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Intersectionality and Public Policies: Potentials and Pitfalls

Is intersectionality a false problem in public policy analysis?

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“Is intersectionality a false problem in public policy analysis?”

Summary:

This presentation aims to explore one of the main problems that arise from the encounter between theories of intersectionality and public policy: the construction of categories for public action. This presentation will argue that by provoking the multiplication of categories, intersectionality can create more epistemological and methodological problems than it solves. Yet, insisting on the distinction between categories of analysis and categories of practice, it will also argue that the symbolic frames and abstractions sometimes artificially produced by theories of intersectionality, are also part of the social world and can turn intersectionality into the object of research itself.

Introduction

Context of the paper

This presentation stems from a common work started in 2010 with my colleague Sebastien Chauvin, analyzing the reception of theories of intersectionality in French academia. Eventually, we published an article in the *French Journal of Political Science* in 2012¹, but while our paper was under review, we realized through the comments we received, that in mainstream political science, intersectionality was not yet “a thing”. This probably sounds very provincial to an audience which has been dealing with intersectionality for years, or for younger scholars whose research objects may have precisely been born from this brand of questioning.

Describing the French configuration which welcomed theories of intersectionality is important to introduce the context of this presentation, a context necessarily local, reflecting questions, false problems and solutions that have been framed differently -or definitely dealt with- elsewhere. To that extent, my critique deems to be humble and addresses problems which originated in a small fragment of international research, even if this fragment echoes epistemological debates held almost everywhere when it comes to intersectionality.

In France, theories of intersectionality arrived late, in the mid-2000s, and were coldly and skeptically welcomed. For materialist sociology of domination, the new kid on the block was a fancy

¹ Alexandre Jaunait, Sébastien Chauvin, “Représenter l’intersection. Les théories de l’intersectionnalité à l’épreuve des sciences sociales”, *Revue française de science politique*, vol. 62, (1), 2012, p. 5-20. Translation in English on cairn.fr: “Representing the Intersection in France and America. Theories of Intersectionality Meet Social Sciences”.

name for research questions and methods that weren't so new. Moreover, the French political context, not at ease with the very concept of race, was quite new to antidiscrimination questions - most of French antidiscrimination law having arisen in the wake of European law. Additionally, there were very little institutional frames allowing to create bridges between public policies and scholarly research, very little cooperation between researchers and the State in terms of thinking together positive programs of public intervention.

Such context doesn't reflect other international settings which have enthusiastically welcomed, appropriated and expanded the scope of these theories. Part of my critique relies on this context, especially about how political questions were translated into sociological questions, or about how an "intersectional problem" was translated into "intersectional solutions".

This leads me to the title of my presentation, asking if intersectionality is the red herring of public policy. I need to come out here, and disclose that this title had a not so well hidden goal: having my paper selected in this conference. Since this worked, I can now underline that stating that intersectionality is "not a thing" would not only be the most pretentious and blind of all statements, it would also not accurately represent my position. A theory tagged as "the most important contribution that women's studies, in conjunction with other fields, has made so far"² is first of all humbling from any academic perspective. Moreover, it has become radically impossible not to acknowledge how much things have changed in France since the mid-2000s: intersectionality is now rooted in French social sciences, new questions have arisen, new forms of cooperation between the State and the academia too, and the political context of social sciences has slightly shifted and brought to an important reinvestment in the study of domination. For a theory that had been tagged as too American, too "gendery", too racial, and too postcolonial, this move from margins to (almost) center is, indeed, quite a thing.

² Leslie McCall, "The Complexity of Intersectionality", *Signs*, 30 (3), 2005, p. 1771.

This being said, my intervention has three objectives:

First, to take seriously what I call a *translation* problem between political and sociological questions. To me, intersectionality -specifically in its critical origins- is more the name of a problem than the name of a solution. This relates to the question of categories: the ones we built as tools of analysis compared to categories of practice, and the ones public policies create to fuel political intervention. In that regard, I have been puzzled by some (French) attempts to think, describe, or build “intersectional categories” fitting “intersectional people”, or by the idea that intersectionality could, as an epiphany, allow us to comprehend domination as a combined apparatus of social structures. As we already know, inferential statistics playing with the combination of multiplicative variables is not new, and ethnography based on emic categories, or social history of identities have been studying with undeniable success the configurational character of structural social relations³. These questions may sound out of date since epistemological debates around intersectionality have been going on for a while, but I will also try to show why restating them could still be of use and still be relevant about our ways of conducting research.

My second objective somewhat answers my first critique by considering that some problematic readings of intersectionality partly misconceive the critical analysis that was in gestation in the first theories. Equating intersectionality with the idea of intersection is an analytical shortcut missing that these theories haven't so much asserted the intersection than they have deconstructed it⁴. This is open to debate of course, but I think it can also help to understand why certain positive programs of intersectionality can self-dissolve while trying to fix problems.

³ For instance, George Chauncey's *Gay New York* is probably one of the best examples of how gender, sexuality, class and race have produced contemporary gender and sexual identities through differentiation processes than happened together and couldn't be seen as separated at the level of individual experience. Georges Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940*, New York: Basic Books, 1994.

⁴ Looking back to our 2012 article on the reception of theories of intersectionality, S. Chauvin and I realized we had also been somewhat trapped in this idea that intersectionality is the intersection, which triggered an aggiornamento of our critique in: “L'intersectionnalité contre l'intersection”, *Raisons politiques*, n°58, 2015, p. 55-74.

Finally, and very far from the idea of a “false problem”, I would actually want to share why I think that some sound critiques of intersectionality, with which I somewhat agree epistemologically, have also failed to see something of the utmost importance: intersectionality doesn’t only represent a set of theories or of methodological approaches. Their success doesn’t stop at the borders of the academic world and has also spread to many other arenas of the social world. In that sense, some abstract conceptions of power as separate and intersecting lines -which theories of intersectionality have at the same time bolstered and invited to deconstruct- deserve to be treated as actual *objects* of social science research, since they are objects of the social world. Indeed, if we can criticize, as social scientists, representations of power relations as separate power frames, these representations are nevertheless “real” in their consequences. Stepping out from the ever-lasting debate about the validity of crossroad metaphors, I’d like to underline that abstract representations, even if epistemologically problematic, also fuel the interactions of the social world and are mobilized and used by actors, having very concrete effects on social movements, public policies, political competition and so on.

I – Intersectionality as a problem or a solution? Analytical shortcuts about intersectionality

I apologize in advance for what could appear as a restatement of Crenshaw’s main arguments⁵. And actually, I will not summarize her, knowing each and every one of us has read Crenshaw. I will simply attempt to relate the account I want to give of her theory to the first contexts of those theories in order to argue that intersectionality labels a problem much more than it formulates a solution –at least in the early 1990’s...

⁵ Kimberlé Crenshaw, “Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics”, *University of Chicago Legal Forum*, n° 139, 1989, p. 139-167; “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” *Stanford Law Review*, 43(6): 1241–1299.

Intersectionality is the name of a problem that arose in two specific arenas -social movements and law- rather than a positive program -an intersectional solution- which was developed later in different fields of social sciences and public action.

Intersectionality describes strategic dilemmas met by vulnerable social groups -mainly, African-American women- subjected to forms of domination which were escaping the broad power relations languages used in social movements and law to defend the interests of discriminated populations. Two logically related problems emerged: first, these women were rendered invisible in the normative systems of representations which social movements and law constitute; second they were considered as non-representative of their groups.

African-American women were firstly invisibilized, because they were seen as not fitting the social characteristics of the main leaders of the movements, namely: Black men in the Black power Movement, and white women in the feminist movement. As such, they were considered as non-representative of the cause they claimed to embody or partake in: seen as “specific”, “marginal”, or “more complex” cases of the power relation giving its name to the movement, African-American women were basically the wrong incarnations of various political subjects of minority groups and struggles. It is already interesting to note than an original intent of the first theories aimed at denouncing the alleged complexity or specificity forbidding certain subjects to correctly represent a social group. As an ironic counterpoint, a heavy-load of instruments or propositions derived from contemporary intersectional thought is today designed to embrace a more accurate level of specificity in order to account for always “more complex” forms of domination ...

In the feminist social movement and the civil-right movement, African-American women were excluded by leaders who happened to be the most privileged members of oppressed groups. Sociologically, the leaders embodying a subjected position in the public space, were actually the dominant members of the group they represented. For instance, leaders of the Black Power movement were men from upper and middle-class, and leaders of the feminist movement were white women from upper and middle-class. But Black women were not only excluded in the most

classical sense of the term: deprived from power positions. They were also symbolically excluded from the normative system of representation, considered unable to be the standard-bearers of a cause, their social properties being viewed as not enough *generic* to embody the struggle. There is indeed a hidden property of social and political representation at play here, manifesting how most representatives and leaders of minority movements are actually privileged in all regards, *but* the very one they embody. A good leader is a generic leader in a system of representation in which blackness is masculine and femininity is white. Feminine blackness is too specific to be seen as efficiently representing blackness, and Black femininity is too specific to be seen as efficiently representing womanliness. By denouncing their practical and symbolic exclusion from systems of representation, African-American woman and the first theorists of intersectionality were criticizing normative frames of representation built on underlying cognitive frames and cultural beliefs. It is these frames and beliefs which construe generic representations of racial and gender domination, and artificially produces the complexity of certain political subjects.

If we move to law, another normative area of representation, the power and strategic dilemmas are merely the same. The logics of invisibilisation and non-representativeness are strictly analogous: discriminated African-American women were not considered, in antidiscrimination jurisprudence, as enough generic of a protected class or category of American law to be given the benefits of antidiscrimination protection. Judges, unable to determine if some women were discriminated because of their gender or their race, were unable to grant them protection and consider them discriminated through the official legal categories of sex and race. Analogically to the way these women were not seen as enough representative of the social movements they were participating to, in the arena of law, they were not enough representative of the categories of victims protected by the Constitution. The same logics of symbolic exclusion were at play: since Black women couldn't be considered discriminated *only* as women or *only* as Black, they were not discriminated at all...

Crenshaw explicitly coined the term intersectionality, in the wake of Black feminism, to describe how the problem faced by some women in social movements found an even more normative echo in law. As I am sure of, many presentations will deal with the ways new tools and solutions have been invented since the beginning of the 1990's in antidiscrimination law. But I would like to stress how much, in the 2000's, in European law, the problem is still at play. For instance, judges of the European Court of Human Rights found themselves unable to protect Muslim women wearing a headscarf. Some plaintiffs had used the ground of gender to plead their case and were answered that their discrimination could solely be evaluated on the grounds of freedom of religion. But conversely, women arguing on the grounds of religion were told that their cases were regarding gender. Here again, a Muslim women not being discriminated *only* as a woman or *only* as a Muslim is considered as not discriminated at all⁶...

This quick recap of the pioneering theories of intersectionality purposefully avoided the idea of double or multiple discrimination, or the idea of the specific complexity of certain situations of domination (not that there are none, not that they are -as I will argue latter). I wanted to insist on the *descriptive* power of a set of theories underlining how concrete forms of discrimination pointed out to how political and judicial systems were actually, in the most political and sociological sense of the term, *systems of representation*. I hope this idea will get clearer during my presentation, but as such, *these theories do not firstly point out the specific properties of specific groups* which would be harder than any other to formally represent. They point out to the fact that systems of representations are built on what Cecilia Ridgeway and Tamar Kricheli-Katz name "prototypical cases", opposed to "non-prototypical cases". Consequently, people considered "off diagonal" are "often characterized as exceptions to the general rule according to which we explain the general

⁶ Anastasia Vakulenko, "'Islamic headscarves' and the European Convention on Human Rights: An intersectional perspective", *Social & Legal Studies*, vol. 16, 2007, p. 183-199.

behaviors of self and other”⁷. The important argument here is that the intersection described in this powerful critique is mostly a *position in a representational system of coordinates*. It does not so much point at a specific set of social properties; it acknowledges and criticizes how systems of representation built on prototypical features of blackness and gender, fail to represent certain groups. “Intersectional people” aren’t intersectional by essence but are somewhat *put into a position of intersectionality* that is contingent and historical, ergo, that theories of intersectionality aim to deconstruct rather than assert.

From there, I would like to address the tautological inquiries and questions which can derive from readings of intersectionality which consider, while capturing a strong criticism of power, that certain people are intersectional and certain are not, and from translating the problem which theories of intersectionality pinpoint into positive programs of public policies.

II – Sociological translations of the intersectional problem: transforming intersectionality into a positive program.

If social movements and law are spaces of representation, so are social sciences. Describing and analyzing systems of power and discriminations is indeed another way of representing. Social sciences “represent” domination, and the study of power relations cannot be implemented without constructing abstract frames -gender, race, class, sexuality, ability, and so on- which are intimately intertwined and consubstantial to each other in practices and regimes of experience⁸. In the aftermath of intersectional theories and their impressive success, many writers have restated the idea of intersectionality as describing groups “at the intersection of (several) structural power

⁷ Cecilia Ridgeway, Tamar Kricheli-Katz, “Intersecting cultural beliefs in social relations gender, race, and class binds and freedoms”, *Gender & Society*, vol. 27, n° 3, 2013, p. 312.

⁸ Danièle Kergoat, “Dynamique et consubstantialité des rapports sociaux” in Elsa Dorlin (dir.), *Sexe, race, classe. Pour une épistémologie de la domination*, Paris, PUF, 2009, p. 111-125.

relations”⁹, thus equating intersectionality with the very idea of intersection. Part of this paper argues that theories of intersectionality are in fact the *deconstruction* of the idea of intersection, not its tautological repetition. As I have proposed above, intersectionality is first of all (originally?) describing a representational problem, and second, deconstructing the false complexity of non-prototypical subjects confined to intersectional corners. In a certain way, which I will amend later, if we stick to sociological theory, any individual is objectively intersectional.

Building on Crenshaw’s deconstruction of a political, legal and symbolic problem, one could defend that sociological theory shouldn’t import in its own frames the problems Crenshaw described about politics of representation. In the same way social movement of the 1970’s made African-American women “too specific” or “too complex” to embody the political subject of race or gender, social theory should not create a false problem of complexity. Stating that some social groups are more complex than others -and once again, I will amend this idea later- is forgetting that every social position is particular and complex, and that every social actor is by definition at the crossroads of multiple power relations. To restate it: would a dominant position, or a privileged actor, be considered as sociologically less complex than an underprivileged position or actor? Holding this ground leads to considering that we shouldn’t study whiteness, maleness, cisgenderism or

⁹ There is a heavy load of understandings of intersectionality defining it more or less this way, notwithstanding the constant reshaping of the notion or the attempts to rename it (on the various versions of intersectionality: Leslie McCall, “The Complexity of Intersectionality”, *Signs*, 30 (3), 2005, p. 1771-1800 or Sirma Bilge, “Théorisations féministes de l’intersectionnalité”, *Diogenes*, 225, January-March 2009, p. 70-88). Additionally, Crenshaw’s own metaphor of a crossroad to describe discrimination as a complex structure has largely fueled the equation between intersectionality on the one hand, and the abstract idea of an intersection of power relations projected on a social “intersectional subject”. Though I do not think this was the initial goal of her critique, some appropriations have led to shortcuts of this sort. Criticizing the political reach of the concept for feminism, Naomi Zack writes: “as a theory of women’s identity, intersectionality is not inclusive insofar as *members of specific intersections* of race and class create only their own feminisms”. Naomi Zack, *Inclusive Feminism: A Third Wave Theory of Women’s Commonality*, Lanham, MD: Rowman and Littlefield, 2005 (my emphasis). It is of course possible to consider than one could only focus on what one would consider the “best” understanding of these theories, but this would also lead to a difficult classification of contributions and a hunt for the “authentic theory”. I simply argue that even theories which take structural relations as an integrated system sometimes tend to describe certain groups as characterized by a specific assemblage of social properties, i.e. a sociological intersection.

heterosexuality, only the subordinate counterpart being deemed enough complex¹⁰. Systems of power have two sides, and if it is not the same thing to fall on one side or the other in terms of privileges, it is nevertheless as complex to analyze and describe. To that extent, a white cisgender male is as complex and as intersectional as a non-white trans woman, which of course doesn't mean they face the same problems or have equal access to society's various forms of capital. A crucial political question doesn't necessarily translate into a well formulated sociological question.

This remark leads me to a second critique getting closer to public action as well as to public policy analysis. A strong drive inherited from intersectionality theories is to consider that "intersectional groups" are substantive groups and that the studied intersection is a genuine category of people. This becomes even more crucial when deciders and institutions choose to take into account intersectionality and to translate it in public programs, as the European Union has been attempting to do for some years now¹¹. My critique certainly doesn't target those programs which I haven't myself studied. It simply proposes to reflect on what kind of analytical categories "intersectional categories" could be.

Building intersectional categories is a thorny epistemological problem, even when it might be a strategic imperative. Social groups do not preexist to structural power relations that make them come into being. In a study of how companies design diversity policies, some authors have shown that the categories built to fight discrimination tended to construe the problem they were fighting *within the group itself*, making this problem a defining characteristic of the named group, eventually failing to capture how the organization itself was producing the problem¹². The description of an intersectional problem shouldn't necessarily lead to an analytical shortcut associating a stigma to the

¹⁰ The idea that intersectionality theories tend to forget the dominant positions in society is of course not new: "the overwhelming majority of intersectional scholarship has centred on the particular positions of multiply marginalized subjects" (Jennifer Nash, "Re-thinking Intersectionality." *Feminist Review*, 89: 1-15, 2008, p. 9-10). My point is to attach this known critique to the development of intersectional categories in public policies.

¹¹ See: Mieke Verloo, "Multiple Inequalities. Intersectionality and the European Union", *European Journal of Women's Studies*, 13 (3), 2006, p. 211-228 and Emanuela Lombardo, Petra Meier, Mieke Verloo, *The Discursive Politics of Gender Equality. Stretching, Bending, and Policymaking*, Oxford, Routledge, 2009.

¹² Ahu Tatli, Mustafa F. Özbilgin, "An emic approach to intersectional study of diversity at work: A Bourdieuan framing", *International Journal of Management Reviews*, vol. 14, 2012, p. 180-200.

social properties of the victims. Systemic discrimination transforms groups of people into problematic people. As such, the process of categorization can fail to address the responsibility of the system, and even worse, to transform a power-produced vulnerability into a defining characteristic of a group.

I think this is an important question regarding public policies and the work of building useful categories for public intervention -and some of your papers will address this concern. I will learn from what I will hear, but to me, this problem relates to the necessity of creating instruments as close as possible to the categories of practice of actors, in contexts and configurations which are contingent and changing; it also raises the question of how categories derived from power structures create “false groups” in a certain way, or artificial complexities not reflecting the ways power structures generate at the same time a problem and a group defined by that very same problem. On a more anecdotal note, I was startled by the way the French High Council for Equality between Women and Men, in charge of public policy proposals for the French government regarding gender equality, proposed to create a new category of women named “intersectional women” alongside with “women” and “migrant women”¹³. Happily, the project didn’t reach any substantial public policy level but it does say something about how certain analytical tools can produce purely artificial categories of persons. I would add to this that seeing intersectionality as a category of people is also a vibrant contradiction since the creation of an intersectional group can only have two effects: first of all, it makes the intersectionality position disappear! If intersectionality is a position in a system of coordinates, representing it makes it instantly disappear, since intersectionality describes the systemic invisibility generated by the representational features of the system. Secondly, it raises the question of multiplying intersectional categories in a regressive way, intersecting additively and endlessly¹⁴. Creating new forms of representation without addressing the systemic problem of how

¹³ The example is taken from what I have witnessed as a member of this council from 2013 to 2015. Haut Conseil à l’Egalité entre les Femmes et les hommes.

¹⁴ This isn’t a new critique either. See Naomi Zack, *Inclusive Feminism: A Third Wave Theory of Women’s Commonality*, op. cit.; or the identity-based critique of multiplying categories in a regressive fashion argued by

invisibility in produced leads either to new intersectional positions or to the whole dilution of the instrument's efficiency.

In this section I have raised two problems of a "trend" I noticed in certain programs or proposals -and once again for someone who has only recently stepped in the field of French public policy. The first one resides in the practice of social sciences and what I consider to be a form of odd reading of intersectionality, associating it to the idea of "intersection", and leading to consider that only certain subjects or groups are complex and specific. If power relations are necessarily abstract as such, their concrete incarnations are always specific and non-generic. For social sciences, they are only complex cases. Secondly, I have proposed, using -I admit to it- stereotypical examples (but also actual ones), to be cautious about translating the name of a problem into the name of a solution. It remains important to state that this critique is mostly built from the shores of social sciences as an epistemological problem, rather than from a political point of view regarding social movement or institutional strategies. Arguing that frames of power generate intersectional positions, and that these politically-built positions are not an assemblage of social properties defining a group¹⁵, says absolutely nothing about how minorities (should) use and mobilize the scarce available instruments¹⁶.

The problems I have raised are all-in-all problems linked to the problem of category creation: what categories do we design, and from which perspective do we design them? In that respect, I think Roger Brubakers call to a better distinction between categories of practice and categories of analysis is of the utmost importance¹⁷. Categories of practice are the ones experienced by social

Lynne Huffer, *Are the Lips a Grave? A Queer Feminist on the Ethics of Sex*, New York, Columbia University Press, 2013.

¹⁵ Once again, from the point of view of emic categories. It is undeniable that political corners *do* fuel identity politics which are always positional politics attached to a strong logic of performativity.

¹⁶ For a thorough discussion of legal strategies of transadvocates dealing with "specific protections", echoing the problem of how law-makers define "problematic categories" that are merely the reflection of systemic discrimination, see Paisley Currah, Richard M. Juang, Shannon Price Minter, *Transgender Rights*, Minneapolis, University of Minnesota Press, 2006.

¹⁷ Rogers Brubaker, "Categories of analysis and categories of practice: a note on the study of Muslims in European countries of immigration", *Ethnic and Racial Studies*, vol. 36, n° 1, 2013, p. 1-8.

actors, self-identification processes, regimes of experience. Categories of analysis are the ones that are constructed by scholars to account for a situation and deconstruct it. There is a thin line between those two types of categories, since self-identification is also shaped by the way we are defined by institutions and others. But it remains important, specifically in the process of translating a critique into a sociological analysis, to reflect on the differences of those and not to substitute our analytical categories to the ones concretely experienced by social actors

III – Moving to critical lessons of intersectionality for research

In the last section I would like to draw critical lessons from theories of intersectionality, showing indeed that the slightly provocative title of this paper is a form of counterpoint, eventually siding with intersectionality.

I have tried to show how some readings of intersectionality, though also participating to its successes, can lead to redundant questions or statements, or even misconceived sociological dilemmas. I strongly believe we need to build our objects instead of directly borrowing them from social fields reflecting social and political struggles.

But as I have noted in my introduction, intersectionality is more than a social science concept, it is at the name of a problem and at the same time an attempt to translate political questions into sociological description and analysis. If intersectionality isn't by itself the answer to the questions it raises, it has also changed the whole scene of questioning, interweaving political and epistemological questions in a way that can only be fruitful for social sciences. To that extent, they are invaluable critical lessons that we can draw from these theories. I will introduce two of those, that I have already mentioned in there negative aspects, asking myself what positive lessons we can learn from the analytical shortcuts of certain interpretations of intersectionality; and to conclude, I will insist on a third lesson, to me the most important one.

1st critical lesson

Taking intersectionality as the deconstruction, not the affirmation, of the idea of intersection, somewhat leads to renewed research perspectives. Criticizing the idea that certain people are intersectional and certain are not reminds us that every situation is complex when it comes to power relations, and that studying the profitable side of domination is part of the investigation on multiple discrimination.

Intersectionality has thus opened the door to enlarging the scope of structural relations of power. For the past several years, empirical studies have considered an ever larger spectrum of relations of domination, carefully describing each configuration of power as specific. The class/race/gender triptych has been continuously extended to include the analysis of other social relations whose structuring nature is recognized today, both on the formation of identities and on the crystallization of collective antagonisms. But intersectionality has not only expanded as a theory of social relations. Drawing from the idea that intersectionality supposes the complexity of subjected people as much as dominant ones, it invites us to not only explore the position of the dominated, which intersectionality took as the fulcrum for thinking about the multiplicity of power relations. Yet, in the same way that studies dedicated to race and ethnicity have progressively taken into account the necessity of analyzing “whiteness”, i.e. the dominant position¹⁸, intersectionality theories may also be applied to the analysis of the situation of the dominant, defined by the intersection of privileged social properties¹⁹.

¹⁸ David Roediger (editor), *The Wages of Whiteness. Race and the Making of the American Working Class*, London, Verso, 2007; Gabriele Griffin, Rosi Braidotti, “Whiteness and European Situatedness”, in Gabriele Griffin, Rosi Braidotti (editors), *Thinking Differently. A reader in European Women’s Studies*, London, Zed, 2002, p. 221-236; Ladelle McWhorter, “Where Do White People Come From? A Foucaultian Critique of Whiteness Studies”, *Philosophy and Social Criticism*, 31 (5-6), 2005, p. 533-556.

¹⁹ For instance, and among many other examples, historian Robert Dean studied the place of masculine gender identity in the production of the ruling class in the United States in the 20th century and the manner in which it weighed on Cold War foreign policy (Robert Dean, *Imperial Brotherhood. Gender and the Making of Cold War Foreign Policy*, Amherst, University of Massachusetts Press, 2001). In a recent work, Julian B. Carter explored the role of sexuality in the reconstruction of white American “normality” in the 20th century (Julian B. Carter, *The Heart of Whiteness. Normal Sexuality and Race in America, 1880-1940*, Durham, Duke University Press, 2007). In Europe, comparing France and the Netherlands at the beginning of the 21st century, Eric Fassin showed the distinct ways in which the dominant “majorities” of these two countries have rested upon the stigmatization of ethnic and religious minorities to present themselves as the vanguard of a paradoxical sexual

2nd critical lesson

I have argued that the substantialization of a constructed intersectional position can lead to attribute the vulnerability of a group to the group itself, as a defining social feature. This critique also has its positive lesson: namely, understanding how intersectionality is produced by a system, hence, deconstructing the system and rethinking antidiscrimination strategies.

This is certainly not a new thing, but the multiplication of what I called “intersectional solutions” as positive programs of intervention, translating a position into an essence, strengthens the need to be cautious about how antidiscrimination is built. This is actually a critique Crenshaw herself came back to in the late 1990’s, examining how antidiscrimination, simply conceptualized as the passage from invisibility to visibility through the recognition of vulnerability, was also reproducing the dominant point of view. In an article published in the *Critical race theory handbook* Crenshaw co-edited in 1996, author David Freeman tags this legal strategy problem as the “perpetrator perspective”: antidiscrimination law only sanctions a blatant discrimination, but in doing so, depicts the social system as merely innocent, and fails to comprehend how it produces discrimination²⁰. A quite intuitive analogy comes to mind if we think about how disability studies have fostered a similar reflexive effort, deconstructing disability as a social limitation and not a personal one, residing in the core of essentially problematic subjects²¹.

It is actually thinking about this pitfall of intersectionality “solutions” that led me to question the way I am currently working on French gender identity legislations. Working on pieces of

modernity, one which is both progressive and reactive (E. Fassin, “National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe”, *Public Culture*, 22 (3), October 2010, p. 507-529.

²⁰ David Freeman, “Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine”, in Kimberle Crenshaw & al. eds., *Critical Race Theory: The Key Writings that Formed the Movement* 29, New Press, 1996, p. 29-31.

²¹ “[Most writers] have accepted the general view of disability as a personal tragedy. From this it logically follows that the reasons why disabled people cannot or do not participate fully in a society stem directly from the physical or psychological limitations of the disabled person as the consequence of this traumatic event (...). However, more and more disabled people have been pointing out that full participation has not been prevented by personal limitations but by the social restrictions imposed upon them by society leading them to the view that ‘... disability is therefore a particular form of social oppression’”. Mike Oliver, “Social Policy and Disability: Some Theoretical Issues”, *Disability, Handicap & Society*, 1, 1, 1986, p. 6, quoting: Union of the Physically Impaired Against Segregation, *Fundamental Principles of Disability*, London, 1976, p. 4.

legislation created to protect trans people had me reflect about how transidentities were built, and mainly, by whom. And through interviews with legislators on the one hand, and transadvocates on the other, there was no way I could put together as a same thing the definitions of gender identity at play. Intersectionality was here very useful to me, but surprisingly, not by adding a new situation of vulnerability, or “enriching” my range of intersections. As an invitation to genealogize discrimination as a systemic power play, intersectionality led me to study how a cisgender system produces its own definitions of what is gender identity and what is “trans”. And consequently, it allowed me to see how part of the problems of the 2016 civil sex change reform in France could be traced back to how a cisgender legislative system “transidentifies” -in the same way people are “intersectionalized” by a system. The legal specialist Dean Spades puts this clearly when he writes that “... trans people exist at a juncture of erasure and hyper-regulation in the law”²², pointing out how solutions built in an unchallenged frame of power, driving its categories from the very discrimination it systemically produces, is a tenuous progress. And in the legislative process I studied, nothing is more flagrant than the way the protection of trans people is heavily related to a cisgender perception of them as having intrinsic problems, namely, gender problems. The cis system cannot see trans people elsewhere than where it has put them in a certain representational grammar of the world, and they are actually defined by the problem the legislator sees in them.

I would add that this use of intersectionality as a reminder about how a system essentializes the subjects it puts in a situation of vulnerability, also helped me work in a less appropriative way. I am indeed not so much working on trans people than I am, through public policy frames, working on cisgender perspectives of law and gender categories. Taking seriously -as an object of research rather than a denunciation- a cisgender bias of legal systems, is also a way of not talking in the name of others or not considering myself as a “trans specialist”.

²² Dean Spade, “Keynote Address: Trans Law Reform Strategies, Co-Optation, and the Potential for Transformative Change”, *Women’s Rights Law Reporter*, vol. 30, n°2, 2009, p. 288-314, p. 289.

3d critical lesson

I'd like to conclude on what is actually a critique of the sociological critique I have been sticking to up to now. Somewhat, I have been faithful to the core doctrine of the French materialist critique which welcomed with skepticism theories of intersectionality in the beginning of the 2000s. The sociologist Danièle Kergoat was probably the leading French scholar considering that intersectionality was not solving problems but creating new ones through the idea of intersection²³. For her, these theories lead to arithmetic conceptions of domination flawed in a double way: on the one hand, adding and/or subtracting social handicaps/assets doesn't take into account the ever-changing configurations of domination; on the other hand, it creates fundamentally abstract frames of power which contradict the embedded character of how power is concretely experienced²⁴. For Kergoat, social relations are *consubstantial* to each other, ergo cannot be separated, which isn't totally "anti-intersectionnal" since many uses of these theories aimed at replacing the focus of analysis on concrete and interweaving experiences. Nevertheless, I think her critique succeeds in capturing the regressive trend of multiplication and addition, as if tracing more roads and making them intersect in bigger crossroads showed the true colors of power relations.

To some extent, I have agreed with this idea, specifically when it comes to translating political problems directly into sociological questions. But to me, the third lesson of intersectionality theories is very contemporary and concerns *the social reality of abstract frames of power*. To rephrase this idea: it is not because class, race or gender are, indeed, abstract representations -and as such, not reflecting how power is concretely experienced-, that they are *nothing*. Abstractions are part of the social world, and they are at least "real in their consequences"²⁵. It is somewhat enough that for social actors, race, class and gender are different power structures to take into account how

²³ Danièle Kergoat, "Dynamique et consubstantialité des rapports sociaux", op. cit. Also see: Elsa Dorlin, "De l'usage épistémologique et politique des catégories de 'sexe' et de 'race' dans les études sur le genre", *Cahiers du genre*, n° 39, 2005, p. 83-105.

²⁴ For another critique of arithmetic conceptions of domination: Candace West and Sarah Fenstermaker, "Doing Difference." *Gender and Society* 9(1), 1995, p. 8-37.

²⁵ To paraphrase the Thomas theorem. William I. Thomas, Dorothy S. Thomas, *The Child in America: Behavior Problems and Programs*, New York, Knopf, 1928, p. 572.

people act upon these representations: “we have considered gender, race, and class as culturally distinct systems of inequality not because they really are separate, but because people routinely treat them as such, and that has consequences”²⁶. In this respect, intersectionality also bolsters an analysis, not so much of what domination is that about how power is represented, mobilized and used by social actors in their strategies. Here, intersectional groups become the *object* of the research, as well as the very representation of a “complex intersection”. To be seen and framed as complex, to be categorized through an abstract representation of social intersections, or to be institutionalized as intersectional, does indeed create resources and constraints, possibilities of action. A representation may be epistemologically false, but as soon as it is waived and used, it becomes an effective object of the social world.

This has as much to do with how groups strategically experience their resources in a constrained social world that classifies them in a certain way, than with how identification by institutions and public policy programs participate to “making up” those groups²⁷.

This argument compels me to rethink the idea I stated in the beginning: that no group or individual is more intersectional than another. Once again, from an analytical point of view, the proposition is true: every situation is complex, dominant or subjugated. But from a different sociological perspective, social actors mobilize abstract frames of power, situate themselves within and act upon them. To that extent, some groups are more intersectional than others since intersectionality “is a thing” and fuels social interactions. Individual subjectivity and social movements are built through these frames and constantly reshaped in ways that are neither fictional, nor illusory -which Kergoat’s critique of intersectionality fails to capture. Structural social relations might be abstractions, but they

²⁶ Cecilia Ridgeway, Tamar Kricheli-Katz, « Intersecting cultural beliefs in social relations gender, race, and class binds and freedoms », op. cit., p. 313

²⁷ Ian Hacking, describing the co-construction of people and categories, proposes to account for this mode of social construction as “dynamic nominalism”: “The claim of dynamic nominalism is not that there was a kind of person who came increasingly to be recognised by bureaucrats or by students of human nature, but rather that a kind of person came into being at the same time as the kind itself was being invented. In some cases, that is, our classifications and our classes conspire to emerge hand in hand, each egging the other on”. Ian Hacking, “Making Up People” in Thomas C. Heller, Christine Brooke-Rose (eds.), *Reconstructing Individualism. Autonomy, Individuality, and the Self in Western Thought*, Stanford, CA, Stanford University Press, 1986, p. 228.

are abstractions which govern a lot of things, and categories and problems cannot be considered “false” once they are part of social practices, social movements, minority strategies, public policies and political strategies. For sociology, reality can never be wrong, even when epistemology seems to say so...

To substantiate a bit more this idea that abstractions are things, in the twenty last years in Europe, we could find many examples of what one could call “intersectional performances”²⁸ consisting in converting apparently disadvantageous properties into political capital²⁹. The social power of “representing an intersection” is comparable to Weber’s charismatic power, when an alignment of social properties deemed contradictory or unusual, allows to attribute charisma, not to the social groups themselves but to the person achieving to successfully combine what society considers a disadvantage. As well, “intersectional political charisma” can be appropriated by as system of power³⁰. There are many examples of how representations structure practices independently of how “wrong” or sociologically “misguiding” these representations can be. Intersectionality as such is a perfect example of how problematic it could be for social sciences to translate political strategies into sociological investigation, leading to import into research strategic dilemmas which only exist in the representational world of politics; but it is an equally perfect example of how important it is to treat a theory’s success as an object of research, alive and kicking outside of the academia, when it becomes a powerful frame of social and political interaction. After almost thirty years of circulation between academic circles, law and social movements, intersectionality might be an abstraction, an even a misleading one to a certain extent, but it is surely a thing.

²⁸ Alexandre Jaunait, Sébastien Chauvin, « Représenter l’intersection... », op. cit.

²⁹ For an interesting example of how public figures, using a “Muslim women” identity, have strengthened islamophobia in Western Europe, see Eric Fassin, “National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe”, op. cit.

³⁰ For a critique of the appropriation of intersectionality by white feminists, see Anna Carastathis, “Reinvigorating Intersectionality as a Provisional Concept,” in Goswami, O’Donovan and Yount (eds.), *Why Race and Gender Still Matter: An Intersectional Approach*, New York, Routledge, 2014.