his head in disapproval when discussing the boy in the hoodie.

OSCAR: That fool backed up too much man.

PATRICK LOPEZ-AGUADO: Adam's actions in the classroom – his immediate response to the boy's challenge, being the first to strike, his need to be subdued by an authority figure, the shaming of the other party for stepping back, and the intentional visibility of his attack – are all aspects of a performed masculinity that the students at this school refer to as “acting hard.”

This is an identity performance that is intended to be seen by others, a spectacle designed to demonstrate one's willingness to fight, and refusal to back down against perceived challenges or threats. This kind of public masculinity is a learned adaptation to violence, as boys learn to protect themselves and avoid a perception of vulnerability by cultivating a public reputation as someone capable and willing to use violence. But of course these

reputations can also easily backfire and create violence, as fights become hard to avoid once someone is challenged, and can expose already criminalized boys to additional surveillance and punishment.

In doing the research for this book, I spent a year volunteering at a probation high school and a juvenile hall in Fresno, California, and in this time I found that this sense of masculinity was shaped by boys' exposure to three forms of violence in the criminal justice system: First, fights that were based in institutional rivalries; second, the anticipated threat of sexual assault; and third, violence experienced at the hands of law enforcement.

In the face of these threats, boys learn to recognize and enact masculinity as the ability to manage these forms of institutional violence. They learn to protect themselves from these threats by crafting hypermasculine & aggressive public images that will dissuade targeting or assault, and help them protect their own physical safety and dignity. Sociologist Elijah Anderson refers to this learned response as the "code of the street", something that functions as a way of shielding oneself from neighborhood violence by learning to wield it. But for Adam and the other boys in the juvenile justice system, acting hard is an identity performance shaped by the specific dangers they encounter in the criminal justice system. This is important because the forms of violence that shape these performances are themselves all directly structured by criminal justice institutions. This means two things: First, that it is these institutions that are then socializing this hypermasculinity; and second, these institutions then also have the opportunity to control not only this violence, but also the dangerous masculinity that it produces.

To understand this point, let's look at some of these influential forms of violence more closely. As youth are brought into the juvenile justice facility, they are categorized by their race and neighborhood into presumed gang affiliations, regardless of whether they are actually active in gangs or not. For most of the Latina and Latino youth in Fresno, this means they are labeled as either Bulldogs, Norteños, or Sureños, and then separated from each other. The effect of this segregation is not only the gradual institutionalization of these identities, but also the growing recognition of youth in the other categories as dangerous

enemies. Enacting these identities consequently entails showing a willingness to aggressively confront rivals, and this comes to be intertwined with how young people understand masculinity.

Interestingly, this becomes most visible when Andrea, one of the few girls at the school, embodies this expectation. When some of the boys at school hear of a fight she got into over the weekend, they tell her that she fights like a guy. She responds:

ANDREA: You gotta act like a guy, or they'll treat you like a bitch. You can be a dog, or you can be a bitch.

PATRICK LOPEZ-AGUADO: Andrea equates being a dog with being willing and able to fight, and conflates this with "acting like a guy," conflating this posture with accomplishing masculinity. But she also explains that girls are similarly held to this standard in order to access respect. The alternative is being seen as a weak or vulnerable "bitch," a status that leads boys to be ostracized and bullied, and girls to be dismissed and objectified. This distinction between "being a dog" and "acting like a guy" vs being a bitch draws our attention to how students here learn to situate their gendered selves within a binary determined by participation in violence, and understand masculinity as owned by those who readily confront physical threats as opposed to those who retreat from them.

But this binary is not just defined by participating in violence, because it's also defined by vulnerability and victimization; and I say this because the identification of "bitches" as a constructed counterpoint to masculinity needs to be understood in the context of system that pipelines criminalized youth out of schools and into jails and prison systems – places that youth understand as spaces in which weak men are raped. The anticipation of someday facing this threat incentivizes boys to diminish their own vulnerability by identifying less masculine peers as likely targets of assault; and they learn to do this by framing these boys as feminine.

For example, one day a new student in class reveals fresh tattoos that read “love” and “hate” on his ankles when he pulls his socks down to apply lotion to them. Upon seeing them, the boys around him immediately start denigrating him.

ADAM: You got “love” tattooed on your ankle?? Better not go to ANY pen!

OSCAR: They’ll see him when he gets there and be like “sup’ little girl!”

PATRICK LOPEZ-AGUADO: In identifying someone else as a “bitch” or as a likely victim, boys in the juvenile justice system learn to demonstrate that they are NOT victims by pointing out someone weaker who would likely be victimized instead. In so doing, they claim a position on the masculine side of the system’s gender binary, the side that they understand to be safe.

Now these forms of violence – institutionalized rivalries and threats of sexual violence – are both structured and facilitated within criminal justice institutions by strategies that are used to manage their populations. These include categorizing and segregating the incarcerated, or overlooking or ignoring sexual violence in overcrowded institutions. But the criminal justice system also exposes young people to violence outside of the facility in ways that similarly cultivate hypermasculinity. Many of the boys reported experiencing violence from police during stops or arrests. This included being punched, having guns pointed at them, but also discursive violence: being called a “pussy,” a “fag,” or other terms intended to denigrate their masculinity. In these encounters, officers attempt to assert their own control over these youth through physical force or intimidation, in much the same way that young people learn to “act hard” with each other inside the juvenile justice facility.

To counter this, boys then try to assert their own power over these encounters, either through physically fighting back or finding other ways to resist. For example, when he and his friend are stopped by police for tagging, Ben tells his friends in class about it the next day.

BEN: The cop called him a bitch cuz they didn’t see him writing. They just caught him with the cans, and he wouldn’t tell her what he writes. It was a lady cop and I guess she was

kinda fine, cuz while she was patting him down he was like “oooooh, oooooh.” So she was asking what he writes and what crew he’s in, and was like “don’t be a bitch, give it up!”

PATRICK LOPEZ-AGUADO: In Ben’s story, the officer uses the same “bitch” epithet to establish a power dynamic with these youth. In talking back, his friend resists THIS by framing the encounter as an instance in which he is instead in control, because the officer is supposedly sexually pleasuring him. In the process, he undermines the officer’s authority by relying on his ability to sexually objectify women, and using this to assert some measure of power over them. The performance aspect of this masculinity is also clear. Not only is the friend displaying this resistance for Ben, but he’s also counting on him passing the story on to his peers. In so doing, he crafts a public image of himself as controlling what happens to him.

The implications of the masculinity that is socialized through the criminal justice system are that – in order to protect themselves – boys learn to act out in ways that perpetuate violence and rationalize their own criminalization. This magnifies the risks that they face and while also pushing them further down the school to prison pipeline; but what is important to remember about this socialization is that it is something that state institutions have a direct hand in. The violence that shapes this masculinity is ultimately structured by the criminal justice system itself, through how its institutions handle or dictate youth labeling, sexual assault, or the use of force by police. These policies not only constitute harm that this system is imposing onto marginalized young people, but through this socialization, also contributes to a broader harm of perpetuating a dangerous masculinity. In these young people’s stories, we can see clear evidence of the dangers involved in socializing practices that tie masculinity to power, and how this patriarchal understanding of masculinity not only disempowers women, also brings a great deal of harm to young men and boys.

As we focus in this series on this idea of the common good, we have regularly been shown and reminded how protecting that common good requires attacking the inequalities that oppress members of our community, or that pit us against each other. Pursuing this

common good then pushes us to critique the means that structure, socialize, or continue such inequalities. In this case, this involves critically reassessing the policies that dictate how our society handles the young members of our community who have been marked as criminal. If our criminal justice system is to create a safer community for us all, as it proposes to do, it must begin with protecting those who are in its immediate grasp, and not teach them to protect themselves through violence, aggression, and power.

THERESA LADRIGAN-WHELPLEY: Thanks for listening to INTEGRAL, a Bannan Institute podcast of the Ignatian Center for Jesuit Education at Santa Clara University. Special thanks to Professor Patrick Lopez-Aguado for his contribution to today's episode. Coming up next week is Stephanie Wildman and Adam Chang, who will be exploring questions of gender and gender justice from legal and advocacy perspectives.

Technical direction for INTEGRAL was provided by Fern Silva and Tim Rose. Our Production Manager is Kaylie Erickson, and our Production Assistant is Manuel Sanchez. Thanks to Mike Whalen for advisory and editorial support. You can find us on the web at scu.edu/integral, or subscribe via iTunes, SoundCloud, Stitcher, or Podbean.