

CHAPTER THREE

Intersectionality

A Legacy from Critical Legal Studies
and Critical Race Theory

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Activists, scholars, and researchers in education studies (Bettie, 2003; Patel, 2013), higher education (Abes, Jones, & McEwen, 2007; Mitchell & Means, 2014; Strayhorn, Blakewood, & DeVita, 2008, 2010), human rights (Raj, Bunch, & Nazombe, 2002), political science (Berger, 2004), and women's studies (Collins, 2008; Davis, 1983; Lorde, 1984) have studied experience at the intersection of multiple identities and have argued for understandings and practices that acknowledge them. In this chapter, we argue that studying the legacies of critical legal studies, critical race theory, and, in particular, *intersectionality* (Crenshaw, 1991a, p. 58), a term first used by Kimberlé Crenshaw, can guide research about multiple targeted identities in productive ways. Crenshaw (1991b), an African American Woman, legal scholar, and critical race theorist, argued that dominant social patterns and systemic inequities affect the lived experience of groups and individuals who embody multiple targeted identities and that such patterns and inequities often produce "intersectional disempowerment" (p. 1245). Crenshaw's conceptions of intersectionality deepen opportunities for activists, scholars, and researchers in higher education who are committed to studying racial and social justice, to theorize about experience at the intersection of multiple targeted identities and to strategize against dominant social patterns and systemic inequity.

Not only because Crenshaw (1991a) emphasized the importance of "the experiences and concerns of Black women" (p. 58), but also because too often White scholars committed to racial and social justice "tokenize" (Thompson, 2003, p. 13)

the work produced by scholars of color, we trace intersectionality to its first use by Crenshaw and her applications.¹ Our aims are to situate the relevancy of intersectionality racially, historically, and politically, and to encourage White activists, scholars, and researchers interested in ideas produced by scholars of color to study the context of the work produced by scholars of color before applying it to their own. Thompson (2003) warned that, “taking the work of people of color seriously requires studying their projects, not just quoting the occasional point that coincides with what we were going to say anyway” (p. 13). Personally, as White scholars, applying Crenshaw’s ideas means, too, representing the historical and political context from which she worked and celebrating the lived experiences she and her colleagues endured as they confronted predominantly White law schools, White colleagues, and White, conventional legal scholarship.

This chapter begins with introductions to the history, politics, and context of critical legal studies (CLS). Specifically, we address Crenshaw’s critique of neoconservative influence on antidiscrimination law and the ways her critique informed her ideas about intersectionality and the field of critical race theory (CRT). We follow these sections with Crenshaw’s (1991b) work on structural, political, and representational intersectionality. Lastly, we offer as example our application of Crenshaw’s ideas to DeVita’s (2010) study of Black, gay men in higher education. Ultimately, we argue that the application of Crenshaw’s concept of intersectionality requires understandings of its historical and political context and offers activists, scholars, and researchers ways to critique the reproduction of power in the everyday subjugation of multiple targeted identities (Anders, DeVita, & Oliver, 2012; DeVita & Anders, 2014). In doing so, we invite readers to discern between scholarship that reflects Crenshaw’s conception of intersectionality and scholarship that represents intersections of identity.

The privilege that Whiteness provides in “white supremacist capitalist patriarchy” (hooks, 1992), precludes any claim we (Anders & DeVita) might make about intersectionality and our own identities. Although Crenshaw did not exclude the possible application of intersectionality to analyze intersections of targeted and privileged identities (for example, the lived experiences of White women in higher education or White gay men in higher education), we argue that multiple targeted identities must remain prominent and centered in applications of intersectionality. As White folks, using intersectionality to theorize about our own lives would mean altering Crenshaw’s arguments about multiple subordinations in order to fit our own needs. Other language and concepts exist for us to refer to our experiences. For example, “intersections of identity” reflects the general concept without misappropriating or co-opting the history and politics of Crenshaw’s conceptions or applications of her term. Our approach is not prescriptive, as we believe each individual scholar must face the burden of application (DeVita & Anders, 2014). For us, keeping multiple targeted identities prominent and centered in empirical

studies that utilize Crenshaw’s work is what is important. We do not suggest that scholars count the number of multiple targeted identities to evaluate the applicability of Crenshaw’s work but instead clarify the ways that multiple targeted identities remain prominent and centered in their analyses.

CRITICAL LEGAL STUDIES

According to Crenshaw, Gotanda, Peller, and Thomas (1995), in the 1970s civil rights lawyers faced “attacks on the limited victories they had only just achieved in the prior decade, particularly with respect to affirmative action and legal requirements for the kinds of evidence required to prove illicit discrimination” (p. xvii). During the same time, in law schools across the United States, groups of predominantly White, neo-Marxist scholars began to organize with colleagues, teachers, and practitioners to challenge presuppositions of legal doctrine and critique the ways it legitimated and reproduced systemic inequities. Critical legal studies scholars argued that dominant ideologies affect the construction of legal doctrine. Specifically, critical legal studies scholars analyzed legal doctrine “to reveal both its internal inconsistencies (generally by exposing the incoherence of legal arguments) and its external consistencies (often by laying bare the inherently paradoxical and political worldviews embedded within legal doctrine)” (Crenshaw, 1995, p. 108). CLS scholars explicated the ideology and politics of court decisions rendered in the name of legal doctrine. Together with a network of “New Left activists, ex-counter-culturalists and other varieties of oppositionists in law schools” (Crenshaw et al., 1995, p. xvii), critical legal studies scholars encouraged students and left-leaning faculty to produce scholarship that confronted the myths of apolitical legal doctrine and a neutral legal system. Such analyses provided opportunities for scholars to identify ways that the practice of law creates, legitimates, and reproduces “an unjust social order” (Crenshaw et al., 1995, p. xviii).

For many CLS scholars, Antonio Gramsci’s (1992) work on hegemony elucidated the enduring power of the law, the limits of rights-based approaches in reform movements, and the dominance of an economic system that continued to exploit laborers. As do other institutions of the state, the legal system legitimates and reproduces hegemonic relationships of power. Belief in the myth of an apolitical and neutral system of law contributes to the system’s reproduction (Crenshaw, 1995; Kairys, 1998). Both the dominant and the dominated reify the law’s centrality and the order of the state by consenting to the power of the law and to their own subjugation to it. Critical legal scholars criticized “mainstream legal ideology for its tendency to portray American society as basically fair, and thereby to legitimate the oppressive policies that have been directed toward racial minorities” (Crenshaw, 1995, p. 110). They established the Conference on Critical

Legal Studies and challenged the rising neoconservative rhetoric of equal opportunity in the 1970s.

Neoconservative agendas touted equal process and equality of opportunity arguments. Then and now, neoconservatives and many neoliberals argue that equal process, or access to equal protection under the law, addresses the axis of economic and racial inequity in the United States. Neoconservatives maintain that equal process is a sufficient doctrine; moreover, they contend that, "equal process is completely unrelated to equal results" (Crenshaw, 1995, p. 105). Decoupling equal process from equal process outcomes allows neoconservatives to ignore evidence of disparity along economic and racial axes, to reproduce the myth of color blindness, and to de-legitimate claims of discrimination based on race.

Crenshaw (1995) confronted the neoconservative rhetoric and argued that if color-blind policies were "the only legitimate and effective means of ensuring a racially equitable society, one would have to assume not only that there is only one 'proper role' for law but also that such a racially equitable society already exists" (p. 105). As the United States fails to reflect such histories, Crenshaw critiqued both the de-coupling of equal process from equal process outcomes and the myth of color blindness:

Society's adoption of the ambivalent rhetoric of equal opportunity law has made it that much more difficult for black people to name their reality. There is no longer a perpetrator, a clearly identifiable discriminator. Company Z can be an equal opportunity employer even though Company Z has no blacks or any other minorities in its employ. Practically speaking, all companies can now be equal opportunity employers by proclamation alone. Society has embraced the rhetoric of equal opportunity without fulfilling its promise. (pp. 106-107)

According to Crenshaw "only in such a society, where all other social functions operate in a nondiscriminatory way, would equality of process constitute equality of opportunity" (p. 106). In a society where groups of people have been treated differently, as is the case of the United States, advocates for the idea of color blindness deny the histories of exploitation, oppression, and disenfranchisement and their effects. Moreover, they silence interpretations of the world that center the relationship of ontology to epistemology. That is to say, the ways one is located and positioned in the world and the ways one is classed, gendered, and raced, affect one's way of experiencing and knowing the world (Butler, 1999; Crenshaw, 1991b; Collins, 2008; Freire, 2000; hooks, 1992; Noblit, 1999; Noddings, 1992; Scott, 1999). Crenshaw signified Black experience as a meaningful and tactical response to neoconservative strategies designed to disrupt advocacy for economic and racial justice:

The lasting harm must be measured by the extent to which limited gains hamper efforts of African-Americans to name their reality and to remain capable of engaging in collective action in the future...If the civil rights constituency allows its own political consciousness to

be completely replaced by the ambiguous discourse of antidiscrimination law, it will be difficult for this constituency to defend its genuine interests against those whose interests are supported by opposing visions that also employ the same discourse. The struggle, it seems, is to maintain a contextualized, specified worldview that reflects the experience of blacks. The question remains whether engaging in legal reform precludes this possibility. (p. 107)

Crenshaw urged African Americans to name their own realities in order to remain "capable of engaging in collective action" (p. 107). The challenge, she wrote, would be "to maintain a contextualized, specified worldview that reflects the experience of blacks" (p. 107). Crenshaw's critiques of neoconservative influence on interpretations of antidiscrimination law and her advocacy for the centrality of Black experiences in political action historicize her work on intersectionality. Ultimately, both the critiques she provides and the emphasis she places on experiences and identities in African American communities inform the development of CRT.

CRITICAL RACE THEORY

According to Crenshaw et al. (1995), although CLS scholars disrupted conventional thought and teaching in many law schools through analyses of hegemony in legal doctrine, questions of racial power were not part of the dominant discourse in CLS. The absence of analysis regarding institutionalized racism and experiences of coercion and threat by targeted groups and individuals remained unexamined (Crenshaw, 1995; Delgado & Stefancic, 2001). In the 1970s, "race critics" (Crenshaw et al., 1995, p. xxii) began discussing racial power within CLS and the historic dismissal of rights-based arguments in CLS. Although race critics agreed that rights discourse was indeterminate, many believed that a "rights discourse held a social and transformative value in the context of racial subordination that transcended the narrower question of whether reliance on rights could alone bring about any determinate results" (Crenshaw et al., 1995, p. xxiii). As analyses of racial power expanded in CLS the differences between CLS and analyses emphasizing contexts of race and racism eventually produced a body of scholarship that reflected what scholars think of now as critical race theory.

CRT was named such in order to specifically locate it at the intersection of critical theory, race, racism, and the law. Activists and scholars in the CRT movement sought

to understand how a regime of white supremacy and its subordination of people of color have been created and maintained in America, and, in particular, to examine the relationship between that social structure and the professed ideals such as "the rule of law" and "equal protection." (Crenshaw et al., 1995, p. xiii)

They sought not merely to "understand the vexed bond between law and racial power but to *change* it" (Crenshaw et al., 1995, p. xiii). In contrast to positions in

the civil rights movement, many of which embraced incrementalism, critical race theorists questioned “the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law” (Delgado & Stefancic, 2001, p. 3).

According to Delgado and Stefancic (2001), CRT scholars argue that, “racism is ordinary, not aberrational” (p. 7) and the history of White supremacy and White dominance in the United States creates a racial hierarchy that serves the social and material purposes of Whites. CRT scholars argue that White elites acquiesce to change for racial justice only when the change produces benefit for them. CRT scholars studying this process named the response of White elites to targeted groups: interest convergence.

In an ongoing debate among CRT scholars, racial realists argue that racism is permanent; racial idealists do not. Many racial realists analyze issues of structural determinism. Some study the reproduction of legal precedent, others the diversity and at times conflict of Black interests in civil rights cases. Others analyze relationships of power already present in everyday and judiciary contexts and critique the notion that empathy will generate equity amongst competing narratives of reality. Still others study the relationship between court decisions and the maintenance of the racial hierarchy in the status quo. Many CRT scholars critique liberalism, because neoconservative and neoliberal agendas that perpetuate the rhetoric of color blindness limit redress, and therefore, allow condemnation of only the most “egregious racial harms” (Delgado & Stefancic, 2001, p. 22). Relatedly, CRT scholars critique the ways rights-based tactics failed to produce substantive change. Other CRT scholars analyze the way “society invents, manipulates, or retires when convenient” (Delgado & Stefancic, 2001, p. 7) particular constructions of race. Many CRT scholars study ways race is socially constructed and deployed and differential racialization, or the ways “dominant society racializes different minority groups at different times in response to shifting needs such as the labor market” (Delgado & Stefancic, 2001, p. 8).

Related to differential racialization is Crenshaw’s (1991a, 1991b) concept of intersectionality. Crenshaw’s commitment to strategies for collective action amidst neoconservative and often neoliberal policymaking underscores the importance of analyses at the intersections of lived experience, identity politics, and context. The analysis and representation of lived experience of targeted groups and individuals generate evidence against a majoritarian history of the United States. CRT scholars, many of whom are racial realists, reexamine “America’s historical record,” in order to confront and replace “comforting majoritarian interpretations of events with ones that square more accurately with minorities’ experiences” (Delgado and Stefancic, 2001, p. 30). Celebrating and encouraging ontological and epistemological understandings of race and racism from the perspectives of targeted people, many CRT scholars pursue the production of counternarratives and legal

storytelling. Analyzing the ways dominant groups, in this case elite Whites in the United States, position groups of people racially, culturally, and economically for their own purposes allows targeted groups to build collective action and deploy tactics against the prevailing economic and social order.

INTERSECTIONALITY

Kimberlé Crenshaw (1991a, 1991b) is recognized as the first scholar to name and theorize the term *intersectionality*. She used intersectionality to conceptualize the intersections of race and gender in her analyses of antidiscrimination in legal cases, for example, cases where Black women and non-English-speaking immigrant women of color were plaintiffs. Crenshaw criticized the courts for forcing Black women and non-English-speaking immigrant women of color to articulate discrimination along only one category of identity. Crenshaw argued that “the intersectional experience is greater than the sum of racism and sexism” and that “any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated” (p. 58). The experience of racism and sexism is neither discrete nor summative for women of color. Women of color do not experience racism in the same ways that men of color do, nor do they experience sexism in the same ways that White women do. Procedurally, the courts denied the existence of everyday lived experience at the intersection of multiple targeted identities. Antidiscrimination law failed to account for the experiences of women of color.

In *Mapping the Margins*, Crenshaw (1991b) conceptualized structural intersectionality, political intersectionality, and representational intersectionality. To illustrate structural intersectionality, Crenshaw represented the issue of domestic violence and analyzed the issues of gender and race at the intersections of employment and housing, access and relationships to court advocates, and English as the language of the court in domestic violence cases. She examined the qualitative differences between women who have racial, economic, and linguistic privilege, and those who do not.

Crenshaw’s (1991b) work on political intersectionality assessed the ways identity politics affect experiences of and participation by women of color in collective action. Crenshaw demonstrated political intersectionality by analyzing the ways dominant political agendas and social movements separate the politics of women of color into two (minimally) different subordinated groups: people of color in pursuit of racial equity and women in pursuit of gender equity. Because collective action for antiracist practice and policy is central to Crenshaw’s work, finding ways to analyze and navigate productively identity politics across multiple targeted identities is paramount.

As an analytical tool, representational intersectionality demands the inclusion of multiple targeted identities and the discourses produced around and through them when the representation occurs of a single targeted identity. Crenshaw (1991b) warned: "when one discourse fails to acknowledge the significance of the other, the power relations each attempts to challenge are strengthened" (p. 1282). Representational intersectionality offers scholars a way to analyze the absences between the everyday experience of multiple targeted identities and the ways media produce representations of women of color for consumption.

Structural Intersectionality and LGBTQ Populations in Higher Education

Crenshaw's (1991b) structural intersectionality emphasized the ways that the everyday discourses, policies, and practices of an institution target the experiences of women of color and immigrant women differently than those of a dominant group, in this case, White women. In higher education, ideally LGBTQ (Lesbian, gay, bisexual, transgender, and queer) individuals of color will encounter systems of support that celebrate their identities. However, too often these institutions fail to support students holistically. For example, according to Strayhorn, Blakewood, and DeVita (2008, 2010), many college campuses develop cultural centers to provide support for targeted students. Typically, these centers reflect only one axis of identity (e.g., Black cultural centers and LGBTQ centers). Even on campuses where collaboration is encouraged, supported, and realized, these centers represent the ways campuses have been structured to recognize the issues faced by students from specific targeted groups at the expense of individuals who must navigate multiple targeted identities (see Chapter 23, this volume). The resources, though important, are inadequate when students who embody and enact multiple targeted identities must negotiate everyday campus politics and potential discrimination.

Indeed, research on the experiences of Black gay males at predominantly White institutions (PWI) conducted by Strayhorn et al. (2008, 2010) found that Black gay males seldom felt comfortable in either of the spaces established to support their identity affiliations: a Black cultural center and a LGBTQ center. Black gay male undergraduates at PWIs frequently experienced homophobia in the Black cultural center and racism in the LGBTQ center. Experiences with discrimination in both places forced them to choose the least oppressive space. The development of separate resource centers is directly linked to tensions associated with a lack of systemic support for a particular group (i.e., Black or LGBTQ), thus it should not be surprising that the distance established between physical spaces produced equally disparate social and political climates (Bentley Historical Society, 2007). Individuals who identify as non-White and LGBTQ are forced to endure targeting of their identities by institutional structures in ways individuals who identify as White and LGBTQ or non-White and straight do not.

On many campuses, it is not feasible to alter the physical spaces (i.e., distinct cultural centers) that have been established. Thus, programming and other initiatives must provide support to address structural intersectionality. Educational programming focused on LGBTQ topics (e.g., safe zones, safe spaces) should be inclusive of discussions that examine the intersections of LGBTQ identities with other targeted identities (e.g., race/ethnicity, socioeconomic status). The failure to include other axes of identity reifies the whitewashing of LGBTQ identities and further marginalizes racial identities.

Additionally, a common feature of educational programs is the issuance of a card or sign, which indicates that the individual has completed the training and is a "safe resource" for LGBTQ people (Consortium, 2013). This sign becomes a public proclamation that an individual is an LGBTQ ally, presumably with the ability to support all LGBTQ individuals, including those with multiple targeted identities. However, programs that reflect the neoconservative myth of color blindness ignore the explicit experiences and needs of non-White LGBTQ individuals and affirm a White normative view of LGBTQ topics on campus. Such programs re-center White privilege and limit the potential support for LGBTQ individuals of color.

Political Intersectionality and LGBTQ Populations in Higher Education

Paying close attention to political intersectionality may improve communication and resources in higher education and open new spaces for collective action. For example, the policies and initiatives supported by LGBTQ groups are whitewashed often by a lack of attention to the experiences and needs of non-White LGBTQ individuals (Teunis, 2007; Ward, 2008). Ward's (2008) research on an LGBTQ community center revealed numerous practices that aligned with White normative culture. The center "was sustained by its mainstream and corporate approach to diversity" (p. 582). Similarly, Teunis (2007) characterized various LGBTQ organizations' foci on marriage equality and military service as political agenda items that primarily privileged White, gay individuals. Teunis described the absence of attention to the intersections of identity in the pursuit of marriage equality this way:

In the struggle for marriage equality, spokespersons are very generally white women and men who display little or no concern for critical political issues that face gays and Lesbians of colour. That these struggles promote whiteness is not due to the inherent nature of the issues, but rather due to the manner in which they are promoted and in which they usurp all other concerns that drive the community. (p. 268)

Similar tensions face LGBTQ cultural centers on college campuses. First, although centers exist on over 200 campuses across the United States and Canada

(Consortium, 2013), only three such centers exist at Historically Black Colleges and Universities (HBCUs; Human Rights Campaign, 2013). The prevalence of centers at PWIs suggests that services and support for LGBTQ individuals, educational programming for heterosexual individuals, and LGBTQ-inclusive programs for all individuals are more likely to be present at PWIs, and therefore, more likely to reflect policy and practice generated in and reproduced by White normative culture.

While a meaningful campus resource, the creation of a center based along a single axis of identity at a PWI likely primes White potential L, G, B, T, or Q-identified-students for leadership roles. As Teunis' (2007) and Ward's (2008) findings suggest, White LGBTQ leadership must actively center experiences of LGBTQ people of color in order to produce an inclusive platform in agenda setting. Institutional inclusion and inclusive organizing are paramount as Crenshaw (1995) wrote:

The struggle for blacks, like that of all subordinated groups, is a struggle for inclusion, an attempt to manipulate the elements of the dominant ideology in order to transform the experience of domination. It is a struggle to create a new status quo through the ideological and political tools that are available. (p. 119)

An intersectional approach to support individuals with multiple, targeted identities would include an examination of the ways in which different identity groups could align resources and energies to benefit from a common goal. "Alliance means action" is one theme that we (Anders & DeVita) have produced from in vivo coding and pattern coding (Saldana, 2011) from an interview study with LGBTQ-identified faculty, staff, and students in higher education. Participants articulated a distinction between heterosexual individuals, who only identify as an "ally" through the posting of a safe zone or safe space placard, and those who engage in activities, events, and policy changes that support LGBTQ communities. One participant, a White male faculty member who identified as gay, discussed his frustration with passive "allies," arguing that shared ideology and active political engagement was the tactic LGBTQ communities and their allies needed to use. As he explained: "We need to join in what is called ideology politics. Joining with people of like minds, of like visions of the world, from different identity groups." He and other participants discussed the need to work toward equal rights that demonstrate support for LGBTQ individuals on campus, such as partner benefits, gender neutral bathrooms, and inclusive policies and practices across all parts of higher education.

Relatedly, racial inequity persists on college campuses (Liptak, 2013). One such initiative is the development of an "anti-racism" working group as part of the Consortium of Higher Education LGBTQ Resource Professionals (Consortium, 2013). The consortium is an international organization comprised of administrators who work at institutions of higher education. The inclusion of an "anti-racism"

working group centered issues of antiracism within the consortium. Such inclusion is one example of how individuals and professional entities can begin to diversify political agendas and collective action.

Representational Intersectionality and LGBTQ Populations in Higher Education

Often in higher education, faculty and staff fraction into separate spaces in acknowledgement of LGBTQ individuals of color. Consider the following examples: (a) end of year recognition ceremonies that honor students of color (e.g., Black graduation ceremony) and LGBTQ students (e.g., Lavender graduation); (b) separate commissions or committees that give voice to faculty, staff, and students of color, and LGBTQ faculty, staff; and (c) educational programming and events (e.g., film series, speaker series) that invite individuals to discuss issues of race/ethnicity or LGBTQ topics—and that may or may not be cosponsored by multiple offices or student organizations. In each of these examples, the representation of a single axis of identity is reified. Institutional structure, campus organization, and professional practice reinforce monolithic conceptions of identity. Unfortunately, everyday practice rarely includes critical consideration of individuals. Often targeted individuals are supported partially but never holistically.

Consider the additional example of center hiring practices and the diverse populations of individuals that center directors and staff must represent. At LGBTQ centers, student affairs professionals and students assume that the leadership must identify as Lesbian, gay, bisexual, transgender, or queer. Often the LGBTQ center leadership then becomes *the* people who represent all LGBTQ issues for the campus. Similarly, student affairs professionals and students assume that the leadership at a Black cultural center must identify as Black or African American. The Black leadership becomes, too, *the* people who represent all Black issues for the campus. Certainly, targeted group experiences inform practice in campus centers. Here we are not arguing that the recruitment and retention of LGBTQ-identified staff and staff members of color is not important; it is important. Rather, we are emphasizing Crenshaw's (1991a, 1991b) point that individuals with multiple targeted identities must work against multiple systems of oppression. Critiquing contemporary analyses of representation, Crenshaw (1991b) argued that

[D]ebates over representation continually elide the intersection of race and gender in the popular culture's construction of images of women of color. Accordingly, an analysis of what may be termed "representational intersectionality" would include both the ways in which these images are produced through a confluence of prevalent narratives of race and gender, as well as a recognition of how contemporary critiques of racist and sexist representation marginalize women of color. (p. 1283)

Administrators and student affairs professionals need to work against monolithic representations of targeted groups and complicate their understandings of how multiple systems of oppression affect students, faculty, and staff who embody multiple targeted identities.

CONCLUDING THOUGHTS ON CRENSHAW'S INTERSECTIONALITY

In this chapter, we introduced brief histories of critical legal studies and critical race theory. Crenshaw's (1991a, 1991b) work on intersectionality stemmed from a rich history of neo-Marxist work on hegemony and the law, oppositional debate between neoconservatives and critical scholars on antidiscrimination law and equal process, the subsequent creation of color blindness by neoconservatives as a political tool, and the CLS critique of it as a myth. Centering the importance of ontology and its relationship to epistemology and in particular African American experience in her own work in CRT, Crenshaw reminded us to theorize carefully as well as tactically when we engage in racial justice work. Applying her concept of "intersectionality" means working with not only the legacies of CLS and CRT and the theoretical sophistication of political, structural, and representational intersectionality but also with the lived experiences Crenshaw and her colleagues endured as they confronted predominantly White law schools, White colleagues, and White, conventional legal scholarship. We invite readers to work with memory and care as they apply Crenshaw's work to their own.

NOTE

1. For a different interpretation of Crenshaw's emphasis on the lived experiences of women living at the intersection of multiple targeted identities see McCall (2005) and Nash (2008). For a conceptual critique of the binary position between poststructuralism and essentialism, as represented in McCall (2005) and Nash (2008), see Moi (1999).

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CHAPTER FOUR

The Multiplicity and Intersectionality of Indigenous Identities

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According to the 2000 U.S. Census, American Indians and Alaska Natives along with Native Hawaiians and other Pacific Islanders comprise 1.5% and 0.3% of the U.S. population, respectively (Grieco, 2001; Ogunwole, 2002). When they comprise such a small portion of the nation's total population, it seems of little surprise that these groups are not broadly well understood. The misunderstanding of Native (referred to interchangeably as Indigenous) peoples in the United States is further compounded by a dominant grand narrative of Native peoples as vanishing into the distant past (Deloria, 1988; Smith, 2010).

Unfortunately, Native peoples are also not well represented or well understood within the context of higher education. Despite reporting high college aspirations, American Indian and Alaska Native students enroll in and graduate from college at lower rates than most other racial and ethnic groups nationally (Brayboy, Fann, Castagno, & Solyom, 2012). Similarly, Native Hawaiians enroll in and complete college at lower rates than all other major ethnic groups within Hawai'i (Kana'iaupuni, Malone, & Ishibashi, 2005). This is problematic since, through participation in postsecondary education, Indigenous peoples might equip themselves with Western academic tools, including skills and social capital, which might be bent toward meeting Indigenous community needs (Brayboy, 2005a; Brayboy et al., 2012).

If the academy is to better serve the needs of its Native students, it must begin with a better understanding of who Native peoples are. In this chapter, I apply an