# Social Construction and the Criminalization of Identity: State-Sanctioned Oppression and an Unethical Administration

Tia Sherèe Gaynor

Published online: 16 Feb 2018.

Submit your article to this journal

Article views: 48

View related articles

View Crossmark data

# Social Construction and the Criminalization of Identity: State-Sanctioned Oppression and an Unethical Administration

Tia Sherèe Gaynor

*Marist College*

What is considered a crime and who is considered a criminal is largely based on social constructions that have a longstanding presence in U.S. history. In the United States, the social construction of crime and criminality is disproportionately attributed to the behaviors of those with marginalized racial, sexual, and gender identities. This article explores sources and instances of systemic injustice by making explicit connections between the social construction of crime and criminality and the criminalization of identity. Negative social constructions shape the behaviors of public actors and institutions in such a way that they serve as sources and promoters of systemic and institutional injustice.

What is considered a crime and who is considered a criminal are largely based on social constructions that have a longstanding presence in U.S. history (Hutchinson, 2015; Kennedy, 1998). In the United States, the social construction of crime and criminality is disproportionately attributed to the behaviors of those with marginalized racial, sexual, and gender identities (Mogul, Ritchie, & Whitlock, 2011; Ritchie, 2013). The result of such constructions is the perceived relationship between crime and people, especially when related to individuals and groups that are outside of White, male, cisgender, and heterosexual norms.

The term *intersectionality* recognizes that people and issues cannot be examined using a single-axis framework, as this perspective is a distortion of an individual's multiple identities (Crenshaw, 1989). Rather, those with two or more equally marginalized identities experience multiplied inequality in systems of oppression (Breslin, Pandey, & Riccucci, 2017). In other words, intersectionality uses a multiple-axis framework to analyze the combined ways an individual's experience of oppression with one marginalized identity (e.g., race, gender, sexual orientation, class, etc.) is compounded and inseparable from their experience of oppression with a second or third marginalized identity. These individuals, therefore, fare far worse than their counterparts with fewer marginalizing identities, especially when interacting with public actors and organizations (Hamidullah & Riccucci, 2017).

Intersectional subjection, therefore, is a framework that evaluates the relationship between intersectionality and subjection by attempting to understand what occurs when social control,

Correspondence should be sent to Tia Sherèe Gaynor, Public and Nonprofit Administration, Marist College, 3399 North Road, Poughkeepsie, NY, USA. E-mail: drtiagaynor@gmail.com

modes of power, and intersecting identities traverse (Daum, 2015). Intersectional subjection and the social construction of crime, for people of color, those who identify as transgender and/or who are lesbian, gay, bisexual, or queer (LGBTQ), or those at the intersection culminates in the criminalization of not fitting normative conceptions of identity.

This article explores sources and instances of systemic injustice by making explicit connections between the social construction of crime and criminality and the criminalization of identity. By examining the behaviors of public actors and organizations, evidence is provided that demonstrates how public administrators avoid ethical behavior and sanction oppression and injustice. First, the discussion begins by defining social construction and offering the historical context of how people of color, individuals who are LGBTQ, and LGBTQ people of color are, almost exclusively, negatively constructed in a manner that links their identity to crime and criminality. Second, the article uses Young's (1990) Five Faces of Oppression to chronicle how these negative constructions lead to the use of exploitation, marginalization, powerlessness, cultural imperialism, and violence in order to maintain state-sanctioned injustice. The article then explores Svara's (2015) ethics triangle and the persistence of unjust administrative actions despite the presence of such a framework.

Ultimately, negative social constructions influence representatives of public institutions and by proxy, the institutions themselves, by serving as sources of systemic and institutional injustice. Moreover, the universal and neutral attributes of the ethics dogma in public administration may, unconsciously, be avoidant of the historical and social contexts needed to develop cultural competence and increase social equity, thus perpetuating the criminalization of identity in public institutions.

## Social Construction of Crime and Criminality

The social construction of target populations is a point of inquiry that has been overlooked by public policy and political scientists (Schneider & Ingram, 1993; Schneider, Ingram, & deLeon, 2014). Social construction of target populations refers to the normative characterization of social groups as deserving or undeserving, which is often embedded in language, symbols, metaphors, and stories (Schneider & Ingram, 1993). Like stereotypes, social constructions operate as conceptual mental images that shape one's knowledge, beliefs, and expectations about social groups (Hurwitz & Peffley, 1997), and can bias how an individual processes information and, thus, their judgments and perceptions. Negative social constructions, therefore, shape expectations and determinations of deservingness. A social construction connected to criminality and criminal behavior, resultantly, generates perceptions and expectations that predetermines who is innocent and who is guilty (Mogul et al., 2011). In this regard, criminal archetypes fostered by negative social constructions suggest that Blacks engage in violent criminal behavior (Welch, 2007), transwomen are sex workers (Edelman, 2014), and gay women and men are sexual deviants (Mogul et al., 2011).

In the United States, people of color generally, and Black people specifically, have historically and continue to be negatively socially constructed (Hutchinson, 2015). Despite parity in offense rates between White and Black people, Black people (overwhelmingly Black boys and men) are disproportionately associated with crime and criminal behavior as the presence of a Black body and actions of Black people are often perceived as dangerous

(Thompson, 2010). The association between blackness and criminality has pervaded the public consciousness in such a way that individuals' perception of crime is, oftentimes, based on their view of Blacks (Hurwitz & Peffley, 1997).

Since the mid-twentieth century, research has documented the association between blackness and criminality (Allport & Postman, 1947; Duncan, 1976; Greenwald, Oakes, & Hoffman, 2003; Mancini, Mears, Stewart, Beaver, & Pickett, 2015; Sagar & Schofield, 1980), highlighting the influence of race in remembering the details of a crime (Allport & Postman, 1947), interpreting ambiguous behavior as being more aggressive when acted out by Blacks as opposed to Whites (Duncan, 1976), and reducing the decision-making period in which an individual decides to shoot someone holding a weapon (Correll, Park, Judd, & Wittenbrink, 2002). Eberhardt, Goff, Purdie, and Davies (2004) found that not only is blackness associated with crime, but crime is also associated with blackness. In other words, just as an image of a Black body triggers thoughts of crime, thoughts of crime trigger images of Black bodies. In this study, Eberhardt et al. (2004) observed that participants were faster in directing their attention to the Black male face when crime was introduced than when it was not. The bidirectional association between Black people and crime influences how individuals process stimuli and evaluate their environment. Therefore, the negative social construction of Black people underpins both implicit and explicit biases and individual attitudes. When applied to policy and administrative decision-making, attitudes (those effected by negative social constructions) are formed that result in harsher and more restrictive outcomes for communities of color.

Public policy continues to criminalize LGBTQ identities and, through both action and inaction, condones discrimination against those along the spectrum. Since as early as the seventeenth century, homosexuality and/or sodomy has been criminalized (Noga-Styron, Reasons, & Peacock, 2012). In fact, until the mid-1970s, homosexuality was listed by the American Psychological Association as a mental disorder (APA, 2008). As the negative social constructions related to gay men and women have endured, the longstanding stigma of criminality and deviance attached to LGBTQ bodies has persisted throughout time (Noga-Styron et al., 2012). The cultural transmission of negative social constructions and the links between criminality and sexual and gender identity has infiltrated its way into public organizations, policy, and administrative decision-making. Archetypes of the queer criminal are ingrained in representations that routinely link nonconformity to crime, violence, and sexual predation (Mogul et al., 2011). Arguably, the association between criminality and the LGBTQ community has been most pervasive in the area of criminal justice. Mogul et al. (2011) argue that negative social constructions directly influence how and when policing and punishment is applied to those who identify as LGBTQ. A 2005 Amnesty International (AI) report highlights the sustained human rights abuses perpetuated by law enforcement officers against LGBTQ people. Those identifying as transgender, specifically, are much more likely to experience violence and discrimination by law enforcement personnel than those who fit binary conceptions of gender (Stotzer, 2014).

The development of negative constructions of LGBTQ people regularly intersect with negative constructions of race, gender, and social status. Therefore, those at the intersection of sexual orientation, gender identity, and race are more likely to experience discrimination and to a greater extent. In the United States, almost 4% of adults of color identify as LGBTQ, yet represent 7.9% of incarcerated adults (Center for American Progress, 2016). Individuals

identifying as transgender who are of color experience some of the worst treatment by police (Amnesty International, 2005). Amnesty International (2005) found:

> [P]olice tend to target individuals who do not conform to gender stereotypes that govern "appropriate" masculine and feminine behavior. Race plays an important factor in determining the likelihood of an LGBT person being targeted for police abuse, indicating that such abuses likely stem from racism as well as homophobia and transphobia. These findings are consistent with research by AI and other organizations indicating a correlation in general between race and the likelihood of a person experiencing human rights abuses at the hands of police in the U.S. (p. 3)

The negative social constructions linking criminality and crime to LGBTQ people of color have led to pervasive and persisting systemic injustices by way of state-sanctioned discrimination. Race inextricably intersects with the varied ways an individual chooses to self-identify. Those at the intersection of marginalized gender, sexual, and racial identities experience the compounded impacts of the negative social constructions of all of their identities simultaneously.

The following discussion makes explicit connections between negative social constructions and state-sanctioned injustice. Exploitation, marginalization, powerlessness, cultural imperialism, and violence are offered as systemic and institutional tools of oppression used by public organizations and administrators in the process of criminalizing identity.

## State-Sanctioned Oppression

A just society is not solely defined by the redistribution of goods and services, but should also encompass the institutional and systemic environment necessary for collective action and cooperation (Young, 1990). For justice to be achieved, these systems must contain the components needed to obtain and support a good life (however one defines it for themselves). Unfortunately, the social constructions of criminality and undesirability connected to people of color, those who identify as LGBTQ, and those at the intersection have helped to shape the existing systems that have historically and continue to oppress and marginalize individuals within these social groups.

Injustice is, in and of itself, oppression. In this context, oppression extends beyond its traditional understanding of tyranny by one group over another. In the United States, this may be best exemplified through chattel slavery and the inequities that caused the social justice movements of the twentieth century including the Black Liberation Movement, the Women's Suffrage Movement, and the Gay Rights Movement. In the twenty-first century, however, the face of oppression appears differently than it has historically, all while having the same effect on marginalized groups. Rather than "Whites only" signs or laws that determine an enslaved African represents three fifths a person, twenty-first-century oppression embodies identity-neutral policies (Alexander, 2012; Collins, 2009) and organizational practices that marginalize underserved populations in the same manner as the more explicit oppressive practices of yesteryear. Contrasting with the oppression of previous centuries, today's practices, policies, and behaviors are not solely the result of a tyrannical power. Twenty-first-century oppression also coincides with institutional constraints on groups and the behaviors of well-intentioned liberals (Young, 1990). In this regard, oppression is structural and oftentimes occurs within the

systems and institutions created to protect its constituents. Young's (1990) Five Faces of Oppression are categorized by exploitation, marginalization, powerlessness, cultural imperialism, and violence—and are used to frame the discussion of state-sanctioned oppressive practices.

## EXPLOITATION

Exploitation refers to the coercive ways in which those with power benefit from the labor of the worker. Oppression occurs when the outputs of workers' labor is exploited and used to benefit those with power. People of color, in the United States, disproportionately experience this form of oppression, as much of the labor market is segregated, and Black and Brown people are relegated to low-wage and low-skilled positions (Young, 1990). The mass incarceration of (largely but not exclusively) men of color in the United States is the epitome of such exploitation (Alexander, 2012). Private industry and public agencies have, for quite some time, used the labor of incarcerated men for the production of goods and services (Fenwick, 2005). While not paid workers, their labor is routinely used for the financial benefit of corporations and public agencies (Pelaez, 2008; Price, 2006). In these situations, both the paid and unpaid labor of people of color is used to enrich the status of those in powerful social groups. Exploitation occurs as the work of those performing the "menial" jobs are critical to the work of those in higher positions yet receive little or no recognition of their work (Young, 1990).

## MARGINALIZATION

As socially stigmatized groups, people identifying as LGBTQ experience discrimination in all aspects of their lives including the workplace, housing, and in the U.S. educational, healthcare, and criminal justice systems (James et al., 2016). People of color who identify as LGBTQ fare worse, and individuals who are of color and identify as transgender, arguably, are the most marginalized. The U.S. Transgender Survey revealed patterns of discrimination, mistreatment, and stark disparities between people who identify as transgender and the U.S. population (James et al., 2016). For transgender people of color, the marginalization and injustice associated with gender identity is compounded by the impacts of race. Consequently, transgender people of color experience discrimination in more significant ways than White survey respondents (James et al., 2016). For example, great disparities exist in experiences in school. Native American (39%) and Middle Eastern (36%) survey respondents who are out or perceived to be transgender were more than twice as likely than their White (11%) counterparts to have left grade school (K–12) because of mistreatment. Those who are Black (22%) or multiracial (21%) were also more likely to have left grade school for this reason (James et al., 2016). In the criminal justice system, transgender women of color—Black (15%), Middle Eastern (13%), Native American (12%), multiracial (8%), and Latina (7%)—were more likely to interact with law enforcement officers, who assumed they were engaged in sex work, than White transgender women (3%) (James et al., 2016). These examples help illustrate how intersecting marginalized identities, in the case of individuals of color who identify as transgender, are linked with greater disparity in almost all aspects of life.

As certain social groups are considered undesirable, they are often marginalized from mainstream society and considered useless in social life (Young, 1990). The negative constructions of LGBTQ people of color help justify the exclusion and discrimination they face in both social and political environments (Noga-Styron et al., 2012), leading ultimately to economic and social deprivation, increased vulnerability, powerless, and increased exposure to state and person initiated violence, thus, preventing access to the power associated with the full rights of citizenship.

## POWERLESS

Access and the ability to exercise power are typically reserved for those in the most socially privileged positions. Power is often reserved for those who are White, heterosexual, and cisgender, as these identities represent normative conceptions of race, sexual orientation, and gender identity, and are positively socially constructed. Those falling outside of these norms are routinely in positions where power is exercised over them, without an ability to exercise it for themselves. Perhaps the most illustrative displays of power are connected to the alignment of policing and immigration enforcement. A large majority of unauthorized immigrants who identify as LGBTQ are Hispanic (71%) and Asian or Pacific Islander (15%) (Center for American Progress, 2016). As a result, LGBTQ immigrants of color are at heightened risk of profiling, which can lead to arrest, detention, and deportation. In some incidences, deportation occurs irrespective of immigration status (Center for American Progress, 2016). In this example, those who are (or suspected of being) unauthorized immigrants are subjected to great power differentials and an inability to harness it for their personal well-being. Therefore, the connections between negative social constructions, crime, criminality, and identity decrease an individual's access to power and their ability to play a role in influencing decisions that impact their lives.

## CULTURAL IMPERIALISM

The process of "othering" those outside of normative conceptions constitutes cultural imperialism. Through cultural imperialism, the experiences of the dominant group and culture are universalized and considered the norm (Young, 1990), whereas "others" are stereotyped and their experiences and culture are seen as undesirable or are made invisible. Normative social meanings develop in such a way that the values and behaviors of powerful and privileged groups are universalized, and those who fall outside these norms are negatively stereotyped and classified as the "other." "Othering" stereotypes become so embedded in society and attached to social groups that not only do they become difficult to deny, but they also are understood as rooted in fact (Young, 1990). Therefore, the stereotypes that LGBTQ people are sexual predators, Blacks are criminals, and Latinos are undocumented unconsciously permeate one's psyche, creating permanent negative constructions of these groups (Young, 1990). Cisgender, homosexual, White men, however, are afforded the privilege to be seen as simply individuals rather than as a uniform social group.

Cultural imperialism may be most evident in the "Blue Lives Matter" discourse presented as an alternative declaration to the "Black Lives Matter" movement. To suggest that "Blue Lives

Matter" within the context of a social movement designed to illuminate the longstanding disparities experienced by communities of color is blatant disregard for the lived experiences of men, women, and children of color (Blessett, 2017). "Blue Lives Matter" is the essence of cultural imperialism, as the widened narrative shifts focus from the enduring dehumanizing and discriminatory practices perpetuated against people of color and ignores the experiences upon which the "Black Lives Matter" movement is grounded. In this example, to suggest that "Blue Lives Matter" in the context of "Black Lives Matter" is the co-optation of the non-Black experience and the marginalization of the Black experience.

## VIOLENCE

Perhaps the most detrimental way that negative social constructions shape oppression is through violence. Crimes motivated by race and sexual orientation represent 65.6% (the percentage of hate crimes motivated by race, sexual, and gender identity is likely much higher, as this rate only represents those crimes that are reported) of all hate crimes (FBI, 2015). Oftentimes, these crimes are committed by state actors. According to Community United Against Violence, a community-based organization offering services to survivors of sexual and domestic violence, 50% of calls received from transgender people indicate law enforcement offers as the perpetrators of violence (Daley, Kugler, & Hirschmann, 2000). The Center for American Progress and Movement Advancement Project highlight how the criminal justice system fails LGBTQ people of color. Through the policing of gender norms, profiling, quality of life policing, and other tactics, law enforcement officers use administrative discretion to be violent against LGBTQ people of color. The aggressive enforcement of laws has resulted in disparate and discriminatory treatment, at best, and increased violence toward LGBTQ people, at worst. By using administrative discretion, law enforcement officers often determine that possession of condoms is evidence of prostitution despite not having any other evidence to support such a claim (Center for American Progress, 2016). LGBTQ people of color also experience discrimination, harassment, and sexual violence as a result of direct behaviors and inaction of correctional officers. While in confinement facilities, LGBTQ people are particularly vulnerable to violence perpetuated by other inmates and correctional staff. Incarcerated transgender men and woman experience gravely disparate and discriminatory treatment, including unnecessary strip searches, which oftentimes increase the risk of harm and harassment (Center for American Progress, 2016).

Blessett and Box (2016) illustrate how local government agencies in Ferguson, Missouri (courts, law enforcement, and municipal government), engage in state-sanctioned economic violence through the use of financial policies. They argue the use of fines, fees, and mandated court appearances has long-term implications that disrupt the economic stability of Black residents. While not employing physical violence, these local government agencies have forced Black residents to live in fear that they may be subjected to random stops, searches, and seizures that lead to severe economic impediments.

Economic violence is often ignored because it lacks a physical component. However, the absence of physicality does not equate to an absence of violence. The long-term implications of economic violence oftentimes lead to the same long-term marginalizing consequences as physical violence. The over-policing of communities and identities leads to profiling and the

targeting of people of color, those identifying as LGBTQ and people of color who are LGBTQ. Because of the negative social construction of transgender women, police frequently assume connections between being a transgender woman and sex work. Thus, trans women are disproportionately charged for prostitution and related offenses (Center for American Progress, 2016). The disproportionate nature of law enforcement interactions for transgender women results in an increase in the frequency of fines and court appearances. As a result, these women may lose access to federal benefits, their jobs, and ultimately, their livelihood.

As Young (1990) argues, systemic violence is defined by unprovoked attacks on an individual's person or property, which have no motive but to cause damage, humiliation, or destruction. In the United States, there remains a societal context that allows and excuses such acts of violence. The systemic nature of such violence is not only because the perpetrators are state actors, but also because the root of the violence is directly linked to social group membership and identity.

## UNETHICAL ADMINISTRATION

The influence of negative social constructions is vital in maintaining unethical administrative processes. Because negative social constructions shape an individual's thoughts and behaviors, their impact on decision-making and policy development/implementation is critical to administrative ethics. At the core of an ethical public administration is the duty to meet the obligations, responsibilities, and expectations bestowed upon an administrator and organization (Svara, 2015). Svara (2015) argues that the incorporation of three ethical philosophies—principle, virtue, and consequences—reduces the ethical shortcomings of an organization and an individual. Therefore, the performance of duties, through the implementation of the ethical triangle, aids in the pursuit of an administrative ethic.

The principle or deontological perspective of ethics offers that there are universal rules that lead one to make sound ethical choices. These rules are presented as external standards of behavior, and should be obeyed by public administrators and organizations. Alkadry, Blessett, and Patterson (2015) state that an advantage to the deontological perspective is that it offers external ethical guidance through principles of how to act or what to do. In some instances, and for some administrators, however, having ethical principles to guide one's work is not enough to lead to ethical administrative practices. Despite the City of San Francisco having some of the most progressive policies protecting the rights of transgender people and the San Francisco Police Department's (SFPD) providing policies that govern officer behaviors, the SFPD continued to engage in discriminatory practices against trans people. The entire SFPD willfully ignored the ethical principles governing them by allowing discriminatory patterns of practice to continue (Daley et al., 2000).

Virtue ethics turns the focus of ethical behavior inward. This perspective operates with a focus on integrity or the fabric of one's character. Agent-based virtue ethics is defined by the normative motivational and disposition qualities of an actor—the model virtuous person. This individual understands rightness as positive motivations and wrongness as having bad motives (Slote, 2001). In this regard, ethical character is a personal skill that can be developed over time. For public administrators, virtue ethics can be advanced and cultivated through job training and other professional development initiatives. The examples of oppressive

administrative behavior, highlighted above, demonstrate the insufficiently good motivations embodied by public actors (individuals and organizations). These (in)actions, resultantly, led to the criminalization of identity and state-sanctioned injustice.

The teleological perspective of ethics focuses on the good or bad results or consequences of one's actions. In this approach, actors make decisions based on the best ethical outcome, and strive to foster an end that leads to the greatest good (Svara, 2015). The actions of administrators and public organizations described throughout demonstrates how there appears to be little to no consideration of the goodness or badness related to said actions.

Conceptually, the application of the ethics triangle is a sound approach to achieve progress toward an ethical public administration. Nevertheless, there remains a gap in its application particularly, as it relates to state-sanctioned oppressive practices. While public administration ethics strive to offer administrators and public organizations models for ethical behavior and practice, traditional frameworks do not consider difference or social/historical context. By design, these frameworks are neutral and built upon an assumption of universality. However, a universal assumption uses too broad a brush stroke and inadvertently ignores differences in identity and culture. Furthermore, the normative presentation of ethics frameworks fails to acknowledge the nuanced roles of race, gender identity, sexual orientation and their intersections.

Frameworks that present universality encourage one dominant definition or approach, and are blind to the specific experiences and ideologies of those who are outside of the determined dominant group. In this manner, to be strategically blind is to neglect considerations of racism, power, and privilege in the delivery of public goods and services (Gooden, 2014). In other words, ethics frameworks that are devoid of context, history, and considerations of difference potentially perpetuate cultural imperialism and sustain a process of "othering."

For marginalized populations, an ethics framework that promotes normative ideals is a framework that, while appearing neutral, ignores their lived realities. Young (1990) illustrates that claims of universality force marginalized groups to enter the game after it has started and the rules have been established. While ethics frameworks offer organizations and administrators an archetype for behavior, their normative foundations may be as inadequate as it is useful.

## CONCLUSION

The discussion herein relays a bleak picture of how negative social constructions influence administrative behavior in such a way that identity—specifically racial, gender, and sexual—is criminalized. The criminalization of identity has and continues to enable public administrators and organizations to engage in oppressive practices that perpetuate injustice. While these behaviors and (in)actions are the antithesis of a sound administrative ethics—despite having access to ethical principles, opportunities to develop virtuous traits, and clear "bad" outcomes—they persist.

The impact negative social constructions have on the perpetuation of injustice is not abstract. The evidence offered in this article demonstrates how those identifying as LGBTQ, people of color, and LGBTQ people of color are profoundly burdened by the unjust and oppressive actions of public actors. Justice, however, is not elusive and can be achieved. However, to realize such a goal, administrators and organizations must actively work to build a foundation of

ethics that affords its privileges to all, including society's most marginalized and vulnerable. To effectively achieve justice, the processes by which labor is transferred must be replaced with a system that allows everyone the space to use their capabilities in such a way that it enhances universal development (Young, 1990). The marginalized must be included, both physical and non-physical violence must be eliminated from administrative practices, social group difference must be affirmed, and the powerless must be empowered.

To begin to effectively address the outcomes of negative social constructions, public organizations should work to be mindful of the importance of context and use an intersectional framework in the understanding and development of practices and policies that may address state-sanctioned oppression. Having a clear sense of an organization's culture—as comprised by its policies, practices, attitudes, and behaviors—is an important first step in achieving this goal. Organizations can ensure that policies and practices are inclusive, foster social equity, and are culturally competent. To begin this process, administrators can carefully review practices and policies that ban or restrict marginalized social groups in ways that do not restrict others. It thus should be an imperative of public administration to improve quality of life measures and service delivery for individuals who fall outside of normative conceptions of identity. This imperative manifests through a conscious recognition that people with marginalized intersecting identities have very different experiences, are perceived differently, and receive benefits differently than their counterparts. Public administration can work to minimize (and ultimately eliminate) these differences through a mindful approach to management and ethical practices.

> Svara (2015) argues:
>
> Public administrators should be honest, independent, competent, and committed to doing their best, and they should demonstrate integrity. These are virtues. They should treat all persons fairly and equally, observe the law, and follow the direction set by their leaders and their organizations. These are principles. Public administrators should try to achieve the greatest good for the most people. This is a beneficial consequence. (p. 14)

If, as a field, public administration believes that it should facilitate effective, efficient, and equitable outcomes, then how can it justify state-sanctioned oppression and injustice?

# REFERENCES

Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York, NY: The New Press.

Alkadry, M. G., Blessett, B., & Patterson, V. (2015). Public administration, diversity and the ethic of getting things done. *Administration & Society*, *49*(8), 1–28. doi:10.1177/0095399715581032

Allport, G. W., & Postman, L. J. (1947). *The psychology of rumor*. New York, NY: Russell & Russell.

American Psychological Association (APA). (2008). *Answers to your questions: For better understanding of sexual orientation and homosexuality*. Washington, DC: American Psychological Association. Retrieved from http://www.apa.org/topics/lgbt/orientation.pdf

Amnesty International. (2005). *USA: Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the U.S.* New York, NY: Amnesty International. Retrieved from https://www.amnesty.org/download/Documents/84000/amr511222005en.pdf

Blessett, B. (2017). To imagine a world where all lives truly mattered. *Public Integrity*, *19*(3), 191–195. doi:10.1080/10999922.2016.1270103

Blessett, B., & Box, R. C. (2016). Sharecropper finance: Using the justice system as a public revenue source. *Public Integrity*, *18*(2), 113–126. doi:10.1080/10999922.2015.1111742

Breslin, R., Pandey, S. & Riccucci, N. M. (2017). Intersectionality in public leadership research: A review and future research agenda. *Review of Public Personnel Administration*, *37*(2), 160–182. doi:10.1177/0734371X17697118

Center for American Progress. (2016). *Unjust: How the broken criminal justice system fails LGBT people of color*. Washington, DC: Center for American Progress Retrieved from http://www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf

Collins, P. H. (2009). *Another kind of public education: Race, schools, the media, and democratic possibilities*. Boston, MA: Beacon Press.

Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. W. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, *56*, 5–18. doi:10.1037//0022-3514.83.6.1314

Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, *1*(8), 139–167. Retrieved from http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf

Daley, C., Kugler, E., & Hirschmann, J. (2000). "*Walking while transgender*": Law enforcement harassment of San Francisco's transgender/transsexual community. Ella Baker Center for Human Rights/TransAction. Retrieved from http://getyrrights.org/wp-content/uploads/2014/11/Scanned-from-CUAV00112.pdf

Daum, C. (2015). The war on solicitation and intersectional subjection: Quality-of-life policing as a tool to control transgender populations. *New Political Science*, *37*(4), 562–581. doi:10.1080/07393148.2015.1089030

Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of Blacks. *Journal Personality and Social Psychology*, *34*(4), 590–598. doi:10.1037//0022-3514.34.4.590

Eberhardt, J. L., Goff, P. A., Purdie, V. J., & Davies, P. G. (2004). Seeing Black: Race, crime, and visual processing. *Journal of Personality and Social Psychology*, *87*(6), 876–893. doi:10.1037/0022-3514.87.6.876

Edelman, E. A. (2014). "Walking while transgender": Necropolitical regulations of trans feminine bodies of colour in the nation's capital. In J. Haritaworn, A. Kuntsman, & S. Posocco (Eds.), *Queer Necropolitics* (pp. 172–190). Abingdon, UK: Routledge. doi:10.4324/9780203798300-19

Federal Bureau of Investigation (FBI). (2015, November 16). *Latest hate crime statistics available: Report contains info on offenses, victims, and offender*. Retrieved from https://www.fbi.gov/news/stories/latest-hate-crime-statistics-available

Fenwick, C. (2005). Private use of prisoners' labor: Paradoxes of international human rights law. *Human Rights Quarterly*, *27*(1), 249–293. doi:10.1353/hrq.2005.0005

Gooden, S. (2014). *Race and social equity: A nervous area of government*. Armonk, NY: M.E. Sharpe. doi:10.4324/9781315701301

Greenwald, A. G., Oakes, M. A., & Hoffman, H. G. (2003). Targets of discrimination: Effects of race on responses to weapons holders. *Journal of Experimental Social Psychology*, *39*(4), 399–405. doi:10.1016/s0022-1031(03)00020-9

Hamidullah, M. F., & Riccucci, N. M. (2017). Intersectionality and family-friendly policies in the federal government: Perceptions of women of color. *Administration and Society*, *49*(1), 105–120. doi:10.1177/0095399715623314

Hurwitz, J., & Peffley, M. (1997). Public perceptions of race and crime: The role of racial stereotypes. *American Journal of Political Science*, *41*(2), 375–401. doi:10.2307/2111769

Hutchinson, D. (2015). Continually reminded of their inferior position: Social dominance, implicit bias, criminality, and race. *Washington University Journal of Law & Policy*, *46*(1), 23–115. Retrieved from https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1844&context=law_journal_law_policy

James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The report of the 2015 U.S. transgender survey*. National Center for Transgender Equality. Retrieved from https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF

Kennedy, R. (1998). *Race, crime and the law*. New York, NY: Penguin Random House.

Mancini, C., Mears, D. P., Stewart, E. A., Beaver, K. M., & Pickett, J. T. (2015). Whites' perceptions about Black criminality. *Crime & Delinquency*, *61*(7), 996–1022. doi:10.1177/0011128712461900

Mogul, J. L., Ritchie, A. J., & Whitlock, K. (2011). *Queer injustice: The criminalization of lgbt people in the United States*. Boston, MA: Beacon Press.

Noga-Styron, K. E., Reasons, C. E., & Peacock, D. (2012). The last acceptable prejudice: An overview of LGBT social and criminal injustice issues within the USA. *Contemporary Justice Review*, *15*(4), 369–398. doi:10.1080/10282580.2012.734564

Pelaez, V. (2008, August 28). *The prison industry in the United States: Big business or a new form of slavery.* Centre for Research on Globalization. Retrieved from https://www.globalresearch.ca/the-prison-industry-in-the-united-states-big-business-or-a-new-form-of-slavery/8289

Price, B. (2006). *Merchandizing prisoners: Who really pays for private prisons?* Westport, CT: Praeger.

Ritchie, A. J. (2013). The pertinence of *Perry* to challenging the continuing criminalization of LGBT people. *Review of Law and Social Change*, *37*(1), 63–70. Retrieved from https://socialchangenyu.files.wordpress.com/2013/03/37-1-ritchie.pdf

Sagar, H. A., & Schofield, J. W. (1980). Racial and behavioral cues in Black and White children's perceptions of ambiguously aggressive acts. *Journal of Personality and Social Psychology*, *39*(4), 590–598. doi:10.1037//0022-3514.39.4.590

Schneider, A., & Ingram, H. (1993). Social construction of target populations: Implications for politics and policy. *American Political Science Review*, *87*(2), 334–347. doi:10.2307/2939044

Schneider, A., Ingram, H., & deLeon, P. (2014). Democratic policy design: Social construction of targeted populations. In P. A. Sabatier & C. M. Weible (Eds.), *Theories of the policy process* (3rd ed., pp. 105–150). Boulder, CO: Westview Press.

Slote, M. (2001). *Morals from motives*. Oxford, UK: Oxford University Press. doi:10.1093/0195138376.001.0001

Stotzer, R. L. (2014). Law enforcement and criminal justice personnel interactions with transgender people in the United States: A literature review. *Aggression and Violent Behavior*, *19*(1), 263–277 doi:10.1016/j.avb.2014.04.012

Svara, J. (2015). *The ethics primer for public administrators in government and nonprofit organizations* (2nd ed.). Burlington, MA: Jones & Bartlett.

Thompson, M. (2010). Race, gender, and the social construction of mental illness in the criminal justice system. *Sociological Perspectives*, *53*(1), 99–125. doi:10.1525/sop.2010.53.1.99

Welch, K. (2007). Black criminal stereotypes and racial profiling. *Journal of Contemporary Criminal Justice*, *23*(3), 276–288. doi:10.1177/1043986207306870

Young, I. M. (1990). *Justice and the politics of difference*. Princeton, NJ: Princeton University Press.