

Introduction

by Letizia Mancini*

The concept of ‘intersectionality’ is a key tool for identity, difference and inequality analysis in law and social sciences.

The idea of intersectionality is often stated differently in terms of approach, concept, analytic tool, method or paradigm. On the one hand, it refers to the multiplicity of affiliations and belongings of a person, whose identity can never be limited to a single category. On the other hand, the idea of intersectionality underlines those social and institutional processes where more factors – gender, race, class among them – interact simultaneously in such a way that they cannot be separated anymore and, therefore, give rise to experiences of oppression, violence and discrimination different from those caused by a single factor.

A sad example might be the coerced sterilisation of Roma women, without their full and informed consent, applied for years in some Eastern European countries, where by converse neither non-Roma women nor Roma men were submitted to (for a recent contribution on the topic, see Curran 2016).

The origin of the concept of intersectionality may be found in North-American Black Feminism and Critical Race Theories movements of the Seventies and Eighties. Activists and scholars criticized that the first – White – feminism did not consider race and class factors enough while analyzing discriminatory and subordinating dynamics, then ignoring the life and the situation of all other – including black – women.

In particular, the concept was formulated and widespread at international level in the late Eighties thanks to the Afro-American activist and legal scholar Kimberlé W. Crenshaw. By analyzing judicial cases concerning discrimination at work and domestic violence (Crenshaw 1989, 1991), she demonstrated effectively how the intersection between being both woman and black causes peculiar and complex forms of discrimination that are different in quality from any discrimination a black man or a white women

* Department of Law “Cesare Beccaria”, University of Milan.

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may suffer. Crenshaw explains that a legal system that considers each different discriminatory factor separately might not guarantee an effective protection in many cases.

If is true, as Susan Baer states, that

[o]ver the last more than 15 years, ‘intersectionality’ has become extraordinarily popular in academic and political as well as in legal discourses about inequality at least in some parts of Europe. [Baer, in this volume: 66]

there is no doubt that in Italy the intersectional approach in law and social sciences was introduced later and with more difficulty than in other European countries.

This is one of the reasons that convinced Barbara Giovanna Bello and me about the opportunity of editing a monographic issue of this journal, involving leading scholars who have been committed to the study of intersectionality in Sociology of Law or wider ‘Law and Society’ in different socio-legal contexts.

The increasing interest in Italy for intersectional approach is also confirmed by a number of initiatives, among which I would like to mention the Special Issue “Intersectionality” soon to appear in one of the most relevant Italian journals of sociology, *Rassegna italiana di sociologia* (3/2016), edited by Enzo Colombo and Paola Rebughini.

As editors, we open this issue with our interview to Kimberlé W. Crenshaw in order to introduce the concept of intersectionality, its history, the different interpretations of the concept, its potentials and limits. Relying on the scholar who first formulated intersectionality was, according to us, the best way to introduce the reader to the subject.

The interview is followed by nine essays that represent the state-of-the-art of theory and practice of intersectionality in law and society. The first and second contributions relate to European (Schiek) and international law (Markard); the following ones focus on different local contexts: Germany (Baer, Elsuni & Göttsche), UK (Solanke), Sweden (Schömer), Switzerland (Naguib), Spain (Barrère & Morondo), and Italy (Bello).

These essays differ in the way they adopt the concept of intersectionality, or even in the lexicon they use to describe it (such as ‘intersectionality’, ‘intersectional discrimination’, ‘multiple discrimination’, ‘implicit v. explicit intersectionality’). According to the geographical and socio-cultural context, intersectionality might refer (or be applied) to different degrees to the legal sphere rather than to social activism and/or to social research.

Moreover, the authors suggest different mechanisms and strategies for the law to be receptive to intersectional approach in order to guarantee a wider and more effective legal protection.

In the end, when we were preparing this monographic issue we were conscious that it should not present a homogeneous theoretical approach and perspective, but it had to reflect necessarily the multiplicity of approaches, methodologies and theories that are the richness of this innovative, stimulating and lively current of studies.

Riferimenti bibliografici

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