

# The Story of Gender

## Definitions, Origins, and Current Issues

### KEY TERMS

- ▶ ally
- ▶ asexual
- ▶ cisgender
- ▶ cisgender privilege
- ▶ gender
- ▶ gender binary
- ▶ gender expression
- ▶ gender identity
- ▶ gender nonconforming
- ▶ intersex
- ▶ LGBTQIA+
- ▶ non-binary
- ▶ queer criminology
- ▶ school-to-prison pipeline
- ▶ sexual identity
- ▶ sexual orientation
- ▶ transgender
- ▶ zero-tolerance policies

### LEARNING OBJECTIVES

- ▶ Understand terms related to gender, sexual orientation, and identity.
- ▶ Explain how gender, sexual orientation, and identity shape perceptions of the self and others.
- ▶ Apply chapter content to contemporary issues related to gender and sexual orientation.

This chapter will cover terms pertaining to gender and identity. These topics lay a foundational framework for the rest of this book. Understanding what each term means as well as its context is important for connecting the relationship between gender identity and crime and victimization. Throughout this chapter and the book, we use the term **LGBTQIA+** in order to include all people. LGBTQIA+ stands for “lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual,” and the + represents anyone who does not identify as any of those, such as people who identify as gender fluid or pansexual (which will be discussed later in the chapter) (GLAAD, 2021). However, this is not a definitive list. The acronym is always evolving and changing as people and society evolve and change. As of the writing of this book, this is the abbreviation that we felt was most inclusive. This chapter will acquaint you with the meaning behind these different terms as well as introduce you to the current issues facing the LGBTQIA+ communities in terms of crime and victimization.

### UNDERSTANDING GENDER

Although the terms *gender* and *sex* are sometimes used interchangeably, they are not equivalent. **Gender** is a

**MEDIA BYTE 1.1****Gender Reveal Parties**

Search for at least five news stories related to gender reveal parties. Attempt to find news stories from a wide array of outlets and vantage points that discuss gender reveal parties in terms of broader trends related to gender identity. If you have questions about sources, please contact your instructor.

After reading the stories, answer the following questions on the impact of this new trend on individuals and their gender identities.

1. Explain whether you believe gender reveal parties contribute to gender stereotypes and the foundation for your belief.
2. Explain whether you believe these parties should be “sex reveal parties” and the foundation for your belief.
3. Discuss methods other than colors that expectant parents could use to reveal the biological sex of their unborn child.
4. Explain whether these parties are exclusionary and the foundation for your belief.

human-created construct or idea, whereas the term *sex* is grounded in the biological differences between females and males. Unlike the term *sex*, gender and what constitutes “masculine” and “feminine” are culturally specific. In other words, societies differ in terms of the behaviors and roles they assign to each gender and whether they recognize genders outside of the binary. The process of socializing an individual toward these behaviors and roles begins before a child is even born, even though parents cannot know their child’s gender until that individual is born and able to express it. For example, in the United States, specific colors are associated with gender. This association is currently strongly seen in children’s clothing (pastel shades like pink for girls, stark primary shades like blue for boys) and toys (the overabundance of dolls for girls, “action figures” for boys).

The continued confusion between biological sex and gender is most clearly seen in the recent trend of “gender reveal” parties hosted by expectant parents. In these parties, expectant parents reveal the (assumed) gender of their unborn baby with the corresponding gendered colors (see Media Byte 1.1). However, illustrating that gender is *culturally* specific as well as *time* specific, color associations were the reverse in the pre–World War II era. In this period in the United States, blue was associated with femininity and girls, while pink was associated with masculinity and boys. This association began to shift during the baby boom generation (Maglaty, 2011). The fact that biological sex and gender are conflated from birth, despite their difference, reinforces the fact that gender is a sociocultural concept.

In recent years, conceptualizations of gender have begun to shift within the United States. More specifically, a sizable percentage of the population no longer views gender as just femininity or masculinity standards—instead, this concept is becoming more fluid. It includes individuals who express themselves in diverse ways. Yet, despite this shift, most people in the United States continue to perceive gender as aligning with the categories of sex (female and male). As a result, it is not surprising that dominant systems within society (like the criminal-legal system) are still structured according to that prevailing mindset. Because gender shapes an individual's experiences even before birth, this book will provide a “gendered lens” to criminology. In this chapter, we present an overview and exploration of gender, gender identity, sexual orientation, and overall identity to illustrate how these essential concepts shape an individual's life experiences, including involvement in the criminal-legal system. Our use of *criminal-legal system* instead of *criminal justice system* emphasizes that the workings of this system do not always lead to “justice”—particularly for marginalized populations.

As mentioned, one of the methods to reinforce gender at a broad sociocultural level is through styles of dress. For example, it was not long ago when women were required to wear skirts in workplaces or barred from many kinds of employment altogether. These themes and trends stem from conceptualizations of what it means to be “feminine” and “masculine” within contemporary Western culture. To frame and understand these patterns, seminal work in gender studies introduced two key terms that named these trends: *emphasized femininity* (or ideal forms of “womanhood”), which is associated with attractiveness, chastity, nurturance, and passivity, and *hegemonic masculinity*, which is associated with attractiveness, independence, sexual prowess, and strength. For example, men are expected to dress in a masculine way, which typically means wearing pants and shirts, or a suit and tie for business and formal occasions, without many embellishments (Crane, 2001). It is not gender congruent, or aligning with dominant conceptions of Western masculinity, for men to wear lace, ruffles, or a skirt as everyday dress. However, again, because gender is culturally specific, the kilt is a traditional style of dress among men in Scotland, with significant historical and cultural meaning.

Like men, women are expected to dress in gender-congruent ways, which in Western culture means skirts or feminine styles of pants and shirts. In contrast to men, women do not typically wear ties. In addition to avoiding “masculine dress,” women also must style themselves so that they always remain within societal bounds of “decency” in their appearance (Crane, 2001). For example, the United States Congress continues to maintain rules forbidding women to bare their shoulders within the congressional chamber (Zillman, 2017). Gender permeates every aspect of our life, even in the language we use (e.g., *he*, *she*, *they*), which has implications for how we perceive ourselves, how others see us, and the experiences and opportunities that arise from those interactions.

An example of gender influencing life experiences is evidenced by the work of Schilt (2006). This research revealed that transgender men (individuals assigned female at birth but who identify, live, and work as males) benefitted professionally from their change in gender. They were treated better overall at work and made more money than women. Participants in the study also noted significant differences in how their coworkers and bosses treated them. More specifically, coworkers and bosses listened to the participants immediately when expressing an idea and opinion, and the participants were not questioned when they made a comment or suggestion. Participants also reported that they felt more respected and valued at work. They reported having instant credibility just by being in the room, in contrast to what they previously experienced when working as women.

In addition to gender, ethnicity, race, and residency status play overlapping roles in shaping life experiences. For instance, a participant in Schilt's (2006) study, who identified as a Black man, reported that he was viewed as intimidating and frightening to people. Thus, he had to navigate social life as a Black man in the United States, where implicit and overt biases can lead individuals to act scared or wary of others different from themselves. Although others' implicit and overt biases also impact Black women, the participant reported that he had not had to deal with them as much before starting to live as a man. This finding underscores the complex and overlapping stratification system within the United States. The participants in Schilt's study gained social privilege associated with their gender, but these benefits were not universal across demographic backgrounds. "Performing gender" is a careful balance that includes many factors for individuals every day.

Gender also affects the risk of becoming a justice-involved individual. More specifically, Western culture socializes boys with more freedom, and deviant behavior, including crime, is more tolerated for boys than for girls (Hagan, 1989; Hagan, Gillis, and Simpson, 1985, 1991). Given that deviancy perpetrated by boys is more tolerated, there are more opportunities for offending and victimization. Not surprisingly, research continues to show that adolescent boys commit a sizable portion of "street crime" and many cybercrimes like hacking (Adam, 2005).

Societal gender constructs also shape the rearing of young girls. For instance, in patriarchal households, fathers (or male guardians) may emphasize controlling the movements of young girls (by establishing curfews, for instance). This parenting style often includes implicit or overt deference to the father as "the head of the household," which may not be as pronounced for male children. In other words, there are two types of rules in many Western households corresponding to dominant gender ideals: one for boys and one for girls. Because of differences in oversight and societal conceptions rationalizing boys' deviance as "boys being boys," it is not surprising that young men are at heightened risk to engage in or experience crime.

The previous paragraphs provide a “thousand-foot view” of how gender, as a broad construct, shapes social life. However, there are several other constructs related to gender identity that are important for readers to know. In the following sections, we will review these terms so to show how differences in identity can shape our experiences.

## DEFINING THE WORDS THAT EXPRESS OURSELVES TO OTHERS

As discussed, many use the terms *gender* and *sex* interchangeably, and it is commonly believed that the sex assigned at birth determines one’s gender. However, sex assigned at birth, gender, and who we love can all be different. What is often called **gender identity** is an individual’s own psychological experience of gender. This is the gender we consider ourselves to be as a person. Individuals whose gender identity aligns with their sex assigned at birth (female/feminine, male/masculine) are referred to as gender normative, or **cisgender**. When gender identity and assigned sex differ, different terminology is used to respect the individuality of the person. For example, an individual who chooses to not to conform to gender constructs is described as **gender nonconforming**. In the following pages, we will review the various terms individuals use to describe themselves to establish the foundation for how these words inform their self-perceptions, how others view them, and the life experiences we all encounter. But first, we will review three broad terms (gender binary, gender expression, sexual orientation) that shape those subsequent conversations.

### Gender Binary

The term **gender binary** refers to the perception that gender comprises only two categories: feminine or masculine. In a gender-binary system, an individual selects one of the two genders and adheres to the norms of that gender. Most societies around the world have been historically gender binary, and this remains the norm today as gender-binary thinking still permeates through laws, opinions, and beliefs across the globe. For example, many nation-states structure their criminal-legal systems and the associated incarceration facilities according to the gender-binary system, which assigns individuals a gender based on the sex assigned at birth (male or female). Basing incarceration housing decisions on sex assigned at birth is problematic for individuals who do not identify with they were assigned at birth or with the gender-binary system in general (see chapter 5 for a complete discussion).

The reliance on using sex assigned at birth to structure expected behaviors and life experiences has led to societal conversations about how this negatively impacts LGBTQIA+ individuals. A recent example is the discussions in the

**MEDIA BYTE 1.2****Bathroom Protections for Transgender Students**

Read the “Dear Colleague” letter here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>. After reading the letter, please read at least five news articles related to the repeal of these protections from a range of reputable news outlets. If you have any trouble finding sources or the letter itself, contact your instructor. After reading this information, reflect on and explain your thoughts about the following questions:

1. Do you think the repeal of these protections will affect transgender students?
2. Place yourself in the shoes of a transgender student. How do you think you would feel seeing these protections repealed by government officials?

United States vis-à-vis public bathrooms. These conversations center around whether people can use the bathroom that corresponds with their *gender* rather than the sex assigned at birth. For example, should an individual who identifies as a man be allowed to use a men’s bathroom even if the sex assigned at birth was female? To be more inclusive, some businesses and institutions have established “gender-neutral” bathrooms. (See Media Byte 1.2.)

While national dialogue continues to focus on increasing inclusivity in living spaces, large systems based on antiquated classification, like the criminal-legal system, are not easy to change. During the legal process, system-involved individuals have no say in their incarceration facility. This can be problematic because correctional facilities, detention centers, and some psychiatric treatment centers often separate their service populations into sex-assigned-at-birth categories. Therefore, regardless of a person’s gender, whatever sex-assigned-at-birth category is listed on their birth certificate or driver’s license is where that individual goes upon arrival at the facility. (See Active Learning Assignment 1.1 and Case Study 1.1.) Aside from the harm caused by *misgendering* individuals for significant periods, research shows that individuals in LGBTQIA+ communities are often poorly treated by other incarcerated individuals and staff as well as being at additional risk for assault (both physical and sexual) and suicide (Amnesty International, 2019).

Up to this point, we have focused discussion on individuals whose gender aligns (from a societal standpoint) or differs from their sex assigned at birth. However, **non-binary** individuals, or gender non-binary individuals, identify outside of both genders. The idea of being non-binary is not new, as there have been individuals who identified as non-binary throughout history (Mogul, Ritchie, and Whitlock, 2011). However, due to social stigma and pressure to adhere to a binary system, individuals may not feel comfortable or safe openly

**ACTIVE LEARNING ASSIGNMENT 1.1****Medical Forms and Inclusivity**

Planned Parenthood provides several resources on their website to help transgender people access care and learn about health services offered (<https://www.plannedparenthood.org/learn/gender-identity/transgender>). However, questions remain as to whether there should be other categories on medical paperwork aside from sex assigned at birth, such as gender identity, to be more inclusive and precise in responding to patients' needs. After exploring the information, reflect on the following questions and be prepared to discuss them in class:

1. Do you believe medical forms should include other methods of identification aside from sex assigned at birth? Why or why not?
2. Imagine that you are checking into a medical facility, and the form you receive does not provide options for you to accurately describe how you see yourself. How would this make you feel?
3. How might such medical forms be detrimental for individuals who are incarcerated?

**CASE STUDY 1.1****Medical Care and Treatment in a Gender Binary World**

Gender identification can limit navigation in various social spheres. One is medical care and benefits. For example, individuals who identify as male but were assigned the sex of female at birth (and retained female genitalia or reproductive organs) are sometimes not screened for breast or cervical cancer, while individuals who identify as women but were assigned the sex of male at birth may be invited to have breast and cervical cancer screenings (Sanchez and Adams, 2018). This kind of oversight, which stems from binary gender identification, can be potentially deadly to these individuals.

The differential treatment stems from the classification system that is reflected in the paperwork for accessing NHS resources. Medical forms with categories only for the sex assigned at birth or categories that confuse gender with the sex assigned at birth can negatively affect the treatment transgender people receive—as well as people who identify outside the realm of female and male entirely. Students are encouraged to think about these situations as they read the following discussion prompts:

1. How might such gender-binary paperwork affect you if you were a transgender individual?
2. What is your opinion of this NHS initiative?

expressing themselves. In addition to non-binary and gender non-binary individuals, other individuals may use any of the following terms to self-identify outside of the typical two-group classification system: *genderqueer*, *gender bender*, *bi-gender*, *beyond gender*, *pan-gender*, *agender*, or *polygender* (GLAAD, 2021).

## Gender Expression

**Gender expression** is how one shows the world their gender. An individual may express their gender through their clothing, hairstyle, way of speaking, and mannerisms. However, the terms *gender expression* and *gender identity* are not interchangeable. It would be inappropriate to draw assumptions about the latter based on the former, given that the only way to know an individual's gender identity is from the person directly. Avoiding assumptions is especially important because we often make assumptions based on our vantage point and privilege, which may not apply to the other person. For example, we might assume that a person assigned male at birth, who dresses in women's clothing, who wears makeup and a wig, identifies as a woman. However, that individual may work as a drag queen and performer; thus, their *expression* is part of their occupation—not how they identify themselves. In another example, a woman with short hair and styled in masculine clothing, who works in a male-dominated field such as construction, may incorrectly be assumed to self-identify as a man based on her outward appearance. However, that person may simply enjoy that manner of dress or that profession but does self-identify as a woman. (See Active Learning Assignment 1.2.)

In addition to clothing, different communication styles are related to gender. For example, perceptions of masculinity are associated with dominating conversations and group interactions as well as interrupting people when they are talking. In contrast, communication styles that appear more submissive, empathetic, and caring are often associated with femininity (Robinson and Smith-Lovin, 2001). However, despite these broad patterns, many factors shape how individuals see themselves. Indeed, different communication styles may be related to culture or personal style or be situation-specific—as well as to gender. For instance, a woman may act in a traditionally masculine way at work because she believes it is required for advancement or most appropriate for the particular job. However, outside that environment or with a different audience (such as friends and family), that same individual may use a different communication style, one that does not equate to how that person identifies as an individual. In other words, while behavior can give us an indication of someone's

### ACTIVE LEARNING ASSIGNMENT 1.2

#### Drawing Gender

Draw a line down the center of a blank piece of paper. Then draw a picture of what you think of when you hear the term *masculine* on one side of the line, and *feminine* on the other side. Present your work to the class or a peer. Explain your images and why you associate them with femininity and masculinity.



gender identity, it is inappropriate to assume gender identity based solely on appearance and behavior.

## Sexual Orientation

Like sex assigned at birth and gender identity, sexual orientation is not synonymous with gender. An individual's **sexual orientation** refers to their self-perception of their sexual attraction to others, which has no bearing on their gender. Sexual orientation can also change throughout a person's lifetime. Moreover, a person may be sexually attracted to members of the same sex but not identify as gay or lesbian or even act upon those feelings. Young people, in particular, may have a sexual attraction to the same sex but choose to pursue sexual relations with the opposite sex to avoid homophobia in their community or family. Yet, as these young people grow up, they may feel more comfortable and safer engaging in sexual relations with individuals of the same sex.

Sexual orientation is an individual's attraction to another person, which can stem from various (overlapping) connections: emotional, physical, sexual, and spiritual. This attraction exists apart from someone's gender or gender expression. Considering the various points of attraction, some prefer the term *affectional* or *affection orientation* because it provides a holistic picture of one's desire of others. Updated terminology is relevant because, just as in the case of sex assigned at birth, sexual orientation has historically been viewed as a binary choice (opposite sex versus same sex). Yet, individuals' attractions vary outside of those fixed choices. For example, *bisexual* people are attracted to individuals of both the opposite and the same sex. On the other hand, *asexual* people do not experience sexual attraction to individuals of any gender. In contrast, *pansexual* people are attracted to any gender identity and sexual orientation; they are also referred to as *polysexual*, *omnisexual*, or *ambisexual*. In summary, gender and sexual orientation are fluid and not easily captured through a rigid binary system of classification (GLAAD, 2021). Yet, the fixed binary system structures many life experiences.

## Transgender

**Transgender** is a term used to describe individuals who have a gender identity that is different from their sex assigned at birth. The term *transgender* can mean different things to different individuals. A transgender person may choose to alter their body hormonally or surgically to reflect their gender identity. However, identifying as a transgender individual does not necessitate permanently changing one's body; many transgender people live their lives as their chosen gender without any permanent alterations.

As society has progressed in its overall thinking, the meaning of *transgender* has changed. For instance, in the past, some definitions of *transgender*

included any individual who behaved in a way counter to (or had characteristics that were not of) their sex assigned at birth (Norton and Herek, 2013). The problem with these definitions is that they could include individuals who did not self-identify as transgender. Another practice that has (rightly) faded from the everyday discourse is using the term *transsexual* as an equivalent to *transgender*. This term, like the word *homosexual*, is now considered offensive because the medical community used it to diagnose individuals, via the Diagnostic and Statistical Manual (DSM), with “disorders” like gender identity disorder (later called gender dysphoria). As discussed throughout this chapter and this book, the methods societies use to classify and structure individuals (by gender, race, or other characteristic), which impact individual life experiences, are social constructs. Thus, this historical process was, and remains, hugely offensive, because it assumed that these “divergent” methods of identification were the result of mental disorders that required treatment, rather than reflecting the rigid and incorrect binary gender system. Transgender individuals do not need to be diagnosed or treated for disorders. (See Case Study 1.2.)

### Cisgender

The term *cisgender* was created in the 1990s as a contrast to the term *transgender*. **Cisgender** refers to individuals whose gender identity aligns with the sex assigned to them at birth. For example, an individual who was assigned the sex of female at birth and is living as and identifies as a woman would be considered a cis woman. *Cis-* is Latin for “on this side of,” whereas *trans-* means “on the other side of.” Although it was created a few decades ago, the use of *cisgender* has increased within academia and national conversations about gender inclusivity. Aside from being used to self-identify as female/woman or male/man, the word also makes it possible to acknowledge the significant privileges and rights that cisgender individuals experience compared with LGBTQIA+ people (Serrano, 2016).

A significant goal of this book is to underscore how gender structures life experiences. Related to that overall goal are discussions of privilege differences (invisible “propellers” or “barriers”) that people encounter in their everyday lives. Put another way, privilege is an unfair advantages or unearned opportunities that some people acquire based solely on membership in a particular group. In terms of gender identity, cisgender people have cisgender privilege in that they never have difficulty accessing their bathrooms of choice or navigating within spheres designed around the binary sex classification system (e.g., women’s or men’s clubs). In addition, they are not signaled out to speak for an entire community and are not asked intrusive questions about their identity. Moreover, a cisgender person typically does not have to worry about relationship rejection or physical attack because they are living their life in a way that