Chapter 5 A contemporary reflection on feminist criminology:whose side are we on? Victoria Lavis and Tammi Walker

Introduction

This chapter critically considers the ways that the changing values of feminism have impacted upon its contribution to criminology. It draws upon Becker's (1967) suggestion, revisited by Morris, Woodward and Peters (1998) and more recently by Liebling (2001) and Cohen (2011), that researchers should ask themselves whose 'side' they are taking when they conduct research. The question of 'sides', who takes them and when, forms the central theme of the chapter, as it mirrors the concerns raised by both modernist and postmodernist feminist researchers. These concerns relate not only to the value bases of research (Roman and Apple, 1990; Oakley, 2000; Noddings 2003) but also to the practice of power that underpins research and theory generation (Wolf, 1992; Davis 2008).

This chapter interrogates five value related tensions that affect feminist criminology today. Inherent within these tensions are concerns about what and how to research and theorise women's criminality and fears regarding the dangers of essentialising female lawbreaking. There are calls for a feminist criminology that can challenge not only sexism, but also other discriminatory practices within the criminal justice system. Chesney-Lind (2006) and Burgess-Proctor (2006), amongst others, have argued that although age, class, sex, race and gender have been applied to understanding crime, such theorising has failed adequately to explore the impact of these minoritising factors intersecting. The chapter closes by considering how the values within feminism and the intersectional influences and the contributions that age, class, sex, sexuality, race and gender have upon crime can contribute to the future developments of criminological theorising.

Feminist criminology: introducing five value based tensions

Feminist criminology is one of many approaches to researching and theorising crime and criminal justice. It is concerned with attending to the complex interplay of social, structural and individual factors that constitute and reconstitute gender, gender relations and those who commit crime (Miller and Mullens, 2009). While feminist criminology contains many different strands or standpoints (Hartsock, 1983; Harding, 1986, Heckman 1997), these cohere around a number of central tenets that place gender and gender relations at the heart of their theorising. They critique traditional systems of knowledge generation as biased towards male experience (Spender, 1981) and seek to explore and theorise

women's experience in their own right, rather than as a deviation from a male 'norm' (Daly and Cheney-Lind, 1988).

We have identified five value-based areas of tension facing feminist criminology that form the bases of discussion within this chapter. While it may be argued that these tensions represent merely the 'tip of the iceberg', they have a particular salience to the current climate within the UK where consideration of equalities and diversities is infusing changes to the law, social life and crime, for example, in the influence of the Race Relations (Amendment) Act 2000 and the Equality Act 2010 on wider social policy and the criminal justice system. Of these five tensions, two principal areas underlie the remaining three. The first questions the primary aim of feminist criminology and it is inextricably driven by epistemological and ontological questions. Feminist criminologists have argued for a focus on research and theory generation based on the experiences of 'real' women (Carlen, 1983, 1986; Carrington, 1990, 1998; Chesney Lind, 1999). However, others highlight the importance of how women are constructed within criminological and legal discourse, and the need to make visible and to challenge the structures, discourses and associated practices that position and oppress women (Young, 1994, 1996). This debate is linked to a second area of contention arising from differences in the underlying and sometimes competing values of feminism and criminology. Feminism, as a wider discipline, is primarily concerned with asking questions about gender and its intersections with race, sex and class (Fine, 1992; Miller and Mullens, 2009). In contrast, criminology is tasked with the production of generalisable theories of crime which can inform an understanding of causes and interventions (Daly, 2006).

Crucially, these two primary frictions have contributed to three, further, value based tensions. First, debate regarding whether a 'feminist criminology' is achievable or desirable and if this is the right way forward to consider the relationship between gender and crime (Smart, 1976; Young, 1994). Concurrent to this tension are concerns about how far feminist criminology should seek to research and theorise male lawbreaking (Daly, 2006) and the potentially negative consequences of essentialising women's criminal activity (Carlen, 1994) if it does not. The final tension in the chapter explores whether criminology should continue to pursue gender-neutral theories of crime and criminality, thus maintaining objectivity (or as Rich (1980) critiqued 'male subjectivity') and sidestepping questions of bias, or, alternatively, explore what can be afforded by pursuing 'gender

aware' theorising. Before moving on to interrogate these tensions it is important to consider how they relate to Becker's question about whose side we are on.

Feminism within criminology: the taking of sides

Becker (1967) suggests that what is troubling about the question 'whose side are we on?' is the subjective concern that research may be accused of being biased, unbalanced or unscientific. He outlines two circumstances in that such accusations might be made, drawing a distinction between *apolitical* and *political* situations. These two situations have relevance to both the historical and current position of feminism within criminology. Becker proposed that accusations of bias are most likely to occur in situations where research seeks to give credence to the perspective of a subordinate group within a hierarchy. If, for the purpose of this argument, the discipline of criminology is taken to be a 'hierarchy', where different theoretical approaches are afforded varying levels of dominance and credibility, then this definition captures neatly the historical project of feminist research within criminology.

Daly (2008:9) asserts that during the 1970s and early 80s; the general aim of first wave feminist criminology was to make the feminine visible within the criminological frame; to ask 'where are girls, women, and gender in theories of crime, victimisation, and justice?' Encompassed in this aim was the major task of amending the lack of empirical understanding and knowledge on female offending and criminalisation (Stanko, 1990). In response to accusations of 'amnesia of women' (Gelsthorpe, 2004:4) some criminologists during this period sought to address the imbalance by 'inserting' women into existing criminological theories. However, this practice served only to conceal women within the trajectory of theories established to describe the criminality of men (Gelsthorpe, 2004). This first wave research, it might be argued, reflects Becker's *apolitical* situation; the voice of the subordinate (women) was being attended to but, as yet, the different 'segments or ranks' within the hierarchy of criminology were 'not organised for conflict' (241). However, as Evans (1995) has noted second wave feminism emerged with the expressed goal of striving for equality, making it clear that feminist criminology would not be *apolitical* in its agenda. Subsequent bodies of feminist research developed focussing on the misrepresentation of women offenders, critiquing theories of criminality developed from and validated on men (Smart 1976; Campbell 1981) and illustrating the limited relevance of such theorising for explaining women's crime (see for example Smart, 1976 and Leonard, 1982). Consequently, Gelsthorpe (2004) argues, feminist criminology embarked

upon an explicitly 'political project'. This project included making evident women's victimisation (principally in the area of sexual assault and domestic violence), highlighting discriminatory practices within the criminal justice system, drawing attention to the experiences of female victims of crime and to female victims' experiences of the criminal justice system (Walklate 2001). Indeed as it has developed, through its second and now third waves, feminism has not only sought to highlight what is made invisible within mainstream theories, but to determine the way that criminology as a discipline might progress. In doing so, it seems placed firmly within Becker's articulation of *politicised* situations, that he suggests occurs when 'the parties to the hierarchical relationship engage in organised conflict, attempting either to maintain or change existing relations of power or authority' (1967: 241). Indeed it is, perhaps, the very politicised nature of feminism within criminology that gives rise to the tensions discussed in this chapter.

Tension one: the 'real' and the 'discursive'

Becker (1967:244) acknowledged the centrality of questions of ontology that drive research and theory generation, arguing that researchers need to attend to 'openly conflicting definitions of reality'. In particular, the likelihood that the knowledge and findings arising from their research would inevitably problematise some definitions, thereby conferring different value statuses. Such tension is clearly evident in the diversity of ways in which feminist theorising has intersected with criminology. Taking a linear approach, it is possible to identify two distinct strands of feminist criminological research: that focussing on what Carlen (1987) terms *real women*, documenting and theorising from women's actual lived experiences; and a second, whose focus lies in making visible and challenging the structures, discourses and associated practices that allegedly position and oppress women, and exploring how women negotiate and resist these. The former identifies with an explicitly realist ontological position, while the second is underlain by a constructionist epistemology wherein realism becomes contested and open to critique.

Daly (2004:47) reflects on these two strands arguing that the focus on researching and theorising from the lives of 'real women' was a logical extension of early feminist research that had 'challenged the Androcentrism of the field, as scholars filled knowledge gaps about women law-breakers, victims and criminal justice workers'. It encompassed research into, for example, violence against women, women's experiences of imprisonment (Carlen, 1983; 1987), cultural differentiation in youth justice (Carrington, 1990) and female gang culture (Chesney-Lind, 1999). However, Daly suggests that by the

1990s, the shift within feminism towards a concern with knowledge production and the emergence of postmodernism engendered a focus on how women were constructed within criminological and legal discourse. One example of this is Alison Young's work (1990, 1994, 1996) illuminating the impact of culture on the representation of crime and constructions of criminality. This distinction between the *real* and the *discursive*, sometimes referred to as the 'intellectual double shift' (Daly and Maher, 1998:1) is not merely a function of changing paradigms and represents an ongoing area of tension for feminist criminology. Miller and Mullen (2009:219) argue that 'Gender operates not just within the practices and organisation of social life, but also within the discursive fields by which women (and men) are constructed or construct themselves'. The distinction is also exemplified in Smart's (1995:231) argument that, while it is necessary to explore 'woman' as constructed within legal and criminological discourse, a discourse analysis of 'the raped woman is of little value unless we are also talking to women who have been raped'. Such tension strikes at the heart of feminist values and the unapologetically political aims of advancing social justice for women, engendering social change and representing human diversity (Eichler, 1986). Consequently, it makes relevant Becker's point that, when research is politicised, 'judgements of who has a right to define the nature of reality that are taken for granted in an apolitical situation become matters of argument' (239).

Tension two: the competing values of feminism and criminology
These 'matters of argument' that Becker refers extend beyond the ontological to the differences in the underlying and sometimes competing value bases of feminism and criminology. As already noted, feminist values arise from its concern with interrogating gender, gender order and gender relations (Connell, 2002), how gender intersects with race, sex, sexuality, and class (Maher, 1997; Daly and Maher, 1998), how it constructs women and men's behaviour and what part men and women play in this construction (Weedon, 1987). In contrast, criminology has been primarily focused upon the production of generalisable theories of crime (Daly, 2006) with the effect that theories generated from researching men are assumed to accurately account for female crime and female law breakers. Miller and Mullen (2009:219) articulate the effect of these differences, suggesting they

> Have led, at times to erroneous charges of polemic bias [although] In fact, the
> theory/praxis relationship amongst feminist scholars is not strikingly different in

practice from the parallel reality that policy goals also drive much criminological theory and research.

The foundations of such bias, can be understood in relation to Becker's 'hierarchy of credibility' where 'members of the highest group have the right to define the way things really are' (241) since feminist research knowledge casts doubt on the 'official line' of criminological theory. However, the accusation of bias does not come merely from outside the feminist academy. For example, despite espousing the value of representing human diversity, feminism has not always been successful in addressing intersections between gender and other minoritising differences. This was notably highlighted by Crenshaw (1993) when she argued that:

> Feminist efforts to politicise experiences of women and antiracist efforts to politicise experiences of 'people of colour' have frequently proceeded as though the issues and experiences which they 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.

Moreover, the explicitly political nature of feminist inquiry has also been a problematic value for some feminist researchers. Haack (2003:15), for example, questions the distinction between what she terms 'politicised inquiry' and 'honest inquiry', suggesting that politicised feminist epistemologies can constrain scientific inquiry. What is troubling, she suggests, is not the notion of politicised inquiry but the implication inherent within it that she calls 'genuine, honest inquiry is neither possible nor desirable'. Her comments speak to Becker's concerns that there is danger in assuming that 'the man (or woman) at the top knows *best' (234)* and suggests, in contrast to Becker, that while feminist criminologists are aware that there are sides to be taken, the decision about which side to take is complex and troubling.

Tension three: is a feminist criminology desirable and achievable?
The third tension relates to the status of feminist criminology within the discipline and has been the subject of debate, without resolution, for more than two decades. As far back as 1976 Smart asserted that criminology as a discipline might be immune to feminist critique, with the result that feminist criminology might become seen as a discrete and token area within the discipline. Her prediction is redolent of Becker's arguments about the 'hierarchy

of credibility' that exists within any system or discipline grouping. If, as earlier in this chapter, criminology is taken to be the 'system' then Smart's comments position feminist criminologists as in danger of subordination within the system. This positioning is significant given Becker's suggestion that it is the members of the 'highest group' in any system who have the power to generate credibility and shape the 'values' of the system. The impact of this, he suggests, is that 'We are, if we are proper members of the group, morally bound to accept the definition imposed on reality by the superordinate group in preference to the definitions espoused by subordinates' (1967: 241)

Indeed, Daly (2006) argues that by the early 1990s Smart's initial fears had developed further. At question was whether criminology was even a helpful starting point for beginning to explore the question of gender and crime and whether a 'feminist criminology' was possible or even desirable, given the epistemological and theoretical gap between the two disciplines. Smart's concerns were not isolated, since a number of prominent feminists writing on criminology have critiqued the two disciplines as fundamentally incompatible (see for example Stanko 1993 and Young, 1994). However, occupying a precarious position within a hierarchy is not unfamiliar to feminists working within any discipline or system. Indeed it can be argued that feminists are perhaps better placed than most supposedly subordinate groups since at the heart of their value structure is the aim to recognise, give voice to those previously unheard or actively silenced and to generate knowledge and theory that makes credible what others have marginalised (Cosgrove and McHugh, 2000). This buoyancy is perhaps evident in Gelsthorpe's (1997:1) suggestion that while 'Doubts are still expressed in conference halls, institutional corridors and class rooms (if not in academic papers) as to whether there is such a thing as feminist criminology….reports of its death or non existence have been greatly exaggerated'. Indeed Walklate (2004:48) writing some seventeen years after Smart's initial concerns were voiced, signposted the impact of feminism, in particular liberal feminism, upon criminology. She suggests that as a result of feminist research there is now 'a her-story of women researching within criminology and a her-story of work addressing female offending behaviour'. Moreover, the election of Lorraine Gelsthorpe in 2011 as President of the British Criminological Society would also seem to indicate that feminist criminology is not only successfully resisting any attempts at relegation to the subordinate, but is well placed to actively impact upon the future shaping of criminology.

Tension Four: gender essentialism and the inclusion of male law breaking in feminist criminology

However, proposals about the future 'shape' of criminology and the position of feminist criminology within the discipline hierarchy, are intimately bound up in a fourth tension; the extent that feminist criminology should focus exclusively on female crime and criminality or whether its remit should also encompass male law-breaking behaviour. This complex tension exemplifies Becker's question about 'whose side are we on' and his arguments about how and when charges of bias are made. Brown (1986:35) has highlighted the range of problems that arise when feminist criminologists take a side that centres solely on the 'women and crime' question. One of the risks she identifies is effectively illustrated in theorising on imprisonment. The more the issues around women's imprisonment are treated as separate, the further mainstream criminology (or male criminology) is left to its own methods, untouched by feminist reproach, and therefore assumed to be accurate and inclusive when it discusses criminality. Thus, in Becker's terms, the 'status quo' or current 'hierarchy' of (male dominated) theories is reinforced and supported by the absence of critique from within its own 'ranks'.

Brown identifies a further danger associated with the 'woman and crime' perspective to criminology that is linked to its very label. The exclusive exploration of 'woman' in this body of work postulates that it is possible to substitute the biological classification of sex with the socio-cultural category of gender. For example, women's criminal activity is not located within biology, rather it is explained by reference to the ways that women who fail to meet stereotypical expectations of femininity are stigmatised and then fall foul of the criminal justice system (Walklate, 2004). In other words, Walklate (2004:14) notes, this approach assumes 'that it is possible to replace biologically rooted understandings (sex) with socially rooted ones (gender). Expressed in this way it is a position that hints at essentialism'. Thus, in excluding theorising of male crime feminist criminology falls foul of its own accusation of 'gender essentialism', particularly those strands of feminist criminological theory that seek to imply that there is a universal 'women's experience' or 'men's experience' waiting to be uncovered and theorised (Rice, 1990). Thus, as Becker identifies, it lays itself open to the accusation of bias not based on 'failures of technique or method but on conceptual defects....of seeing things from the perspective of only one party to the conflict' (1967: 245).

Carlen (1994) has further questioned gender essentialism and asserts that focussing exclusively on the experience of 'women' serves to create a premise that the causes and responses to female criminality are inherently different to those of men. Taking imprisonment as her starting point, she argues that the focus of the research gaze on women's prisons has been extremely dispersed with assertions of theoretical innovation having primarily concentrated on 'adding in' demands in relation to class and race (Rice, 1990) or emphasising the capacity of women's 'resistance' to oppression, for example, highlighting the many modes of resistance within women's prisons (Shaw, 1992). Theorising and conceptualising about imprisonment in this manner, Carlen purports, has led to prioritising and privileging female gender constructs that are no longer a reasonable or sufficient point for understanding imprisonment. Rather, she asserts (Carlen 1994:137) that

> Class, gender, race, and racism should still be studied in relation to imprisonment. And the views of prisoners and prison officers should be taken seriously. None the less, let us for a time; at least, give empirical research priority to the prison's overwhelming power to punish.

In doing so she highlights and privileges concern about the 'punitive power' of prisons arguing that, rather than focussing on the gender-specific needs of women and male prisoners separately, there is a need to study prisons primarily as forms of punishment. Thus her arguments illustrate how focussing on taking 'one' side or 'another' can divert researchers from theorising and addressing issues that impact on all prison stakeholders, regardless of their supposedly gender 'superordinate' or 'subordinate' status.

Tension five: gender-aware criminology or gender-neutral theorising.
Thus, it appears that the future for criminology and feminism within the wider discipline is rooted in the development of theorising and research that can offer an integrated approach to understanding and accounting for the experiences of men and women, both real and discursive. While this seemingly addresses the question of whose side criminology is taking, there remains considerable debate regarding whether such integrated theorising should be 'gender- neutral' or 'gender-aware' (Gelsthorpe, 1997).

The gender-neutral hypothesis seeks predominantly to apply traditional theories (for example, social disorganisation and anomie/strain theory) developed to explain male

criminality, to women. However, this has created a 'generalisability problem' (see Daly and Chesney-Lind, 1988) as criminologists have tested theories derived from all male samples to see if they apply to women (Warren, 1981; Zietz, 1981). Steffensmeier and Allan (1996, 2000) argue that gender-neutral theories provide explanations of less serious forms of female and male criminality, and for differences in such crime categories. However, Miller and Mullens (2009) maintain the weakness of such theories is they fail effectively to account for the precise ways that there are gender differences in type, frequency, and context of criminal behaviour.

Steffensmeier and Allan (1996) maintain it is possible to develop a unified theoretical framework for explaining gender differences in crime that would be compatible with gender-neutral theories provided it accommodates four key components. The framework should describe both male and female criminality and the 'context' of offending, especially in terms of serious forms of crime. Routes and pathways into crime are a further element and, lastly, the framework should explore the extent that gender differences in crime derive from a complex interaction of social, historical, cultural, biological and reproductive differences. In this way, their framework would be *gender-aware*; incorporating gender norms, moral development, social control, sexuality, access to criminal opportunity and motivation.

Feminists, like Daly (2006), have critiqued theories that purport to be gender-neutral while simultaneously inclusive of a gendered approach as illogical and a contradiction in terms. Daly proposes that if feminist criminology is to expand then it must draw upon both criminology, through its theories of crime, and on feminism,through its theories of sex and gender. This proposition informs her conceptual schema of four inter-related elements that criminology could build theories of gender and crime; *gender ratio of crime, gendered pathways, gendered crime* and g*endered lives* (Daly, 1998: 94-99). Miller and Mullins (2006), drawing on Daly's notion of *gendered lives,* argue that, compared with other aspects of feminist criminology, this is the most challenging as it requires a focus on gender beyond the study of crime. Daly (2006) highlights Maher's (1997) systematic examination of women drug users' complex lives in New York City drug markets in the late 1980s and early 1990s as exemplifying the scope, depth and the benefits of the possible application of a *gendered lives* approach, whilst simultaneously illustrating the need to attend to the intersections of gender, race and class.

As these newer strands of criminological theorising extend and develop, seeking to navigate the tensions and facilitate a more mutually agreeable approach, it is relevant to note Becker's caution regarding the 'problem of infinite regress'. There can, he argues, be no perfect solution that adequately accounts for all aspects of criminality, all perpetrators of crime. Rather, he invites us to 'meet the demands of our science by always making clear the limits of what we have studied, marking the boundaries beyond which our findings [or in the case theorising] cannot safely be applied' (1967: 247).

Intersectionality: exploring the possibilities for feminist criminology

In summarising the arguments presented thus far, the chapter has drawn on Becker (1967) to suggest that the place of feminism within criminology and its ability to shape the future direction of criminology's value base and subsequent theorising is intimately tied to its politicised nature and the position it can claim within a hierarchy of credibility. Moreover, it has argued that accusations of bias and questions about whose side, individually and collectively, feminist criminologists take in their research have been levelled by critics both within feminism and the wider discipline. The chapter has demonstrated that an integrated approach to accommodating male and female experience of crime and law breaking is widely recognised as both desirable and necessary. However, such theorising must be able to account for social divisions wider than gender alone. Drawing initially on Eichler (1986), Crenshaw (1991) and, later, on the work of Carlen (1994), it has been suggested that if feminism is to maintain its underlying values to represent human diversity, an integrated approach must also be able to account for the ways that categories of social divisions are expressed, represented and subjectively experienced. This last section of the chapter considers the utility of intersectionality as a means of navigating some of the tensions discussed. It aims to illustrate how such an approach might provide a means for feminism to negotiate its status within criminology.

As indicated at the outset of the chapter, some feminist criminologists (see for example Burgess-Proctor, 2006; Chesney-Lind, 2006) have argued that, while social divisions such as age, class, sex, sexuality, race and gender have been individually applied to understanding crime, such applications have failed to adequately account for the ways that these minoritising factors intersect. Indeed, Walklate (2004) articulates that the margins or intersections between race, class, age, gender and sexuality have been 'blind spots' within criminology. One way that the interface between systems of oppression has begun to be

theorised in wider disciplines is through 'intersectionality'. The term, while a key feature of feminist theorising since the early 1990s, (see Crenshaw, 1991, Hill Collins, 1998, Acker, 1999, Yuval-Davis, 2006), is still emergent in its application within criminology (see for example George, 2001; Brewer and Heitzeg, 2008; Cherukuri et al 2008). Davis (2008:68), acknowledging the extension from Crenshaw's original conceptualisation, characterises intersectionality as 'the interaction between gender, race, and other categories of difference in individual lives, social practices, institutional arrangements and cultural ideologies and the outcome of these in terms of power'. She notes that 'other categories of difference' include (although this is not intended to be an exhaustive list) sexuality, disability status, nationality, immigration status, and faith. Davis also notes the confusion, both within and external to the feminist academy, regarding the status of the 'intersectionality' concept, illustrating how it has been discussed variously and conflictingly as theory, heuristic device and/or a constituent of social, ideological or cultural structures.

This diversity is reflected in some exponents arguing its merits as a means of making sense of individual experience and identity whilst others argue that it is more properly an element of social structures and/or cultural discourse (Prins, 2006). If this diversity of application is construed as *flexibility* rather than confusion, it would seem to offer the possibility to bridge the gap between the *real* and *discursive* strands of feminist criminological research. To suggest this is not to ignore the debates that have taken place regarding the plurality of ways that intersectionality has been applied and developed (see Walby et al 2012), but rather to subscribe to the view outlined by Davis (2008:69) that it is 'precisely the vagueness and open-endedness of 'intersectionality' may be the very secret to its success.' Embracing intersectionality holds the potential for feminist criminologists to theorise and engage with the differences that exist within and amongst women and men in relation to crime and criminality. Thus it bears relevance to the lives of real people while at the same time enabling consideration of the ways that women and men are constructed and oppressed by discourse (see, for example, Bredstrom's (2006) discussion of the relevance of intersectionality to feminist HIV/Aids research). Indeed, as Phoenix (2006:187) suggests

> It foregrounds a richer and more complex ontology than approaches that attempt to reduce people to one category at a time. It also points to the need for multiple epistemologies. In particular, it indicates that fruitful knowledge production must treat social positions as relational.

Yural-Davis (2006:201) argues that intersectionality holds the promise of 'a major analytic tool that challenges hegemonic approaches to the study of stratification as well as reified forms of identity politics'. However, she cautions that this promise is dependent upon a thorough consideration of social divisions in their organisational, intersubjective, experiential and representational forms. Indeed, she cautions against what she refers to as the 'additive' application of intersectionality, suggesting that at an ontological level each social division manifests differently. This caution is notable if the historical pitfall of criminology; the accusation that the challenge of accommodating difference has been met by an 'add and stir' approach (Chesney-Lind, 2006), is to be avoided. Thus, the application of intersectionality must take account of the mutually constitutive interrelationships between categories of social division and how these link with the material structures and power differentials that contribute to criminality.

Baca Zinn and Thornton Dill (1996) suggest that the power of intersectionality is achieved by theorising gender and each individual's social location as socially constructed through the intersection of race, class, gender and other inequalities; thus all people are therefore theorised as experiencing *both* oppression *and* privilege. Daly and Stephens (1995) refer to this as the *'both/and'* concept. This approach is resonant of Liebling's (2001) arguments in her consideration of taking sides in research. Drawing on Becker, she asks why it is less acceptable to offer appreciative understanding of those who manage prisons than of prisoners, as if somehow those who wield power (warders) are not themselves subject to the power of others (governors) who are themselves subject to higher power relations. Adopting a 'both/and' concept has resonance with Liebling's (2001:473) comment on her own experience that 'it is possible to take more than one side seriously, to find merit in more than one perspective, and to do this without causing outrage on the side of officials or prisoners'

Moreover, intersectionality seems to have wide appeal, for example recent work by Steffensmeier et al (1998) illustrates how black young men come to be treated most harshly at the point of sentencing because their race, age and gender combine to create a social location at the margins of multiple, intersecting minority groups. This would seem to demonstrate that intersectionality offers a 'location' for theorising crime that can draw together otherwise diverse factions within criminology. Additionally, given its relative infancy in development and application to social theory and criminology (Walby et al,

2012), scope is offered for feminist criminologists to shape the intersectionality further develops as a concept. For example, Walby et al (2012:228) in their critique of intersectionality identify the question, 'how to address the relationship between structural and political intersectionality without reducing political projects to social structures?', as currently unaddressed. Feminist criminology would appear well placed to contribute to the further exploration of such an issue.

In drawing the chapter to a close, we return to Becker's article and the solution that he proposes to the 'whose side are we on' question. He concludes that researchers should

> Take sides as [their] personal and political commitments dictate, use [their] theoretical and technical resources to avoid the distortions that might introduce into [their] work, limit [their] conclusions carefully, recognise the hierarchy of credibility for what it is and field as best [they] can the accusations and doubts that will surely be [their] fate' (1967: 247).

We contend that intersectionality represents a 'theoretical resource' that may enable feminist criminology to hold to its values; advancing social justice, identifying and critiquing the power relations that occur where multiple social inequalities intersect, illustrating how those power relations are resisted and challenging the systems that create and maintain this inequality. In doing so, they do not uphold intersectionality as a universal panacea for the tensions discussed in the chapter, but rather suggest that it offers the means to negotiate the complexity these afford.

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