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Straddling the school-to-prison pipeline and gender non-conforming microaggressions as a Latina lesbian

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ABSTRACT

Although there is a growing body of work on the experiences of girls in juvenile justice and women in prison, still little is known about the experiences of Latinas in the prison pipeline. Accordingly, even less is known about lesbian/queer Latinas in the prison pipeline. Gabriela's case study reveals her experiences in and out of the Juvenile Justice System as she seeks to build her life upon release as a young adult raised in multiple institutions. Using a Critical Race Theory and Latina/o Critical Race Theory (LatCrit) framework, this case study shows how Gabriela's intersectional identities have impacted her experience of going into and coming out of the prison pipeline. By focusing on her intersectional identity, I argue a for a new type of microaggression, which I refer to as gender non-conforming microaggressions, that explains the ways in which her gender performance and transgressions coupled with her sexuality and race create situations wherein she was insulted and criminalized.

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Youth who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ) face unique challenges within the juvenile justice system. As noted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), compared to their heterosexual counterparts, LGBTQ youth: (a) experience higher rates of "bullying at school" (Mitchum & Moodie-Mills, 2014), (b) are more likely to experience rejection or victimization perpetrated by their parents/caregivers … (Friedman et al., 2011), (c) are more likely to face homelessness (Burwick, Oddo, Durso, Friend, & Gates, 2014), (d) are twice as likely to be arrested and detained for status offenses and other nonviolent offences (Irvine, 2010), and (e) remain at higher risk for illicit drug usage (Heck et al., 2014; OJJDP, 2014). Thus, it is imperative to understand the unique challenges that LBGT youth experience at the whim of the state.

Currently, the juvenile justice system is comprised primarily of young men, who constitute about 85%, but the most rapidly growing population in the system are young women (Watson & Edelman, 2012). For youth of color, the practice of

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punishment overshadows rehabilitation and intervention in the public educational system through the incorporation of Zero-Tolerance policies, which serve to discipline student behavior through extreme and punitive measures such as suspension, expulsion, or the involvement of law enforcement. In contrast, in the past, student discipline would have been handled through internal school measures (Watson & Edelman, 2012, p. 3). Such Zero-Tolerance policies now contribute to the "school to prison pipeline," which has been defined as a "network of relations that naturalize the movement of youth of color from our schools and communities into underemployment or unemployment and permanent detention" (Meiners, 2011, p. 550).

Legal punishment, gendered expectations, and microaggressions

In this way youth of color are deemed disposable and face criminalizing tactics in the public education system. It is important to note that the overall juvenile incarceration rate is at an all-time low since its peak in the 1980s (Siegel & Welsh, 2017). Yet, punitive measures in schools currently exist, and given their intersections with citizenship status, sexuality, poverty, disability, and racism, poor students of color are disproportionately criminalized by such harsh policies (Annamma, 2013; Meiners, 2011; Simmons, 2009).

Further, such policies have exacerbated the way in which the legal system punishes and reinforces gendered expectations of women and girls. Specifically, women and girls who act outside the hegemonic notions of "womanhood"—often stereotyped as warm, nurturing, compassionate, passive and receptive (Nanda, 2012; Richie, 1996, 2012) and I would add cisgender and heterosexual—frequently endure harsher and more serious punishments in both the legal and educational systems (Abrams & Curran, 2000; Schaffner, 2006, 2008; Simmons, 2009).

Using a case study approach, I center Gabriela, a 19-year-old Latina lesbian who grew up in and out of the juvenile justice system. Until recently, feminist criminology has struggled to explore intersectional identities, especially as they relate to race (Bloom, 1996; Chesney-Lind & Okamoto, 2001; Chesney-Lind & Sheldon, 2004). The omission of ethnicity, sexuality, as well as gender variance within the gender binary is persistently underdeveloped within current mainstream (juvenile) criminology and feminist criminology. Among women of color, Latinas are overrepresented in the prison pipeline and face greater vulnerabilities than their white and male color counterparts (Nanda, 2012; Schaffner, 2008). In centering Gabriela's experience, I build on the nascent literature of intersectional identities that include gender, race, and sexuality. Gabriela's case study provides a nuanced description of how race, gender, and sexual orientation intersect to create conditions for which Latinas, in particular lesbian and gender non-conforming girls, are criminalized for transgressing hegemonic gender roles within the prison pipeline.

Gabriela faces multiple and unique marginalities that have shaped her legal trajectories at the intersection of her race, ethnicity, gender and sexuality. By focusing on her intersectional identity, I argue a new type of microaggression, which I have

called gender non-conforming microaggression, that explains the ways in which her gender performance and transgressions coupled with her sexuality and race create situations wherein she was insulted and criminalized.

Microaggressions were coined to understand the ways in which race and racism exist in society, and have developed in the fields of law, education, and psychology (Solórzano, Ceja, & Yosso, 2000), and now include other microaggressions related to sexual orientation, gender, and transgender identity. In turn, my contribution builds on current microaggressions literature and moves beyond gender binaries that essentialize gender performance and expectations. In this article, I (a) contextualize Gabriela's larger life history and then move into her experience with microaggressions, (b) conceptualize gender non-conforming microaggressions, and (c) discuss how Gabriela's experience as a gender non-conforming youth provides insight into what can be done in the school-to-prison pipeline to best serve other LGBTQ and gender non-conforming youth of color. The primary question driving this work is: How does gender performance and gender non-conformity of racialized Latinas shape their trajectory into and out of the prison pipeline? This leads to a subquestion: What role do microaggressions and gender performance have in shaping the trajectory into and out of the prison pipeline for a young, gender non-conforming Latina?

Theoretical framework

Using Critical Race Theory in Education (CRT) and Latina/o Critical Race Theory (LatCrit) frameworks, this study centers the experience of Gabriela and provides a more holistic understanding of the experiences of racialized Latina/os straddling the prison pipeline. In the United States, society frames race and racism within a White/Black binary, and CRT often leaves out the experiences of other individuals and groups who do not fit within the paradigm (Yosso, Smith, Ceja, & Solórzano, 2009). In response, LatCrit pushes beyond the CRT scholarship to address the layers of racial subordination that make up Chicana/o and Latina/o experiences that are frequently overlooked by CRT scholars, such as subordination and oppression based on language, accent, surname, immigration status, ethnicity, generation in the United States, culture, identity, phenotype and sexuality (Arriola, 1997, 1998; Johnson, 1999; Montoya, 1994; Solórzano & Delgado Bernal, 2001; Stefancic, 1998; Yosso, 2005).

LatCrit's five basic tenets stem from CRT's five tenets and include: (a) the centrality of race and racism and other forms of oppression, including class, gender, sexuality, language, immigration status, ethnicity, and phenotype are important in understanding Latina/o experiences; (b) challenge dominant ideology of "meritocracy" "colorblind-ness" and "race-neutrality," which is ultimately disguised to privilege dominant groups in the United States; (c) a commitment to social justice; (d) the centrality of experiential knowledge; and (e) an interdisciplinary perspective, which takes a more holistic approach and multi-level analysis through bridging both historical and contemporary contexts—including the criminal justice system—to analyze and understand race and racism (Gonzalez & Portillos, 2007;

Solórzano & Delgado Bernal, 2001). CRT and LatCrit center racism while noting that other forms of oppression, such as those stemming from gender and sexuality, impact the life experiences of people of color.

Literature review of microaggressions and sexual orientation discrimination

While status offenses[1] are the leading reason for the entry of young women into the juvenile justice system, larceny (theft) and aggravated assault follow close behind (Chesney-Lind & Sheldon, 2004). Yet, in all cases, whether status crimes or otherwise, young women who enter the Juvenile Justice System face harsher and longer sentences for lower-level crimes than their male peers (Nanda, 2012; Sherman, 2012; Watson & Edelman 2012). As marginalized "others" living within the ontologically heteropatriarchal legal system that centers men and their experiences (Chesney-Lind & Sheldon, 2004, p. 98), young women's gender identity becomes suspect once they enact behaviors that transgress expected gender norms. Any behaviors read as aggressive are targeted with harsher punishment, such as young women acting like "boys," or performing "male" or "masculine" behavior are often treated more harshly than boys, which eventually creates disparate treatment of young women (Nanda, 2012; Sherman, 2012). This behavior is not limited to criminal behavior, but also entails masculine traits such as being independent and assertive. In this way, incarceration is more severe for young women acting outside of their expected feminine gender roles wherein *not* being warm, passive, nurturing or receptive enough becomes a crime that is severely punishable (Diaz-Cotto, 2006; Richie, 1996, 2012).

Furthermore, once an individual transgresses gender expectations they have broken the moral rule of law, which then creates a space for punishment of one's gender performance. A gender non-conforming person is "someone who adopts gendered traits that are stereotypically associated with members of the opposite sex," where masculine and/or feminine traits can be performed by either sex (Lester, 2002, p. 4). This entails one's behavior, style of dress, and sexuality that is associated with either being a man or woman. Lester (2002) defines gender non-conformity as pertaining to individuals who do not subscribe to or perform heterosexuality, meaning that anyone who is gay, lesbian, bisexual, transgender, and queer (LGBTQ) is also considered to be gender non-conforming (p. 4). It is important to understand how this non-conformity plays out when intersectionality is addressed. For a person of color who is already marginalized, transgressing expected gender norms assigned on the basis of their sex, contributes to multiple layers of marginalization that affect the individual, especially as it concerns the criminalization one's body or behaviors as a racialized person. Therefore, the intersection of gender and sexuality is extremely imperative in the study of young women, as the US legal system and society is inherently patriarchal, heteronormative, and institutionally racist (Curtin, 2002; Gonzalez & Portillos, 2007; Harris, 2011).

Microaggressions

In 1970, Pierce coined the term microaggression(s) to express the way in which African-Americans experienced racism on a daily basis. He defined microaggressions as "subtle, stunning, often automatic, and non-verbal exchanges which are 'put downs of blacks by offenders" (Pierce, Carew, Peirce-Gonzales, & Willis, 1978, p. 66). Delgado and Stefancic (1992) advance Pierce's idea of microaggressions to address the ways in which other racialized groups experience racial microaggressions. They state, "Racism victims become sensitized to its subtle nuances and code-words—the body language, averted gazes, exasperated looks, terms such as 'you people,' 'innocent whites,' 'highly qualified black,' 'articulate' and so on—that, whether intended or not, convey racially charged meaning" (p. 1283). In the original definition of microaggressions, racism toward Blacks is central. However, the framework of racial microaggressions as defined by Pierce is applicable to people of color in general, in addition to other marginalized groups in terms of gender, sexual orientation, and religious microaggressions (Solórzano & Huber, 2012; Sue, 2010; Sue et al., 2007). For the purpose of this study, I define gender, sexual orientation and transgender microaggressions.

Gender microaggressions are similar to racial microaggressions insofar as they are "brief and commonplace daily verbal or behavioral indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative gender slights and insults that potentially have a harmful impact on women" (Sue, 2010, p. 163). Different themes exist within the notion of gender microaggressions and include: (a) sexual objectification, (b) second-class citizenship, (c) use of sexist language, (d) assumptions of inferiority, (e) denial of the reality of sexism, (f) traditional gender role assumptions, (g) invisibility, (h) denial of individual sexism, and (i) sexist jokes (Sue, 2010, pp. 169–175). Gender microaggressions entail comments or images that encapsulate hidden messages that place women as being subordinate to men, such as when "a women's place is in the home." Here, the hidden message is that house work and childrearing are women's work (Sue, 2010, p. 164). While gender microaggressions do allow us to understand the oppression women experience in our society, they continue to center cis-gender women[2] and maintain the gender binary that places sex and gender as two opposite categories of male/female, masculine/feminine, and man/woman (Bettcher, 2014).

Sexual orientation discrimination

Like gender and racial microaggressions, sexual orientation microaggressions are "brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative LGBTQ slights and insults to the target group or person (Sue, 2010, p. 191). Themes that exist within the realm of sexual orientation microaggressions include (a) oversexualization, (b) homophobia, (c) heterosexist language/terminology, (d) sinfulness, (e) assumption of abnormality, (f) denial of individual heterosexism, and (g) endorsement of heteronormative culture/behavior (Sue, 2010,

pp. 191–196). While Sue (2010) addresses LGBTQ individuals in his definition of sexual orientation, he neither distinguish among lesbian, gay, bisexual, and transgender, nor does Sue (2010) address the way in which gender performance and embodiment is compounded with one's sexual identity, as it is for transgender and gender non-conforming. Consequently, scholars have asserted that a transgender person *can* identify as heterosexual or lesbian, gay, bisexual, or otherwise (Bender-Baird, 2011; Schilt, 2010; Stryker, 2008; Westerfield, 2012).

While LGBTQ individuals face unique challenges due to their sexuality and gender performance, transgender is a gender identity and not a sexual orientation. Nadal, Rivera, and Corpus (2010) move beyond sexual orientation microaggressions to conceptualize transgender microaggressions, which they note are rooted in transphobia and genderism. Transphobia is a fear, disgust, or prejudice toward people or groups of people who transgress traditional gender roles (Hill & Willoughby, 2005) and genderism is an "ideology that reinforces the negative evaluation of gender non-conformity or an incongruence between sex and gender" (Hill & Willoughby, 2005, p. 534). This can result in many discriminatory behaviors toward transgendered individuals, for example, "if an individual believes that cross-dressing or sex-change operations are wrong, then it is possible that this belief may be noticeable in his or her interpersonal interactions with a cross-dresser or transgender person (e.g., noticeably uncomfortable body language and facial expressions)" (Hill & Willoughby, 2005, p. 224).

While transgender microaggressions do provide us with an understanding of transgender individuals—who are born with one sex and identify with a gender that is not aligned with that—it is limiting because it assumes that all gender non-conforming individuals identify as transgender. The concept of gender non-conforming microaggressions applies in this instance; while one may transgress gender roles and norms, it does not necessarily entail that they identify with a different sex than the one they were assigned at birth. Furthermore, being transgender and gender non-conforming are complex identities that cannot be collapsed into an umbrella, one-size-fits-all term. Such a conflation overlooks the experiential differences across gender non-conformity and transgender identity.

Yosso et al. (2009) notes that there are not only social effects, but also internalized responses or reactions to such microaggressions among individuals. Sue (2010) notes that such continuous verbal and non-verbal assaults "assail the self-esteem of recipients, produce anger and frustration, deplete psychic energy, lower feelings of subjective well-being and worthiness, produce physical health problems, shorten life expectancy, and deny minority populations equal access and opportunity in education, employment, and health care" (p. 6). Thus, people of color and other marginalized groups who experience such microaggressions are impacted over time in ways that are subtle and may not show at the surface level. Moreover, microaggressions can lead to feelings of stress, anger, and anxiety, all of which are known to lead to greater mental health issues and negatively impact job performance, learning, and one's overall quality of life (Sue, 2010).

Methodology

The data for this paper were originally collected as part of a larger project focused on criminal desistance of young adults, led by Dr. Laura Abrams in the Social Welfare Department at University of California, Los Angeles (UCLA). The interviews conducted for this project used a life course history approach to better understand the lives of formerly incarcerated youth. A life course history allows the researcher to "understand the relationship between time and human behavior … [and] looks at how age, relationships, life transitions and social change shape people's life from birth to death" (Hutchison, 2010, p. 9). This method also allows researchers to better understand structural contexts of participants' lives as they shape patterns of crime and desistance.

In addition, in this case study I focus on the life of Gabriela, one of five Latina participants in the larger study. The original study included 25 participants, all ages 19–24, with 17 young men and 8 young women. Of the eight young women interviewed, five were Latina and three were African-American. Participants were recruited through community organizations that provide social services to formerly incarcerated youth in the greater Los Angeles area. The interviews were conducted from 2010 to 2012. Each participant was interviewed an average of three times.

My case study centers on the three interviews that Gabriela participated in with the research team and which were collected over a span of 2 years. The five Latina participants experienced similar life histories and pathways through the Juvenile Justice System due to their transgression of gender. However, I chose to center Gabriela's experience because, as a self-identified lesbian, her experiences through the pipeline have been unique due to the visibility of her gender performance and sexuality. Interviews were semi-structured and sought to gain a sense of participant's trajectory or path as shaped by such structures, institutions, and transitions in their lives, from early childhood to the present.

Participants were not asked about microaggressions, their sexuality, or their ethnic identity. Such themes emerged in the data as participants spoke about their experiences. Themes included (a) gender performance, (b) gender roles, (c) sexuality, (d) microaggressions, (e) interactions with police/legal personal/hall staff, (f) breaking probation, (g) education and schooling, (h) unstable family homes, (i) parental drug use and trouble with the law, (j) family separation, (k) incarceration/deportation of parents, (l) abuse (physical, emotional, sexual), and (m) themes of resilience and empowerment. From these interviews and field notes from the original research team, I was able to assess the themes through a CRT and LatCrit framework to understand how Gabriela experienced the criminal justice pipeline from an early age and how it impacted her as a result.

Findings

Gabriela's early childhood

At the time of the first interview, Gabriela was 19 years old and had been out of juvenile hall for 7 months. As the only girl and the middle child of five siblings born to Mexican immigrant parents, Gabriela recalled that during her childhood both her father and mother were in and out of prison due to domestic violence and drug use. While briefly living with her father and brothers, owing to her mother's incarceration, she was sexually abused by her father. This may have been one of the most traumatic experiences of Gabriela's early childhood, creating a great deal of insecurity in an already unsafe environment. This experience was quickly contrasted at age 6, when Gabriela began living with only her mother and her brothers. She recalls this time with her mother and siblings as the happiest years of her life. It was the first time she "felt like a kid," because she had her mother with her. Gabriela mentioned that her mother provided that love, care, and sense of security and safety that she could not expect from her father. Just as things seemed to be getting better for Gabriela, her mother, who is undocumented and had been deported once before, decided to go to Mexico to attend a funeral of a close relative. Due to current immigration policy and her undocumented status, Gabriela's mother was unable to return to the United States, and she and Gabriela—just 6 years old at the time—were separated permanently. This separation from the one person Gabriela trusted and with whom she felt safest created a very traumatic childhood for Gabriela filled with a deep sense of loss and insecurity.

At age 9, Gabriela's sexual abuse became obvious to her grandmother, when she noticed Gabriela acting strangely. Immediately, her grandmother called the police and filed charges against Gabriela's father for sexual abuse. Since then, Gabriela's father has continued to go in and out of prison, and she has had no relationship with him and prefers to know nothing about him or his whereabouts. As a direct result of her grandmother's gesture to protect Gabriela, she and her four brothers were picked up by the Department of Child and Family Services and placed in a group home, thus separating her from what was left of her family. Gabriela and her siblings actually spent some time living with their grandmother in the midst of living in placement. However, her grandmother was unable to take long-term responsibility for them because she was dealing with her own legal issues. This displacement and loss of individuals whom Gabriela trusted contributed to a greater sense of loss, and in her acting out in ways that were not considered acceptable for a young person (Allard, 2012), especially not for a young woman.

Entering the pipeline and criminalizing gender non-conformity

As Gabriela moved between home placements all while consistently attending school, she made her first visit to juvenile hall at age 13. A girl at school instigated a physical fight with Gabriela over a boy, and in the midst of defending herself,

Gabriela broke the girl's nose. Consequently, the girl's mother pressed charges and Gabriela was placed in juvenile hall. Although Gabriela was supposed to spend only a few months in juvenile hall for defending herself, she continuously broke her probation by committing status offenses, such as running away from group homes, ditching school, or violating drug tests.

These ongoing offenses contributed to her repeated involvement with the Juvenile Justice System throughout her adolescence. While juvenile hall became constant, her formal education became inconsistent. Despite her acting out both in and after school, Gabriela's teachers, counselors, or administrators never tried to intervene or understand what was happening with her. Rather than being provided with support and resources at school or in juvenile hall, she was severely punished. Gabriela stated, "I started being bad because I missed my mom you know … if my mom would have never left I wouldn't be in this fucked up situation that I was in when I was younger." Gabriela's separation from her mother greatly impacted and shaped her aggressiveness; at times, these violent behaviors and coping mechanisms led her directly into the school-to-prison pipeline. The void, resentment, and sense of loss she felt from the separation from her mother translated into acting out in various ways, a pattern that Allard predicts (2012). Yet, nowhere in her educational trajectory or within the legal system was this loss addressed or healed. Instead, her acting out became a source of continual criminalization and placement into the prison pipeline.

Furthermore, on multiple occasions Gabriela mentioned that different adults in her life labeled her as bad or being a bad influence on others. She internalized this notion when she shared that she "started being bad" when her mom left. In addition to school and juvenile staff and law enforcement continuing this labeling, Gabriela also experienced it at her aunt's home where she spent a few years of her adolescence trying to "get [her] life back together." In spite of experiencing a great deal of psychological, emotional, and physical trauma as a child due in large part to her family's repeated periods of incarceration and numerous immigration issues, she did her best to defend and take care of herself in order to avoid the "criminal" behavior she was accused of. Although Gabriela did have a drug problem, it was never addressed constructively at school, in juvenile hall, or placement; instead, in all realms of her life, her drug use was utilized to further criminalize her without addressing the root cause of her trauma with rehabilitation (Allard, 2012; Richie, 1996).

Gabriela's label as a "bad influence" was not solely determined by her "aggressive" behavior—she committed a violent assault at the age of 13—or her drug use, it was also based on her sexuality and gender performance. Furthermore, because she challenged many of society's gender and sexuality codes, Gabriela's schooling was confined to modes of discipline and punishment that served to stereotype her as "bad" and/or a "bad influence." These labels followed Gabriela from the classroom into her juvenile placements. She recalled her arrival at her last juvenile placement, where she met her current girlfriend:

> That same night I already had girls in my room so staff already knew I was going to be a bad one … Yeah, so we [my current girlfriend] got together—people didn't like it. Like, people were hating, staff was telling her to break up with me because I was a bad influence, I had nothing going on for my life—I was nothing.

Thus, based on Gabriela acting upon her sexual desire for girls, she was associated with bad and deviant behavior. While Gabriela was never told that her lesbianism or masculine performance was actually getting her in trouble, the term "bad" morphed into an ambiguous term for her criminality and/or punishment grounded in her gender and sexual performance.

Her sexuality, moreover, drove staff to intervene in her personal relationship because her deviance also became synonymous with her assumed potential and negative influence on others. She acknowledges that staff knew she was bad because of the fact that she had girls in her room, which indicates that this is not the first time she has been seen as deviant based on her sexuality. Consequently, Gabriela's sexual identity and performance marginalized her from the other juvenile young women because she was automatically sectioned off as bad. In turn, she has internalized the microaggressions exerted upon her by juvenile hall staff, and they have influenced the construction of her self-image, as evidenced by her self-identification as being "nothing."

The separation of her family through the immigration and foster care levels created a rupture in Gabriela's own identity, one that placed her in the school-to-prison pipeline and with other family members that were hostile to her presence, leading to her internalization, self-shaming, and identity as "nothing" and "bad." Interestingly enough, the people who had accepted and supported Gabriela for who she was, including her sexuality and gender performance, were her mother and four brothers—the people from whom she was separated at an early age. She mentions that when she "came out," her family had a very positive response: "They [my brothers] actually enjoy having another brother, so like, I came out to them and they were cool about it, like 'I knew it.' My mom—I came out to her, too. She's like 'I love you the way you are.'"

In contrast, Gabriela experienced gender and sexual-microaggressions from her other family members. Gabriela shared how her aunt forced her to dress like a "girl" for fear that she would negatively influence her two girl cousins living with her:

> Actually, when I got released to them, I was dressing like a guy, you know? And I remember them telling me we're going to accept you either way, however you are. I'm like "alright." I get there like a month later and they're like "you need to change the way you dress." I'm like "what, I thought you would accept me." She's like "yeah, I know but I don't like daughters to get … going the same way you're going." I'm like "damn that's fucked up." So I'm like "alright." They put all my boys clothes on a yard sale. So I had good clothes you know, nice clothes. So all that clothes went quick and they took me shopping and bought me girl's clothes. I'm like "I don't know what to wear. I don't know what to fit." So I got like, I wore skinny jeans and like a t-shirt or a little tight shirt,

> whatever. I was forced to dress like a girl for a full minute. Like I didn't like it, like but I had no choice like "you either wear that or you go back inside." "Alright, fucker," so I was forced to dress like a girl, you know. I still had girlfriends though.

Gabriela was initially welcomed into her aunt's home with the promise that she would be accepted for who she was. For her, this meant that she would be allowed to express herself fully and be accepted as a gender non-conforming woman. While Gabriela does not say outright that she is gender non-conforming, she does identify as a lesbian. Lester (2002) asserts that as women that do not fit within heteronormative stereotypes, lesbians are already gender non-conforming. Gabriela's sexuality is then compounded by her gender performance because she chooses to dress in male or more masculine clothing, and displays more masculine behavior; this gender performance identifies her as being gender non-conforming.

In this way, her aunt immediately revealed that she did not want her lesbianism or her masculine performativity to potentially influence her young daughters. By analyzing Gabriela's intersectional experience as described throughout this case study, I expand on the definition of gender and sexual orientation microaggressions (Sue, 2010) and advance "gender non-conforming microaggressions." In this sense, Gabriela is greatly impacted by her intersectionality as a Latina lesbian, however, sexual orientation microaggressions do not fully capture her experiences due to the fact that they address only her sexuality. Since sexual orientation does not dictate gender performance or behavior, addressing gender conformity is key, especially for Gabriela. Beyond her lesbian sexual identity, Gabriela's experience entails a gender performance associated with butch or masculine traits and styles of clothing. Additionally, because Gabriela's biological sex is female, and she identifies as woman and performs masculinity in her behavior and dress, transgender microaggressions do not fully capture her experience either. Transgender may entail one's move from one assigned sex to a chosen sex within the gender binary, thus the term gender non-conforming is more inclusive of those who may not seek to transition (i.e., have a sex change) but who are more gender fluid. The greater message in Gabriela's clothes being sold is that there is something wrong with how she performs her gender, and how she transgressed her expected gender role.

Gender non-conforming microaggressions

Furthermore, her aunt's actions stigmatized Gabriela because of the way she chose to dress herself. Similar to racial, gender, and sexual orientation microaggressions, I borrow from Solórzano and Huber's (2012) and Sue (2010) to define "gender non-conforming microaggressions" as a form of systematic everyday gender non-conforming phobia (also could be known as genderqueer[3] phobia) used to keep those who display gender variance and non-conformity in their place. These are verbal or non-verbal assaults that could take the shape of actions directed toward gender non-conforming individuals; i.e., individuals who enact behavior or style (clothing, public appearance) that does not match up with their birth sex (Sue,

2010; Whitley & Kite, 2009). Such actions and/or slights are grounded in the conjunction of homophobic and transphobic bias, and place gender non-conforming individuals as subordinate to cis-gender heteronormative individuals. Similar to sexual orientation microaggressions, wherein there is an assumption of abnormality (Sue, 2010), I argue that with gender non-conforming microaggressions there is an assumption of criminality, based on the transgression of traditional gender roles. Furthermore, there is a simultaneous endorsement of heteronormative culture and behavior (Sue, 2010) in addition to an endorsement of cis-gender performance.

Gender non-conforming microaggressions can explicitly be considered in conjunction with sexual orientation microaggressions. Gabriela's aunt feared that her daughters could "contract" Gabriela's lesbian sexuality, as if it were contagious (Sue, 2010). Through her aunt's forceful act of selling her clothing and the apparent association of Gabriela's sexuality and masculine gender performance as criminal, Gabriela experienced gender non-conforming microaggressions. This act, while overt, is ambiguous in its message. It is impossible to foretell if Gabriela's masculine dress could influence her cousins into criminal and or/bad behavior, or if her masculine dress could influence her cousins to engage in lesbianism.

The hidden message here is that transgressing traditional gender roles for women, both in dress and sexuality, is both abnormal and criminal. In turn, Gabriela experiences multiple oppressions and is under attack because she is a woman who is both transgressing and subverting heterosexual and gender normative behavior. Her sexuality, behavior, and style means that she is gender non-conforming on multiple levels. In addition, her behavior becomes synonymous with masculinity, such as being aggressive, independent, and unruly, and in this sense her transgression of gender and sexuality norms lead to her hyper-criminalization at every facet of her institutional and social world. For women in the criminal justice system, this is nothing new. Women's gender performance has historically tried to be tamed and controlled through criminalization and punishment for anything that stands outside the norms of womanhood (Richie, 1996, 2012).

As Gabriela continued to move in-between the prison-pipeline, her previous experiences with microaggressions led her to know the significance of dressing like a young woman. Luibhéid (2002) describes the process Gabriela experienced in reference to lesbians who deal with authorities, as the process of "straightening up," as Gabriela had to do at different points in her life. Straightening up includes "practices like growing one's hair and nails, buying a dress, accessorizing and donning makeup." Although, in this case, straightening up allows for one's gender performance to be "toned-down to bypass homophobic authorities" or in Gabriela's case to please her family members—and make them feel safe. Yet "the fact that one has to straighten up so as to avoid penalty serves as a reminder that lesbianism is a difference" (Luibhéid, 2002, p. 83). Therefore, we see that Gabriela experiences homophobia and criminalization because of her sexual identity and her gender

performance, both of which transgress hegemonic notions of heterosexual womanhood.

While Gabriela transgressed gender norms through her behavior, performance, and sexuality, she also conformed to some gender roles expected for women. Throughout her life, she has both longed for her mother and worried about her brothers while ensuring their closeness. Since being out of juvenile incarceration, she has been living with one brother and seeing the others on a weekly basis. She cares for and loves them deeply, and besides her mother, they are also the only family who have accepted and fully supported her for who she is. As the only woman among her siblings, Gabriela has taken the role of the mother within their disintegrated family (Allard, 2012). She especially worries about her youngest brother who is 13 and is still in foster care:

I've been trying to get custody of him since I was little. You know, I seen that I was going through this and I've been hearing that he's been in foster care and getting mistreated and stuff like that. Ever since I was young, I told … my girlfriend "I'm going to get custody of him once I get my trust fund." That was my two goals when I was younger: him and my trust fund. I got my trust fund out; just, like, got to get him now.

Knowing that her brother is going through what she herself went through as an adolescent, Gabriela is mostly concerned about him experiencing the same pains she did. Now that she is out and has collected a substantial amount of money from her trust fund, she has been doing everything in her power to make sure that she gets custody of him. In this way, Gabriela is performing femininity and caring and ensuring that her younger brother is with her, a maternal figure who will love and protect him and provide security, instead of in the hands of a cold institution where mistreatment has been the norm.

In order for Gabriela to get custody of her brother, she acknowledges that she has to act in ways sanctioned by the state to clean up her record. She realized that in order to conform to the expectations of our society, she should receive a formal education and find a job, both of which are opportunities that were not afforded to her because of her criminalization through the school-to-prison pipeline. She shared:

First I want to finish school because, like my girlfriend says, "Ain't no one going to hire me without a GED or high school diploma"—so I have to finish school. I want to finish it. I want to [get] my record [clean] in order for my brother to come stay with me.

Conforming to societal norms in this way is motivation for Gabriela to get her GED because it will give her access to employment and bring her a step closer to reintegrating at least part of her family; something she has longed for since the age of six.

While Gabriela is still struggling to make sense of life after incarceration, she is close to getting custody of her younger brother, lives with her girlfriend, and is openly living as a lesbian and dressing in masculine clothing. Through her life

narrative we see how gender non-conformity and gender performance have shaped Gabriela's experience through the pipelines. Through the various microaggressions that she experienced, it became clear that her multi-layered non-conformity to hegemonic notions of heterosexual womanhood, especially that of a racialized Latina, were met with punishing and isolating results. While the U.S.-Mexico border kept Gabriela separated from the one person she longed for the most, her mother, she sought out coping mechanisms or behaviors that were identified as more masculine. These behaviors ultimately kept her in juvenile incarceration longer than should have been expected. Additionally, her sexuality and style of dress contributed to her experience of gender non-conforming microaggressions, which again led her to being criminalized while trying to get her basic needs met.

Discussion

Gabriela identifies as a lesbian, and is what Lester (2002) and Butler (1990) call gender non-conforming—meaning that she performs her gender as a young woman outside the confines of mainstream womanhood—due to her sexual orientation, her choice of typical masculine attire, and behavior that transgresses mainstream notions of womanhood. Subsequently, as a racialized individual, her behavior moves outside the gender norms expected of Latinas, which include being dependent, domestic, and submissive (Nanda, 2012). Gabriela's behavior, which is a direct response to her unmet needs from family separation at the carceral and immigration level, is delegitimized and her coping mechanisms are interpreted as bad, unruly, aggressive, independent and ultimately criminal (Allard, 2012; Richie, 1996).

In this sense, her sexuality and gender performance are not only criminalized, but fit within what Rios (2011) refers to as hyper-criminalization, where marginalized young people are criminalized based on their behavior and style.[4] Furthermore, the hyper-criminalization of marginalized young people is composed of "exclusion, punishment, racialization, gendered violence, harassment, surveillance, and detention by police, probation officers, teachers, community programs workers, and even parents," which in turn shapes the way in which young people develop worldviews about themselves," often leading them to feel shamed and unaccepted (Rios, 2011, pp. 45, 158). This can result in youth internalizing an image of himself or herself as deviant or criminal. Although Rios (2011) focuses on heterosexual men of color, Gabriela's actions, sexuality, and gender performance and non-conformity transgress a greater set of moral codes within heteropatriarchal society, where aggressive violent or even "criminal" behavior is more aptly expected from a man (of color) and not from a woman, and especially not from a Latina. In relation to both her family and the institutions she associated with, Gabriela's gender performance invoked some sense of discomfort because of her perceived sexuality and gender identity. This discomfort was often associated with masculinity and, in turn, assumed to be criminal.

To capture the way in which Gabriela was often demonized and criminalized based on her gender nonconformity, I defined "gender non-conforming

microaggressions." These are verbal or non-verbal assaults that are directed toward gender non-conforming individuals, i.e., individuals who enact behavior or style (clothing, public appearance) that does not match with their birth sex or racialized gendered identity (Sue, 2010; Whitley & Kite, 2009). While microaggressions are mostly used to understand the experiences of people of color in educational, legal and psychological fields, here we can see how microaggressions are also present and can help us understand punishment in the school-to-prison pipeline. As seen in Gabriela's case study, gender non-conforming microaggressions accompanied a sense of hyper-criminalization—acting outside of hegemonic notions of womanhood was not only judged but followed by direct punishment that affected Gabriela in the long term.

Furthermore, gender non-conforming microaggressions can help us understand the way in which gender performance and gender variance are policed throughout the educational and legal systems. As we have seen here, it is often adults in administrative positions in schooling and the pipeline that often perpetrate gender non-conforming microaggressions. Thus, it is imperative to create a holistic understanding of youth's intersectional identities so that we can better serve them in our schools, thereby reducing the number of students who enter the school-to-prison pipeline.

Conclusion

Using a CRT and LatCrit framework, this study demonstrates that the intersections of race, ethnicity, gender, immigration status, and gender performance left Gabriela vulnerable to the "state-operated systems of domination" under the War on Drugs and expansion of the carceral state (Meiners, 2011; Richie, 2012). Gender non-conformity became a coping mechanism or a survival strategy, and took the shape of aggressive, independent, or rebellious behaviors. Such behavior transgressed gender roles and developed as a response to the vulnerable circumstances surrounding her family. Additionally, the void and loss Gabriela experienced from the separation of her mother resulted in her acting out accordingly (Allard, 2012). Yet this coping was harshly punished and Gabriela was thrust into the school-to-prison pipeline.

Defining gender non-conforming microaggressions allows us to understand the ways in which alternative gender performances—through one's style, way of dress, and characteristics and behaviors—are assaulted on a daily basis. These assaults are only exacerbated within the context of the school-to-prison pipeline, wherein school and law enforcement work together to dispose of youth that are deemed undesirable. In this way, the microaggressions I have foregrounded challenge a binary that essentializes the way in which individuals express their gender.

Notes

1. Status offenses are defined as crimes based only on status as a minor, such as running away, violating curfew, and truancy (see Chesney-Lind & Sheldon, 2004; Nanda, 2012; Schaffner, 2008; Sherman, 2012; Watson & Edelman, 2012).

2. Cisgender refers to one's non-transgender status, wherein one's gender identity or gender performance matches one's assigned sex (see Stryker, 2008).
3. Gender identity that does not exist within the male/female gender binary.
4. For Rios (2011), style in his context refers to boys who are deemed as deviant by larger society due to their public appearance on street corners, wearing particular clothing as racial and gendered subjects in the low-income areas of Oakland, CA.

Notes on contributor

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