T13P01 / Intersectionality and Public Policies: Potentials and Pitfalls

Topic : T13 / Gender, Diversity and Public Policy

Chair : Marieme N'Diaye (CNRS/ISP Cachan)

Second Chair : Mireille Paquet (Concordia University)

Third Chair : Nora Nagels (Université du Québec à Montréal)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

In dialogue with intersectional approaches in academic and policy circles, this panel explores the role of public policies in the productions, reproduction or, conversely, the subversion of power relations. The constitutive interactions between gender and other social relations have been studied through several approaches. In the late 1970s, French materialist feminists have proposed an analysis of the relationship between gender and class, designed as coextensive and consubstantial (Kergoat 1978). In dialogue with others, Crenshaw (1989) has developed the concept of intersectionality to account for the interaction of "race" and gender in the generation of the multiple discriminations faced by black women in the US courts. Whether they use or criticize the concept of intersectionality, past and current analyses of these questions have expanded research agendas beyond the "gender / race / class" triptych to integrate other social relations such as age, religion or even ethnicity in the study of inequality and politics (Hill Collins and Bilge 2016). This panel maintains an open posture toward these debates and considers intersectionality in a multidimensional and dynamic perspective that "intersects facts and representations" and "considers the emancipatory potential of the interleaving power relations, rather than considering them systematically as domination levers "(Navarre, 2015, our translation).

There are reasons to believe that intersectionality provides a fecund lens for the studies of state actions. Indeed, public policies often have a universalizing character, making them blind to some social relations of domination. The identification and labelling of target populations such as "users", "patients" or "migrants"is a classical example of the erasure of diversity central to policies. Whatever the sector and even if they are aimed at fighting inequalities (Jacquot, Mazur, 2014), policies have differentiated impacts and outcomes according to the targeted group but these are not necessarily taken into account, beyond gender and disability. In this case, the promise of intersectional approaches is to demonstrate the role of these policies in defining and reifying power relations. At the same time, central to this standpoint is the complex rendering of individual and collective agency. Indeed, a crucial assumption of these approaches is at all actors can act strategically within power relations, since they experience simultaneously intersecting axes of privilege and domination. From that standpoint, intersectional approaches can help analysts to break away from overly structuralist and top-down research, by renewing their consideration of the groups interacting with policies. At the same time, critics of these approaches and observers of their implementation in policy design and evaluation warn that intersectionality has the potential to dilute hard-won rights in favour of a multiplication and an individualization of the areas of difference to be considered in public policies. Are these fears empirically verified and are we witnessing such problems in all policy sectors?

The objective of this panel is to generate a dialogue on public policies and power relations, from multiple policy sectors and perspectives. We ask two central questions : 1) what empirical and theoretical innovations can emerge from the study of public policies through intersectional approaches? 2) what are the theoretical, political and social pitfalls associated with the mobilization of this perspective for policy studies?

CALL FOR PAPERS

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Session 1

Friday, June 30th 08:15 to 10:15 (Block B 4 - 2)

Discussants

Marieme N'Diaye (CNRS/ISP Cachan)

Is intersectionality a false problem in public policy analysis?

Alexandre Jaunait (University of Poitiers & ISP-CNRS (Nanterre))

"Is intersectionality a false problem in public policy analysis?"

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. Mobilising several examples from this sector, in particular relating to gender identity policy concerning trans' individuals, this presentation will argue that by provoking the multiplication of categories, intersectionality can create more epistemological and methodological problems than it solves.

Since Crenshaw's work in the 1980s on the categories of anti-discrimination law in the United States (Crenshaw 1989), theories of intersectionality have explored the problem of how those who are seen as marginal in dominant power relations are represented – in social movements, in law, in public policy and in sociological analysis. Yet groups considered as intersectional are firstly "put in situations of intersectionality" by systems of representation that construct relations of domination based on prototypical cases (historically, black men for racism, and white women for sexism) which make certain cases artificially complex and thus less representative (Ridgeway, Kricheli-Katz, 2013). The desire to transcribe this political critique into public action often leads to the belief that the problems faced by certain populations are essential characteristics of that particular minority and therefore tend to naturalise these groups (Chauvin, Jaunait, 2015).

The first critical lesson to be learnt from intersectionality here, consists in considering it as a characteristic derived from the system of power and its assumptions about representation (Purdie-Vaughns, Eibach, 2008), rather than as a genuine characteristic of certain groups. In this respect, the "intersectional solution" that would consist in increasing the number of categories, does not resolve the problem it purports to address – because new categories necessarily provoke new situations of intersectionality. However, the legacy of these theories does encourage us to pursue the analysis of the system of representations and the invisible characteristics upon which generic categories are constructed: whiteness, heterosexuality, ability, cisgenderism...

Limiting ourselves to these elements would amount to making intersectionality a non-issue in the analysis of domination. Yet, a second lesson from these theories may consist in focusing on the way the categories produced through public action are mobilised by actors, in the form of symbolic frames and abstractions. If intersections such as "Muslim women" (Vakulenko, 2007), are constructed by systems of representations, they nonetheless represent forms of subjectification and identification that are also relevant for the analysis of public issues. In this respect, theories of intersectionality encourage researchers to better distinguish between categories of analysis, which they mobilise in order to understand power relations, and categories of practice which circulate in the social space and allow actors to situate themselves within contemporary systems of representation of inequalities and to develop their critical strategies (Brubaker, 2013).

Transgender rights in India and the US – a comparative critical analysis through the lens of intersectionality

Chitranshu Mathur (Indian Institute of Management Ahmedabad)

Transgender rights have received increasing attention in the last few years in several countries, even as they have been framed and understood differently in different places according to the respective cultural and historical contexts. These differences can be studied best through two examples of countries with recent developments in transgender rights – India and the US. In India, although the Supreme Court judgment in 2014 and a bill passed by the upper house of parliament in 2015 initially held some promise of a progressive approach towards transgender rights in accordance with the best prescribed standards, a recent draft bill in the lower house of parliament threatens to undo some of these progressive steps by adopting a very narrow and even incorrect definition of transgender people and remaining silent on several policy aspects critical to their well-being. The conflicts created by these contradictory approaches threaten to undo the little progress that has been made in this domain and possibly even cleave the gender variant community in India along the lines of class, among other intersecting axes. On the other hand, in the US, while the federal government and several states have in recent years moved towards the aforementioned best standards for transgender rights, several other states have taken a more conservative and reactionary approach and created artificial conflicts between transgender rights and women's rights. In response, the erstwhile Obama administration had taken unilateral steps which could simultaneously be seen by supporters as a victory for transgender rights and by opponents as riding roughshod over states' rights, genuine concerns of women's safety, and an allegedly top-down approach to policy-making which is supposedly incongruent with the US federal structure. In both cases, the lens of intersectionality (Crenshaw, 1989) can help to illuminate these aforementioned conflicts and issues by understanding them through various axes of gender, class, gender identity etc. This paper will also use Butler's theory of "gender performativity", Scott's theory of the "high modernist" state, and Young's work on the "politics of difference" and the various faces of oppression to critically examine and compare these recent developments in transgender rights in both India and the US.

Mainstreaming Equity via Intersectionality Analysis of Migration Policies: Potentials and Pitfalls

Hankivsky Olena (Simon Fraser University)

Gemma Hunting (Institute for Intersectionality Research and Policy, Simon Fraser University)

Migration can be defined as "a process of moving, either across an international border, or within a State. Encompassing any kind of movement of people, whatever its length, composition and causes; it includes refugees, displaced persons, uprooted people, and economic migrants" (IOM, 2004). The movement of people across and within borders is not new. However, the rate at which international migration is growing is staggering. For example in 2015, there were an estimated 244 million international migrants, an increase from 222 million in 2010 and 173 million in 2000 (UN, 2015). Not surprisingly, international migration has come to dominate the global arenas of human development and public health as never before (El-Zein et al., 2016; IOM, 2015; Skeldon, 2016; Suliman, 2016).

As this paper will demonstrate, drawing on key UN policy frameworks, actions, and policy responses to international migration have been inadequate. Specifically, they have failed to keep pace with the changing nature and diversity of modern migration, including processes of power influencing migration experiences, such as xenophobia, sexism, racism, and colonialism. Responses have also failed to properly account for both the costs and benefits of migration for different groups of migrants, including agency and resiliency in migration processes. To address such limitations, the paper will consider the opportunities and limitations of drawing on an intersectionality perspective and specifically, intersectionality-based policy analysis approach (Hankivsky et al., 2012) to advance and transform current policy initiatives of leading international organizations working on migration such as IOM, WHO and UNHCR and in so doing, advance the vision of the SDGs to "leave no one behind". We argue that while not without its challenges, intersectionality holds much promise in terms of improving current efforts that treat different factors and influences affecting migration as distinct phenomena (e.g. gender, culture and race) instead of complex and integrated forces that policy needs to acknowledge and respond to. This allows for responses to move beyond 'one size fits all' approaches towards addressing the complexities of migration and migrant well-being.

The intersection of gender and class in the framing of Australian childcare policy problems and their solutions

Kay Cook (RMIT University)

Michelle Brady (University of Queensland)

In this paper, we examine how a 2015 Australian Productivity Commission Inquiry into Child Care and Early Childhood Learning (APCICCECL) approached the issue of childcare flexibility and how this framing changed, or remained unchanged, over the course of the inquiry. In doing so, we provide an empirical account of the role of a public inquiry in policy development, and positioning the APCICCECL as a largely "ceremonial event". Our analysis gives credence to Humphries, Webster and Pocock's (2014) assessment of the role of public inquiries as 'soothing' or 'assuaging' public concern, rather than providing outcomes that address the cause of the issue. In the case of the APCICCECL, we find that while the inquiry had the potential to soothe the concerns of middle class professionals regarding childcare accessibility, the recommended policy solutions were particularly narrowly targeted, rendering them largely inaccessible for the majority of parents, particularly those on low incomes. The solution to subsidise nannies cast the issue of childcare inflexibility as a private concern for high income professionals, largely excluding the experiences of casual and shift-working parents from the policy imaginary.

In this paper we add to the growing critique of rationalist approaches to public inquiries, arguing that the contested nature and uptake of evidence are as much about 'truth producing' as they are about 'truth finding'. We present an overview of childcare policy in Australia and previous responses to the issue of childcare inflexibility before turning to describe recent critiques of public inquiries as sites for the operation of privilege and power that render these as subjective, 'truth producing' activities rather than objective, 'truth revealing' accounts.

Despite Australian Productivity Commission inquiries purporting to "give the opportunity for all points of view in the community to be heard and considered" (Productivity Commission 2016), our research shows that the Commission remained closely tied to the inquiry Terms of Reference. In doing so, it excluded ways of understanding or conceptualising the issue of childcare flexibility that lay beyond its original framing; a framing that excluded the experiences of vulnerable and disadvantaged families and prioritized the needs of dual earner professional couples and shift working emergency service personnel. This individualized framing was problematic insofar as few of these solutions could address the kinds of childcare flexibility concerns experienced by the majority of families, particularly those who were disadvantaged and vulnerable, such as parents working casually, often for low wages. Following Bacchi (2009) we argue that the representation of the 'problem', in this instance families' need for flexible childcare, was as important as the final policy 'solutions', as the discursive shaping of the issue held with it the possible array of responses. The inquiry process buttressed the existing social order, whereby the interests of high income professionals were prioritised over the concerns of lower middle class workers whose needs were less able to be met through the proposed policy solution: government subsidies for nannies.

The possibilities of intersectionality: public policies on ex-combatants' reintegration in Colombia

Priscyll Anctil Avoine (Université du Québec à Montréal)

The signing of the final agreement between the Revolutionary Armed Forces of Colombia – People's Army and the national government of Juan Manuel Santos in November 2016 gives the tone to the fourth disarmament, demobilization and reintegration (DDR) process in the country since the 1990s. Contrary to most of the other DDR processes worldwide carried out by the United Nations agencies and in the aftermath of armed conflicts, the national government in Colombia has chosen to formulate their own public policies to organize the reintegration of ex-combatants, either paramilitaries or from the guerrilla groups while still confronting armed violence. The entity in charge of applying DDR public policies, the Colombian Agency for Reintegration (CAR), has developed mechanisms for reintegration based on 8 dimensions that aim at thinking holistically the return to civility: habitability, health, productivity, family, personal, education, citizenship and security. Equally, governmental institutions, such as the National Center for Historical Memory (NCHM), have built frameworks of analysis and intervention with regards to differential approaches as to consider the multiple violations of human rights, but also the different effects on a given population. However, until now, if the differentiated approach has been fairly well conceptualized in the different laws involving demobilization processes (such as the Law 1424 of 2010 and the Law 1448 of 2011, both serving the purpose of resolving the situation of demobilized people and ensure the reparation of the victims), less can be said on the application of this approach. The impact on the demobilized population has been very low, and the Colombian state hardly responded to the diverse forms of oppression, marginalization and

exclusion experienced by ex-combatants. Public policies have failed to respond adequately to the overlapping of these social discriminations and, additionally, have interpreted reintegration as an individual dynamic which has led to the negation of political agency for demobilized people. As such, the objective of this paper is twofold: (1) to question the incorporation of the differentiated approach in the national public policies on DDR and (2) to initiate a reflection on the possibility of transforming this approach to an intersectional methodology that would give practical tools as to visibilize the intertwined forms of oppression and the reproduction of power relation that contribute to marginalizing the demobilized population, particularly women. In order to do so, our methodology will be qualitative, engaging with a literature review on DDR and an analysis of the national reintegration policy through the documents of the CAR. To sum up this paper fits the panel chosen as it questions state actions in reintegration with regards to the diversity of oppression women, men and children are facing in the process of returning to civil life after experiencing violent settings.