

## Reading C

### *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*

KIMBERLÉ CRENSHAW

*New social movements have led to many debates about what constitutes identity. Legal scholar Kimberlé Crenshaw believes that the concept of a generalized "essential" gender identity does not address differences among women based on race or culture. She proposes the idea of "intersectional" identities to acknowledge the complexity of belonging simultaneously to several groups.*

Over the last two decades, women have organized against the almost routine violence that shapes their lives.<sup>1</sup> Drawing from the strength of shared experience, women have recognized that the political demands of millions speak more powerfully than the pleas of a few isolated voices. This politicization in turn has transformed the way we understand violence against women. For example, battering and rape, once seen as private (family matters) and aberrational (errant sexual aggression), are now largely recognized as

part of a broad-scale system of domination that affects women as a class.<sup>2</sup> This process of recognizing as social and systemic what was formerly perceived as isolated and individual has also characterized the identity politics of African-Americans, other people of color, and gays and lesbians, among others. For all these groups, identity-based politics has been a source of strength, community, and intellectual development.

The embrace of identity politics, however, has been in tension with dominant conceptions of social justice. Race, gender, and other identity categories are most often treated in mainstream liberal discourse as vestiges of bias or domination—that is, as intrinsically negative frameworks in which social power works to exclude or marginalize those who are different. According to this understanding, our liberatory objective should be to empty such categories of any social significance. Yet implicit in certain strands of feminist and racial liberation movements, for example, is the view that the social power in delineating difference need not be the power of domination; it can instead be the source of social empowerment and reconstruction.

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#### *Key Terms*

**intersectionality** The necessity of recognizing the many strands that make up identity; for example, the ways in which sexism and racism are intertwined in the identities of women of color.

**woman of color** The term used since the early 1980s to refer to women in the United States who have been identified as nonwhite or non-European.



The problem with identity politics is not that it fails to transcend difference, as some critics charge, but rather the opposite—that it frequently conflates or ignores intragroup differences. In the context of violence against women, this elision of difference in identity politics is problematic, fundamentally because the violence that many women experience is often shaped by other dimensions of their identities, such as race and class. Moreover, ignoring difference *within* groups contributes to tension *among* groups, another problem of identity politics that bears on efforts to politicize violence against women. Feminist efforts to politicize experiences of women and antiracist efforts to politicize experiences of people of color have frequently proceeded as though the issues and experiences they each detail occur on mutually exclusive terrains. Although racism and sexism readily intersect in the lives of real people, they seldom do in feminist and antiracist practices. And so, when the practices expound identity as woman or person of color as an either/or proposition, they relegate the identity of women of color to a location that resists telling.

My objective in this essay is to advance the telling of that location by exploring the race and gender dimensions of violence against women of color.<sup>3</sup> Contemporary feminist and antiracist discourses have failed to consider intersectional identities, such as women of color.<sup>4</sup> Focusing on male violence against women through battering, I consider how the experiences of women of color are frequently the product of intersecting patterns of racism and sexism, and how these experiences tend not to be represented within the discourses of either feminism or antiracism. Because of their intersectional identity as both women *and* of color within discourses that are shaped to respond to one *or* the other, women of color are marginalized within both.

[...]

I observed the dynamics of structural intersectionality during a brief field study of battered women's shelters located in minority communities in Los Angeles.<sup>5</sup> In most cases, the physical assault that leads women to these shelters is merely the most immediate manifestation of the subordination they experience. Many women who seek protection are unemployed or underemployed, and a good number of them are poor.

Shelters serving these women cannot afford to address only the violence inflicted by the batterer; they must also confront the other multilayered and routinized forms of domination that often converge in these women's lives, hindering their ability to create alternatives to the abusive relationships that brought them to shelters in the first place. Many women of color, for example, are burdened by poverty, child care responsibilities, and the lack of job skills.<sup>6</sup> These burdens, largely the consequence of gender and class oppression, are then compounded by the racially discriminatory employment and housing practices women of color often face,<sup>7</sup> as well as by the disproportionately high unemployment among people of color that makes battered women of color less able to depend on the support of friends and relatives for temporary shelter.<sup>8</sup>

Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles.<sup>9</sup> Such was the case in 1990 when Congress amended the marriage fraud provisions of the Immigration and Nationality Act to protect immigrant women who were battered or exposed to extreme cruelty by the United States citizens or permanent residents these women immigrated to the United States to marry. Under the marriage fraud provisions of the Act, a person who immigrated to the United States to marry a United States citizen or permanent resident had to remain "properly" married for two years before even applying for permanent resident status,<sup>10</sup> at which time applications for the immigrant's permanent status were required of both spouses.<sup>11</sup> Predictably, under these circumstances, many immigrant women were reluctant to leave even the most abusive of partners for fear of being deported.<sup>12</sup> When faced with the choice between protection from their batterers and protection against deportation, many immigrant women chose the latter.

Reports of the tragic consequences of this double subordination put pressure on Congress to include in the Immigration Act of 1990 a provision amending the marriage fraud rules to allow for an explicit waiver for hardship caused by domestic violence.<sup>13</sup> Yet many im-



migrant women, particularly immigrant women of color, have remained vulnerable to battering because they are unable to meet the conditions established for a waiver. The evidence required to support a waiver "can include, but is not limited to, reports and affidavits from police, medical personnel, psychologists, school officials, and social service agencies." For many immigrant women, limited access to these resources can make it difficult to obtain the evidence needed for a waiver. And cultural barriers often further discourage immigrant women from reporting or escaping battering situations. Tina Shum, a family counselor at a social service agency, points out, "This law sounds so easy to apply, but there are cultural complications in the Asian community that make even these requirements difficult. . . . Just to find the opportunity and courage to call us is an accomplishment for many." The typical immigrant spouse, she suggests, may live "[i]n an extended family where several generations live together, there may be no privacy on the telephone, no opportunity to leave the house, and no understanding of public phones." As a consequence, many immigrant women are wholly dependent on their husbands as their link to the world outside their homes.

Immigrant women are also vulnerable to spousal violence because so many of them depend on their husbands for information regarding their legal status.<sup>14</sup> Many women who are now permanent residents continue to suffer abuse under threats of deportation by their husbands. Even if the threats are unfounded, women who have no independent access to information will still be intimidated by such threats. And even though the domestic violence waiver focuses on immigrant women whose husbands are United States citizens or permanent residents, there are countless women married to undocumented workers (or who are themselves undocumented) who suffer in silence for fear that the security of their entire families will be jeopardized should they seek help or otherwise call attention to themselves.<sup>15</sup>

Language barriers present another structural problem that often limits opportunities of non-English-speaking women to take advantage of existing support services. Such barriers not only limit access to information about shelters but also limit access to the security

shelters provide. Some shelters turn non-English-speaking women away for lack of bilingual personnel and resources.

These examples illustrate how patterns of subordination intersect in women's experience of domestic violence. Intersectional subordination need not be intentionally produced; in fact, it is frequently the consequence of the imposition of one burden that interacts with preexisting vulnerabilities to create yet another dimension of disempowerment. In the case of the marriage fraud provisions of the Immigration and Nationality Act, the imposition of a policy specifically designed to burden one class—immigrant spouses seeking permanent resident status—exacerbated the disempowerment of those already subordinated by other structures of domination. By failing to take into account the vulnerability of immigrant spouses to domestic violence, Congress positioned these women to absorb the simultaneous impact of its anti-immigration policy and their spouses' abuse.

The enactment of the domestic violence waiver of the marriage fraud provisions similarly illustrates how modest attempts to respond to certain problems can be ineffective when the intersectional location of women of color is not considered in fashioning the remedy. Cultural identity and class affect the likelihood that a battered spouse could take advantage of the waiver. Although the waiver is formally available to all women, the terms of the waiver make it inaccessible to some. Immigrant women who are socially, culturally, or economically privileged are more likely to be able to marshal the resources needed to satisfy the waiver requirements. Those immigrant women least able to take advantage of the waiver—women who are socially or economically the most marginal—are most likely to be women of color.

[. . .]

### *Political Intersectionality*

The concept of political intersectionality highlights the fact that women of color are situated within at least two subordinated groups that frequently pursue conflicting political agendas. The need to split one's political energies between two sometimes opposing groups is a



dimension of intersectional disempowerment that men of color and white women seldom confront. Indeed, their specific raced *and* gendered experiences, although intersectional, often define as well as confine the interests of the entire group. For example, racism as experienced by people of color who are of a particular gender—male—tends to determine the parameters of antiracist strategies, just as sexism as experienced by women who are of a particular race—white—tends to ground the women's movement. The problem is not simply that both discourses fail women of color by not acknowledging the "additional" issue of race or of patriarchy but that the discourses are often inadequate even to the discrete tasks of articulating the full dimensions of racism and sexism. Because women of color experience racism in ways not always the same as those experienced by men of color and sexism in ways not always parallel to experiences of white women, antiracism and feminism are limited, even on their own terms.

[...]

### *Race and Domestic Violence Support Services*

Women working in the field of domestic violence have sometimes reproduced the subordination and marginalization of women of color by adopting policies, priorities, or strategies of empowerment that either elide or wholly disregard the particular intersectional needs of women of color. While gender, race, and class intersect to create the particular context in which women of color experience violence, certain choices made by "allies" can reproduce intersectional subordination within the very resistance strategies designed to respond to the problem.

This problem is starkly illustrated by the inaccessibility of domestic violence support services to many non-English-speaking women. In a letter written to the deputy commissioner of the New York State Department of Social Services, Diana Campos, Director of Human Services for Programas de Ocupaciones y Desarrollo Económico Real, Inc. (PODER), detailed the case of a Latina in crisis who was repeatedly denied accommodation at a shelter because she could not prove

that she was English-proficient. The woman had fled her home with her teenage son, believing her husband's threats to kill them both. She called the domestic violence hotline administered by PODER seeking shelter for herself and her son. Because most shelters would not accommodate the woman with her son, they were forced to live on the streets for two days. The hotline counselor was finally able to find an agency that would take both the mother and the son, but when the counselor told the intake coordinator at the shelter that the woman spoke limited English, the coordinator told her that they could not take anyone who was not English-proficient. When the woman in crisis called back and was told of the shelter's "rule," she replied that she could understand English if spoken to her slowly. As Campos explains, Mildred, the hotline counselor, told Wendy, the intake coordinator

that the woman said that she could communicate a little in English. Wendy told Mildred that they could not provide services to this woman because they have house rules that the woman must agree to follow. Mildred asked her, "What if the woman agrees to follow your rules? Will you still not take her?" Wendy responded that all of the women at the shelter are required to attend [a] support group and they would not be able to have her in the group if she could not communicate. Mildred mentioned the severity of this woman's case. She told Wendy that the woman had been wandering the streets at night while her husband is home, and she had been mugged twice. She also reiterated the fact that this woman was in danger of being killed by either her husband or a mugger. Mildred expressed that the woman's safety was a priority at this point, and that once in a safe place, receiving counseling in a support group could be dealt with.<sup>16</sup>

The intake coordinator restated the shelter's policy of taking only English-speaking women and stated further that the woman would have to call the shelter herself for screening. If the woman could communicate with them in English, she might be accepted. When the woman called the PODER hotline later that day, she was in such a state of fear that the hotline counselor



who had been working with her had difficulty understanding her in Spanish.<sup>17</sup> Campos directly intervened at this point, calling the executive director of the shelter. A counselor called back from the shelter. As Campos reports,

Marie [the counselor] told me that they did not want to take the woman in the shelter because they felt that the woman would feel isolated. I explained that the son agreed to translate for his mother during the intake process. Furthermore, that we would assist them in locating a Spanish-speaking battered women's advocate to assist in counseling her. Marie stated that utilizing the son was not an acceptable means of communication for them, *since it further victimized the victim*. In addition, she stated that they had similar experiences with women who were non-English-speaking, and that the women eventually just left because they were not able to communicate with anyone. I expressed my extreme concern for her safety and reiterated that we would assist them in providing her with the necessary services until we could get her placed someplace where they had bilingual staff.<sup>18</sup>

After several more calls, the shelter finally agreed to take the woman. The woman called once more during the negotiation; however, after a plan was in place, the woman never called back. Said Campos, "After so many calls, we are now left to wonder if she is alive and well, and if she will ever have enough faith in our ability to help her to call us again the next time she is in crisis."<sup>19</sup>

Despite this woman's desperate need, she was unable to receive the protection afforded English-speaking women, due to the shelter's rigid commitment to exclusionary policies. Perhaps even more troubling than the shelter's lack of bilingual resources was its refusal to allow a friend or relative to translate for the woman. This story illustrates the absurdity of a feminist approach that would make the ability to attend a support group without a translator a more significant consideration in the distribution of resources than the risk of physical harm

on the street. The point is not that the shelter's image of empowerment is empty, but rather that it was imposed without regard to the disempowering consequences for women who didn't match the kind of client the shelter's administrators imagined. And thus they failed to accomplish the basic priority of the shelter movement—to get the woman out of danger.

Here the woman in crisis was made to bear the burden of the shelter's refusal to anticipate and provide for the needs of non-English-speaking women. Said Campos, "It is unfair to impose more stress on victims by placing them in the position of having to demonstrate their proficiency in English in order to receive services that are readily available to other battered women."<sup>20</sup> The problem is not easily dismissed as one of well-intentioned ignorance. The specific issue of monolingualism and the monistic view of women's experience that set the stage for this tragedy were not new issues in New York. Indeed, several women of color reported that they had repeatedly struggled with the New York State Coalition Against Domestic Violence over language exclusion and other practices that marginalized the interests of women of color.<sup>21</sup> Yet despite repeated lobbying, the Coalition did not act to incorporate the specific needs of nonwhite women into its central organizing vision.

[...]

The struggle over which differences matter and which do not is neither an abstract nor an insignificant debate among women. Indeed, these conflicts are about more than difference as such; they raise critical issues of power. The problem is not simply that women who dominate the antiviolence movement are different from women of color but that they frequently have power to determine, through either material or rhetorical resources, whether the intersectional differences of women of color will be incorporated at all into the basic formulation of policy. Thus, the struggle over incorporating these differences is not a petty or superficial conflict about who gets to sit at the head of the table. In the context of violence, it is sometimes a deadly serious matter of who will survive—and who will not.<sup>22</sup>



## NOTES

1. Feminist academics and activists have played a central role in forwarding an ideological and institutional challenge to the practices that condone and perpetuate violence against women. See generally Susan Brownmiller, *Against Our Will: Men, Women and Rape* (1975); Lorene M. G. Clark and Debra J. Lewis, *Rape: The Price of Coercive Sexuality* (1977); R. Emerson Dobash and Russell Dobash, *Violence against Wives: A Case against the Patriarchy* (1979); Nancy Gager and Cathleen Schurr, *Sexual Assault: Confronting Rape in America* (1976); Diana E. H. Russell, *The Politics of Rape: The Victims Perspective* (1974); Elizabeth Anne Stanko, *Intimate Intrusions: Women's Experience of Male Violence* (1985); Lenore E. Walker, *Terrifying Love: Why Battered Women Kill and How Society Responds* (1989); Lenore E. Walker, *The Battered Woman Syndrome* (1984); Lenore E. Walker, *The Battered Woman* (1979).
2. See, e.g., Susan Schechter, *Women and Male Violence: The Victims and Struggles of the Battered Women's Movement* (1982) (arguing that battering is a means of maintaining women's subordinate position); S. Brownmiller, *supra* note 1 (arguing that rape is a patriarchal practice that subordinates women to men); Elizabeth Schneider, "The Violence of Privacy," 23 *Connecticut Law Review* 973, 974 (1991) (discussing how "concepts of privacy permit, encourage, and reinforce violence against women"); Susan Estrich, "Rape," 95 *Yale Law Journal* 1087 (1986) (analyzing rape law as one illustration of sexism in criminal law); see also Catharine A. Mackinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* 143-213 (1979) (arguing that sexual harassment should be redefined as sexual discrimination actionable under Title VII rather than viewed as misplaced sexuality in the workplace).
3. This article arises out of and is inspired by two emerging scholarly discourses. The first is critical race theory. For a cross-section of what is now a substantial body of literature, see Patricia J. Williams, *The Alchemy of Race and Rights* (1991); Robin D. Barnes, "Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship," 103 *Harvard Law Review* 1864 (1990); John O. Calmore, "Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World," 65 *Southern California Law Review* 2129 (1992); Anthony E. Cook, "Beyond Critical Legal Studies: The Reconstructive Theology of Dr. Martin Luther King," 103 *Harvard Law Review* 985 (1990); Kimberlé Williams Crenshaw, "Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law," 101 *Harvard Law Review* 1331 (1988); A second, less formally linked body of legal scholarship investigates the connections between race and gender. See, e.g., Regina Austin, "Sapphire Bound!," 1989 *Wisconsin Law Review* 539; Crenshaw, *supra*; Angela P. Harris, "Race and Essentialism in Feminist Legal Theory," 42 *Stanford Law Review* 581 (1990); Marlee Kline, "Race, Racism and Feminist Legal Theory," 12 *Harvard Women's Law Journal* 115 (1989); Dorothy E. Roberts, "Punishing Drug Addicts Who Have Babies: Women of Color, Equality and the Right of Privacy," 104 *Harvard Law Review* 1419 (1991); Cathy Scarborough, "Conceptualizing Black Women's Employment Experiences," 98 *Yale Law Journal* 1457 (1989) (student author); Peggie R. Smith, "Separate Identities: Black Women, Work and Title VII," 14 *Harvard Women's Law Journal* 21 (1991); Judy Scales-Trent, "Black Women and the Constitution: Finding Our Place, Asserting Our Rights," 24 *Harvard C.R.-C.L.L. Review* 9 (1989).
4. Although the objective of this article is to describe the intersectional location of women of color and their marginalization within dominant resistance discourses, I do not mean to imply that the disempowerment of women of color is singularly or even primarily caused by feminist and antiracist theorists or activists. Indeed, I hope to dispell any such simplistic interpretations by capturing, at least in part, the way that prevailing structures of domination shape various discourses of resistance.
5. During my research in Los Angeles, California, I visited Tennessee Battered Women's Shelter, the only shelter in the Western states primarily serving Black women, and Everywoman's Shelter, which primarily serves Asian women. I also visited Estelle Chueng at the Asian Pacific Law Foundation, and I spoke with a representative of La Casa, a shelter in the predominantly Latino community of East L.A.
6. One researcher has noted, in reference to a survey taken of battered women's shelters, that "many Caucasian women were probably excluded from the sample, since they are more likely to have available resources that enable them to avoid going to a shelter. Many shelters admit only women with few or no resources or alternatives." Mildred Daley Pagelow, *Woman-Battering: Victims and Their Experiences* 97 (1981). On the other hand, many middle- and upper-class women are financially dependent on their husbands and thus experience a diminution in their standard of living when they leave their husbands.
7. Together they make securing even the most basic necessities beyond the reach of many. Indeed, one shelter provider reported that nearly 85 percent of her clients returned to the battering relationships, largely because of difficulties in finding employment and housing. African Americans are more segregated than any other racial group, and this segregation exists across class lines.
8. More specifically, African Americans suffer from high unemployment rates, low incomes, and high poverty rates. [ . . . ] The economic situation of minority women is, expectedly, worse than that of their male counterparts. Black women, who earn a median of \$7,875 a year, make considerably less than Black men, who earn a median income of \$12,609 a year, and white women, who earn a median income of \$9,812 a year. [ . . . ] Latino households also earn considerably less than white households. In 1988, the median income of Latino households was \$20,359 and for white households, \$28,340—a difference of almost \$8,000. *Hispanic Americans: A Statistical Sourcebook* 149 (1991).
9. For a discussion of the different needs of Black women who are battered, see Beth Richie, "Battered Black Women: A Challenge for the Black Community," *Black Scholar*, Mar./Apr. 1985, at 40.



10. The Marriage Fraud Amendments provide that an alien spouse "shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section." An alien spouse with permanent resident status under this conditional basis may have her status terminated if the Attorney General finds that the marriage was "improper," or if she fails to file a petition or fails to appear at the personal interview.

11. The Marriage Fraud Amendments provided that for the conditional resident status to be removed, "the alien spouse and the petitioning spouse (if not deceased) jointly must submit to the Attorney General . . . a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information." The Amendments provided for a waiver, at the Attorney General's discretion, if the alien spouse was able to demonstrate that deportation would result in extreme hardship, or that the qualifying marriage was terminated for good cause.

12. Immigration activists have pointed out that "[t]he 1986 Immigration Reform Act and the Immigration Marriage Fraud Amendment have combined to give the spouse applying for permanent residence a powerful tool to control his partner." Jorge Banales, "Abuse among Immigrants; As Their Numbers Grow So Does the Need for Services," *Washington Post*, Oct. 16, 1990.

13. Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978. The Act, introduced by Representative Louise Slaughter (D-N.Y.), provides that a battered spouse who has conditional permanent resident status can be granted a waiver for failure to meet the requirements if she can show that "the marriage was entered into in good faith and that after the marriage the alien spouse was battered by or was subjected to extreme mental cruelty by the U.S. citizen or permanent resident spouse."

14. A citizen or permanent resident spouse can exercise power over an alien spouse by threatening not to file a petition for perma-

nent residency. If he fails to file a petition for permanent residency, the alien spouse continues to be undocumented and is considered to be in the country illegally. These constraints often restrict an alien spouse from leaving.

15. Incidents of sexual abuse of undocumented women abound. Marta Rivera, director of the Hostos College Center for Women's and Immigrant's Rights, tells of how a 19-year-old Dominican woman had "arrived shaken . . . after her boss raped her in the women's restroom at work." The woman told Rivera that "70 to 80 percent of the workers [in a Brooklyn garment factory] were undocumented, and they all accepted sex as part of the job. . . . She said a 13-year-old girl had been raped there a short while before her, and the family sent her back to the Dominican Republic." Vivian Walt, "Immigrant Abuse: Nowhere to Hide; Women Fear Deportation, Experts Say," *Newsday*, Dec. 2, 1990, at 8.

16. Letter of Diana M. Campos, Director of Human Services, PODER, to Joseph Semidei, Deputy Commissioner, New York State Department of Social Services (Mar. 26, 1992) [hereinafter PODER Letter].

17. The woman had been slipping back into her home during the day when her husband was at work. She remained in a heightened state of anxiety because he was returning shortly and she would be forced to go back out into the streets for yet another night.

18. PODER Letter, supra note 16 (emphasis added).

19. Id.

20. Id.

21. Roundtable Discussion on Racism and the Domestic Violence Movement (April 2, 1992) (transcript on file with the *Stanford Law Review*).

22. Said Campos, "It would be a shame that in New York state a battered woman's life or death were dependent upon her English language skills." PODER Letter, supra note 16.