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Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice

*Laurie Schaffner*

The beginning of delinquency in girls is usually an impulse to get amusement, adventure, pretty clothes, favorable notice, distinction, freedom in the larger world which presents so many allurements and comparisons. The cases which I have examined (about three thousand) show that sexual passion does not play an important role, for the girls have usually become “wild” before the development of sexual desire, and their casual sexual relations do not usually awaken sexual feeling. Their sex is used as a condition for the realization of other wishes. It is their capital.¹

INTRODUCTION

Maria Gutierrez,² a fifteen-year-old Chicana student, sat in a Northern California juvenile detention facility awaiting a disposition hearing on her case. She was charged with violating California Penal Code Section 288(a): “lewd or lascivious acts with a child under 14 years of age.” In this case, the victim was her younger brother. Maria Gutierrez had an idea of how she came to commit her crime. Her file included a letter she wrote

²The names and identifying details about participants, their life stories, and on-going cases have been altered to protect their confidentiality.
while attending a court-ordered sexual offenders' class. In big, round, childlike handwriting, she described in detail how her father abducted her at age 11 from her mother's care. She retold her experience of his violent incestuous rape, relating that he sodomized her with foreign objects, and shared her sexually with numerous other adult male friends of his. Four years later, Gutierrez awaited disposition on her own sex offense case.

Seventeen-year-old African American Yolanda Robbins went to live with her father when her parents separated. According to her probation records, when her father decided to move away, he assigned custodial guardianship of Robbins to her twenty-year-old boyfriend. Within a few months, Robbins was charged with stealing a car, using false identification, and possession of an illegal or controlled substance, methamphetamine. Her boyfriend/guardian was her co-defendant. As she awaited a long-term out-of-home placement, Robbins self-consciously declared that "all my troubles started with my boyfriend."

Cases like Maria Gutierrez' and Yolanda Robbins' comprise the jumbled human stories behind the statistics of female juvenile delinquency. In some ways typical, in others anomalous, each case reflects and reinforces assumptions that the state makes regarding female sexuality and gender norms as it intervenes to protect communities, guide young women, and punish criminal behavior.3

While juvenile arrests for violent crime increased by nearly half between 1988 and 1992, arrest rates overall have been in decline since 1994.4 Nevertheless, detention rates for female juveniles exhibit an alarming upward trend.5 In the San Francisco City and County juvenile detention facility, for example, girls' bookings for all offenses jumped 121% from 1990 to 1994.6 Indeed, 25% of all juveniles arrested nationwide are female.7 This figure reflects a 32% increase since 1984.8

3. Young women in the juvenile justice system generally range from 11 to 17 years of age, varying by jurisdiction. See GIRLS INC., OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, PREVENTION AND PARITY: GIRLS IN JUVENILE JUSTICE 3 (1996) [hereinafter GIRLS INC.]. Girls younger than this are often processed through dependency, not delinquency, courts. I use the terms "girls" and "young women" interchangeably. I also use the term "girls" to refer universally to the mostly low-income, white, Latina, African American, Asian and bi-racial girls, and for heterosexual, lesbian, bisexual, and questioning young women throughout the juvenile justice system.


5. See Adopted minutes of general meeting, San Francisco Juvenile Justice Commission (Aug. 7, 1997). Concerns over the continuing increase in the numbers of female detainees and overcrowding in the Girls' Unit persist. See id.


7. See GIRLS INC., supra note 3, at 1.

8. See SCHAFFNER ET AL., supra note 6, at 3.
There are notable differences in types of offenses for which boys and girls are detained. Perhaps juvenile crime statistics reflect and reinforce social myths regarding gender and crime: males are violent, females are sexy. More young men are arrested for violent offenses than young women. A disproportionate number of females are referred to juvenile probation departments for status and other non-violent offenses compared to their male counterparts. Girls run away from home at a higher rate than boys, and are arrested for curfew and loitering violations more often than boys—suggesting that girls are processed in the juvenile system for being where they are not supposed to be, more often than boys. Fifty-seven percent of juvenile arrestees for running away (a status offense) are girls.

Also notable is the fact that girls come to the attention of the juvenile probation system for varying, but often gender- and sexually-related troubles. These offenses are commonly linked to a wide variety of experiences.

9. Young women are processed in juvenile justice systems for violent crimes and property crimes, as well as for sexually-related offenses. See GIRLS INC., supra note 3, at 4-5; MEDA CHESNEY-LIND, THE FEMALE OFFENDER 11-16 (1997). Even when girls are processed for violent and property crimes, their accounts of events leading to their offenses often reflect gender- and sexually-related experiences. See GIRLS INC., supra note 3, at 4; NATIONAL COUNCIL ON CRIME AND DELINQUENCY, California Girls Initiative: Identifying the Needs of Young Women in the Juvenile Justice System (Leslie Acoca & Kelly Dedel, Principal Investigators, forthcoming 1998). Actually, the most frequent charge brought against both male and female juveniles arrested in 1985 and 1994 was larceny theft. See CHESNEY-LIND, supra at 13. However, risk factors for girls in juvenile justice differ from boys in important ways. Trouble for girls is more often linked with emotional stress, physical and sexual abuse, negative body image, risk of eating disorders, pregnancy and suicide. See Jane Ollenburger & Kathy Trihey, Juvenile Justice: Differential Processing and the Illusion of Equality, 13 HAMLIN J. PUB. L. & POL.'Y 229, 234 (1992). For boys, common risk factors are alcohol use, poly-drug use, accidental injury, and delinquency. See id.

10. See SNYDER & SICKMUND, supra note 4, at 2.

11. See GIRLS INC., supra note 3, at 27. Status offenses include curfew violations, truancy, incorrigibility, or running away from home—acts which would not be crimes if the person had achieved the status of adulthood. See also Ollenburger and Trihey, supra note 9, at 235. (noting that nationwide in both public and private facilities as of February 2, 1987, juveniles detained for delinquent acts were 77% male and 38% female yet juveniles detained for non-delinquent acts were 23% male and 62% female.)

12. See GIRLS INC., supra note 3, at 5.

13. See SNYDER & SICKMUND, supra note 4, at 2.

14. See generally CHESNEY-LIND, supra note 9, at 23-31. Furthermore, youths internalize adult gender-stereotypes and express them in gendered delinquent behaviors. Put colloquially, it is often said that boys come to the attention of juvenile authorities through “acting out”: offenses involving violence, robbery, destruction of property, or arson. See SNYDER & SICKMUND, supra note 4, at 2. I suggest that girls tend to come to the attention of the juvenile authorities through “acting in” with emotional behaviors—dropping out of school due to “family problems,” trouble involving emotional, romantic, or sexual relationships, self-mutilation, and other psychological problems such as eating disorders and suicide attempts. These practices, more prevalent among young women than young men, are behaviors involving girls’ feelings and often their bodies—defiling themselves rather than destroying public property. See Joan Ryan, A Painful Statement of Self-Identity: ‘Body Modification’ is a S.F. Subculture’s Rite of Passage, S.F. CHRON., Oct. 30, 1997, at A1.
ences: having an older boyfriend; behaving in an oppositional, defiant, incorrigible manner; behaving in a promiscuous or sexually precocious manner; dropping out of school due to family-related problems and pregnancies; running away from home to escape emotional neglect and sexual assault; or participating in prostitution or other sex work. I suggest that a gender-specific theoretical lens will uncover explanations for these patterns.

Hidden in the stories behind the statistics is an alarming and undertheorized trend. A disproportionate number of girls come into the juvenile system with family histories of physical and sexual abuse, as well as emotional neglect. Studies estimate that close to 70% of girls in the juvenile justice system have histories of abuse, compared to the approximately 20% rate of physical abuse for the teenage female population as a whole. One nationwide study of girls in juvenile correctional facilities found that 61% of girls had been physically abused, while 54% had been sexually abused. According to a recent nationwide study of adult women in the criminal justice system, 67.5% of incarcerated women reported being violently victimized as young girls. Understanding this link between sexual coercion, sexual injury, and subsequent female delinquency becomes salient as the increasing prevalence of sexual abuse is more widely known to health specialists, and as arrest and detention rates for girls increase at unprecedented levels.

This exploratory essay suggests that re-examining female delinquency by contextualizing girls’ experiences may reveal new ways to understand girls’ decision-making processes. This essay builds upon Chesney-Lind’s notion that many of the processes involved in adjudicating female juvenile delinquency are often criminalizations of girls’ material, emotional, and psychological survival strategies.

15. This essay focuses on these sexualized offending behaviors. Girls’ violent offending behaviors form part of the topic of forthcoming research. See Laurie Schaffner, Worlds of Girls in Trouble: Female Adolescent Agency and State Intervention (unpublished, ongoing Ph.D. dissertation, University of California (Berkeley)) (on file with author).

16. See Barbara Owen & Barbara Bloom, Profiling the Needs of Young Female Offenders in Report to the Executive Staff of California Youth Authority 8 (Jul. 1997); Jacqueline Stock, et al., Adolescent Pregnancy and Sexual Risk-Taking Among Sexually Abused Girls, 5 Fam. Plan. Persp. 200, 200-03 (1997). Anecdotal evidence from people who work with girls in detention also supports this notion—as one public defender put it, “ninety-five percent of girls in Juvenile Hall have been sexually abused and the other five percent are liars!” Theresa Moore, Fate of S.F. Girls in Justice System, S.F. Chron., Jul. 22, 1996, at A13.


19. See Chesney-Lind, supra note 9, at 16. Contestations over definitions of “delinquency” cross disciplines. For instance, psychoanalysts and psychiatrists who “treat” “female sexual delinquents” struggle theoretically to weave the legal framework in their so-
For example, a key component to navigating the connection between gender biases and sexualized female juvenile delinquency is an understanding of how emotional reactions to sexualized trauma unconsciously guide behavior. Social forces sexualize the context of some girls’ lives and encourage them to focus on narrow framings of sexuality and sexual expressions. Furthermore, some girls ‘choose’ to be ‘sexy’—participating in a kind of ‘sexification’ of their own lives. How are sexual trauma—including assimilating sexism and the sexification of girls’ lives—and female delinquency related? I suggest that, for some girls, rather than being the problem, delinquent behavior may in fact be a solution to other larger life problems. In essence, girls are socialized to respond to sexism and trauma in gendered and sexualized ways. I describe this process as the employment of sexual solutions to general life problems. However, when they employ such solutions, often girls are penalized by a patriarchal correctional system.

Part I of this essay introduces the notion of sexualized solutions of female juvenile offenders. Part II presents a brief historical overview of girl-specific delinquency. Part III explores four formations of gendered sexualizations and delinquency: resisting conformity through oppositional behavior; filling an empty family life with an older boyfriend; acting on lesbian desire and its repercussions; and responding to sexual injury.

Studying the attitudes, beliefs, and experiences that animate girls’ decisions may uncover the moral horizons that form the basis of their hidden “good girl” and “bad girl” decision-making. Without contextualizing...
young women’s behavior and seeing it as arising from within emotional strategies supported by sociocultural influences such as sexual orientation, race and ethnicity, and socioeconomic class conditions, the juvenile justice and social service systems will continue to offer ineffectual social and legal interventions.  

I. SEXUALIZED SOLUTIONS TO GIRLS’ PROBLEMS

Growing up female includes facing delicate sexual dilemmas. Pubescent and adolescent girls must learn to navigate the world of being feminine and attractive without getting raped. The discovery of the sexualization of their bodies as well as the effects of sexism and homophobia on the way they manage their lives, affects girls’ moral horizons and their decision-making processes. Indeed, the range of choices and decisional pathways that are available to young women are inextricably linked to social sanction, approval, and gendered definitions of moral propriety.

For example, for some teenage girls, trying to be really “good girls” (for instance, getting on school honor rolls, obeying their parents, always keeping trim appearances, not dating anyone) may be a strategic response to locate “blame” for girls in trouble. The first theme blames the girls themselves: girls are sick, bad, immoral, defective, and deviant and that is why they get into trouble. These researchers tend to focus on personal characteristics of individual offenders. See, e.g., Jane Addams, The Spirit of Youth in the City Streets 7-13 (1910); Sheldon Glueck & Eleanor Glueck, Five Hundred Delinquent Women 13-14 (1934); J. David Hawkins, Delinquency and Crime: Current Theories viii (1996). Furthermore, contemporary criminologists continue to make Cesare Lombroso’s case that genetic defects and evolutionary drives influence delinquent behavior. See David Rowe, An Adaptive Strategy Theory in Crime and Delinquency, in Delinquency and Crime 268, 270 (Hawkins ed., 1996) citing Cesare Lombroso, Crime, Its Causes and Remedies 151-74 (1911). The second theme blames girls’ social worlds: girls are oppressed, constrained by a gendered double standard, labeled, victimized, somehow valiantly struggling to do their best in an asymmetrical social system and sexism (and bad older men) forces them into incestuous relations and vice. See, e.g., William Isaac Thomas, supra note 1, at 109; Meda Chesney-Lind & Randall G. Shelden, Girls, Delinquency, and Juvenile Justice 3-4 (1992). See generally Rachel Pfeffer, Surviving the Streets: Girls Living on Their Own (1997). The “good girl/bad girl” framing results from the first explanatory scheme. I work, in general, from the second framework and use the term “good girl/bad girl” to highlight its anachronistic. See Deborah Tolman & Tracy Higgins, How Being a Good Girl Can Be Bad for Girls, in “BAD GIRLS”/”GOOD GIRLS”: WOMEN, SEX, AND POWER IN THE NINETIES 205, 206, 221 (Nan Bauer Maglin & Donna Perry eds., 1996).

25. See Mark Jacobs, Screwing the System and Making it Work 232-34 (1990). See also Cheryl Dalby, Gender Bias Toward Status Offenders: A Paternalistic Agenda Carried Out Through the JJDPA, 12 Law & Inequality 429-56 (1994).


27. See Tolman and Higgins, supra note 24, at 222.

to the sexual dilemma of growing up female.\textsuperscript{29} The tortured decisional processes inherent in “good-girl delinquency” are evident in what the media has dubbed “Prom Moms”—cases of pregnant cheerleaders and other middle-class girls who so fear their mothers’ disapproval that they abandon their newborns in bathrooms or dumpsters.\textsuperscript{30} But this “good-girl delinquency” is a feature of a wider paradigm: the sexualization that controls and constructs female adolescence, and that may be linked to many girls’ pathways into delinquency.\textsuperscript{31}

The sexualization of female life is a process that takes many forms, including the sexual objectification and devaluation of girls’ bodies and the sexualization of their awareness. Through this subtle socialization process, some girls internalize a sexualized lens through which they view many non-sexual aspects of their lives.\textsuperscript{32} Girls learn gender norms—sexual norms, beauty norms, maternity norms, all as a part of their socialization into contemporary mainstream society.\textsuperscript{33} Gendered sexualizations occur within two broad processes. First, non-sexual problems such as problems at school, troubles with peers, parents, or generally, in the family are solved with sexual solutions (for instance, by getting a new boyfriend). Second, girls’ selves, their lives, and their concerns are sexualized by their immersion in gender-stereotypical media images, consumer messages, and popular youth culture (including music videos, teen magazines, cosmetic and drug commercials, and \textit{Melrose Place}-type television programs).\textsuperscript{34} As a result of these processes, events in girls’ lives in general—such as interactions in family conflicts, educational problems, psychosexual and psychosocial difficulties with the tasks of adolescent individuation—are linked to differing, sometimes harmful, framings of their female sexuality and gender role expectations.\textsuperscript{35} This gendered over-sexualizing influences young women’s sense of self and their decision-making behavior, and may

\textsuperscript{29} See Tolman & Higgins, supra note 24, at 208.
\textsuperscript{35} By comparing boys’ and girls’ experiences of sexuality at puberty, sociologist Karin A. Martin finds that as girls emerge from puberty they learn “negative discourses about women’s bodies and female sexuality that cause them to feel devalued.” \textit{Karin A. Martin, Puberty, Sexuality, and the Self: Girls and Boys at Adolescence} 121 (1996).
draw girls into the juvenile justice system on different pathways than those of boys.36

Focusing on the gender-specific sexualizations of the female experience may uncover explanations for some female delinquency. While gender stereotyping and sexual objectification will not explain all female delinquency, theorists and criminologists have noted that these dynamics explain many difficulties that women experience.37 In general, delinquency theory needs to be retrieved from its male’s eye view of juvenile crime in order to better serve female delinquents.38 This article argues for the replacement of gender bias with gender-specific awareness which broadens our understanding of gendered sexualizations and their association with female delinquency.

II. GIRL-SPECIFIC DELINQUENCY: A HISTORY OF STATE-IMPOSED MORALITY

State participation in the sexualization of female juvenile delinquency has a well-documented history.39 Institutional interest in the moral and sexual behavior of young women was evident in the establishment of the juvenile probation system in 1899.40 During that era, the doctrine of par­ens patriae organized the rehabilitative principles of juvenile reform institutions.41 This doctrine postulated that if the parents could not adequately raise decent, law-abiding citizens, the judiciary could intervene to act en loco parentis.42 In hindsight, it is not clear whether the state intervened as

36. See CHESNEY-LIND & SHELDEN, supra note 24, at 2-4. See also CHESNEY-LIND, supra note 9, at 23-31.
38. See CHESNEY-LIND, supra note 9, at 16-23, 29-31; ACOCA & AUSTIN, supra note 17, at 134-41.
42. See id.
protective father or abusive patriarch. Nevertheless, court records from the turn of the century indicate that adolescent girls' entrance into the juvenile probation system often came by way of an adult identifying them as engaging in "morally dubious behavior" or as being "sex delinquents." For example, all teenage females referred to Juvenile Hall in Los Angeles during the Progressive era were given mandatory pelvic examinations to ascertain whether or not they were sexually active.

Age-of-consent statutes and sentencing patterns also proved to be sites for gendered double standards. For example, until 1972 in New York, the designated juvenile age limit was 18 years old for girls but merely 16 years old for boys. Gender bias pervaded sentencing practices as well. Fixed periods of detention in juvenile correctional facilities were set for felony and misdemeanor offenders, who were predominantly male. By contrast, status offenders, predominantly female, were punished with indeterminate sentencing to be decided later by parents, facility staff, and the court. Conway and Bogdan note that this practice sometimes resulted in girls spending more time in lock-down for "behavior considered to be promis-

43. See id. at 425. The social movements for change during the 1960s brought the notion of a paternalistic court intervening to save children's lives under the critical scrutiny directed towards the state generally. See Kent v. United States, 383 U.S. 541 (1966) (reforming juvenile law to ensure that juveniles could not be waived to adult criminal courts for trial without a formal hearing before a judge, without the assistance of a lawyer); In re Gault, 387 U.S. 1 (1967) (reform in juvenile law ensuring recognition of rights of juveniles such as notification of charges, protection against self-incrimination, the right to confront witnesses, and the right to have written transcripts of proceedings); In re Winship, 397 U.S. 358 (1970) (reform requiring more extensive proof to establish the validity of a petition). See KRISBERG & AUSTIN, REINVENTING JUVENILE JUSTICE 49, 70, 82 (1993); David J. Steinhardt, Status Offenses, 6 THE FUTURE OF CHILDREN 86, 90 (1996). See also Jonathan Simon, Power Without Parents: Juvenile Justice in a Postmodern Society, 16 CARDOZO L. REV. 1363, 1368-69 (1995).

44. See Odem & Schlossman, supra note 39, at 186, 187, 197.

45. See id. at 192. Current practices indicate that juvenile intake procedures may still reflect anachronistic attitudes regarding the sexual nature of girls. Girls are offered medical and gynecological care, including AIDS tests, upon entrance to juvenile probation systems, and are administered pregnancy tests automatically when they return to placement after an escape. See MANN, supra note 37, at 150-51. It is unclear whether boys receive the same degree of treatment and counseling. For example, it is important to know whether young men are tested for the possibility that they are sexually transmitting diseases and questioned for the possibility that they may have fathered children when they enter juvenile corrections and as they come and go in placements. As standard medical procedure upon a return from going AWOL from the system, are all males also queried carefully as to all their sexual activity, including if they possibly impregnated anyone while out on a run from placement? Further research is needed to ascertain whether there are differences in care administered to boys and girls, and if so, what is the rationale employed to explain the differences. See Dalby, supra note 25, at 449.


47. See id. at 132. In 1972, New York lowered the age limit to seventeen years old for females. See id.

48. See id.
“promiscuous” than male felons. Furthermore, the authors found that, even as late as the 1970s, girls’ primary offenses were “being ungovernable,” which “may be translated as being promiscuous.”

Girls’ involvement in the juvenile justice system remains undertheorized. Most delinquency theories are derived from data about boys’ behavior and are often assumed to accurately reflect girls’ experiences as well. The significance of the interaction among factors such as gender bias, the sexualization of girls’ lives, and their troubled behavior has yet to be explored.

III. THE SEXUALIZATION OF GIRLS’ LIVES

A sexual double standard permeates girls’ lives—in the family, educational system, media, and juvenile justice system. This double standard, as one team of criminologists notes, rewards male adventure but punishes girls’ sexual exploration. Gendered assumptions about sexual behavior are not questioned, challenged, or problematized, and thus are covertly perpetuated. For example, male offenders are presented as “naturally” aggressive and sexually assertive. Girls in general, unlike boys, are framed as interested in feelings and relationships.

Yet, the influences of sexual and romantic problems in girls’ lives and the role that gender expectations play for them cannot be ignored when talking to girls who are being processed through the juvenile justice system. For example, Laura Robles, a 15-year-old Southern California Chicana resident in detention related her story. Caught transporting a stolen car across the border, she stated:

All my anger and all my hurt just gets there—just hurts and builds up and I just go off and do things. Me and my [20-year-old] boyfriend, we were in Texas, and I told him, “I don’t want to go!”

49. See id. at 133.
50. See id.
52. See CHESNEY-LIND & SHELDEN, supra note 24, at 89.
53. See Rolf Loeber, Developmental Continuity, Change, and Pathways in Male Juvenile Problem Behaviors and Delinquency, in DELINQUENCY AND CRIME 11 (J. David Hawkins ed., 1986); David Farrington, The Explanation and Prevention of Youthful Offending, in DELINQUENCY AND CRIME, supra at 72, 74; David Rowe, An Adaptive Strategy Theory of Crime and Delinquency in DELINQUENCY AND CRIME, supra at 270. Researchers’ case file reviews of girls in juvenile probation reveal all-too-frequent notations in the girls’ probation files about their promiscuous behavior, remarks about their lack of proper “feminine” appearance, and references to “many sexual partners.” Future comparative research should examine the extent to which such notations are present in boys’ files.
54. See, e.g., CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN’S DEVELOPMENT xv, 160 (1982); SHARPE, supra note 22, at 204-09.
he hit me and he forced me to go. He didn’t leave me alone for a minute—even to pee! But then I took the keys and left and I was returning and I got caught!55

Robles’ story needs to be “unpacked” from a generic (male) “stolen car” scenario in order to better understand her choices and actions. The evidence of how girls’ delinquency often reflects a criminalization of their survival strategies lies in such accounts.56 One only has to visit girls who are sitting in detention for running away from sexually abusive situations to see this criminalization of their survival attempts.

The sexualization of teenage girls’ problems takes many forms and may develop according to different patterns. These patterns, such as having an older boyfriend or being sexually abused early in life, are not mutually exclusive. What follows are four ways in which girls’ troubles with the law acquire sexual overtones and are influenced by varying constructions of gender: oppositional resistance, empty families, acting on lesbian desire, and sexual injury.57

OPPOSITIONAL RESISTANCE AND ANGRY GIRLS.

Some girls respond with uncertainty, anxiety, or anger to oncoming gendered expectations.58 Adult sex roles for women consist of norms such as heterosexual coupling and traditional middle-class conceptions of femininity, for example, being obedient daughters, wives, and mothers.59 When girls act outside of gender role expectations they are often chastised, despised, and punished.60 Specifically, when girls express anger, are “hard to handle,”61 openly act on sexual desire, “self-authorize” their own behavior,62 use “offensive” or confrontational language,63 or behave with valor and frankness,64 they tend to receive negative attention from school and ju-

55. SCHAFFNER, supra note 23.
56. See Chesney-Lind, supra note 51, at 5; CHESNEY-LIND, supra note 9, at 23-32.
57. This is not an exhaustive list by any means. For the purposes of this essay, I have
simply selected four examples.
58. See BRUMBERG, supra note 32, at xxii-iii & 216 at n.9.
59. See Nancy Galambos et al., Masculinity, Femininity, and Sex Role Attitudes in Early
Adolescence: Exploring Gender Intensification, 61 CHILD DEV. 1905 (1990); SCHUR, supra
note 33, at 52-53.
60. See Galambos et al., supra note 59, at 1912; SCHUR, supra note 33, at 52-53.
61. Teresa Bernardez, Adolescence Resistance and the Maladies of Women: Notes from
the Underground, in WOMEN, GIRLS, AND PSYCHO THERAPY: REFRAMING RESISTANCE 213-22
(Carol Gilligan et al. eds., 1991) [hereinafter WOMEN, GIRLS, AND PSYCHO THERAPY].
62. “Self-authorization” is a term that Lyn Mikel Brown uses to describe when girls
speak openly about their life experiences, to “hold on to what they feel and think and
therefore know.” Lyn Mikel Brown, Telling a Girl’s Life: Self-Authorization as a Form of
Resistance, in WOMEN, GIRLS, AND PSYCHO THERAPY, supra note 61, at 71, 72-73.
63. One case study revealed that the young woman chose to speak in such a way because
she “had not succeeded in being heard in any other way.” Bernardez, supra note 61, at 218.
64. Id. at 217.
Teresa Bernardez notes that: "[Girls express their] grave disappointment about their fate as women, unequal treatment in relation to their brothers, history of sexual abuse, and observing a devalued female in the household who allows herself and her daughter to be mistreated." Bernardez suggests that interpreting defiance as healthy and worthy of support can be fundamental to recovery and to an optimal use of girls' abilities. Feminist theorists, psychologists, and social workers who work with adolescent girls reframe this resistance as sex-role defiance; they consider "oppositional" behavior to be an incipient feminist challenge to adult female stereotypes.

For example, Denise Rydell, a fifteen-year-old high-school dropout had a petition sustained on a violation of California Penal Code Section 245, assault with a deadly weapon. She lived in a house with six other youths under the age of eighteen, including her mother's other biological daughter and four foster children. There were many dimensions to Rydell's troubles, but when asked about the main reasons she ran away from home, she replied:

My ma don't let me do nothin'! I like to go places. She won't let me go to a party. Magic Mountain, jus' out kickin' it with my friends. She want me home at 6:00 PM, before dark! I ditched the whole six weeks of summer school. We went to "ditching parties." I need more freedom to just do what I got to do!

According to Rydell's account of the event that resulted in her detention, she picked up a kitchen knife and hunkered down on the sofa with her arms crossing her chest, holding on to the knife. She claimed that she would hurt her mother if her mother didn't listen to her and let Rydell do what she wanted. Obviously, many other important emotional, family, and personal dynamics animated this young woman's behavior. Too often,

65. Id. at 219.
66. Id.
67. See WOMEN, GIRLS, AND PSYCHOTHERAPY, supra note 61, at 1; Bernardez, supra note 61, at 221. See also CATHERINE MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW 8 (1987); Rich, supra note 21, at 182; Lynn E. Ponton, Issues Unique to Psychotherapy with Adolescent Girls, 47 AM. J. PSYCHOTHERAPY 353, 361 (1993).
68. The legal language differs in the juvenile system from the adult corrections system, and youths and their families in the system learn it like a second language. For example, adults are "incarcerated" and have "guards," juveniles are "detained" and have "counselors." Adults are "accused," "tried," "convicted" ("found guilty"), are "sentenced," "jailed," and "paroled." Juveniles "have petitions filed," "petitions sustained," have an "adjudication hearing," have "disposition hearings," are "committed," and "placed on probation." See Laurie Schaffner, Families on Probation: Court-Ordered Parenting Skills Classes for Parents of Juvenile Offenders, 43 CRIME & DELINQ. 412, 428-29 (1997); FAMILY AND YOUTH SERVS. BUREAU, U.S. DEP’T OF HEALTH & HUMAN SERVS., SUPPORTING YOUR ADOLESCENT: TIPS FOR PARENTS 21-31 (1996).
69. From case file reviews. SCHAPPNER, supra note 15.
girls report that they do not feel heard until or unless there is an emotion­ally dramatic scene. While knife-wielding is dangerous and unacceptable behavior that requires strong intervention, in general, the refrain is the same for troubled girls: “Look at me, listen to me: I need more freedom to do what I want.”

This yearning to be heard, understood, trusted, and to be granted more autonomy, commonly heard from runaways and girls in detention, would sound like reasonable and independent-minded thinking from middle-class girls with more social and cultural options, or from adults who have greater control over their own lives. But low-income and less advantaged adolescent girls are sometimes labeled with an “oppositional defiant disorder” by the mental health system, or as “ungovernable children in need of protective services (CHINS)” by juvenile probation systems. Psychiatric and probation case files are full of comments such as, “Lateshia is a very loud girl who just wants what she wants.” The girls in juvenile correctional facilities are often described as “pushy,” “emotional,” “loud,” and “inconsiderate” in their case files. Many probation personnel dread working with girls—it is common to hear them say that they prefer to work with boys because girls are “harder to handle.”

Granted, many girls in trouble are developmentally or emotionally disabled and in need of various cultural, educational, therapeutic, and legal interventions. Yet, socioeconomic class stereotypes and racism play a role in processing girls through juvenile correctional systems. Middle-class girls with economic, family, and community support may channel their anger and defiance into law degrees from Ivy League schools. Low-income girls in trouble need guidance so their righteous anger at injustice and victimization is not conflated with psychosexual and antisocial diagnoses and probation dispositions.

EMPTY FAMILIES AND OLDER BOYFRIENDS.

Some girls live in families where family life is worn down, depleted by economic and emotional tensions, and eroded morale. Fathers and hus-

70. See TERRI APTEr, ALTERED LOVES: MOTHERS AND DAUGHTERS DURING ADOLESCENCE 243-44 (1990). Sociologist Apter’s study revealed that adolescent girls’ fights with their mothers were not emotional and dramatic efforts by the girls to get their mothers to go away from them, but were actually struggles to get their mothers to see and hear them as the new, emerging, autonomous young adults the girls were becoming. See id.

71. A sample from case file reviews in juvenile facilities in Massachusetts, California, and Colorado.


73. See SCHAFFNER ET AL., supra note 6, at 15.

bands do not stay home. Mothers want and need to work out of economic and social necessity. Parents, absent due to divorce, overwork, substance abuse, incarceration, or death, may leave their daughters emotionally adrift in empty families. Recall Yolanda Robbins, whose family gave custodial guardianship of her to Robbins’ boyfriend, and whose account represents one way that girls might end up in juvenile facilities because of inattention from their families.

Adolescence has been described as a process of psychological and social separation from the family. Increased individuation shapes normative developmental processes during adolescence for both young men and young women, even and especially, when families are in disrepair. The task of separating from parents/guardians and developing independence in adult activities, such as working and loving, differs by gender, class, sexual orientation, and subculture. Furthermore, adolescence is a phase that centers on the fusion of sexual and social maturity. Typically, adolescent females turn to more public activities outside of the family, such as school and peers, for attention, love, and advice.

However, when an empty family life drives girls to seek attention elsewhere and school personnel are not available to meet their emotional needs, where do many adolescent girls turn for the nurturing and adult guidance they need? Increasingly, the emotional and psychological needs of young women are met with sexual solutions. For example, Julie Wood, a fifteen-year-old white youth interviewed in a Massachusetts detention facility in 1995 related:

I was so pissed off after my mom’s boyfriend raped me that I ran away from home. Me and my [25-year-old] boyfriend are gonna go get jobs in Las Vegas as soon as I get outta here. I didn’t know the car I was in was stolen, I swear!

Wood’s response to trouble in her family was to run away, find her boyfriend, and get out of town. The conflation of many problems: sexual


77. See Ponton, supra note 67, at 358.

78. See Apter, supra note 70, at 27.

79. See Mary Pipher, Reviving Ophelia: Saving the Lives of Adolescent Girls 23-24 (1994); Ianni, supra note 76, at 50. See also Joan McCord, Problem Behaviors, in At the Threshold: The Developing Adolescent 423 (S. Shirley Feldman & Glen R. Elliot eds., 1990).

80. See Pipher, supra note 79, at 22, 206, 291; Sharon Thompson, Going All the Way: Teenage Girls’ Tales of Sex, Romance, and Pregnancy 22 (1995).
abuse (complicated by its perpetration by her mother’s boyfriend, as opposed to a stranger against whom her mother could have possibly unequivocally defended her), the response of running away, her plan to “get jobs in Las Vegas” (which often means sex work for girls), and being in a stolen car, were further complicated because Wood’s main focus was her insistence on staying linked to her (much-older) boyfriend.81

Media-images that devalue women by presenting them as sex objects and by showing unrealistic images of sexual relations exacerbate sexual solutions for girls.82 The Spice Girls, Madonna, Lil’ Kim, or Foxy Brown music videos broadcasted on MTV, BET, and VH1 present “controlling images” of females in adolescent culture.83 Through acceptance of these supposedly “counterculture” ideals in video scenarios of females and their relationships with males, girls are encouraged to internalize the notion of a sexual-romantic fix for their unmet educational, familial, economic, and developmental needs.84 For some girls, the adults in their lives, their parents, the media, and the girls themselves sexualize female adolescent problems to fit the dominant adult culture’s prescription for happiness.85

In 1996, the San Francisco Commission on the Status of Women formed the Task Force Against the Sexual Assault of Girls and Young Women. In the Task Force meetings, young female task force members discuss differing ways that sexual assault relates to sexual objectification and gendered assumptions about young women. Commission participants noted that the images of young women on television reinforce harmful stereotypes about girls’ sexuality. In one meeting, they lamented that “females on the music videos seem like they can’t be raped: they are always ready for sex!”86 In many ways, various adult-constructed mass-media images teach young women that physical sensuality and romance can replace intimacy, emotional literacy, and mutual respect. From the

81. From fieldnotes. Schaffner, supra note 23, at 103. Woods’ greatest concern throughout her time awaiting her disposition hearing was whether “they were gonna put statutory rape charges on my boyfriend.” Id. See also Lynne Haney, Homeboys, Babies, Men in Suits: The State and the Reproduction of Male Dominance, 61 AM. SOC. REV. 759, 764 (1996).
82. See Pipher, supra note 79, at 184, 244, 291; Paula Braverman & Victor Strasburger, Adolescent Sexual Activity, in CLINICAL PEDIATRICS 658-668 (1993).
84. See Collins, supra note 34, at 57. Collins claims that female subordination is justified, explained, rationalized and reinforced through manipulating media-based “controlling images” of women and female life. See id. See generally Thompson, supra note 80, 17-45. See also Hooks, supra note 34, at 61-79.
85. See Peirce, supra note 34, at 59-60.
overtly sexualized representations of young females in American youth culture, girls learn to equate love, happiness, and acceptance with sexiness and romance. 87

The mass media, some parents, and other adults, at times insensitive to girl-specific troubles, may encourage girls to focus on concerns of self, fashion, or romance. 88 For example, some of the cover stories from the January 1998 Seventeen magazine demonstrate what is offered for today’s American girls from mainstream media: “The ‘Sorta’ Boyfriend: Do You Have One?,” “Cool Clothes For Bigger Sizes,” “Quiz: Do You Talk Too Much?,” “Zap! We Fix Your Worst Hair Nightmares.” Girls get caught between two paradigms: on the one hand, be sexy and get a boyfriend. On the other, be good, don’t be sexy, and leave boys alone. 89

Thus, “innocent” normative behavior for girls can result in status and delinquent offenses. Girls often say that they run away from home because their parents/guardians are “too strict” or they are not allowed to be with the boyfriends of their choosing. 90 It is common to read notations in their probation files that an older boyfriend is involved in their offending behavior. 91 In interviews, young women often say in hindsight, “if it weren’t for my boyfriend none of this woulda happened to me.” While that may be the case, girls’ romantic decisions inside of asymmetrical love relationships, and their uncritical ascription of primacy to the sexual may lead to behavior which draws the attention of juvenile authorities.

87. After all, youth cultures often mirror main themes found in popular adult cultures. Ianni notes how young people’s behaviors such as smoking, drinking, ‘illicit’ sexual practices are punished and scapegoated for adult sins—that is, for behaviors that were adult problems first. See IANNI, supra note 76, at 50. See also THOMPSON, supra note 80, at 42-46.

88. See Aoudre Lorde, Uses of the Erotic: The Erotic As Power, in SISTER OUTSIDER 53, 54 (1984); Peggy Orenstein, Schoolgirls: Young Women, Self-Esteem, and the Confidence Gap 92-96 (1994); PIPHER, supra note 79, at 206. Adults may inadvertently (or not) encourage attention to looks and sexuality, instead of encouraging a broadened focus on other creative activities such as sports or art. Lorde’s essay makes a powerful argument to rescue, restore, and unleash female energy as a more full and complete life-force; that patriarchal relations have derailed, trivialized, confused, and distorted female eroticism into a kind of suppressed pornographic energy. Furthermore, I have observed that low-income families in inner city urban communities may have less access than middle-class suburban families to resources that provide youths with activities that lead to greater self-respect, sense of potential, and feelings of accomplishment. Spiritual, emotional, and creative foundations might deepen young girls’ understanding of the roles sex and romance may play in their adult lives and ultimately keep them from coming to the attention of juvenile correctional authorities through sexualized solutions.

89. See also PIPHER, supra note 79, at 206.


91. We also know that for a sizable minority of young women who become mothers (30% of fifteen-year-olds, for example) the father of the baby is considerably older—by six years or more. See SEX AND AMERICA’S TEENAGERS, supra note 83, at 53.
If a lack of resources at home and popular media pushes girls to sexualize their solutions for loneliness in empty families, the state may pull girls into the juvenile justice system using anachronistic twin prosecuting tools: age-of-consent statutes and statutory rape codes. The turn-of-the-century struggle over age-of-consent laws reflected the entrenched gender assumptions and racial myths surrounding working-class girls’ sexual practices. Today, varying by state, girls under the age of sixteen or eighteen cannot give consent to sexual intercourse—their “mouths are closed by the law.” Age-of-consent statutes and statutory rape laws supposedly “protect” young women from older predatory males. However, prosecuting these statutes often draws girls into the system punitively as well. The charges against girls are often related to their sexual solutions with older boyfriends: violating a valid court order, running away, loitering, curfew, sales of an illegal substance (colloquially known on the street as ‘taking the fall’—carrying the drugs for their older boyfriends), solicita-

92. See ODEM, supra note 39, at 187-88. During the height of the industrialization and urbanization of America, European-ethnic and African American working-class girls were increasingly in public spaces—walking in the streets and riding buses to work in factories and white women’s homes, and to socialize in local taverns. Widespread upper- and middle-class attention was directed at regulating the social and sexual behavior of these young female workers. Raising the age of consent was first forwarded as a protective legal measure for girls thought to be preyed upon by older men, but Odem shows how these reformers refused to recognize that work in the public sphere created opportunities for increased economic, social, and sexual autonomy for young working-class women. Id. See also Rachel Devlin, Female Juvenile Delinquency and the Problem of Sexual Authority in America 1945-1965, 9 YALE J. L. & HUMAN. 147-82 (1997); KRISTIN LUKER, DOUBIOUS CONCEPTIONS: THE POLITICS OF TEENAGE PREGNANCY 37-40 (1996).

93. ODEM, supra note 39, at 14-15, 70 (for a detailed description of the history of raising the age for the age-of-consent legal codes see Id. at 8-37.) In California, unlawful sexual intercourse with a minor under the age of eighteen years is prosecuted under California Penal Code Section 261.5(a). Cal. Penal Code Section 286(b)(1) applies to sodomy with a person under 18 years. Cal. Penal Code Section 288(a)(b)(1) applies to oral copulation with a person under the age of 18 years. In the late 1970s, a ruling re-affirmed this statutory rape law against sexual intercourse “with a female” under 18 who was “not the wife of the perpetrator.” Michael M. v. Superior Ct. of Sonoma County, 25 Cal.3d 608 (1979), discussed in THOMPSON, supra note 80, at 7.

94. Nationally, a growing number of prosecutors argue that adolescent boys as young as 14 years old are mature enough to stand trial as adults—even when the young men are charged with committing violent crimes. At the same time, a pattern emerges in the case filing record which suggests that young women are victim-like and immature in their sexual decision-making. This is reflected in maintaining the age-of-consent as high as 18 years old for females in many states, and sometimes in the choice to prosecute statutory rape. Note the gender bias in the rationale deployed as age-of-consent laws are kept high for females in some states, at the same time that male juveniles are waived to adult criminal court (over 90% of all juvenile cases transferred are male) as young as 14 years old. Granted, decisions to commit crimes or have sex (or babies) are not comparable activities, yet both the the gender bias of how “adulthood” is constructed and who gets treated as adult must not be ignored. See ODEM, supra note 39, at 14-15; Carol DeFrances & Kevin Strom, Juveniles Prosecuted in State Criminal Courts, U.S. DEP’T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, SELECTED FINDINGS 1 & 5 (Mar. 1997).

95. See ODEM, supra note 39, at 65, 67-68.
tion, auto theft, robbery, and fighting. Interviews and case file reviews reveal that an older boyfriend was a co-defendant or a participant in other ways in their accounts.96

For example, one 16-year-old girl interviewed in detention revealed that she had met her 29-year-old boyfriend in Oakland after she ran away from home in Los Angeles. She explained how he taught her to work as a prostitute, but insisted, “he is not my pimp. He is my boyfriend—he loves me!”97 Many girls sit in detention centers and are processed through the juvenile systems for cases that involve their associations with older men because the young women were seeking love, attention, emotional survival, and escape from empty families.

QUEER GIRLS AND HOMOPHOBIA.

When young women “get caught” exploring lesbian desire, the social stigma and marginalization arising from homophobia becomes another injurious sexualization of girls’ lives that may lead them to troubles with the juvenile justice system. According to the Kinsey report, by age twenty, approximately 17% of females had homosexual experiences.98 Lesbian youths are largely invisible, often isolated, dealing alone with social stigma and cultural rejection.99 Some agencies estimate the proportion of gay and lesbian runaway and homeless youth to be as high as 40% of the total street youth population.100

96. See also Dalby, supra note 25, at 429, 433-434.
97. Laurie Schaffner, Portia’s Dilemma: A Case of Teenage Prostitution From Psychoanalytic and Deviance Perspectives 6 (May 1997) (unpublished paper, on file with the Sociology Department of University of California (Berkeley)).
98. ALFRED KINSEY ET AL., SEXUAL BEHAVIOR IN THE HUMAN FEMALE 453 (1953). Estimates of proportions of the youth population who are gay vary, and the proportion of lesbians and bisexual and experimenting young women are even more difficult to know. Herdt estimates that nearly 3 million of the 29 million American adolescents are gay. Gilbert Herdt, Introduction: Gay and Lesbian Youth, Emergent Identities, and Cultural Scenes at Home and Abroad, in GAY AND LESBIAN YOUTH 1, 2 (1989) (Herdt ed., 1989). However, in a more recent survey, Michael et al. found that little more than 4% of adult women said they had sex with another woman at any time in their life. ROBERT MICHAEL ET AL., SEX IN AMERICA: A DEFINITIVE SURVEY 175 (1994). Fontaine and Hammond note that “estimates are that 10% of the population may be gay and lesbian which means that one of every five families has a gay or lesbian child.” Janet Fontaine & Nancy Hammond, Counseling Issues With Gay And Lesbian Adolescents, 31 ADOLESCENCE 817, 819 (1996). Others estimate that from 6% to 15% of young girls engaged in a homosexual encounter. See Beth Zemsky, Coming Out Against All Odds: Resistance in the Life of a Young Lesbian, in WOMEN, GIRLS, AND PSYCHOTHERAPY, supra note 61, at 185, 187; Braverman & Strasburger, supra note 82, at 661; Gary Remafedi & Robert Blum, Working with Gay and Lesbian Adolescents, 15 PEDIATRIC ANNALS 773, 774 (1986).
100. Between 2% and 3% of runaways listed sexual identity as existing personal concerns in one General Administration Office report, and 6% of youth in a National Network survey identified themselves as gay or lesbian to service providers. See id.
Data on the numbers of lesbian, bisexual, and questioning female youth in juvenile correctional facilities are difficult to obtain. Given the widespread stigma attached to "coming out" and identifying as queer, many young women do not openly identify as lesbian or bisexual even as they pursue sexual experience and love with other females. Estimates vary greatly of the numbers of youth who are driven from their homes by families unwilling to accept their sexual identities. Despite the absence of consistent data, anecdotal information confirms that homosexuality in the life of teenage girls can be a factor in their experience in the juvenile justice system.

Sexual identity is a complex developmental process during puberty and adolescence. Rarely are girls given open social and cultural permission to explore lesbian sexuality and identity as a normative option. It is possible that teenage lesbians, especially young women with more masculine "butch" demeanors, suffer vilification at home or in school because of their sexual orientation. Youths report feeling forced out of their fami-

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101. One scholar notes that it is likely that homosexuality will touch almost every incarcerated juvenile at some time in some way. See KENNETH WOODEN, WEEPING IN THE PLAYTIME OF OTHERS: AMERICA'S INCARCERATED CHILDREN 125 (1976).

102. See Gabe Kruks, Gay and Lesbian Homeless/Street Youth: Special Issues and Concerns, 12 J. ADOLESCENT HEALTH 515-18 (1991); Michael Kennedy, Homeless and Runaway Youth Mental Health Issues: No Access to the System, 12 J. ADOLESCENT HEALTH 576-79 (1991). In one large female adolescent psychiatric treatment center in Colorado, the facility administration has an explicit policy about managing homophobia: personnel are directed to work to maintain a balance between discouraging homophobia, encouraging Gay Pride as a source of self-esteem for lesbian teens, and prohibiting any kind of actual sexual behavior among the over 180 residents. Administrators reported this to be a challenging but worthwhile policy to develop and implement. See Schaffner, supra note 72. See also MANN, supra note 37, at 177, 188.

103. In one study, 7% of youths who were clients in runaway and homeless shelters self-identified as gay or lesbian. See Executive Summary: 1992 Update to a National Survey of Programs for Runaway and Homeless Youths And A Model Service Delivery Approach, (Nat'l Assoc. of Social Workers), Feb. 1993, at 3. Another report states that "half of all lesbian and gay youth interviewed report that their parents rejected them due to their sexual orientation." Factfile: Lesbian, Gay and Bisexual Youth, (Hetrick-Martin Institute, New York, N.Y.) (No Date Available), at 1 (citing Gary Remafedi, Male Homosexuality: The Adolescent's Perspective, 79 PEDIATRICS 326-30 (1987)).

104. In my observations, interviews, and case file reviews of over 100 youths in seven juvenile justice jurisdictions nationwide, 15 girls have claimed lesbian or bisexual identity. However, an equal number have shared their concerns, fears, or disgust over other lesbian teens inside facilities (leading me to believe that more girls explore this identity than claim it).

105. See Braverman & Strasburger, supra note 82, at 662.

106. See id. at 199 n.1. See also PFEFFER, supra note 24, at 26-27; KATH WESTON, COMING OUT TO BLOOD RELATIVES, IN FAMILIES WE CHOOSE: LESBIANS, GAYS, KINSHIP 43-76 (1991); Zemsky, supra note 98, at 186; Fontaine & Hammond, supra note 98, at 818-19; Kruks, supra note 102, at 517.

107. Sociologists note that deviance from gender norms for females includes: being seen as "masculine" or "unladylike." SCHUR, supra note 33, at 53. Deviation from norms is met with sanction and stigma—youths report being rejected by their parents for their sexual ori-
lies and homes and into the streets, where they come to the attention of juvenile authorities or enter psychiatric facilities in disproportionate numbers.\textsuperscript{108} Mainstream widespread homophobia provokes a disproportionate proportion of adolescent lesbians to face many difficulties and to exhibit "defiant" behaviors\textsuperscript{109} such as dropping out of school, running away from home, living on the streets, medicating with street drugs and alcohol,\textsuperscript{110} performing "survival sex" and prostitution to survive,\textsuperscript{111} and attempting suicide.\textsuperscript{112}

Key issues that need to be explored regarding lesbian teens in trouble with juvenile correctional authorities\textsuperscript{113} are notions that homosexuality and lesbian desire are legitimate experiences,\textsuperscript{114} that being gay is about more than just sex,\textsuperscript{115} that homophobia is devastating for young people forming their sense of self,\textsuperscript{116} and that elimination of prejudice is essential to fair treatment of lesbian youths in the juvenile justice system.\textsuperscript{117} An urgent need exists for gender-specific research on behalf of the plight of lesbian teenagers as they are processed in juvenile justice systems.

**SEXUAL INJURY AND FEMALE DELINQUENCY.**

Family researchers and social service providers consider sexual abuse of children one of the most serious social problems of our times. Numerous national reports indicate that sexual offenses against children are widespread. Id.\textsuperscript{108} The National Network of Runaway and Youth Services estimates that up to 40\% of the population of youths living on the streets may be gay and lesbian. Runaway and Homeless Youth Fact Sheet, supra note 99, at 2.\textsuperscript{109} See Eli Coleman & Gary Remafedi, Gay, Lesbian, and Bisexual Adolescents: A Critical Challenge to Counselors, 68 J. COUNSELING & DEV. 36, 37 (1989).\textsuperscript{110} See Joanne Fleisher & James Fillman, Lesbian and Gay Youth: Treatment Issues, THE COUNS. 27-28 (Jan.-Feb. 1995). The authors describe the drug and alcohol use as deriving from self-hatred, withdrawal, and anger which feelings "can lead gay youth to indulge in alcohol and other drugs as a way to hide from their problems or attempt to fit in with peers." Id. at 27.\textsuperscript{111} See Gary Yates et al., A Risk Profile Comparison of Homeless Youth Involved in Prostitution and Homeless Youth Not Involved, 12 J. ADOLESCENT HEALTH 545, 547 (1991). In their study, the authors note that "youths involved in prostitution were more than five times as likely to report homosexual or bisexual identities." Id.\textsuperscript{112} One research team noted that, according to a 1989 Department of Health and Human Service Report, gay youths are in fact five times more likely to attempt suicide than their heterosexual peers. See Fleisher & Fillman, supra note 110, at 28. See also PFEFFER, supra note 24, at 26-32; Braverman & Strasburger, supra note 82, at 662; Kruks, supra note 102, at 517; Remafedi & Blum, supra note 98, at 780.\textsuperscript{113} See WARREN BLUMENFELD & DIANE RAYMOND, LOOKING AT GAY AND LESBIAN LIFE 15 (1988).\textsuperscript{114} See Eve Kosofsky Sedgwick, How to Bring Your Kids Up Gay, in FEAR OF A QUEER PLANET: QUEER POLITICS AND SOCIAL THEORY 69, 69-70 (Michael Warner ed., 1993).\textsuperscript{115} See Fontaine & Hammond, supra note 98, at 822; Remafedi & Blum, supra note 98, at 774.\textsuperscript{116} See also Kruks, supra note 102, at 516; Remafedi & Blum, supra note 98, at 779.\textsuperscript{117} See BLUMENFELD & RAYMOND, supra note 113, at 15 (arguing for the elimination of prejudice against gays and lesbians in general).
It is now generally known that girls are sexually abused and raped more often than boys. Approximately 70% of victims of sexual abuse are girls. Ninety percent of sexual abuse is committed by men. Seventy to ninety percent of child sexual abuse is perpetrated by persons known to the child. Indeed, one scholar frames sexual coercion of females as so prevalent to be a new norm:

Appraisers of the current sexual ‘scene’ rarely discuss sexual victimization. Yet intimidation, coercion, and violence are key features of sexual life in America today. We may profess to view coercive sexuality as deviant. But, actually, it is in many respects the norm. To be sure, we are not all rapists, sexual harassers, or child abusers. However, these behaviors are extremely widespread and may well be increasing. They are not isolated departures from some benign patterning of our sexual activities. On the contrary, they constitute important indicators of where our current value priorities and socioeconomic structures are leading us sexually.

For one in four persons incarcerated for sexual assault, their victims were their own children or their stepchildren. Convicted violent sexual assault offenders revealed that over 75% of their victims were under the age of eighteen. These adult prisoners revealed that almost 85% of their victims were females.

118. Studies reveal the prevalence of sexual abuse for the general population of American women to be at 15% to 26%, that 8% of women reported their first intercourse to be non-voluntary, that of all Americans who do report episodes of non-voluntary sexual intercourse, women were more likely than men to report having had this experience, “with just under one half of all nonvoluntary experiences among women occurring before the age of 14.” See David Finkelhor & Larry Baron, Risk Factors for Child Sexual Abuse, 1 J. INTERPERSONAL VIOLENCE 43, 44 (1986); Stock et al., supra note 16 at 200; Joyce Abma et al., Fertility, Family Planning, and Women’s Health: New Data From the 1995 National Survey of Family Growth, 23(19) VITAL & HEALTH STAT. 1, 5 (1997); Kristin Anderson Moore et al., Nonvoluntary Sexual Activity Among Adolescents, 21(3) FAM. PLAN. PERSP. 110, 110 (1989); David Finkelhor, Current Information on the Scope and Nature of Child Sexual Abuse, 4(2) THE FUTURE OF CHILDREN: SEXUAL ABUSE OF CHILDREN 31, 36-37 (1994); Marsha Runz & John Briere, Adolescent ‘Acting Out’ and Childhood History of Sexual Abuse, 1(3) J. INTERPERSONAL VIOLENCE 326, 330 (1986).

119. See Finkelhor & Baron, supra note 118, at 45; CHESNEY-LIND & SHELDEN, supra note 24, at 3-4.

120. See CHESNEY-LIND & SHELDEN, supra note 24, at 3.

121. See supra note 118, at 31.

122. See id.

123. Edwin Schur, Sexual Coercion in American Life in GENDER VIOLENCE: INTERDISCIPLINARY PERSPECTIVES 80, 80 (Laura L. O’Toole & Jessica R. Schiffman eds., 1997). See also SCHUR, supra note 33, at 133-64 (Chapter 4: Victimization of Women: Deviance or Conformity?).


125. See id. at 24.

126. See id.
Sexual abuse of girls takes its toll in many alarming ways: from psychological problems ranging from depression to suicide, to problems with the juvenile justice system resulting in detention. As noted above, almost 68% of adult women in the United States criminal justice system reported having been beaten, abused, molested, or burned when they were young girls. Survivors of sexual injury develop common psychological effects such as depression, anxiety, low self-esteem, loss of trust, and difficulty establishing intimacy. Researchers note a variety of problems: complex post-traumatic stress disorder, feelings of hopelessness, feelings of angry aggression, disassociative behaviors, self-mutilation, and suicide attempts are common for survivors of sexual abuse. Sexual abuse has also been linked to substance abuse. Pregnancy resulting in abortion or childbirth, and bulimia, anorexia, and self-loathing related to being over- or under-weight may also occur as a response to abuse or emotional neglect of girls.

For many girls, abuse is not formally identified. These emotional and psychological conditions are not recognized by parents or authorities as results of sexual, physical, and emotional victimization. Adults may characterize these kinds of adolescent female troubles as part of “teenage angst” or “raging hormones.” Girls report feeling that nobody is listening or taking the time to notice and proactively help them.

Girls who are coerced into sexual activity are psychologically, emotionally, and physically injured from rape, assault, molestation, and incest. Furthermore, previously innocent of sexuality and sexual activity, girls who most likely would not have “naturally” developed an interest or given attention to sex per se for another decade or so, have their attention, awareness, and bodies introduced forcibly to sex. Sexual assault may...

127. Sexual and physical abuse are often conflated in the data and definitions of sexual abuse vary. It is difficult to assess whether a child has ‘only’ been beaten or also assaulted sexually. Is kicking, punching, beating, and burning on the breasts, genital areas, buttocks, or anus sexual or physical abuse? Possibly, youths are more ashamed to admit sexual attacks by family members and just call them “beatings.” See also Finkelhor, supra note 118, at 33.
128. See ACOCA & AUSTIN, supra note 18, at 6.
130. See HERMAN, supra note 20, at 118-22.
132. See id. at 60.
133. See NATIONAL COUNCIL ON CRIME AND DELINQUENCY, supra note 9; Briere & Elliott, supra note 131, at 61.
134. See POWERS AND JAKLITSCH, supra note 129, at 5.
135. See generally APTER, supra note 70, at 73-80 (discussing generally female adolescent’s struggle for self-identity and understanding from her mother).
136. See Jane Gilgun, Sexually Abused Girls’ Knowledge About Sexual Abuse and Sexu-
amount to a sexualization of their awareness, their psyche. Early sexual abuse may force a premature introduction to a sexual sensibility, giving girls a sexualized lens through which they begin to view other social interactions.137

Furthermore, studies suggest a correlation between early sexual injury and female trouble behavior such as juvenile delinquency.138 According to one report, estimates of young women in the juvenile justice system who have been abused range from about 40 to 73%.139 Contemporary researchers continue to study correlations between sexual activity (prevalence and timing) with delinquency, truancy, use of tobacco and alcohol, and other "risky behaviors."140 It is possible that in some ways, injured girls’ subsequent decisions seemed to the girls to actually “solve” their sexual abuse legacy or heal prior emotional wounds.141

Researchers find that status offenses such as dropping out of school and running away are more frequent among youths with abusive backgrounds.142 It is possible that these behaviors are likely first responses to sexual abuse. While on the run, girls may get involved in survival behavior such as drug-dealing, prostitution, and pornography.143 Often at this point girls come to the attention of the juvenile justice system. As noted earlier, girls’ arrest rates are climbing and, in San Francisco for example,

alitv, 1 J. INTERPERS. VIOLENCE 309, 309 (1986).
137. One recent study found that victims of sexual abuse are likely to have more sexual partners than other adolescents and that “[i]ndiscriminate sexual behavior may be one way in which some survivors cope with the emotional pain associated with child sexual abuse.” Tom Luster & Stephen A. Small, Sexual Abuse History and Number of Sex Partners Among Female Adolescents, 29 FAM. PLAN. PERSP. 204, 204, 210 (1997).
138. Robert Deisher and William Rogers cited one study that found that “75% of female adolescent prostitutes . . . had been sexually abused” and another study which revealed that “of runaways in Southern California . . . 36% left home because of physical or sexual abuse and 44% ran from other severe long-term problems. Nearly all the street youth whom we have seen in our clinics have histories of significant abuse and neglect, and well over half . . . have been involved in intermittent or full-time prostitution.” Robert W. Deisher & William M. Rogers, The Medical Care of Street Youth, 12 J. ADOLESCENT HEALTH 500, 500 (1991). See also Runtz & Briere, supra note 118, at 327; JANUS ET AL., supra note 90, at 58. See generally HERMAN, TRAUMA AND RECOVERY (1992); Marion Goldman, Prostitution, Economic Exchange, and the Unconscious, in ADVANCES IN PSYCHOANALYTIC SOCIOLOGY 187, 193-99 (Jerome Rabow et al. eds., 1987).
139. See GIRLS INC., supra note 3, at iv. Compare these rates to estimates in the national population. “[Twenty-three to thirty-four percent] of young women have been abused.” Id. 140. See id. at 14; Stock et al., supra note 16, at 200; Delbert S. Elliot & Barbara J. Morse, Delinquency and Drug Use as Risk Factors in Teenage Sexual Activity, 21 YOUTH AND SOC’Y 32, 56 (1989).
141. See Runtz & Briere, supra note 118, at 331-32.
143. See PFEFFER, supra note 24, at 31; Browne & Finkelhor, supra note 142, at 71; JANUS ET AL., supra note 90, at 57-58.
girls' detention referrals increased 52% in the five years between 1990 and 1995. For some young women, their sexualized delinquent and status offenses such as prostitution and promiscuity may be an attempt to heal unhealed sexual injury. Sexual abuse is strongly associated with a variety of risk-taking behaviors. Could it be that some girls re-enact dangerous sexual situations, perhaps to somehow “make it come out right this time”? In other words, some girls may be doing to themselves what others first did to them in order to obtain an emotional normalization of their experiences. These kinds of emotional and psychological survival strategies actually may inadvertently lead girls into the juvenile justice system. Girls’ sexual injury might lead in various ways to differing forms of sexualized delinquent and status offenses. We need further gender-sensitive qualitative research on female delinquency formations to uncover, and learn how to better intervene helpfully, in these quick-fix, ill-advised sexual decision-making processes that injured girls enact.

CONCLUSION

Girls’ and women’s lives are structured and narrated in gendered and sexually-specific ways. Often, young women’s responses to sexual abuse, sexism, and homophobia are factors in their experiences in juvenile corrections systems. A gendered sexualizing of female attention, concerns, and bodies influences their offending behaviors and, consequently, juvenile correctional authorities’ responses.

As the emotional and moral systems that animate decisions of teenage girls in trouble become clearer, girls’ resiliency and the strategies they deploy that lead to successful pathways out of suffering may also be revealed. As Barbara Bloom notes:

144. Detention referrals for girls jumped from 448 in 1990 to 679 in 1995. For boys, the comparative referrals went down thirteen per cent. SAN FRANCISCO JUV. PROBATION DEP’T, ANNUAL REPORTS 26 (1990); SAN FRANCISCO JUV. PROBATION DEP’T, ANNUAL REPORTS 33 (1995).
145. See PFEFFER, supra note 24, at 20-21; JUDITH L. HERMAN, FATHER-DAUGHTER INCEST 7, 13, 178 (1981); Browne & Finkelhor, supra note 142, at 76.
146. See Stock et al., supra note 16 at 200-03; Luster & Small, supra note 137, at 204; Moore et al., supra note 118, at 114; JANUS ET AL., supra note 90, at 10; POWERS & JAKLITSCH, supra note 129, at 4-5.
147. See generally HERMAN, supra note 20, at 96-129.
148. See Goldman, supra note 138, at 198-99; Blos, supra note 19, at 100.
149. See SCHUR, supra note 33, at 3.
Allowing girls and women to speak, listening to what is really important to them and providing relational context that does not pathologize, label, or objectify their experience can contribute to therapeutic growth and change. When women and girls feel heard, respected as individuals, and connected with others who care about their well-being, negative behaviors decrease.¹⁵¹

The sexualizing of female adolescence is first and foremost a social, economic, political, and community-wide problem. If not addressed at those levels, with a wide range of positive interventions from encouraging participation in programs such as family mentoring to participating in social movements for change, unchecked sexualization processes will continue to lead females into legal problems. Disaggregating the pieces of these processes to prevent the forwarding of legal remedies before social amelioration is fully exhausted is a task for future researchers and policy makers.