Intersectionality and Criminology

Disrupting and revolutionizing studies of crime

Hillary Potter

New Directions in Critical Criminology

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Hillary Potter has produced a groundbreaking volume that synthesizes, complicates, and thrusts forward research in intersectional criminology. Race, class, gender, sexuality, and other social forces are decompartmentalized in order to gain a systematic understanding of crime, criminalization, the law, in/justice, and the research process. The discipline of Criminology has long marginalized intersectional approaches to research. This volume places intersectional research at front and center, establishing it as a key paradigm in the discipline and beyond; a must-read for every student trained in criminology.

Victor M. Rios, *Department of Sociology, University of California Santa Barbara, USA*

Hillary Potter makes a reflective, cogent, and compelling case for the value – in fact, necessity – of an interdisciplinary approach across criminology. An important read.

Katheryn Russell-Brown, *Chesterfield Smith Professor of Law, and Director, Center for the Study of Race and Race Relations, University of Florida, USA*

Potter has made a critically important contribution to feminist criminology and critical race theory. *Intersectionality and Criminology* fills a major gap in the literature and will leave readers better prepared to take up the issues of racism, gender oppression, class exploitation, transphobia, and other manifestations of structural inequality in our study of crime and work for justice.

Beth E. Richie, *Professor, University of Illinois at Chicago, USA*

INTERSECTIONALITY AND CRIMINOLOGY

The use of intersectionality theory in the social sciences has proliferated in the past several years, putting forward the argument that the interconnected identities of individuals, and the way these identities are perceived and responded to by others, must be a necessary part of any analysis. Fundamentally, intersectionality claims that not only are people's lived experiences affected by their racial identity and by their gender identity, but these identities, and others, continually operate together and affect each other.

With "official" statistical data that indicate people of Color have higher offending and victimization rates than White people, and with the overrepresentation of men and people of Color in the criminal legal system, new theories are required that address these phenomena and that are devoid of stereotypical or debasing underpinnings.

Intersectionality and Criminology provides a comprehensive review of the need for, and use of, intersectionality in the study of crime, criminality, and the criminal legal system. This is essential reading for academics and students researching and studying in the fields of crime, criminal justice, theoretical criminology, and gender, race, and socioeconomic class.

Hillary Potter is Associate Professor of Ethnic Studies at the University of Colorado at Boulder. She holds a B.A. and a Ph.D. in

sociology from the University of Colorado at Boulder and an M.A. in criminal justice from the John Jay College of Criminal Justice, New York. Dr. Potter's research has focused on the intersections of race, gender, and class as they relate to crime and violence, and she is currently researching Black women's use of violence in response to abusive intimate partners; men's use of violence; and antiviolence activism in Black and Latina/o communities. Dr. Potter is the author of *Battle Cries: Black Women and Intimate Partner Abuse* (2008) and the editor of *Racing the Storm: Racial Implications and Lessons Learned from Hurricane Katrina* (2007).

New Directions in Critical Criminology

Edited by Walter S. DeKeseredy,

West Virginia University, USA

This series presents new cutting-edge critical criminological empirical, theoretical, and policy work on a broad range of social problems, including drug policy, rural crime and social control, policing and the media, ecocide, intersectionality, and the gendered nature of crime. It aims to highlight the most up-to-date authoritative essays written by new and established scholars in the field. Rather than offering a survey of the literature, each book takes a strong position on topics of major concern to those interested in seeking new ways of thinking critically about crime.

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    Disrupting and revolutionizing studies of crime
    Hillary Potter

I dedicate this book to two of the
fiercest and most fearless criminologists
in the game,
Joanne Belknap and Ruth Peterson

ACKNOWLEDGMENTS

My journey to completing this book has not been an easy one. I was faced with personal and professional dilemmas that continually interrupted my mental and temporal ability to complete this piece. While this book does not serve as the definitive or ultimate treatise on intersectionality within the field of criminology, the tribulations I endured during the composition of the book proved to be good fodder for my conceptualization of intersectional criminology.

I am especially grateful to Walt DeKeseredy (Routledge series editor for New Directions in Critical Criminology) and Tom Sutton (Routledge commissioning editor) for identifying me as a scholar who could write a book on a gendered approach to race and crime. *Walt* and *Tom*, thank you for providing me with a space to have my say. I also thank the *anonymous reviewers* of the proposal for this book – your insights aided me in better organizing my thoughts on the subject. Routledge editorial assistant Heidi Lee receives a very special acknowledgment. Without a doubt, I tested Heidi's patience throughout this entire process with my multiple delays and those periods when I "disappeared." *Heidi*, I owe you much gratitude for putting up with me. Thank you!

I am grateful for the support I have received from folks at my academic post, the University of Colorado at Boulder. In particular, I thank the members of my new unit, the Department of Ethnic

Studies. Department chair, Daryl Maeda, was there when I landed on his doorstep seeking refuge in a healthy, non-toxic environment – something we *all* deserve. *Daryl*, thank you for "having my back" and for your leadership and your support in my research, teaching, and service endeavors. In addition, *Dean Stephen Leigh* and *Associate Dean Ann Carlos*, thank you for supporting this request to switch departments – my days as an academic would have been numbered but for your attentiveness and swiftness to my relocation.

While writing this book, I continued with teaching my classes and serving on thesis and dissertation committees. I was inspired by some of these students, as well as by a few others I have met through other avenues in recent years – some of whom have since completed their doctoral education. I was motivated by their eagerness for knowledge, their talents in producing knowledge, and their tenacity when faced with a variety of undertakings and challenges. I witnessed them do great things and, simply, *being* great individuals. Thank you, *Nishaun Battle*, *CheyOnna Sewell*, *Jason Williams*, *Erin Kerrison*, *Vanessa Roberts*, *Kenly Brown*, *Cassy Gonzalez*, *Patrina Duhaney*, *Deanne Grant*, *Jenn Roark*, *Beth Whalley*!

My parents, other family members, and friends remain my system of support and my sources of inspiration to press on with my work. They have continued to supply me the nourishment I need to balance my research, writing, teaching, academic service work, community service work, and activist activities. Over the course of 14 years, Joanne Belknap has moved from being my advisor/mentor to friend-tor to friend for life. *Jo*, I thank you for your commitment to students and victims of crime, and for "taking a bullet" for all of us.

CONTENTS

1

DISRUPTING CRIMINOLOGY

The need to integrate intersectionality into criminological research and theory

Black feminist[1] legal scholar Kimberlé Crenshaw is acknowledged as originating the term *intersectionality*. Crenshaw has indicated that her conceptualization of intersectionality is based in Black feminist theory and critical race theory. Critical race theory, developed by legal scholars, lawyers, and activists, was built on critical legal studies and "radical feminism" and maintains that race is socially constructed, racism is ordinary in society and cannot be easily resolved with law, and that the legal system privileges some races over others (Delgado and Stefancic 2012). Critical race theory also promotes a "voice-of-Color thesis," which maintains that because of their experiences of oppression, people of Color "may be able to communicate to their white counterparts matters that the whites are unlikely to know" and encourages "black and brown writers to recount their experiences with racism and the legal system and to apply their own unique perspectives to assess law's master narratives" (Delgado and Stefancic 2012:10). Similar doctrine is found in Black feminist theory, which preceded critical race theory. In Crenshaw's (1991) article "Mapping the Margins: Intersectionality, Identity, Politics, and Violence Against Women of Color," she specified that she unequivocally utilized a Black feminist perspective in her appraisal of violence experienced by women of Color. Black feminist

theory is the theoretical perspective that places the lived experiences, including any forms of resistance to their situations, of Black women at the center of the analysis, considering her as an individual encompassing numerous and interwoven identities including, but not limited to, race, ethnicity, gender, sexuality, nationality, and socioeconomic class. The standpoint is that Black women are typically oppressed within both the Black community and society-at-large based on subordinated statuses within each of these areas of classification, and that research on Black women should be conducted based on this perspective. But *all* women of Color fit within this definition; for instance, feminist theorizing and activism engaged in by and about Latina and Indigenous women unveils intersectional views like those proffered by Black feminists. While there may be some variations in the foci among the groups of women of Color feminists, their subordination by race, ethnicity, sex, and gender yields a shared philosophy. The enduring effects of colonialism, patriarchy, racism and gendered racism, and sexism or genderism are clearly evident among women of Color feminisms and activism. Although Black feminists have produced the greatest amount of published works and are, arguably, the most visible among feminists of Color in the United States, the long overdue recognition of the work of Asian, Indigenous (North America), and Latina feminists is now occurring to a greater extent, and other feminisms are emerging, such as Arab and Arab American feminism (Jarmakani 2011; Naber 2006).

Thus, contrary to indications by some scholars and academic references that an intersectional ideology only surfaced three to four decades ago, the *conceptual foundations* of intersectionality had been in development long before Crenshaw's seminal articles. Intersectionality was particularized in Crenshaw's articles and, essentially, was a retooling and special application of Black feminist thought and critical race theory. Consequently, to understand intersectionality, it is important to understand on what it is based. In Chapter 2, I trace the history and development of activism and theory by Black women feminists and other women of Color feminists before describing what intersectionality is and what it does and its use (or potential use) by academics. In Chapters 3 and 4, I describe the use of intersectionality in criminology specifically. For now, I provide a brief definition here. I use the terms intersectionality and intersectional to mean the same

thing, referring to *the concept or conceptualization that each person has an assortment of coalesced socially constructed identities that are ordered into an inequitable social stratum.* The interchangeable use of intersectionality and intersectional is seen in many other academic publications addressing the concept delineated in my definition, thus only further complicating the "what is" question regarding intersectionality.

In its entirety, this book offers an explication of and a justification for *intersectional criminology*. Intersectional criminology is a perspective that incorporates the intersectional or intersectionality concept into criminological research and theory and into the evaluation of crime or crime-related policies and laws and the governmental administration of "justice." Because girls and women of Color experience life differently from boys and men and White girls and women, scholars argue that male- and White-oriented criminological theories may be inadequate for explaining criminal behavior by women of Color and the responses of women of Color to victimization (Joseph 2006; Potter 2008; Russell-Brown 2004). Likewise, criminological theories on White boys and men may not provide the most adequate explanations for the criminal activities of boys and men of Color, or vice versa. Further, scholars who include in their research a diverse sample population by race and gender often fail to conduct comparisons between the distinct groups (Joseph 2006; Russell-Brown 2004). Criminologist Ruth Peterson (2012:319) admonished, "When a society is organized along race/ethnic lines, we cannot assume that the sources and responses to crime, or the application of criminal justice, are race neutral in their effects and consequences." The same can be said for sex or gender and for the *interaction* of race/ethnicity *and* sex/gender *and* other identities and statuses. These identities and statuses, as well as the designation of acts as crimes and the practices in "criminal justice" systems, are social constructs. The remainder of this chapter is devoted to making some sense of these social constructs, and serves as a foundation for the overarching theme of *Intersectionality and Criminology*.

When and where we enter[2]

Sociologist Joe R. Feagin (2010) has established that throughout North America and Europe, a White racial frame is what we are all

expected to follow. Since the 1600s, a White racial frame "has provided the vantage point from which whites and others have regularly viewed and interpreted [US] society.... [T]his strong framing has had a very positive orientation to whites and whiteness and a negative orientation to the racial 'others' who are oppressed" (Feagin 2010:25). Within a White racial frame, White and Whiteness is the default identity; for example, if race is not identified in the description of a protagonist in a novel, we are typically expected to assume that, naturally, the subject is a White person. This assumption is solidified when "non-White" characters in the novel are described with a race label. Sociologist Elijah Anderson (2011:258) exemplified the labeling of those who are racialized (people of Color) in his assessment of the Black experience: "A person with black skin is viewed as black long before he or she is viewed as a doctor, lawyer, or professor. Blackness is a 'master status' that supersedes whatever else a person may claim to be; he or she is viewed as a black doctor, a black lawyer, or a black professor, whatever that adjective might mean." Arguably, as globalization has flourished, a White racial frame has been indoctrinated throughout the world. The popular use of skin lightening products in India and parts of Africa illustrates the breadth and power of the White racial frame. Feagin (2010) paid minimal attention to gender within the context of race, but, clearly, the White racial frame also prioritizes male perspectives above other sexes or genders, so the White racial frame is more aptly referenced as the White *male* racial frame. This White male racial frame also bleeds into the production of theory and research and into the determination of who is considered a valid practitioner and producer of academic enterprise.

In the academic discipline of criminology,[3] not only do the factors related to crime-related transgressions committed by and against subjugated populations need to be brought to the center, so too do the scholars who are marginalized and who utilize "alternative" theoretical perspectives and propositions. This is an issue of old and of new, as evidenced in an examination of the life and works of William E. Burghardt Du Bois. Du Bois was born in 1868 in Massachusetts, received undergraduate degrees at Fisk University and Harvard University and a doctorate degree at Harvard (as the first Black person to receive a Ph.D. from Harvard), and, after several rejections from

White colleges not wishing to hire him because of his denounced racial classification, began his first faculty position at Wilberforce University, an historically all-Black student institution in Ohio (for extensive Du Bois biographies see Gabbidon 2007; Horne 2010). After a brief stint at Wilberforce, Du Bois accepted a temporary position as a researcher at the University of Pennsylvania. His studies at his new post led to his book *The Philadelphia Negro* (1899), in which he expounded on the unique social conditions and problems of Blacks living in northern US urban settings, including their experiences with crime and the criminal legal system. He concluded, "Crime is a phenomenon of organized social life, and is the open rebellion of an individual against its social environment" (p. 235). One of Du Bois's earliest statements on crime and justice, however, appeared in his 1892 report on the rarely or poorly enforced US slave trade act of 1807 that made it illegal for individuals to traffic into the United States "any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour" (2 Stat. 426). Throughout his career, Du Bois continued to consider the perplexing intersected subject of race, crime, and justice, including the convict-lease system as an extension of slavery, the impact of racial segregation on Blacks participating in criminal activity, and the unevenly distributed "justice" by race in criminal courts. Undoubtedly, few scholars and students are aware of the contribution Du Bois could have made to the academic field of criminology. I use "could have" because, but for his being marginalized (Gabbidon 2007; Hanson 2010), we might have been at least decades ahead of where we are now in the social-scientific study and theorization of crime, and because Du Bois's criminological research and theory continues to go widely unrecognized.

Race theorist and criminologist Shaun L. Gabbidon's (2007) thorough evaluation of the criminology-related works of Du Bois supports an argument for changing the way the history of criminological theory is presented. As Gabbidon underscores, findings of the Chicago School of criminology – specifically, the work of Clifford R. Shaw and Henry D. McKay (1931, 1942) – were not an especially novel concept. In the 1920s, Shaw and McKay were heralded as the leaders of a new way of considering criminal behavior; a way that