

Intersectionality

A guide for
UCU members
and reps

This guide to intersectionality sets out how the term intersectionality is used in the context of equality. The guide begins with an understanding of how discrimination has been positioned in legislation followed by how discrimination is experienced by groups of people and how that experience can be different for different people within those groups. Following a look at some possible action this guide also signposts to additional viewing and reading for further exploration.

The aim of this guide is to provide a basic awareness of intersectionality and form a platform for further exploration.

Anti-discrimination legislation

The history of anti-discrimination legislation is one of responding to inequality with measures that address single issues, such as Equal Pay (1970) and groups of people, for example, the Disability Discrimination Act 1995 and 2005.

In the history of legislative attempts to tackle inequality in society legislation has often come after years of activists struggling to get issues addressed. Up until the year 2000 legislation was structured to support cases being taken to court arguing for equality where inequality had been experienced. This casework approach set precedents whether the rulings were domestic within the UK or through European courts. After the Stephen Lawrence Inquiry report (Macpherson 1999) equality legislation took on a more pre-emptive approach whereby organisations have been required to think about and evidence equality impact of their policies and practices. The Race Relations Amendment Act (2000) built on the 1976 Race Relations Act. It made public authorities responsible for the implementation of race equality through carrying out a general duty to promote race equality and specific duties to

ensure better performance in delivering the general duty. This Act was followed by similar legislation covering disability (2005) and sex discrimination (2008) The Equality Act 2010 aimed to bring equality strands (protected characteristics) together on a more equal basis with general and specific duties across equality areas. Two clauses of the Equality Act have not been implemented; the socio-economic duty and dual discrimination which would have cut across the different equality protected characteristics. This means discrimination challenges can only be on the basis of single characteristics.

Protected characteristics covered by the Equality 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage or Civil Partnership (in employment only)
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual orientation

The existence of these as equality categories also reveals something about histories and systems of oppression. It is the system that needs challenging if discrimination is to be effectively challenged. For example the need to identify some of these characteristics indicates that society has advantaged white heterosexual cis men who do not self-identify as disabled and may be middle-aged. Patricia Hill Collins identifies this situation as a matrix of domination thereby situating the struggle as one of liberation and redistribution of structural power.

Where we are now?

The current position is that there is legislative push from the Equality Act 2010 for organisations to consider and give account of how women and disabled people, for example, are being promoted. However there is no requirement in terms of people who have more than one protected characteristic such as disabled women. Meaning that whilst disabled people and women may be being promoted within an organisation it may only be disabled men and women who do not identify as disabled who are considered.

There is a history of accounts about how discrimination is experienced by people with more than one protected characteristic. For example, bell hooks published 'Ain't I A Woman' in 1981 referring to Sojourner Truth's 1851 speech at the Ohio Women's Rights Conference. Both the book and the speech challenged pre-dominant white feminism to reposition taking into account Black feminist experience. Hooks wrote about co-existing identities.

Audre Lourde emphasised that we don't live single issue lives and there can be no hierarchy of oppression. These leading figures challenged the dominant position in feminism that of white women focused on dismantling male-dominated (patriarchal) society. The challenge

was that by not engaging with an anti-racist agenda, and thereby assuming a white homogeneity, not all women were being included and the movement was falling short of ensuring liberation / equality for all women.

Intersectionality

Building on the tradition of challenging the assumed homogeneity of single identity categories Kimberlé Crenshaw published a paper 'Demarginalising the intersection of race and sex: a Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist policies' (1989). In this paper Crenshaw referred to the case of a Black woman who was trying to gain employment in a particular organisation. When taken to court the organisation could demonstrate that they employed Black people and women. The argument against the organisation was that the Black people who were employed were Black men, to manual jobs on the factory floor, and the women were all white (secretarial). The Black woman in this case fell outside the groups and there was no intersection that included Black women. However the court rejected the case stating that the organisation was able to prove no discrimination against Blacks and no discrimination against women. Furthermore the court stated that to take a case on the two counts of being Black and a woman was unfair as it meant getting more chances at proving the discrimination than others would have. This presented a clear case of where law did not reflect lived experience of discrimination. It is this paper that is often cited as being the start of intersectionality as a theoretical perspective.

Why does taking account of intersectionality matter?

Only being able to argue for one form of discrimination can lead to a form of selectivism where one form of oppression is chosen as grounds for struggle rather than another or a combination of them. In this situation a hierarchy of oppressions can be structured, leading to some identities being further marginalised. It has been noted that the legislation that supports this system is largely brought in by those who hold structural power.

Hierarchies and marginalisation can be seen in various equality and liberation movements. Within the LGBT communities there is significant criticism that the voice of white gay cis men is predominant whilst that of Black trans women is more marginalised. For example, when the story of Stonewall riots is celebrated the leading role of Marsha P Johnson is all too frequently not visible. The discourse about the pink pound can be very isolating and further marginalise LGBT+ people who have no or low income, rather than enabling all to have a meaningful participation in the community. Celebration of the history of and ongoing nature of struggle can include how this is experienced by people at intersections such as disabled bisexual men, Muslim queers and Black lesbian women.

Whilst it assumed by some that 'coming out' is a rite of passage or a necessity for some it can be a matter of survival to not come out as they live within spaces that are hostile to their sexual or gender identity. Safe space is valued by some as the only place where they can be themselves and should be provided without any assumption that this can readily be found or

experienced. Some people need to be assured that a place, or a disclosure is entirely safe confidential.

Action that is being taken to promote intersectionality

Activism to challenge marginalisation has led to creation and celebration of movements such as Black Pride which in both leadership and participation works to ensure more diversity of voice than other Pride events. Lack of awareness of the way discrimination manifests can lead to reinforcing discrimination such as the unfortunate booking of a blackface group to perform at a Pride event which also failed to forward Black voices and presence. Other organisations within the LGBT+ communities giving voice to intersections of oppression include Imaan (LGBTQ Muslim charity) and Rainbow Migrants (LGBTQI migrants).

Crenshaw has led a movement challenging the predominance of a Black male narrative within Black Lives Matter called Say Her Name. This challenging the anti-racist movement to also be challenging the effects of patriarchy. This movement informed by the tradition of struggle to challenge racism and sexism alongside each other rather than continuing the oppressive system. Intersectionality promotes listening and learning from the diversity within movements and by bringing these voices to the fore refusing to allow relative privilege to be replicated within the groups struggling for liberation.

What can be done?

When looking at how discrimination is present within any organisation it can be useful to look through the lens or prism of intersectionality. Referring back to the example used by Crenshaw of the Black woman who could not get employment due to falling between two positions we could dig down into data about any one group and ask questions of the diversity of representation of that group. For example, of looking at data regarding promotion one can ask how many Black women are being promoted, how many disabled women, how many Black disabled men rather than just how many disabled people, how many Black people and how many women. It requires comparison within group as well as between groups. Section 14 of the Equality Act 2010 with provision for taking cases on dual discrimination could be a way to engage discussion about intersectionality within legislation and potentially lead to societal change.

Ensuring that there are no assumptions about the homogeneity of groups within our work and promotional materials will help develop better inclusive practice. This can also be helped by organising to ensure representation of all the equality areas on organising committees and groups. By doing so we can recognise what kind of discrimination may be going on, respect the existence of diversity, value different discourses, better support every person and mitigate against a hierarchy of oppression.

USEFUL MATERIAL:

Davis, Angela (1981) *Women, Race and Class*

Hill Collins, Patricia (2000) *Black Feminist Thought*

Hill Collins, Patricia (2016) *Intersectionality*

Hooks, Bell (1981) Ain't I A Woman? *Black Women and Feminism*

ONLINE RESOURCES:

The urgency of intersectionality

https://www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality

Kimberlé Crenshaw - On Intersectionality - keynote - WOW 2016

<https://www.youtube.com/watch?v=-DW4HLgYPIA>

Kimberle Williams Crenshaw: Structural & Political Intersectionality

<https://www.youtube.com/watch?v=yWa63FLEYSU>

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