The Europeanization of the Intersectional Approach to Combating Discrimination: Debates, Policies and Institutional Changes

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Intersectionality is a perspective that has been described as one of the most important contributions that women's studies has made so far (McCall 2005, 1771). Its origin lies in the 1970s and 1980s when women of color in the United States felt that their concerns were not sufficiently addressed by white-identified mainstream feminisms. Drawing on their personal experiences, their aim was to highlight differences that divided women on the bases of gender, race, class, and/or sexual orientation. A focus on these simultaneous oppressions came to form the crux of the intersectional approach.[2] Although this perspective was first developed within women's and gender studies, it quickly attracted the attention of other disciplinary fields and is today employed within a range of social sciences, humanities, and even natural sciences. The intersectional approach has also expanded geographically. Today, important contributions are being made in the area of intersectionality research, especially in Europe. Indeed, the intersectional approach has gained such a prominent position in Europe that one might ask whether it has not become Europeanized.

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[2] The "intersectional approach" and the "intersectionality perspective" are used interchangeably to refer to a body of scholarship that mobilizes the concept of intersectionality or comparable notions (e.g., "multiple axes of inequality" or "interlocking systems of oppression").

In order to shed light on current intersectionality research and its relationship to policy development, this report starts by briefly describing how the concept arrived in Europe. The notions of "multiple" and "intersectional" discrimination are essential for understanding the changes that have taken place in European anti-discrimination policies since the late 1990s. Having presented these developments, the next step is to review recent publications on the issue of intersectionality in Europe. The chosen books are representative of the academic debates that are currently taking place among European scholars. It should be noted that – even though they come from different disciplinary fields – the contributors to these books are particularly attentive to issues related to gender inequalities. In spite of the fact that the intersectional approach is today extended to include a range of differences (not only race–class–gender, but also sexuality, age, disability, nationality, etc.), this continuing interest in the gender dimension shows that the approach has preserved important traces of its feminist origins.

The concept of intersectionality was first coined by US-based legal scholar Kimberlé Crenshaw in her 1989 article that focused on the experiences of black women (Crenshaw 1989). Crenshaw used the metaphor of intersecting streets to argue that the disadvantage at the intersection of race and gender is likely to be more severe, just as a car accident is likely to cause more damage when cars are travelling from different directions. The concept of intersectionality was intended to show that anti-discrimination policies that take either gender or race into account, but not both simultaneously, miss the point in relation to women of color. According to Crenshaw, seeing that intersectionality is "greater than the sum of racism and sexism (ibid., 140)," an analysis that does not take it into account cannot possibly address the oppression of black women.

Since Crenshaw's seminal article, many scholars have participated in theorizing the dynamics and effects of intersectionality. Thus, while the trio of gender, race, and class were for a long time analyzed as separate issues, more and more scholars now agree that their intersections need to be taken into account. In fact, it has been argued that the intersectional approach has developed from a content-based specialization into a full-blown paradigm that "represent[s] a set of basic beliefs or a worldview that precedes any questions of empirical investigation (Hancock 2007, 64)."

The move towards paradigmatic status has meant a shift in the ways multiple discriminations are envisaged. The phenomenon of multi-dimensional oppression can roughly be conceptualized in three ways (ibid.). In the *unitary* approach, one category of difference is taken to be primary and the others, while perhaps relevant, are secondary. This approach has been adopted, for example, by feminists who take gender difference to be fundamental, or by Marxists who consider that all

other types of domination derive from class oppression. In the *multiple* approach, the different categories are considered as equally important and they are normally presumed to hold in a stable relationship with each other. Hence it is possible to speak of "double" or "triple" discrimination in the sense that different grounds of discrimination *add* to each other. Finally, in the *intersectional* approach, the relationship between categories is open. This means that categories are fluid and interactive, and that they mutually constitute each other.

According to this threefold classification, only an approach that takes into consideration the interactive and mutually constitutive relationship among categories is considered truly "intersectional". However, the way that authors classify and label different approaches to discrimination varies: some make a distinction between "multiple", "compound", and "intersectional" discrimination (Makkonen 2002), while others prefer to distinguish "additive" and "multiplicative" or "interactionist" from "intersectional" approaches (Parent, DeBlaere, and Moradi 2013). The fact that many researchers use "intersectionality" as a general term to refer to all of the above approaches has further contributed to the terminological confusion. Most of the time, however, a distinction is made between cases where different grounds of discrimination add to each other ("multiple" discrimination), and cases where different grounds interact and result in a disadvantage that can be more than the sum of its parts ("intersectional" discrimination).

Although the intersectionality perspective was first developed in the US, it was being taken up in Europe by the 1980s and the 1990s. Since the early 1980s – and before the term "intersectionality" was introduced – scholars, especially in Britain, started to theorize the intersections of race, gender, class, and other social divisions (see, e.g. Anthias and Yuval-Davis 1983). During the early years of intersectional scholarship, the academic conversation was, at best, transatlantic; intersectionality had not yet really become the object of independent European research. However, during the past ten years, the situation has changed. Europe has witnessed a surge of interest in intersectionality as a research perspective. Although the US roots of the approach are well-known and frequently evoked, many of its recent developments have taken place in exchanges among European scholars who often discuss specifically European issues.[3] As a result, European researchers working on intersectionality no longer necessarily draw on the work of their North-American colleagues, but are engaged in debates that are specific to the European context.

The concept of intersectionality has always been developed in a boundary space between academic thought and political activism. The concept was originally mobilized in the US to develop

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[3] See, e.g. the special issues of *Social Politics* (19: 4) and the *International Feminist Journal of Politics* (11: 4).

better law and politics, and it continues to inform social and political actors engaged in promoting equality and non-discrimination. As a normative and political goal, intersectionality has been particularly successful in Europe. Indeed, it seems that the biggest catalyst for specifically European academic and political debates about intersectionality have been the transformations that have taken place in the European Union's equality architecture. During the last decade, the EU has developed a concern for multiple discriminations that has led to significant changes in EU law and to widespread transformations in European equality policies. The EU's commitment to fighting multiple discrimination has opened the door wide for scholars and activists pushing for a more intersectional approach to anti-discrimination actions.

To summarize these developments briefly, it is necessary to note that EU anti-discrimination law historically concentrated only on gender from Article 119 of the Treaty of Rome through the 1970s and 1980s. The roots of current EU anti-discrimination positions lie in the Treaty of Amsterdam (1997), which not only strengthened the protection for gender equality (Article 141), but in its Article 13 also identified six other strands to combat discrimination: sex, racial and ethnic origin, disability, age, religion, and sexual orientation (Kirzsan, Skjeie, and Squires 2012, 4). Although these "other" prohibited grounds of discrimination arrived on the political agenda much later than gender, they were taken up in record time. Article 13 entered into force in 1999, and it expanded the legal power of the EU to act on these grounds. Within three years from its adoption, two new directives had been introduced: first, the Race Equality Directive (2000/43/EC), based on the principle of equal treatment between persons irrespective of racial or ethnic origin; and second, the Employment Framework Directive (2000/78/EC), assuring equal treatment in employment and occupation (Kantola and Nousiainen 2012, 38–39). These directives expanded EU prohibition of discrimination from one ground (gender) to multiple grounds, and their transposition into national law raised the standards of anti-discrimination protection significantly in the EU's 27 member states.

Since the adoption of the Race and Employment Directives, the EU has continued to tackle multiple discrimination, this time in "soft" law instead of binding legislation, however. One of the most recent such initiatives was a report financed by the European Commission (2007), titled "Tackling Multiple Discrimination: Practices, Policies, and Laws."[4] The contents of this and other policy documents have led commentators to note that the EU is fighting "multiple" – instead of "intersectional" – discrimination (Kantola and Nousiainen 2009). In other words, EU policies enable

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[4] Note that the EU in its documents uses the term "multiple discrimination" in the singular rather than the more usual plural.

tackling more than one ground of discrimination at the same time, but they do not take into account the fact that the relationship between these grounds varies, that different categories do not necessarily hold the same status, or that various dimensions of difference might interact. Nonetheless, by pointing to multiple differences, the Race and Employment Directives opened the door for thinking about discrimination in more complex ways. Scholars who analyze these developments often tend to speak about "intersectionality" when they are, in fact, examining policies that concern "multiple" discrimination, leading them to highlight the limitations of EU law in cases of interacting grounds of discrimination.

Another important transformation within European anti-discrimination positions concerns changing institutional arrangements in EU member countries. While questions such as gender or racial equality have traditionally been the responsibility of specific policy agencies, the EU has put pressure on member states to address multiple discrimination in single, integrated equality bodies. Although EU directives only set certain minimal standards for such institutions, EU norm diffusion has led many countries to reform their institutional arrangements in recent years. (Kantola and Nousiainen 2009.)

When taken together, these developments mark a significant shift in European anti-discrimination policy. By promoting the extension of prohibited grounds of discrimination and the establishment of integrated equality institutions, the EU has taken important steps towards institutionalizing the intersectional approach to combatting discrimination. These developments are in part due to the activism of feminist scholars and transnational women's movements who have promoted multi-dimensional equality, and the recent transformations in EU anti-discrimination legislation and policies have further fuelled the discussions among researchers and activists concerned with intersectionality. Indeed, European scholars are currently actively debating the causes and consequences of these changes and pondering the relevance of intersectionality as an experience and an analytic concept. In the following, I summarize and briefly review the contents of four collective volumes which address these issues from different European perspectives.

Helma Lutz, Maria Teresa Herrera Vivar, and Linda Supik (eds.) (2011). *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies*. **Farnham: Ashgate Publishing.**

This book, published in the series titled, The Feminist Imagination – Europe and Beyond, builds on the insights of the 2009 conference "Celebrating Intersectionality?" which brought together scholars

from Europe and the US to reflect on the developments and challenges after twenty years of explicit intersectional theorizing. Framing Intersectionality draws on the major themes of this conference and presents some of the controversies that emerged from its debates. The book's aim is to critically evaluate the usefulness of the concept of intersectionality for feminist scholarship and politics and to contribute to the development of intersectionality as a research paradigm.

The book is divided in three parts. Part I focuses on intersectionality's "transatlantic travels." It opens with a reproduction of Crenshaw's seminal article "Demarginalizing the Intersection of Race and Sex," and moves on to examine the components of a successful feminist theory as well as the adoption of intersectionality analyses in various geographical locations. Part II consists of contributions that shed light on emerging fields of research on intersectionality, such as studies of masculinities, heteronormativity, and transnationality. Part III offers critical reflections on the potentials and limits of intersectionality research. The postscript is written by Crenshaw who looks back on the last 20 years of theorizing and clarifies some misunderstandings concerning her 1989 article.

The biggest contribution of this volume is that the authors analyze intersectionality as it has been adopted in Europe with all the complexities that this implies. As the editors note in their introduction, intersectionality as a concept has been taken up in Europe differently at different times, leading to a range of ways of conceptualizing intersecting inequalities. The diffusion of intersectionality as a research paradigm has also been uneven across countries and linguistic areas. However, *Framing Intersectionality* also shows that European "diversity" can be a useful starting point for intersectional thinking, for the particular historical, social, and intellectual contexts of European countries have provided challenges for the development of a more complete – or a more flexible – theory of intersectionality. Although the book does not address recent changes within EU anti-discrimination policies and practices, its editors acknowledge that the social-scientific debates that they analyze were spurred by changes in EU legislation. The legal space of the EU is hence seen as fruitful ground for building bridges across academic boundaries.

Andrea Kirzsan, Hege Skjeie, and Judith Squires (eds.) (2012). *Institutionalizing Intersectionality: The Changing Nature of European Equality Regimes*. **Basingstoke: Palgrave Macmillan.**

This volume analyzes recent changes within European equality regimes. It aims (1) to describe the changes that have taken place in 16 European countries since 2000, (2) to explain the convergence and variation among them, and (3) to evaluate the potential that current institutional structures offer for intersectional practices.

The policy measures taken up on the European level have influenced the policies and institutions of European countries in a variety of ways. In some countries, equality institutions have undergone significant transformations, while in others they have only been slightly adjusted to the demands of EU directives or the subsequent soft law. Hence, equality policies in Europe show signs of convergence as well as of variation. The different chapters seek to explain these similarities and differences by analyzing five clusters of countries: the Nordic countries (Denmark, Finland, Norway, and Sweden), the "Big Three" (France, Germany, and Britain), the Low Countries (Belgium and the Netherlands), Southern Europe (Italy, Spain, and Portugal), and Eastern Europe (Hungary, Poland, Romania, and Slovenia).

The regional analyses suggest that recent changes within European equality institutional regimes can be summarized by three tendencies. First, there is a growing complexity of equality arrangements. Second, countries have on the whole widened the grounds of discrimination that are addressed in policies. Third, when looking at these two developments together, there are important differences among countries. Convergence follows logically from the implementation of mandatory EU law, which required countries to adopt the regulation for combating discrimination on several grounds. This vertical influence is the strongest in relation to the anti-discrimination pillar of equality institutions. In some cases, however, there was also domestic pressure towards convergence. Thus, in some countries, the influence of civil society groups for "leveling-up" was a factor that facilitated the adoption of integrated anti-discrimination policies. Variations among countries, on the other hand, were due to the influence of regional norms and differences between the countries' political opportunity structures. Finally, the analyses show that changes in institutions and legislation have not always led to changes in practices. Although legal anti-discrimination frameworks have significantly changed, there are "very few cases [that] bear witness to intersectional approaches in adjudication" (p. 233). The empirical evidence presented by the authors suggests that intersectional practices are "learnt by doing" (p. 235).

Birte Siim and Monika Mokre (eds.) (2012). *Negotiating Gender and Diversity in an Emergent European Public Sphere*. **Basingstoke: Palgrave Macmillan.**

This collective volume analyzes how European social and political actors understand the intersection of gender and ethno-cultural "diversity" with a specific concern for the ways in which these discourses have contributed to the emergence of a European Public Sphere. The book draws on the conclusions of the EUROSPHERE research project (2007–12) which examined the condi-

tions leading to inclusive or exclusionary European Public Spheres. Financed by the 6th Framework Program of the European Commission, the EUROSPHERE project built on elite interviews and institutional as well as media data from 16 European countries.

Part I of the book offers theoretical perspectives for thinking about the intersection of gender and diversity. The editors of the volume propose to analyze the issue by combining two strands of literature that have rarely been integrated: that addressing intersectionality and that analyzing the public sphere. Part II focuses on the roles played by the collective actors engaged with the promotion of equality and democratic participation across Europe, such as social movements, political parties, and media actors. Part III analyzes EU policies and transnational mobilization discourses and practices in order to examine the possibilities for the emergence of a democratic European Public Sphere.

These contributions show that while European integration, norm diffusion, and EU-level policy measures have led to an almost unanimous acceptance of gender equality, the effects vary by country. Despite important advances in some EU countries, many others remain in a weak position and in need of more adequate policies. Ethnic, cultural, religious, and national "diversity" is an even more contested issue, leading women's movements to often stick to a discourse limited to gender questions instead of embracing intersectionality. What also emerges from the book's analyses is that while certain forms of transnational mobilization and shared meanings exist and are on the rise, this collaboration is limited to specific issues that are understood as transnationally important. The collaboration of NGOs concerned with intersectionality is also countered by "anti-diversity" actors – such as anti-Muslim movements – that have equally become transnationalized. All in all, EU gender and diversity policies depend on a complex dynamic between civil society actors and EU organizations and institutions. Although EU multilevel governance offers new possibilities for transnational actors, the editors conclude that the potential of a truly European Public Sphere has not yet been realized.

Dagmar Schiek, and Anna Lawson (eds.) (2011). *European Union Non-Discrimination Law and Intersectionality: Investigating the Triangle of Racial, Gender and Disability Discrimination.* **Farnham: Ashgate Publishing.**

The authors in this book participate in the discussion of recent changes in European non-discrimination law by exploring the intersection between race, gender, and disability. Building on the insights of the First European Conference on Multidimensional Equality Law (2009), the contribu-

tors analyze whether current EU law succeeds in taking into account the intersection between race, gender, and disability. The works of these legal scholars stem from a willingness to "refocus" EU equality law by examining judicial practice and reflecting on strategies for bringing intersectionality before the courts.

The book is divided in four parts. Part I examines race, gender, and disability as discrimination grounds by pointing to different neglected corners of this triangle. Part II analyzes some of the ways in which these dimensions are taken into account in various European countries. The comparative perspective adopted by several authors sheds light in particular on the intersectional prejudices suffered by Europe's Muslim minorities. Part III proposes solutions of a better acknowledgement of intersecting discrimination grounds by looking at court procedures and litigation strategies. Part IV focuses on European Union law and formulates recommendations for its development. The editors conclude the volume with a "critical reappraisal" of intersectionality in EU law.

Several general conclusions can be drawn from these contributions. First, while EU law does not yet address intersectionality (but prefers "multiple discrimination") some cases of intersectional judicial practices can already be discerned. However, there is clearly a need for more explicit legal protection against multiple and intersectional discrimination. The intersection of gender, race, and disability, in particular, needs to be more explicitly recognized. Second, the adoption of EU law and policy varies not only according to member countries' socio-political traditions, but also according to their specific legal cultures (e.g., common law vs. civil law systems). Hence EU law should address the difficulties related to acknowledging intersectional discrimination through a multiplicity of strategies that would respect the diversity of European legal cultures. Third, the editors conclude by arguing that "multi-stranded" social actors should be encouraged to participate in anti-discrimination if single-axis approaches are to be overcome. However, instead of funding groups at particular intersections, they suggest supporting combined interest groups and lobbying for legal opportunity structures that would facilitate intersectional litigation.

These multi-authored volumes show that European scholars within the social sciences and legal studies are currently engaging in comparative analyses in their attempts to describe and explain the developments that have taken place in the EU and its member states in regard to antidiscrimination politics, policies and practices. Broadly speaking, these discussions take three forms. First, a growing group of scholars within the social sciences are engaged in a reflection on the "multiple meanings of gender equality" and on the discursive processes where intersecting differences are constructed and contested. Second – and in parallel – authors focus on the institutional changes

that have taken place. Third, legal scholars have, especially in recent years, taken up the challenge of detailed empirical analysis of case law and changes in legislation. While the first two first groups of scholars are in close contact with each other, European legal discourse and social scientific research have not yet fully engaged in dialogue.

More generally, the current debates about intersectionality need to be understood as parts of a specifically European discourse that is emerging. The volumes summarized here clearly show that Europe and the European Union are far from unified entities. As *Framing Intersectionality* suggests, the multiplicity of national contexts and discourses may, however, serve as a beneficial starting point for thinking about intersecting inequalities. If we accept the assumption that a good theory does not provide answers, but rather opens up spaces for new research (Davis 2011), Europe would seem to be an excellent "testing ground" for intersectional analyses.

Recent developments within the European social sciences and in EU law and policy have together contributed to placing Europe in the forefront of intersectionality thinking. As a research paradigm and as an ideal for political and legal arrangements, intersectionality is hence becoming more Europeanized. When it comes to thinking about diversity in transnational contexts, to planning institutional reforms and to developing multidimensional anti-discrimination law, more and more regions of the world will probably look to Europe in their efforts to come to grips with multiple inequalities.

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