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DISSERTATION TITLE

MAINSTREAMING INTERSECTIONALITY IN THE AFRICAN CONTEXT:

CASE OF DOMESTIC VIOLENCE AGAINST WOMEN IN ETHIOPIA SOMALI-REGION

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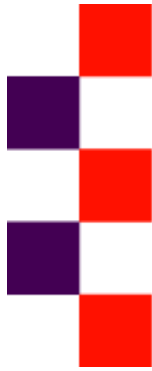
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LLM/MA in Human Rights Theory and Practice  
2018-2019

Supervisor: Dr Carla Ferstman

DISSERTATION

Mainstreaming Intersectionality in the African Context:  
Case of Domestic Violence Against Women in Ethiopia Somali-Region

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### **Abstract**

“Intersectionality” has been the buzz word in the feminist movement for the past three decades, intersectionality was conceptualised to show the particular type of discrimination Black women experienced in the U.S due to their race and gender simultaneously. By asking the question “Can intersectionality as a western concept be mainstreamed in the African context?” the paper will perform desk-based research on its applicability using women’s issue of domestic violence in Ethiopia-Somali region. It will use intersectionality to unravel the complex nature of domestic violence against women in the Somali region through an intersectional analysis. Furthermore, by demonstrating the practical applicability of intersectional analysis to research and policymaking process on domestic violence in the Somali-region. Finally the paper will conclude by proving that intersectionality in its originality cannot be directly transplanted to the African context, which will result in theoretical failure, however, owing to its ambiguity and open-endedness character, it can be reformed to suit the African context, and, in turn, contribute abundantly to explaining and tackling different type of violence in the continent.

## Table of Content

### Contents

1. Introduction .....	7
1.1. Background of the Study:.....	7
1.2. Statement of the Problem.....	8
1.3. Hypothesis and Objective .....	8
1.4. Methodology and Limitations .....	9
1.5. Overview of the Chapters .....	9
1.6. Value of the research .....	10
2. Chapter One: Understanding Intersectionality.....	11
2.1. The Conceptualization and Evolution of Intersectionality .....	11
2.2. The Applicability of Intersectionality .....	23
2.3. Criticisms on Intersectionality.....	25
2.4. Third World Approach to Intersectionality: Evaluating the mainstreaming of Intersectionality Using Third World Approach to International Law (TWAIL).....	27
3. Chapter Two: Intersectionality in the African Context- Ethiopia-Somali Region .....	29
3.1. Background on the demographic make-up of Ethiopia .....	29
3.2. The <i>Somali</i> Region.....	29
3.3. The Somali Region and Domestic Violence .....	30
3.3.1. Domestic Violence in Ethiopia.....	30
3.4. Employing Intersectional Analysis to Domestic Violence .....	36
3.4.1. Theorising intersectionality for the Somali region .....	39
3.4.2. The Social Categories in Somali Region Relevant for An Intersectional Analysis of Domestic Violence: 40	
4. Chapter Three: Applied Intersectionality Framework: Mainstreaming Intersectional Analysis in Research and Policymaking.....	53
4.1. Intersectional Research.....	53
4.2. What does intersectional research look like? [Data Collection; Contextual analysis] .....	54
4.2.1. Applied intersectional research relevant to the Somali region.....	54
4.3. Intersectional Policy-Making.....	59
4.3.1. What does intersectional Policy-Making look like?.....	59
4.3.2. Applied intersectional Policymaking relevant to the Somali-region [Intersectional Review of Policy Initiatives and System of Implementation] .....	60
4.3.3. Intersectional Review of Policy Initiatives and System of Implementation: .....	62
5. Overall Conclusions and Recommendation .....	65
6. Bibliography .....	68

## **Abbriviations**

CEDAW – Convention on the Elimination of All forms of Discrimination Against Women

UN- United Nations

WHO- World Health Organization

USAID- United States Agency for International Development

UNICEF- United Nations International Children's Emergency Fund

GBV- Gender Based Violence

FGM- Female Genital Mutilation

## 1. Introduction

### 1.1. Background of the Study:

Coined by Professor Kimberle Crenshaw in 1989, as a concept, *Intersectionality* predates the year 1989 into the beginning of the 19<sup>th</sup> century; however, the textbook definition was developed after 'intersectionality' was coined.<sup>1</sup> Even though it has been Thirty years since intersectionality joined to the feminism discourse, its meaning and purpose are still an ongoing point of debate. The word 'Intersectionality' describes the various ways identities such as race and gender interact to shape the multiple dimensions of individual experiences.<sup>2</sup> Intersectionality initially explained how Black women in the U.S. had experienced discrimination based on gender and race simultaneously that is complex, called ' multi-layer discrimination.'<sup>3</sup> Thus, it was engaging in disentangling of such complex layered of identities/categories, and experience.<sup>4</sup>

Intersectionality challenged the conventional feminism movement that is essentialist, which universalises the experience of women of the world as the same; instead, intersectionality claims each woman's experience is highly interlinked with the identities/social categories she embodies.<sup>5</sup> Thus, Intersectionality is against the 'one-size-fits-all type of feminism.'<sup>6</sup> Recently it has developed into becoming a fresh lens in which discriminations and violations are understood.<sup>7</sup> Accordingly, in the past Thirty years, different scholars and experts have employed

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<sup>1</sup> Avtar Brah and Ann Phoenix, 'Ain't I A Woman? Revisiting Intersectionality' (2004) 5 *Journal of international Women's Studies* 75. (Extract) African-American woman called Sojourner Truth (1815).

*"That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at me! Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it ... And ain't I a woman?..."*

<sup>2</sup> Kimberle Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989 *University of Chicago legal Forum* 139.

<sup>3</sup> *ibid.*

<sup>4</sup> Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43 *Stanford Law Review* 1241.

<sup>5</sup> 'This Paper Will Use the Term Identities/ Social Categories/ Social Divisions Interchangeably to Mean One and the Same Thing'.

<sup>6</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>7</sup> Nira Yuval-Davis, 'Intersectionality and Feminist Politics' (2006) 13 *European Journal of Women's Studies* 193.

intersectionality to explain and detangle complex acts of violence as an analytical tool.<sup>8</sup> Nowadays, Scholars claim intersectionality has broadened to engage a range of issues, social identities, power dynamics, legal and political system, and discursive structures.<sup>9</sup>

### **1.2. Statement of the Problem**

Intersectionality is a theory conceptualised and widely discussed in the western world, while in the rest of the world such as Africa, intersectionality is still unknown or at an infant stage.<sup>10</sup> However, this paper argues that with the intricate design of identity in continents like Africa, intersectionality would serve a great deal in understanding and resolving discriminations/violations, and it should be adopted to the African context.<sup>11</sup> Therefore, answering - Can intersectionality - a theory conceptualised in the west, be employed in a different context? If so, how?

### **1.3. Hypothesis and Objective**

Since in Africa, values like "*Umuntu ngumuntu ngabantu*,"<sup>12</sup> (which means that a person is a person through other people) are predominant, the identity of a person is highly interconnected with their community. The right of the community supersedes the right of the individual. Thus, in a more communal mentality, values and traditions have serious implications in the identity and status formation of the individual. The same situation applies to countries such as Ethiopia, where similar community values make intersectionality even more relevant in this context for the process of disentangling the multiple identities/social categories and experiences, also, solving social injustices and designing preventive strategies/policies.

The conceptual framework of the paper takes the theory of intersectionality [developed in the U.S. through the Black Feminism movement] to analyse the theory in its originality, then export the theory as an analytical tool in a context other than its origin [Africa-Ethiopia-Somali region]. In doing so, the paper will run a test compatibility test on the theory in the Ethiopian context using domestic violence against Somali women and test the need for a

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<sup>8</sup> Stephane A Shields, 'Gender: An Intersectionality Perspective' (2008) 59 Sex Roles, Springer Science + Business Media 301.

<sup>9</sup> Et a Devon W. Carbado, 'Intersectionality: Mapping the Movement of a Theory' (2013) 10 Du Bois Review 303.

<sup>10</sup> Talia Meer & Alex Müller, 'Considering Intersectionality in Africa' (2017) 31 Agenda 3.

<sup>11</sup> *ibid.*

<sup>12</sup> Barbara Nussbaum, 'African Culture and Ubuntu: Reflections of a South African in America' (2003) 17 World Business Academy, Rekindling the Human Spirit in Business 1.



restructuring of the framework considering the new context. The paper will focus on domestic violence singularly and use an intersectional analysis to disentangle the complexity of the issue. In doing so, the paper will determine the social categories needed to be considered.

Furthermore, once intersectionality for the Somali women is framed, the paper will carry out how such a theory can be used in the combat against domestic violence in the region. Thus, the paper will demonstrate the employability of intersectionality in the procedures of research and policymaking.

#### **1.4. Methodology and Limitations**

The paper carries out a desk-based review and builds on secondary literature, which includes prominent publications from the developers of the theory, articles, international organisations reports and recommendations, government reports, legal documents, academic reports as well as other publications. These resources have been incorporated into determining the introduction and mainstreaming of intersectionality in the Ethiopian context.

Even though the paper largely achieves its aim, there has been an unavoidable limitation. Academic analysis on intersectionality in the context of Africa was scarce, and the same depth extends to statistics and reports regarding the issue of domestic violence in the Somali region. However, the reports and articles written on Ethiopia on gender-based violence may still facilitate informative overall analysis and sound perspective on the issue.

#### **1.5. Overview of the Chapters**

Accordingly, the paper has three chapters: The first chapter will discuss intersectionality as a field of study, thus assuming the reader has no background on the notion of Intersectionality, the section will introduce the essence, history, boundaries, debates, development, and criticism of intersectionality which will provide a contextual background for the reader on the nature and original context of intersectionality. i.e., the US 'Black Feminism movement' of the 70s and 80s, used to detangle the complex layers of identities, categories, and experiences, which form the everyday life of marginalised Black women of the time. In this chapter, the reader will gain a background to distinguish the contextual difference between the intersectionality that was conceptualised in the western world to the context of a third world country in Africa.

The Second chapter will illustrate the new context where intersectionality is employed. Thus, first, it will introduce the demographic background of Ethiopia. Next, the section will present the case of women experiencing domestic violence in the eastern region of Ethiopia called the '*Somalis*.' Accordingly, the paper will determine the relevant identities/social categories to the context, i.e. ethnicity, gender, religion, culture and economic status. The paper will engage with each of the identities separately to identify their contribution to the issue and reveal the

intersections that exist among the identities forming the complex and multilayered violence. This paper argues, the Somali-women's experience of domestic violence should be treated as a multilayer and complex than a generalised single-axis interpretation of the issue.

The third chapter of this paper will explain applied intersectionality to demonstrate how intersectionality as an analytical tool can be employed in practice through research and policymaking process. Thus, it will expound on research and policy-making by using intersectional analysis in the method of data collection, analysis, and conclusion for the context of the Somali-region. Furthermore, this paper will recommend approaches which researchers and policymakers should adopt to mainstream intersectionality in the process of research and policymaking.

Finally, the paper will conclude by stating that even though intersectionality was introduced in the 'western world' to fit into their context, it can be reshaped and recontextualized to fit the reality of the situation and can be adopted as a theory in order to explain the complexities behind discriminations/violence by locating the intersections. Therefore, the paper argues transplantation of the original theory as it is as framed by Kimberle Crenshaw is not appropriate, however, as intersectionality has broadened its context, it can be shaped and designed into the context of Africa-Ethiopia, to fit into the contextual reality of the place and time.

#### **1.6. Value of the research**

Intersectionality as a topic is nonexistent in the context of Ethiopia. The existing literature on domestic violence only deals with it from a gender perspective, not as a complex issue with intersections. This paper, therefore, aims to contribute to this scarce field by introducing to the body of literature on intersectionality in the context of domestic violence in Ethiopia Somali region. This paper will attempt to bridge the research gap by looking at domestic violence from intersectional perspective. Furthermore, the use of Applied Intersectionality in research and policymaking will bring in a new way of understanding the core problems behind violations and contribute to a positive change in resolving social inequalities that are prevalent in the country.

**N.B.** The author would like to point out the contextual fact in which this paper is being carried out using Ethiopia as a case study is a unique framework. Since Ethiopia has not been colonised, post-colonial feminism movement is not applicable. Therefore, in other context it might be necessary to consider colonialism.

**Keywords:** *Intersectionality; Domestic Violence; Identities/social categories/social divisions; Intersectional analysis; Research; Policymaking*

## 2. Chapter One: Understanding Intersectionality

### 2.1. The Conceptualization and Evolution of Intersectionality

The notion of “Intersectionality” refers to the interactivity of identity/social category structures such as gender class, and race in fostering life experiences, especially experiences of privilege or oppression.<sup>13</sup> Intersectionality as a theory, therefore, aims to analyse how different forms of disadvantage intersect and thereby explain the specific experience of a group, based on different identities [simultaneously].<sup>14</sup> According to Feminism, the notion of intersectionality was part of the conversation amongst Black Feminists in the 70s; however, some scholars claim the beginning of intersectionality is unknown.<sup>15</sup> While others point to the time of slavery around 1851, referring to the speech by Sojour Truth,<sup>16</sup> and others to 1939 to writing by Maria Stewart.<sup>17</sup> However, many scholars agree that intersectionality was birthed from Black feminist movements in the 1970s.<sup>18</sup>

Scholars such as Barbrah Risman believe intersectionality had an impact on feminist work after its conception.<sup>19</sup> Risman states “there is now considerable consensus growing that one must always take into consideration multiple axes of oppression to do otherwise presumes that whiteness of woman, the maleness of people of colour, and the heterosexuality for everyone.”<sup>20</sup>

Consequently, owing to intersectionality approaches made to understanding discrimination/violations of a stand-alone/single-axis rationale is becoming out of date.<sup>21</sup> For instance, any discrimination a woman faces is explained with several justifications, meaning, intersectionality will identify and explain all identities of a person (in this case,

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<sup>13</sup> Ahir Gopaldas, ‘Intersectionality 101’ (2013) 32 *Journal of Public Policy and Marketing* 90.

<sup>14</sup> Tanja Bastia, ‘Intersectionality, Migration and Development’ (2014) 14 *Progress in Development Studies* 237.

<sup>15</sup> Lesli McCall, ‘The Complexity of Intersectionality’, *Intersectionality and Beyond* (2009).

<sup>16</sup> Phoenix (n 1).

<sup>17</sup> Rhana A Gittens, ‘What If I Am a Woman? Black Feminist Rhetorical Strategies of Intersectional Identification and Resistance in Maria Stewart’s Texts’ (2018) 83 *Southern Communication Journal* 310.

<sup>18</sup> Jennifer C Nash, ‘Home Truths’ on Intersectionality’ (2011) 23 *Yale Journal of Law and Feminism* 445.

<sup>19</sup> Barbara J Risman, ‘Gender as a Social Structure: Theory Wrestling with Activism’ (2004) 18 *Gender and Society* 429.

<sup>20</sup> *ibid.*

<sup>21</sup> Crenshaw, ‘Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’ (n 2).

the woman) that contribute to the subordination/marginalisation/violation. Moreover, it will deal with how those identities intersect together to result in a subordination.<sup>22</sup> However, such an interpretation of instances using intersectionality to understand any discrimination or violation is still underdeveloped in places like Africa.

As the Black Feminism movement progressed, it tried to shed light on the issues of gender inequality within the Black community, where the civil rights movements ignored black women's activism, while black men received all the credit.<sup>23</sup> In her landmark work, *Black Feminist Thought*, Patricia Hill Collins describes intersectionality as an 'analysis claiming that systems of race, social class, gender, sexuality, ethnicity, nation, and age form mutually constructing features of a social organisation, which shape Black women's experiences and, in turn, are shaped by Black Women'.<sup>24</sup> Collins demonstrates the complexity of one's identity, explaining how a personality is full of intricate layers of identities.<sup>25</sup> Also, how such identities formulate and shape an environment while the environment reciprocally responds.<sup>26</sup> Such an assertion can be demonstrated as follows in the diagram.

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<sup>22</sup> Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2000).

<sup>23</sup> Patricia Hill Collins, 'Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment' [1990] Boston: Unwin Hyman 221.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*

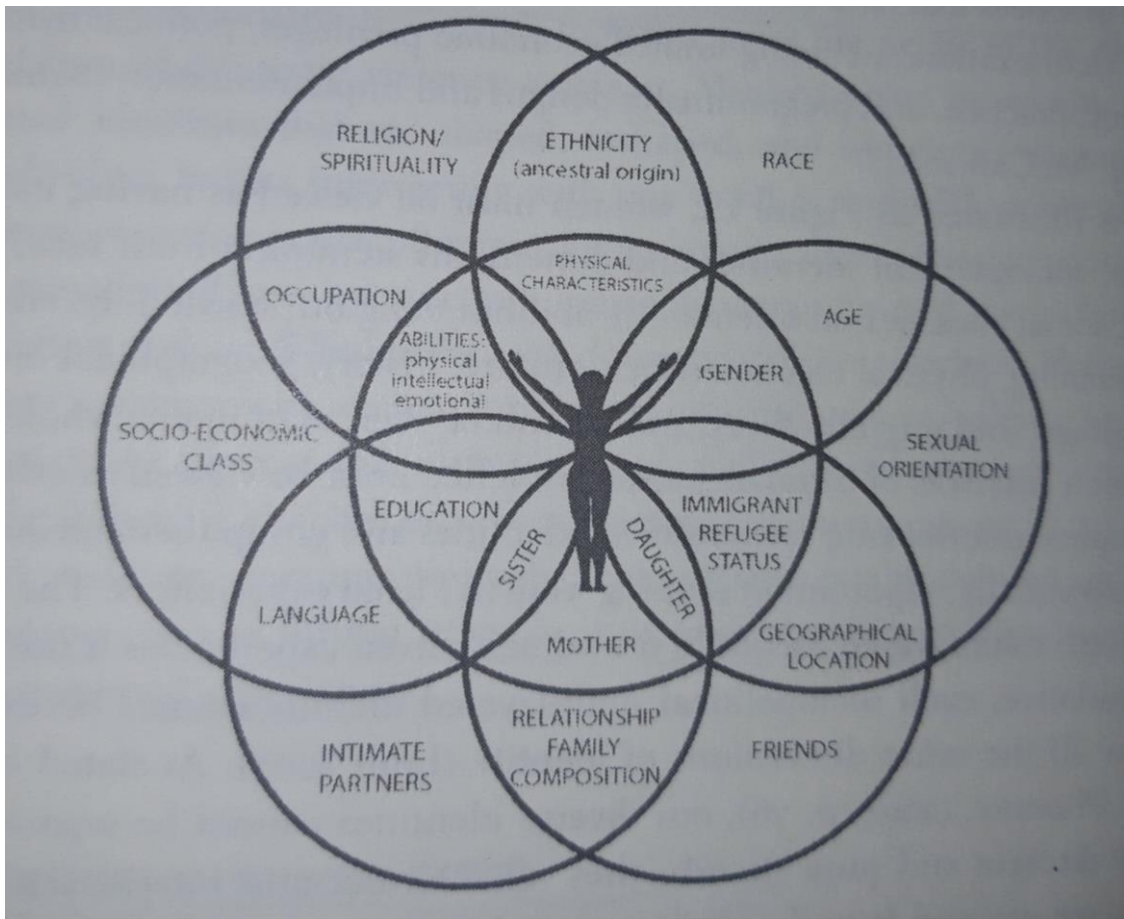


Figure 1: A diagram representation of multiple identities intersecting in a person.<sup>27</sup>

It was Professor Kimberly Crenshaw that gave the concept a term by coining the word “intersectionality” in her famous article called “*Demarginalizing the Intersection of Race and Sex*” in 1989.<sup>28</sup> The word ‘Intersectionality’ as used by Crenshaw, describes “the various ways race and gender interact to shape the multiple dimensions of black

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<sup>27</sup> Lettie L Lockheart and Jacquelyn Mitchell, ‘Cultural Competence and Intersectionality’, *Domestic Violence: Intersectionality and Culturally Competent Practice* (2010).

<sup>28</sup> Crenshaw, ‘Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’ (n 2).

women's employment experiences."<sup>29</sup> According to her, black-women face different kind of discrimination as they embody two different identities; Race, which is black and Gender, which is female.<sup>30</sup>

Intersectionality is the notion that "race, class, gender, and sexuality are co-dependent variables that cannot be separated or ranked."<sup>31</sup> In the past three decades, intersectionality has been further developed by various scholars to cover a broader spectrum of discrimination/violations.<sup>32</sup> (such as disability rights)

Elucidating further, *bell hooks*<sup>33</sup> argues that the whole concept behind Black Feminism was that Black women's interest was not represented in either the Black Movement or the Women's Movement in the United States.<sup>34</sup> Thus, according to Black feminists, Black's movements led by black men were sexist, while the Feminist movement led by white women were racist.<sup>35</sup> Black women were thus persuaded that they would create their movement by incorporating both their gender and their race.<sup>36</sup>

Consequently, Black women were forced to overcome classism, racism, and sexism and that they could improve the plight of all black people and all women in pursuing their cause.<sup>37</sup> Therefore, one can conclude that intersectionality was birthed with the frustration of Black women not getting enough representation. As *hook* explained, it was a result of lack of representation, and Black women were forced to choose to align with either their race or their gender to be recognised. This circumstance will further be explained later using Crenshaw's analysis of actual cases brought before the U.S. courts. Amongst the cases Crenshaw discussed in her article,<sup>38</sup> the second case, which was *Moor v. Hugh Helicopters*<sup>39</sup> demonstrates the challenge Black women face to choose between their race and their gender.

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<sup>29</sup> *ibid.*

<sup>30</sup> *ibid.*

<sup>31</sup> Evelyn M Simien, 'Black Feminist Theory' (2004) 26 *Journal of Women, Politics and Policy* 81.

<sup>32</sup> Patricia Hill Collins, 'Defining Black Feminist Thought', *The Second Wave: A Reader in Feminist Theory* (1997).

<sup>33</sup> 'Bell Hooks/ Gloria Jean Watkins (1952- ) ... As a Writer, She Chose the Pseudonym Bell Hooks in Tribute to Her Mother and Great-Grandmother. She Decided Not to Capitalize Her New Name to Place Focus on Her Work Rather than Her Name, on Her Ideas Rather Th'.

<sup>34</sup> Bell Hooks, 'Ain't I a Woman: Black Women and Feminism' [1981] Boston South End Press 1.

<sup>35</sup> *ibid.*

<sup>36</sup> *ibid.*

<sup>37</sup> *ibid.*

<sup>38</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>39</sup> 'Tommye Y. Moore v. Hughes Helicopters, 708 F2d 475 (9th Cir 1983).'

In the 1980s before 'intersectionality' was coined, a movement which challenged the essentialist assumptions of feminism existed.<sup>40</sup> The movement was against the notion of the universality of characters and experiences of the genders specifically women, and it started employing a unique analysis to understand gender with other social identities, such as; race, class, ethnicity and sexual orientation.<sup>41</sup> Therefore, this demonstrates that even before a terminology was coined for it, the intersectional approach was being employed. However, this movement could be argued to be "anti-essentialism" movement which came to challenge the notion of 'universal women' rather than intersectionality.<sup>42</sup>

The struggle of Black women in Katie Cannon's words,

*"Throughout the history of the United States, the interrelationship of white supremacy and male superiority has characterised the Black woman's reality as a situation of struggle-struggle to survive in two contradictory worlds simultaneously, one white, privileged, and oppressive, and other black exploited, and oppressed."*<sup>43</sup>

Consequentially, intersectionality came to conceptualise and recognise the multiple identities of black women in the U.S., which was the beginning of a new perspective on understanding people's experiences in line with their identities.<sup>44</sup> According to Stephani Shields, Intersectionality deals with different identities which serve as organising features of social relations.<sup>45</sup> These identities mutually constitute, reinforce, and naturalise one another.<sup>46</sup> According to her, they *mutually constitute*, when one category of identity, such as gender, takes its meaning as a category in relation to another category and they *reinforce*, refers to the formation and maintenance of identity categories in which the individual himself or herself is actively engaged.<sup>47</sup> Furthermore, they tend to *naturalise*

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<sup>40</sup> Jennifer C Nash, 'Intersectionality and Its Discontent' [2017] The American Studies Association, American Quarterly 117.

<sup>41</sup> *ibid.*

<sup>42</sup> 'This Paper Recommends Further Reading on Anti-Essentialism Movement, Which Has Similar Aspects to Intersectionality. [See: Trina Grillo, "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House," Berkeley Women's Law Journal, Vol. 10']

<sup>43</sup> Collins, 'Defining Black Feminist Thought' (n 32).

<sup>44</sup> *ibid.*

<sup>45</sup> Stephanie A Shields, 'Gender: An Intersectionality Perspective' (2008) 59 Sex Roles Online Journal, Pennsylvania State University 301.

<sup>46</sup> Shields (n 8).

<sup>47</sup> *ibid.*

identities, meaning one category can be seen as self-evident or 'basic' through the lens of another category.<sup>48</sup> This interpretation of intersectionality in relation to identity demonstrates the intricate relationship each identity has with one another. Identities do not just emerge and coexist, rather according to the above elucidation, they tend to modify and influence one another. Intersectionality is engaged in identifying and recognizing these identities; furthermore, intersectionality mainly deals with explaining the interaction amongst the identities.<sup>49</sup> It shows how those identities interrelate together coexisting in a single person and resulting in an external reaction, either positive or negative. For instance, stigma, discrimination, violation/marginalization. Therefore, 'intersectionality' is the interaction of multiple identities and experiences of exclusion and subordination.<sup>50</sup>

Today, intersectionality theory is widely recognised in feminist circles.<sup>51</sup> It is commonly accepted that we all have "intersectional" identities and that "how we experience discrimination," for those who do, "is influenced by the manner our identities are compounded."<sup>52</sup> According to Baca Zinn and Thornton Dill, intersectionality creates both oppression and opportunity, meaning since it identifies identities which would be in one way or another associated with status and such statuses may lead to making one fall in the advantaged group or disadvantaged/oppressed group.<sup>53</sup> For example: in the US; A female, black, Muslim, and poor, would be in a marginalised group because of the identities she embodies, and when all such identities coexist in one individual, marginalisation comes different directions (Multilayered Marginalization).<sup>54</sup> While a person who is male, white, educated and heterosexual in the US would be the ideal identity to have in this time and generation, he will be advantageous while enjoying the different opportunities his identity facilitates for him. Thus, this vividly demonstrates how intersectionality goes beyond the listing of the identities and their relationship; it engages in demonstrating the consequence of belonging to a certain identity group.<sup>55</sup> As illustrated in the example, their mere identities coexisting together have determined

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<sup>48</sup> *ibid.*

<sup>49</sup> Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (n 4).

<sup>50</sup> Kathy Davis, 'Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful' (2008) 9 *Feminist Theory* 67.

<sup>51</sup> Maria Carbin and Sara Edenheim, 'The Intersectional Turn in Feminist Theory: A Dream of a Common Language?' (2013) 20 *European Journal of Women's Studies* 233.

<sup>52</sup> Anna Carastathis, 'Intersectionality: Origins, Contestation, Horizons' [2016] University of Nebraska Press 34.

<sup>53</sup> Shields (n 8).

<sup>54</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>55</sup> Carastathis (n 52).



their status. Therefore, one can understand that any subordination or marginalisation is not a result of a single identity rather the intersections of identities together in one person.

Crenshaw challenged the single-axis (single-identity) analysis of an issue.<sup>56</sup> In her article “*Demarginalizing*” she explains when an in-depth study is conducted on the Black women’s experience of discriminations and violations, it becomes more apparent, what they are facing is not directed from a single axis (single identity) instead it is through the intersection of multiple axes (different identities have contributed).<sup>57</sup>

Therefore, according to her, Black women’s discrimination is not only directed against their *race*, but also of their *sex*; there are more than one identity factoring in the discrimination.<sup>58</sup> Hence, they should all be taken into consideration. The single-axis framework treats race and gender as a mutually exclusive category of experiences.

Furthermore, “because Black woman’s experience is greater than the sum of sexism and racism that a Black woman cannot simply be included into these pre-existing structures, but rather these structures had to be rethought and recast.”<sup>59</sup> Crenshaw considers the single axis analysis as a narrow approach to discriminations, which distorts our understanding of the real cause of the matter. Therefore, any discrimination does not arise towards one identity separately since people embody multiple identities, in this case, as a black and a woman, facing both sexism and racism simultaneously.

To demonstrate her point, Crenshaw discusses actual cases brought before the U.S. court about Black’s women discrimination, i.e. *DeGraffenreid v. General Motors*, *Moore v Hughes Helicopter* and *Payne v Travenol*.<sup>60</sup> From these cases, we infer that Crenshaw’s discrimination model arose from workplace discrimination that took place on professional Black women at the time. For instance; in the Moore’s case, which was about a Black woman working for Hughes Helicopter, the Court argued that because she specifically argued that she was facing

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<sup>56</sup> Crenshaw, ‘Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’ (n 2).

<sup>57</sup> *ibid.*

<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

discrimination not just as a woman, but also as a Black woman that she was not the 'class' representative for white woman in the area of sex discrimination at the company.<sup>61</sup> Thus, rejecting her plea on gender discrimination.

Regarding the ruling Crenshaw comments, not allowing those who experienced multiple disadvantages to represent those who are singularly disadvantaged complicates the redistribution of opportunity and reinforces the hierarchy, where a white woman is incentivized to protect the source of their privilege and their place at the top of the hierarchy leading Black woman alone to fend for themselves.<sup>62</sup> Therefore, the case manifested how multiple identities Black women embody has resulted to their disadvantage. It seems unavoidable for Black women of the time to devise a separate activism mechanism that would adhere to their situation, which would incorporate their multiple identities that often intersect in situations of discriminations and violation.<sup>63</sup>

Furthermore, the court appears to be prioritising identities to simplify the claim. Thus, this paper argues that the process of mainstreaming intersectionality in litigation is going to be very challenging, as it involves multi-layered violations, which makes it difficult for the court to cope with them. Hence, frequently, courts would be compelled to cope with a violation/discrimination with single justifications.

Crenshaw's approach faced criticism from Marxist-feminism.<sup>64</sup> According to the Marxist-feminists intersectionality had an underdeveloped analysis of class as a fundamental axis of oppression.<sup>65</sup> Marxist feminists such as Jean Ait Belkhir state, "despite its place in the now-familiar list of race, class, and gender- class is often the last addressed

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<sup>61</sup> *ibid.*

<sup>62</sup> *ibid.*

<sup>63</sup> *ibid.* **Crenshaw plainly explains her stand further:**

*"I am suggesting that black women can experience discrimination in ways that are both similar and different to those experienced by white woman and black men. Black women sometimes experience discrimination in the ways that are similar to white women's experiences. Sometimes they share experiences similar to Black men, yet often they experience double-discrimination on the basis of race, and on the basis of sex. And sometimes they experience discrimination as Black-woman not as a sum of race and sex discrimination, but as Black woman."*

<sup>64</sup> 'Marxist Feminism: Is a theoretical framework that have emerged out of the intersection of Marxism and feminism, it examines the form of systematic inequalities that lead to the experience of oppression for marginalized individuals. Marxism deals with a form of inequality that arises from the class dynamics of capitalism, it understands class inequality as the primary axis of oppression in capitalist societies while feminism deals with another form of inequality which is the inequality between the sexes. According to feminism gender

<sup>65</sup> Ashley Bohrer, 'Intersectionality and Marxism: A Critical Historiography' (2018) 26 Historical Materialism 46.

of these issues' in contemporary feminist theory."<sup>66</sup> Since 'class' is at the centripetal point in the discourse of Marxist-feminism, the fact that intersectionality deals with different identities dividing the equal amount of attention seems to be a base of contention between the two theories.<sup>67</sup> Another Marxist-feminist Martha Gimenez gives a more elaborated critique of intersectionality saying intersectionality analysis does not only leave class underdeveloped, but instead it often has the effect of misapprehending the nature of class itself, postulating a qualitative equivalence between it and other forms of oppression where none exists.<sup>68</sup> Gimenez strongly argues that class oppression should not be treated in the same way as race or gender or other identities, meaning that class oppression is distinctive and requires a different kind of treatment, politically, and theoretically than race and gender.<sup>69</sup> On the surface, one can get the perception that Crenshaw's version of intersectionality gives limited attention to class, and her discussion of intersectionality focuses on the intersections of race and gender.<sup>70</sup> However, one can argue that feminist intersectional theories posit "race-class-gender" as a central triad while viewing these categories as entwined, mutually constituting, and reinforcing.<sup>71</sup> Thus, intersectionality is meant to deal with all identities equally; however, intersectionality in the context of Black Feminism arose from the frustration of gender discrimination and racial discrimination; thus, it is natural if black feminists such as Crenshaw or Collins give extra emphasis on gender and race.<sup>72</sup> Here one can ask the question as to whether intersectionality should deal with all the identities equally or not. For this paper, Intersectionality is all about discovering the different identities in a person and their contribution to discrimination/violation while they intersect. Therefore, discrimination may not be directed on all of one's identities within a person simultaneously. Also, some identities might not be subject to discrimination at all.<sup>73</sup> For example: A woman in the US who is black, and poor might be discriminated based on her gender, colour, economic status/class, while a woman who is black and rich/educated might be

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<sup>66</sup> *ibid.*

<sup>67</sup> *ibid.*

<sup>68</sup> *ibid.*

<sup>69</sup> *ibid.*

<sup>70</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>71</sup> Angela Kocze and Raluca Maria Popa, 'Missing Intersectionality: Race/Ethnicity, Gender, and Class in Current Research and Policies on Romani Woman in Europe' [2009] Center for Policy Studies Central European University 7.

<sup>72</sup> Collins, 'Defining Black Feminist Thought' (n 32).

<sup>73</sup> Shields (n 8).

discriminated based on her gender and race only, while here economic status would not be a subject of discrimination.

On the other hand, one should note that identity's contribution varies according to the context; a point of discrimination in one place might not be a reason for discrimination in another.<sup>74</sup> For example: In the US after the 9/11 terrorist attack discrimination against Muslims has increased,<sup>75</sup> however, a woman who is a Muslim might not be discriminated based on her religion if she is living in the Gulf countries, there the discrimination might be based on gender and class (economic status). Therefore, this paper argues that Marxism-feminists extra emphasis on class does not coincide with what intersectionality is seeking to achieve.

After intersectionality started gaining fame in the feminism discourse, some scholars challenged its essence to be 'intangible.' Amongst such critics Lesli McCall claims intersectionality is "anti-categorical critique of categorisation,"<sup>76</sup> in essence she explains that there is an artificiality of social categories, race, and gender, thus, as such their intersections are 'artificial.'<sup>77</sup> Contesting this notion in support of Crenshaw, Julia Jordan-Zachery argues McCall's idea to be theoretical and conceptually different from the concept as articulated by Crenshaw.<sup>78</sup> On the contrary, she praised the fact that the Black feminist movement gave recognition for the symbols and imagery used in the marginalisation of black women to be 'artificial.'<sup>79</sup> Furthermore Jordan-Zachery states that the imagery and symbols race and gender theorist raise to be real in the lives of women and have real consequences.<sup>80</sup> This paper also concurs with Jordan-Zachery's point, in such a manner that intersectionality materialized what is

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<sup>74</sup> *ibid.*

<sup>75</sup> Louise Cainkar, 'No Longer Invisible: Arab and Muslim Exclusion After September 11' (2002) 224 *Middle East Report* 22  
<[https://epublications.marquette.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1006&context=socs\\_fac](https://epublications.marquette.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1006&context=socs_fac)>.

<sup>76</sup> McCall (n 15).

*Leslie McCall considers intersectionality should be applied in a qualitative social science research- She names three possible approaches, all with a different view of categorization and its use. i.e. anti-categorical. complexity, Intra-categorical complexity and Inter-categorical complexity. In intersectional qualitative research, intra-categorical complexity is appropriate, where categories are reflected upon critically and change throughout the research.*

<sup>77</sup> *ibid.*

<sup>78</sup> Julia S Jordan-Zachery, 'Am I a Black Woman or a Woman Who Is Black? A Few Thoughts on the Meaning of Intersectionality' (2007) 3 *Politics & Gender* 254.

<sup>79</sup> *ibid.*

<sup>80</sup> *ibid.*

usually a mere conceptual notion, i.e. before intersectionality, the mere fact that an individual was a female and black had no concrete effect; however, Intersectionality has established a methodology in which such contributions are understood through their intersections.

Crenshaw explains the experiences Black women face are greater than the sum of racism, and sexism and she emphasises that any approach that does not take intersectionality into account cannot sufficiently address the particular way Black women get marginalised.<sup>81</sup> It is very crucial to note that intersectionality is not a mere listing and adding of different identities; instead, it is the outcome those listed identities result in while intersecting in one person.<sup>82</sup> Thus, one must differentiate between an additive approach and what intersectionality means. Crenshaw's point of view seeks to make the distinction between the two, if one takes the additive approach of listing and adding of identities, he/she may not end up reaching at the appropriate conclusion as intersectionality would.<sup>83</sup> Unlike the additive approach intersectionality develops a more sophisticated understanding of the relationship amongst humans and how individuals in differently situated social groups experience differential access to both material and symbolic recourses.<sup>84</sup>

Concurring with this notion Nira Yuval-Davis explains "the point of intersectionality analysis is not to find 'several identities' under one .... This would re-inscribe the fragmented, additive model of oppression and essentialize specific social identities," meaning intersectionality explains the interaction among the identities in an intricated system resulting in either marginalization or privilege of experiences.<sup>85</sup> Stressing further on the distinction of intersectionality from additive approach, Jordan-Zachery clarifies, how the 'additive approach' to intersectionality has been criticised and avoided, however, she explains, the existence of instances where research methods and methodologies tend to fall back on this approach.<sup>86</sup> Hence, resulting in research conclusions suggesting 'race trumps gender' and further failing to provide contextual background and to result in essentializing differences more.<sup>87</sup> Thus, Even though intersectionality is highly interested in identifying identities in a person, it should not be

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<sup>81</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>82</sup> *ibid.*

<sup>83</sup> *ibid.*

<sup>84</sup> Jordan-Zachery (n 78).

<sup>85</sup> *ibid.*

<sup>86</sup> *ibid.*

<sup>87</sup> *ibid.*

mistaken to be just that; intersectionality instead is a broader complex concept which demonstrates the different relationship among those identities and their consequence of coexistence in a single person.

It has been Three decades since intersectionality formally joined the discourse of feminism and since then, 'Intersectionality' as the interaction of multiple identities and experiences of exclusion and subordination has been heralded as one of the most important contributions to feminist scholarships.<sup>88</sup> Concurring with the idea that the acknowledgement of the interacting, simultaneous effect of multiple axes of oppression as a success, McCall states that intersectionality is "the most important contribution that women's studies have made so far."<sup>89</sup> From Sociology science, Kathy Davis explains, intersectionality is a feminist success story, she argues that, paradoxically, it is ambiguous and open-ended, which are attributes that are mentioned for its success and its weakness.<sup>90</sup>

Even if intersectionality has been successful in gaining attention in the feminist discourse, there is still confusion as to what its essence is and how it can be applied.<sup>91</sup> Thus, one can deduce that this contributes to intersectionality's ambiguity and *open-endedness* as Davis pointed out.<sup>92</sup> Consequently, based on her analysis, it makes it even more challenging to adopt intersectionality into other countries context, for instance, in countries of the Global South such as African countries. Since there is no single formula to follow. However, this paper argues that the fact that there is no single formula will enable other contexts to adopt intersectionality, by recontextualizing it as the aim of this paper is to do.

In the search for a specific framework or formula for the theory, one must investigate how different disciplines have assigned a distinct role and definition for intersectionality in their discourse. According to sociology scholar's intersectionality is a theory, while others regard it as a concept or *heuristic device*.<sup>93</sup> Moreover, scholars like Jordan-Zachery intersectionality is an analytical and political tool,<sup>94</sup> while McCall categorises intersectionality as the

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<sup>88</sup> Davis (n 50).

<sup>89</sup> *ibid*.

<sup>90</sup> Jennifer C. Nash "Re-thinking intersectionality," *Feminist Review*, Vol. 89, 2008. 1-15.

<sup>91</sup> Davis (n 50).

<sup>92</sup> *ibid*.

<sup>93</sup> 'Heuristic Device: A Procedure Involving an Artificial Construct to Assist in the Exploration of Social Phenomenon).'

<sup>94</sup> Julia S. Jordan-Zachery, "Am I a Black Woman or a Woman Who is Black? A Few Thoughts on the Meaning of Intersectionality. *Politics & Gender*", Vol 3, Issue 2, 2007.

relationship among multiple dimensions and modalities of social relation and subject formation.<sup>95</sup> Editors of the book “Intersectionality and Beyond” explain intersectionality can be categorised as a type of analysis,<sup>96</sup> implying an overarching theoretical and ideological framework, yet they argue that intersectionality does not assume any particular ideological stance.<sup>97</sup> These different views imply that there is no clear understanding of intersectionality across the fields implying its *open-endedness*. It shows the uncertainty whether it should be limited to understanding individual experiences, to theorising identities, or whether it should be taken as a property of social structures and cultural discourse. For this paper, intersectionality is considered as both a body of knowledge to explain discriminations/violation and also as an analytical tool in research and policymaking.

## 2.2. The Applicability of Intersectionality

In the previous sections, this paper discussed the meaning of intersectionality. Throughout the past three decades, the meaning and role of intersectionality have been a point of debate. To further explain intersectionality, this section discusses whether intersectionality goes further than academic rhetoric. Thus, different scholars or different fields have set different roles for intersectionality.

According to Emily Grabham and colleagues, the role of intersectionality is difficult to discern because of its fundamentally challenging nature; yet there is a concern that intersectionality can be used rhetorically, as a way of performing situated analysis without changing prevailing structures of thoughts.<sup>98</sup> Meaning intersectionality is a mere concept that is only relevant as a scholarly discourse without any tangible results in reality.<sup>99</sup> Another broader point of view considers intersectionality as a conceptual framework, a methodology for practice and research, and a catalyst for social and economic justice agendas to address social issues.<sup>100</sup> As opposed to Grabham, this notion highlights the role of intersectionality as a catalyst, as a means of change which first deconstructs women’s social positioning to show how it is informed by interlocking relation of power.<sup>101</sup> When comparing the two points, Grabham

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<sup>95</sup> McCall (n 15).

<sup>96</sup> Et al Emily Grabham, *Intersectionality and Beyond* (2009).

<sup>97</sup> *ibid.*

<sup>98</sup> *ibid.*

<sup>99</sup> *ibid.*

<sup>100</sup> Collins, ‘Defining Black Feminist Thought’ (n 32).

<sup>101</sup> Emily Grabham (n 96).

seem to undermine the role of intersectionality as a tool to make any fundamental and tangible contribution in reality, while the second point of view considers intersectionality as a tool to bring change, as an actual instrument to be employed in research and social justice even further in changing policies and strategies. However, these two extremes are not the only interpretation that is found in the world about the role of intersectionality.<sup>102</sup>

Therefore, intersectionality will be helping us to understand both the difference between and within groups by allowing us to stop essentializing/generalising differences.<sup>103</sup> Thus, intersectionality ultimately seeks to demonstrate the racial variation(s) within gender and the gendered variations(s) within race through its attention to subjects whose identities contest race-to-gender categorisations. However, scholars such as Jordan-Zachery challenge Crenshaw's notion by stating, "even though intersectionality can be employed in the understanding of difference, it is challenging to use it as an analytical tool."<sup>104</sup> Jordan-Zachery's concern with employing intersectionality as an analytical tool is a legitimate one. Sometimes in identifying and locating intersections of identities, researches fall back to the problem of being an additive approach which is mere summation of identities.

Several scholars are very cautious as to the practical applicability of intersectionality. According to Alison Symington, when one thinks of employing intersectionality practically, first requires that we think differently about identity, equality, and power.<sup>105</sup> It requires attention on points of intersection, complexity, dynamic process, and the structures that determine our access to rights and opportunities, rather than on defined categories or isolated issue areas.<sup>106</sup> Analytically, it requires that we see the eradication of discrimination and the celebration of diversity as fundamental to development and the enjoyment of human rights.<sup>107</sup> Symington's assertion, therefore, is

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<sup>102</sup> Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (n 4).

For Crenshaw intersectionality is also an alternative to identity politics, Crenshaw explains;

*"The problem with identity politics is not that it fails to transcend difference (...), but rather the opposite – that it frequently conflates or ignores intra group differences (...). 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 resist telling."*

<sup>103</sup> *ibid.*

<sup>104</sup> Jennifer C Nash, 'Re-Thinking Intersectionality' (2008) 89 *Feminist Review* 1.

<sup>105</sup> Alison Symington, 'Intersectionality: A Tool for Gender and Economic Justice: Facts and Issue' [2004] *Association for Women's Rights in Development* 1.

<sup>106</sup> *ibid.*

<sup>107</sup> *ibid.*



emphasising the complexity of social structures which requires consideration and study of the intersection of the different identities.

For Jordan-Zachery intersectionality is used more as a descriptive-analytical tool that speaks about how black women, women of colour, or other marginalised groups tend to act.<sup>108</sup> However, she argues that this limits intersectionality to the role of descriptive analysis and ignores the liberation/political framework of intersectionality.<sup>109</sup> One thing to note here, work with intersectionality, since it is a challenge to the existing power structure, is inherently an act of liberation, thus fulfilling its role in the political framework.<sup>110</sup> Therefore, intersectionality has a purpose in restructuring social power structures. Interestingly, just like its ambiguous definition its role is not entirely defined yet.<sup>111</sup>

As mentioned above, various scholars assign different role and purpose for intersectionality. This paper argues with all the different roles; intersectionality seems underdeveloped; it still needs to enter the litigation process and shape bases of arguments. However, this paper argues that intersectionality will be used for more than rhetoric in the coming decades and will begin to make a concrete contribution to the process of understanding complex issues and finding solutions. Since intersectionality is being introduced in other parts of the world outside the 'Western world'.

### **2.3. Criticisms on Intersectionality**

Even though intersectionality has been receiving the standing ovation in the feminist movement over the past Three decades, it has also received its fair share of criticisms. In addition to the Marxist-Feminist criticism mentioned earlier, with the lack of single formula of application of intersectionality each field brings its methodology in applying intersectionality, which according to McCall will limit the scope of knowledge that can be produced.<sup>112</sup> Furthermore, Jennifer Nash agrees with such concern saying it would be better to bring together different methodologies to form

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<sup>108</sup> Jordan-Zachery (n 78).

<sup>109</sup> *ibid.*

<sup>110</sup> *ibid.*

<sup>111</sup> Nash, 'Re-Thinking Intersectionality' (n 104).

<sup>112</sup> McCall (n 15).

a single approach.<sup>113</sup> This paper concurs with this concern and argues that this relates to the *open-endedness* of intersectionality. However, it might pose a challenge in recontextualizing intersectionality.

Ben Smith, expressed skepticism based on the presume complexity of intersectional disadvantage and the potential infinite regress of ever more specific sub-divisions within the “Protectorates” of women, ethnic minority women, ethnic minority women of some further description, etc., reaching to the atomic unit of the individual and thus rendering any social group categorization of equality law meaningless.<sup>114</sup> However, the other line of the argument states any further division of identity should not be discouraged. Since, far from an opaque monolith of personhood, the individual can be regarded as a complex cluster of internalised societal hierarchies forming their “identity.”<sup>115</sup> The notion of indefinitely divisible protected groups does not negate the presence in society of specific — rather distinct groups suffering from a centred dose of disadvantage and discrimination.<sup>116</sup> The second assertion seems more plausible, to begin with, the whole notion behind intersectionality is identifying the different set of identities a person can get discriminated against, and such identities are formed in the society they are from, thus the whole purpose should be trying to discover as many identities as possible of which a person could be discriminated against.

Although Smith's concern is reasonable on “where to stop dissecting identities,” there is a solution as proposed by Collins, who claims the need for a boundary to limit the number of intersections to consider.<sup>117</sup> This paper proposes, the division and discovery of identities can be limited by going only for those identities that have a direct contribution to the marginalisation/violation, as the first purpose intersectionality arose for is to identify identities of people that contribute for their marginalisation; therefore, intersectional analysis should be conducted case by case.

Another criticism that is raised against intersectionality is on its complexity to be tackled by the law, and it is a challenge for the courts to do litigation using intersectional analysis.<sup>118</sup> This paper shares this concern, however, nowadays, intersectionality is being mainstreamed in research and policymaking processes, for Civil law countries

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<sup>113</sup> Nash, ‘Re-Thinking Intersectionality’ (n 104).

<sup>114</sup> Dimitrina Petrova, ‘Equal Rights Review: Special Focus: Intersectionality’ (2016) 16 Equal Rights Review 5.

<sup>115</sup> *ibid.*

<sup>116</sup> *ibid.*

<sup>117</sup> Patricia Hill Collins, ‘Intersectionality’s Definitional Dilemmas’ (2015) 41 Department of Sociology, University of Maryland, The annual Review of Sociology 3.1.

<sup>118</sup> Petrova (n 114).

since policies usually develop into laws, the fact that intersectionality informed policies will make the issue of mainstreaming intersectionality in the litigation process easier and practical. However, this paper argues, for common law countries directly employing intersectionality in litigation is rather a more complex task. And it is beyond the scope of this paper and would require further research.

#### **2.4. Third World Approach to Intersectionality: Evaluating the mainstreaming of Intersectionality Using Third World Approach to International Law (TWAIL)**

TWAIL, as the nomenclature indicates, deals with international law, which is a body of laws, principles, declarations, norms, and custom in which the international community observes.<sup>119</sup> Europeans, during their colonial expansion, used international law as a tool; thus, the construction and universalisation of international law were essential to the imperial expansion that subordinated non-European peoples and societies to European conquest and domination.<sup>120</sup> Therefore, the Third World generally viewed international law as a regime and discourse of domination and subordination, not resistance and liberation.<sup>121</sup> Thus, TWAIL is an approach that is made to challenge the direct application of international laws and principles in the context of Third World countries.<sup>122</sup> As a political movement, TWAIL dates back to the Bandung Afro-Asian Solidarity Conference of 1955, which fostered the “Non-Aligned Movement” at the Belgrade Conference in 1961.<sup>123</sup>

Even though intersectionality and International law are distinct; Intersectionality and International law, the paper argues this fact would not limit the adoption of TWAIL’s approach to mainstream intersectionality to the Third World. Here we can conclude that this paper is on “Third World Approach to a Western Theory” or “Third World Approach to Intersectionality.”

The objective of TWAIL is 1) It studies, deconstruct, and unpack the use of international law as a medium for the creation and perpetuation of a racialised hierarchy of international norms and institutions that subordinate non-Europeans to Europeans.<sup>124</sup> 2) It seeks to construct and present an alternative normative legal edifice for

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<sup>119</sup> James Thuo Gathii, ‘TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography’ (2011) 3 University of Chicago, Trade Law and Development 26.

<sup>120</sup> Makau Mutua and Anghie Antony, ‘What Is Twail?’ 31.

<sup>121</sup> *ibid.*

<sup>122</sup> Gathii (n 119).

<sup>123</sup> Larissa Ramina, ‘TWAIL – Third World Approaches to International Law and Human Rights: Some Considerations’ (2018) 5 Revista de Investigações Constitucionais 261.

<sup>124</sup> Antony (n 120).

international governance, and 3) It seeks through scholarship, policy, and politics to eradicate the conditions of underdevelopment in the Third World.<sup>125</sup> Thus, applying TWAIL's methodology in the pursuit of mainstreaming intersectionality in the context of Africa-Ethiopia, we first need to understand the background and origin of intersectionality by identifying the context it was conceptualised in and the purpose it was conceptualised for [ as presented in chapter one]. Also, intersectionality should be rethought and restructured to fit into the context of Africa-Ethiopia, without losing its purpose and meaning, in order to understand and solve prevalent problems such as Domestic violence.

### **Conclusions to Chapter One**

Intersectionality emerged from the Black feminist movement to highpoint the diversity that exists within the identity of a 'Black women': First, it demonstrates how defining women's identity by their gender alone obscures how other categories of identity inform their lives. Second, intersectionality challenges feminist theory, which claims to represent all women, but is framed from a privileged epistemological standpoint. Third, Intersectionality shows how women's experiences are formed in particular socio-cultural contexts and should, therefore not be paralleled. Finally, this knowledge of distinction can also be applied in practice and reflects the practical consequences of intersectionality. The next chapter will employ intersectionality beyond its rhetoric character as an analytical tool that can be applied to explain the complex experience of domestic violence by women in the Africa-Ethiopia.

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<sup>125</sup> *ibid.*

### 3. Chapter Two: Intersectionality in the African Context- Ethiopia-Somali Region

#### 3.1. Background on the demographic make-up of Ethiopia

According to a recent United Nations (UN) projections, Ethiopia is the 12<sup>th</sup> most populous country in the world with 112.08 million in 2019.<sup>126</sup> The country is home for more than 80 ethnicities.<sup>127</sup> Also has a multi-religious population with Abrahamic religions (Christianity, Islam, and Judaism) and other traditional religions.<sup>128</sup> According to the 2016 Human Development Index, the overall society is patriarchal and ranked 173 out of 187 countries in the Gender Inequality Index (UNDP 2016).<sup>129</sup> The index measured inequalities based on achievements of men and women in education, empowerment and economic of empowerment.<sup>130</sup> Thus, indicating significant gender disparities in the country.

#### 3.2. The Somali Region

Somali region is also known as the *Ogaden* is the eastern region of Ethiopia's nine Ethnic-regional divisions.<sup>131</sup> With a population around 4,445,219, demographically the area is dominated by ethnic Somalis who constitute more than 97% of the region's population.<sup>132</sup> Having nearly 98% Muslim population.<sup>133</sup> The way of life is pastoralism and agro-pastoralism, due to years of war and neglect at the hands of the Ethiopian government, the quality of life in the Somali region has significantly deteriorated.<sup>134</sup> With 75% of women illiteracy rate and an absence of health

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<sup>126</sup> United Nations Department of Economic and Social Affairs Population Division, 'World Population Prospects 2019: Data Booklet' (2019) <[https://population.un.org/wpp/Publications/Files/WPP2019\\_DataBooklet.pdf](https://population.un.org/wpp/Publications/Files/WPP2019_DataBooklet.pdf)>.

<sup>127</sup> Ethiopia Population. (2019-07-11). Retrieved 2019-07-21, from <http://worldpopulationreview.com/countries/ethiopia/>

<sup>128</sup> Ethiopia Population. (2019-07-11). Retrieved 2019-07-21, from <http://worldpopulationreview.com/countries/ethiopia/>

<sup>129</sup> United Nations Development Programme, 'Human Development Report' – Gender Inequality Index' <[http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)>.

<sup>130</sup> *ibid*.

<sup>131</sup> Abdi Ismail Samatar, 'Ethiopian Federalism: Autonomy versus Control in the Somali Region', (2004) 25 Third World Quarterly 1131.

<sup>132</sup> Central Statistical Agency, 'Ethiopia: Demographic and Health Survey' (2016) <<https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>>.

<sup>133</sup> *ibid*.

<sup>134</sup> 2008 Central Statistical Agency, 'Census 2007' <<http://www.etharc.org/resources/download/viewcategory/6>>.

care resulting in a 57/1000 child mortality rate.<sup>135</sup> Also having 28% of polygamous marriage.<sup>136</sup> The population of the Somali Region is among the poorest of Ethiopia; with the lowest level of adult literacy rate and low level of gross school enrolment.<sup>137</sup>



Figure 2: The Somali Region in Ethiopia © Human Rights Watch 2018

### 3.3. The Somali Region and Domestic Violence

#### 3.3.1. Domestic Violence in Ethiopia

The Declaration on the Elimination of Violence against Women (CEDAW) adopted by the UN in 1993 defined violence against women as;

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<sup>135</sup> *ibid.*

<sup>136</sup> Agency (n 132).

<sup>137</sup> Ministry of Finance and Economic Development, 'MDG Report. Trends and Prospects for Meeting MDGs by 2011'.

*“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”<sup>138</sup>*

Domestic violence falls under such a category; it is often experienced in the context of multiple, complex, and competing life issues, such as gender and racial discrimination.<sup>139</sup> Throughout history, such violations have been a universal phenomenon directed toward women.<sup>140</sup> Domestic violence is now widely recognised as serious human rights abuse with substantial consequences for women’s physical, mental, sexual, and reproductive health.<sup>141</sup>

According to the World Health Organization(WHO), in addition to the physical and mental abuse, domestic violence may result in the loss of life, In the U.S., for instance, such murders range from 40% to 60%.<sup>142</sup> In a multicountry study, domestic violence ranged from 15 % in Japan to 71 % in rural Ethiopia.<sup>143</sup> Ethiopia having the highest number of domestic violence is one of the reasons that inspired this issue for this paper; in order to expound the reasons behind such violations and the need for intersectional analysis in the explanation, prevention strategy, policymaking processes of such violation.

Even though domestic violence has gained prominence as a grave violation of human and legal right, women are usually the victims of domestic violence that arise from unequal power relationships between men and women.<sup>144</sup> Around the globe, about two million women experience injuries from intimate partner violence each year, and about

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<sup>138</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <https://www.refworld.org/docid/3ae6b3970.html> [accessed 9 September 2019].

<sup>139</sup> Crenshaw, ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color’ (n 4).

<sup>140</sup> Agumasie Semahegn and Bezatu Mengistie, ‘Domestic Violence against Women and Associated Factors in Ethiopia: Systematic Review’ [2015] Reproductive Health 1.

<sup>141</sup> Watts CH Garcia-Moreno C, Jansen HAFM, Ellsberg M, Heise L, ‘Prevalence of Intimate Partner Violence: Findings from the WHO Multi-Country Study on Women’s Health and Domestic Violence’ (2006) 368 Lancet 1260.

<sup>142</sup> Jacquelyn C Campbell, ‘Health Consequences of Intimate Partner Violence’ (2002) 359 Lancet 1331.

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<sup>144</sup> Mengistie (n 140).

84% of women are victims of spouse abuse of all ages.<sup>145</sup> Below is a demonstration of the 'Power and Control Wheel' diagram where it shows the different setting in which women experience violence.

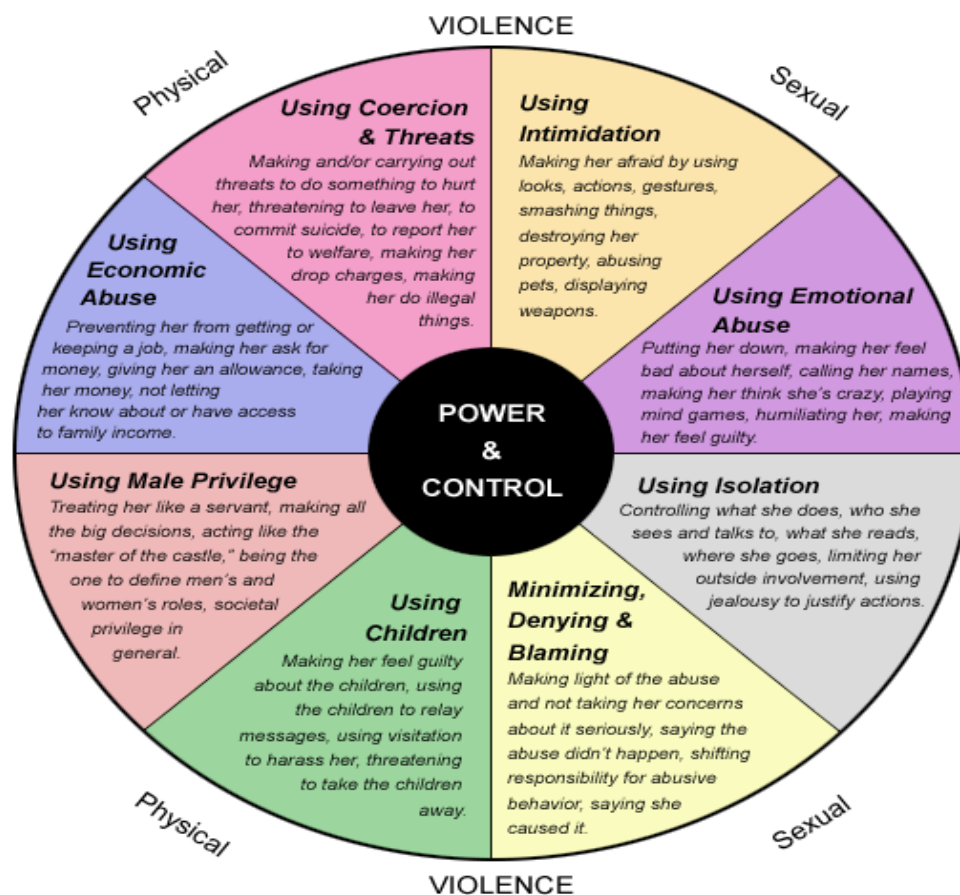


Figure 3: Domestic Violence Power and Control Wheel developed by Green Wheels Women's Shelter.

As demonstrated in the Power and Control Wheel above, victims of domestic violence experience physical abuse, emotional abuse, financial abuse, sexual violence. In the discourse of domestic violence, the 'Power and Control Wheel' has become a standard way of explaining the tactics of abuse.<sup>146</sup> However, this model has been criticised

<sup>145</sup> USAID/Population Reference Bureau, 'Interagency Gender Working Group (LGWG). Gender-Based Violence: Impediment to Reproductive Health' (2010) <[www.igwg.org/igwg\\_media/gbv-impediment-to-RH.pdf](http://www.igwg.org/igwg_media/gbv-impediment-to-RH.pdf)>.

<sup>146</sup> Fran S Danis and Shreya Bhandari, 'Understanding Domestic Violence', *Domestic Violence: Intersectionality and Culturally Competent Practice* (2010).



of failing to include all types of abuses, e.g. spiritual and religious abuse.<sup>147</sup> Looking at the demographic makeup of women who are victims of domestic violence, we recognise that women of all ages, races, ethnicities, socioeconomic classes, geographical locations, residence, statuses, religion, place of origin, and sexual orientations are victims.<sup>148</sup> Now that the reader has grasped what domestic violence encompasses, next, this paper will discuss domestic violence in the context of Ethiopia.

Violence against women, also known as gender-based violence, is now commonly acknowledged as a severe human rights abuse in the Ethiopian legal system.<sup>149</sup> However, regardless of the law, the incidence of domestic violence against women is relatively high in distinct areas of Ethiopia.<sup>150</sup> Domestic violence has a direct connection with the socio-demographic features of both the victim and the offender; however, this paper's scope will be the victim.<sup>151</sup>

Domestic violence in Ethiopia is significantly associated with alcohol consumption, *khat* chewing,<sup>152</sup> family history of violence, occupation, religion, educational status, residence, and decision-making power.<sup>153</sup> As demonstrated in the graph below, the study by WHO demonstrated that the prevalence of domestic violence in Ethiopia is the second-highest in the world next to Peru.<sup>154</sup> A study in 2009 done by the USAID reported that an estimated 50%-60% of Ethiopian women experienced domestic violence in their lifetime, and 69% of them experience it from the hands of an intimate partner.<sup>155</sup> However, the Ethiopian government points out that "complete and comprehensive data [on domestic violence] is unavailable since research in the area is still in its infancy."<sup>156</sup> The diagram below demonstrates the severity of physical violence against women in Ethiopia.

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<sup>147</sup> *ibid.*

<sup>148</sup> *ibid.*

<sup>149</sup> Bezatu Mengistie Agumasie Semahegn, 'Domestic Violence against Women and Associated Factors in Ethiopia; Systematic Review' (2015) 12 *Reproductive Health* 1.

<sup>150</sup> *ibid.*

<sup>151</sup> *ibid.*

<sup>152</sup> Glenice Cox and Hagen Rampes, 'Adverse Effect of Khat: A Review' (2003) 9 *Advances in Psychiatric Treatment* 456.

<sup>153</sup> Mengistie (n 140).

<sup>154</sup> *ibid.*

<sup>155</sup> Agency (n 132).

<sup>156</sup> Canada: Immigration and Refugee Board of Canada, 'Ethiopia: Domestic Violence, Including Legislation, State Protection and Services Available to Victims' <<https://www.refworld.org/docid/50b748242.html>>.

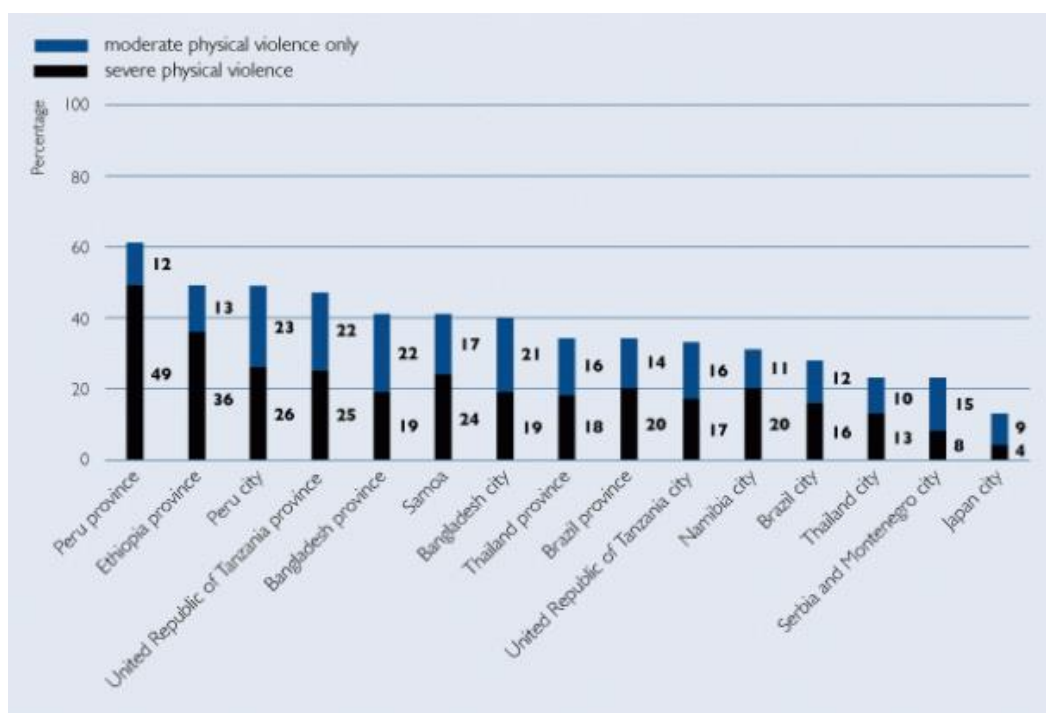


Figure 4: Prevalence of physical violence by an intimate partner according to the severity of violence among ever-parted woman, by the site (WHO, 2017).

In general, domestic violence is highly connected with economic status, education level, and place of residence (urban/rural) of the victim.<sup>157</sup> Thus, there is a higher probability that women with lower or no income, experience significantly more domestic violence than women earning a higher income.<sup>158</sup> However, in Ethiopia, both urban and rural families experience domestic violence.<sup>159</sup> Accordingly, the study has shown that about 68%–81% of women agree wife beating if husband has justified in at least one of specified situations in Ethiopia.<sup>160</sup> Such as hitting by

<sup>157</sup> Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (n 4).

<sup>158</sup> Jennifer Nixon and Cathy Humphreys, 'Marshalling the Evidence: Using Intersectionality in the Domestic Violence Frame' (2010) 17 Social Politics: International Studies in Gender, State & Society 138.

<sup>159</sup> Canada (n 156).

<sup>160</sup> Agency (n 132).

sticks, slapped, kicked on different parts of their bodies, punched, stabbed and different harassment mechanisms.<sup>161</sup>

With Ethiopia having the highest number of domestic violence experiences. To date, there is no comprehensive or recent research on women killed by family members or partners; [such as Honour Killing], and gender-disaggregated statistics are unavailable in Ethiopia.<sup>162</sup> Experts claim cases of murder on women in most cases; the defendant is the intimate partners of the victims.<sup>163</sup>

However, Legally, Ethiopia is a state party to many international and regional human rights instruments, including the CEDAW.<sup>164</sup> The Criminal Code of the Federal Democratic Republic of Ethiopia (2005)<sup>165</sup> explicitly prohibits domestic violence; however, it is visible that the mere adoption of international laws or having a constitution that protects the rights and security of women can be 'superficial' if practically there is a lack of understanding in the essence of such violations. Thus, it is necessary to go deeper and study the initiating factors behind the violation to set up better prevention mechanisms, including policies and legal reforms.

### ***Why Domestic Violence and Somali region?***

To mainstream the theory of intersectionality in the context of Ethiopia, it was required to narrow down the scope to a specific group, [since the country is made up of more than 80 ethnicities].<sup>166</sup> The Somali region was chosen because the region is the least developed from other regions in the country, and it is the forerunner in women and girls marginalisation. Moreover, the region is highly volatile because of the unresolved issues between the country

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<sup>161</sup> Abdulahi M Semahegn A, Belachew T, 'Domestic Violence and Its Predictors among Married Women in Reproductive Age in Fagitalekoma Woreda, Awi Zone, Amhara Regional State, North Western Ethiopia' (2013) 10 *Reprod Health* 1.

<sup>162</sup> Canada (n 156).

<sup>163</sup> *ibid*.

<sup>164</sup> Megersa Dugasa Fite, 'The Ethiopia's Legal Framework on Domestic Violence against Women: A Critical Perspective' (2014) 2 *International Journal of Gender and Women Studies* 49.

<sup>165</sup> 'Girma Wolde, Giorgis. "The Criminal Code of The Federal Democratic Republic of Ethiopia." (2005)' Article 553.

<sup>166</sup> Agency (n 132).

of Somalia and Ethiopia.<sup>167</sup> Therefore, as desk-based research the region was chosen as a case study.<sup>168</sup> This paper through mainstreaming of intersectionality in the context of the Somali region of Ethiopia will shed light as to how intersectionality can be mainstreamed in the broader African context.

Furthermore, there was a need to identify an issue where intersectionality could be mainstreamed, and with that in mind, domestic violence against women was chosen because it is the most prevalent violation against women in the country having one of the highest numbers in the world. Although the incidence of domestic violence in the Somali region is relatively slightly lower, the overall marginalisation of women in the region is severe. The paper thus decided to unravel the complexity of ' domestic violence against women ' in the region, which aspires to contribute to the further tasks of integrating intersectionality into other problems of marginalisation of women in the region and the nation.

Next, this paper discusses intersectional mainstreaming in the context of Somali region.

### **3.4. Employing Intersectional Analysis to Domestic Violence**

In times of legal application, the principle of "legislative intention" is considered, where it requires understanding the intention of the lawmaker beyond the words in the paper, in order to understand the context and grasp the original meaning.<sup>169</sup> With the same analogy, for this paper in order to understand what the original essence of intersectionality, the first chapter explained how and in what context it was conceptualised. So now this section will employ intersectionality in a context different from its place of origin, in Africa-Ethiopia-Somali region. As explained above to illustrate intersectionality, the Somali people and the issue of 'domestic violence against women' is considered. Through the process of employing intersectionality, five social categories/identities will be identified

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<sup>167</sup> 'Human Rights Watch, "Ethiopia: Probe Years of Abuse in Somali Region," "Redress and Accountability Needed for Crimes" August 20, 2018. Available at <https://www.hrw.org/news/2018/08/20/Ethiopia-Probe-Years-Abuse-Somali-Region> Last Accessed on August 2019'.

<sup>168</sup> Anna Lindley, 'Displacement in Contested Places: Governance, Movement and Settlement in the Somali Territories' (2013) 7 *Journal of Eastern African Studies* 291.

The Somalia- Ethiopia conflict also contributes to certain Somalia born women living in Somali region to have issues of citizenship, which contributes for their marginalization. Which should be one of intersectional axes when working on an Intersectional analysis with Somalis living in Ethiopia.

<sup>169</sup> Harry Willmer Jones, 'Statutory Doubts and Legislative Intention' (1940) 40 *Columbia Law Review* 957.

that directly contribute to domestic violence experiences of women in the Somali region. Which will be discussed in section 3.4.2.

Throughout history detracting from the perpetrators, interestingly victims of domestic violence have been blamed for staying with their partners and sometimes even for leaving such abusive relationships.<sup>170</sup> To adopt public empathy for women[victims] who are often blamed for either staying or leaving their perpetrators- a notion called “the universal woman” was adopted.<sup>171</sup> This notion is part of the feminist movement that fought for the rights of women of the world and which considered women of the world to be the same having the same experiences(essentialism).<sup>172</sup> Even though the intention behind the notion “the universal woman” was a positive one, it has inadvertently set a barrier in recognising the diversity amongst women of the world.<sup>173</sup> It disregarded how a woman’s culture of origin, her place in the physical, political, and social world, and the society’s dominant culture come together to influence how women experience violence and the particular options available to them as a result of that violence.<sup>174</sup> Thus, such an approach failed to recognise the contextual reality of each woman’s experience individually.

Just as Crenshaw and Collins kept stressing [from the Black feminism perspective], the ‘universal woman’ notion generated a ‘one-size-fits-all’ approach, and this approach was inadequate to describe the experiences and needs of diverse groups of women who were being abused.<sup>175</sup> Later on, a consensus that considered domestic violence as a social reality that intersects with other social factors was developed.<sup>176</sup> Such social factors were identified to

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<sup>170</sup> Patricia Hill Collins, ‘The Tie That Binds: Race, Gender and US Violence’ (1998) 21 *Ethnic and Racial Studies* 917.

<sup>171</sup> *ibid.*

<sup>172</sup> Trina Grillo, ‘Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House’ (1995) 10 *Berkeley Journal of Gender, Law and Justice* 16.

**Essentialism(universalism) is:**

is the notion that there is a single woman's, or Black person's, or any other group's experience that can be described independently from other aspects of the person - that there is an "essence" to that experience. An essentialist outlook assumes that the experience of being a member of the group under discussion is a stable one, one with a clear meaning, a meaning constant through time, space, and different historical, social, political, and personal contexts

<sup>173</sup> Sherene Razack, ‘Beyond Universal Women: Reflections on Theorizing Differences among Women’ (1996) 45 *University of New Brunswick Law Journal* 209.

<sup>174</sup> Bhandari (n 146).

<sup>175</sup> Mitchell (n 27).

<sup>176</sup> *ibid.*

be race, skin colour, age, ethnicity, language, ancestry, sexual orientation, religion, socioeconomic class, ability, geographic location, and status as a migrant, indigenous person, or refugee.<sup>177</sup> By analogy, it can be recognised the factors contributing to a person experiencing domestic violence are not caused by a single identity which is a single-axis explanation of experiences since it is established that domestic violence exists within the intersection of multiple identities/social categories (axes).

As Crenshaw demonstrates intersectionality using traffic analogy the different identities within a person not only co-exist but also interact/intersect with one another.<sup>178</sup> Therefore, claiming Intersectionality's *raison d'être* is its attentiveness to power relations, and social inequalities, Somali women experience domestic violence while 'standing at the intersection' where all their identities contributing to domestic violence are intersecting.<sup>179</sup>

Even if intersectional analysis begins with identifying social categories it doesn't end there, concurring with this assertion Devon Carbado states "intersectionality is not an effort to identify, in the abstract, an exhaustive list of intersectional social categories and to add them up to determine—once and for all—the different intersectional configurations those categories can form."<sup>180</sup> Therefore, intersectionality is not after listing all the social categories/identities that make up a person and summing them up; instead, it is a complex study of their interaction/intersection with one another contributing to a positive or negative social status/experience.

In general, scholars have identified that intersecting forms of discrimination arise when women face discrimination on two or more grounds, for instance, age, economic status, racial or ethnicity, religion, nationality status, citizenship, among others.<sup>181</sup> These factors, in many settings, contribute to exacerbate and/or influence the nature

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<sup>177</sup> *ibid.*

<sup>178</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2). **Kimberle Crenshaw's demonstration of Intersectionality using a traffic analogy:**

*"Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. Similarly, if a Black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination."*

<sup>179</sup> Collins, 'Intersectionality's Definitional Dilemmas' (n 117).

<sup>180</sup> Patrick R Grazzanka, *Intersectionality: A Foundation and Frontiers Reader* (2014).

<sup>181</sup> Collins, 'Intersectionality's Definitional Dilemmas' (n 117).

of discrimination experienced by women.<sup>182</sup> From this, we can infer that each woman experiences marginalisation/discrimination differently according to her social context and intersectionality is here to identify how those different realities interact.

#### **3.4.1. Theorising intersectionality for the Somali region**

According to Collins, the scope of intersectionality has changed since its conception, she states, just like a language spoken by someone other than the native speaker sound different, Intersectionality has grown and changed in lots of ways throughout the years, for instance nowadays ethnicity has become significant, also age and disability. Even further broadening the scope of application of intersectionality in the Global South, the African Commission on Human and Peoples' Rights has addressed the impact of the intersection of gender-based discrimination with discrimination based on another status including for example poverty or HIV status.<sup>183</sup> Furthermore, The African Commission has clarified that intersectional or multiple discrimination happens when a person is subject to discrimination on more than one ground at the same time, such as ethnicity and gender, which compounds the effects of discrimination and multiple and intersectional forms of discrimination based on sex and gender.<sup>184</sup> These illustrations demonstrate the necessity of understanding violations/discriminations in a more complex manner.

In this section, this paper argues how gender-based violence- despite its complexity - has been dealt with singularly in Ethiopia, i.e. 'Gender.' From the legal documents to research, from advocates to academicians, it is a common belief that the reason for domestic violence is the only gender, and other factors such as; ethnicity or culture are considered additional factors. For instance; any movement against domestic violence would be focused on the issue of gender inequality alone, which lacks the understanding of the multiple-reasons factoring in the inequality itself. As per Crenshaw's analysis; any discrimination is a result of multiple intersections amongst several identities/social categories.<sup>185</sup> Therefore, this paper recognises identities such as gender, religion, culture, race,

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<sup>182</sup> *ibid.*

<sup>183</sup> African Union and United Nations office of the High Commissioner for Human Rights, 'Women's Rights in Africa Report' (2016) <<https://reliefweb.int/report/world/womens-rights-africa>>.

<sup>184</sup> *ibid.*

<sup>185</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

education background, class, economic status, contributes to the marginalisation of women all over the world, including Ethiopia.

In the same token, studies regarding women's violation in the Somali region has always been focused only on gender; however, this paper argues other social categories in addition to gender play a significant role for domestic violence against women in the region. These are; religion, ethnicity, economic status, and culture/traditions. These social categories have been chosen because of their proximity to the issue. Thus, by using Crenshaw's traffic analysis mentioned earlier,<sup>186</sup> we can say Somali women experiencing domestic violence stand at the intersection where all the above-mentioned social categories intersect.

### **3.4.2. The Social Categories in Somali Region Relevant for An Intersectional Analysis of Domestic Violence:**

In order to employ intersectional analysis in the context of domestic violence against Somali women, this section will identify the identities/social categories that contribute directly to Somali women domestic violence experience. Furthermore, the intersectional approach can be employed not only in explaining the reasons behind domestic violence but also in the designing of prevention methods, policy and law-making, and even litigation process.

In the course of identifying and considering identities Collin claims, "if everything is intersectionality, intersectionality becomes meaningless; therefore, there should be boundaries drawn around intersectionality."<sup>187</sup> Then, one needs to be very critical to the social category they choose for an intersectional analysis. This paper argues the identities/social categories selected for the context of the Somali woman's domestic violence should be; ethnicity, gender, religion, culture, and economic status.

Here, one may notice the fact that 'race' is not among the list considered for Somali's women's case of domestic violence, as 'race' is one of the famous triads in the 'western' version of intersectionality.<sup>188</sup> In the context of Black feminist intersectionality, 'race' was at the core of the movement, since *race* was a key player in setting the political and economic climate.<sup>189</sup> However, *race* will not be a significant factor in the intersectional analysis of Somali

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<sup>186</sup> *ibid.*

<sup>187</sup> Collins, 'Intersectionality's Definitional Dilemmas' (n 117).

<sup>188</sup> Gudrun-Axeli Knapp, 'Race, Class, Gender: Reclaiming Baggage in Fast Travelling Theories' (2005) 12 *European Journal of Women's Studies*, University of Hanover 249.

<sup>189</sup> *ibid.*



women, since all of Ethiopia is of the same race, i.e. Black. Meaning no one will face discrimination based on their race, proving it to be irrelevant for this context.

According to Crenshaw, 'Structural intersectionality'<sup>190</sup> is how the location of an individual at the intersection with different identities makes their experience of violence such as domestic violence and rape.<sup>191</sup> Yuval-Davis highlights that whenever intersectional analysis is applied, social categories should be examined separately, in "contextual analysis."<sup>192</sup> Therefore, even if we are trying to identify the intersections amongst the social categories, first, it is essential to deal with each social category separately and determine their contribution to domestic violence against Somali women. Accordingly, ethnicity, gender, culture/tradition, religion, and economic status will be dealt with separately. Further after dealing with the social categories individually the paper will demonstrate the intersections the amongst the social categories.

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<sup>190</sup> Kimberle Williams Crenshaw, 'The Structural and Political Dimension of Intersectional Oppression' in Patric R Grazanika (ed), *Intersectionality: A foundation and Frontiers Reader* (2014). 1) structural intersectionality, which denotes "a full range of circumstances in which policies intersect with background structures of inequality to create a compounded burden for particularly vulnerable victims," such as gendered discrimination toward women who are already marginalized due to race and/ or class, and 2) political intersectionality, which refers to how "women who are members of communities that are racially, culturally, or economically marginalized have actively organized in large and small ways to challenge the conditions of their lives."

<sup>191</sup> Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (n 4).

<sup>192</sup> Yuval-Davis (n 7).

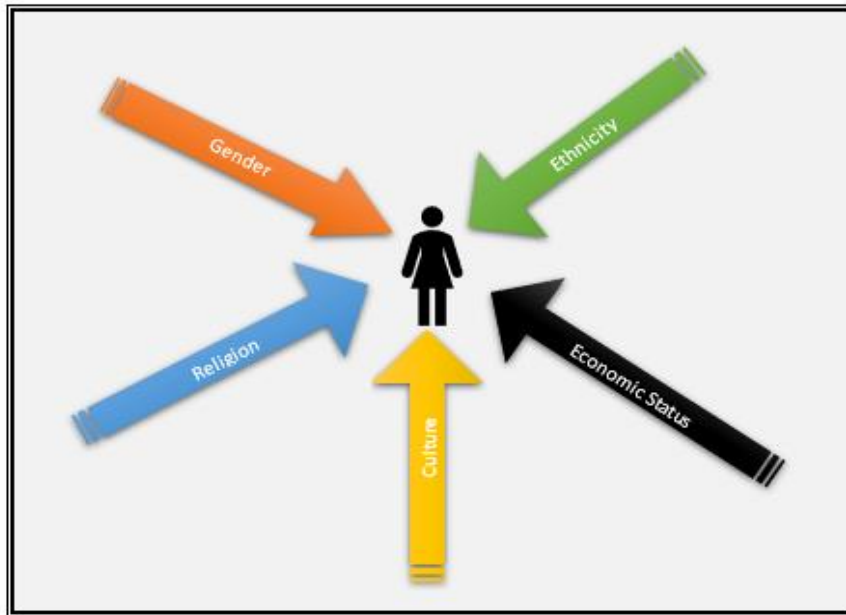


Figure 5: A demonstration of Somali women experiencing domestic violence while standing at the intersection of ethnicity, religion, gender, culture and economic status.

### **Ethnicity:**

Race, gender, and class were the identities regarded for black feminism intersectionality.<sup>193</sup> The attempt to transplant these social categories in a distinct environment such as Somali to do an intersectional analysis will not be successful, resulting in theoretical failure. Hence, as a nation comprised of a single race, and various ethnicities,<sup>194</sup> Ethiopia makes it pointless to consider race for intersectional analysis, since *race* will not be a reason for discrimination/violation. Therefore, it is more appropriate to consider their varied 'ethnicity' as one of the intersecting axes for Somali women. In the case of Ethiopia, ethnicity serves as a determinant of place of residence, since the regional divisions of the country are based on ethnicity.<sup>195</sup> However, in some other African nations such as Sudan, Egypt, or South Africa, 'race' may be a frontrunner in identifying intersectional identities, as there is a racial disparity among societies.<sup>196</sup>

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<sup>193</sup> Collins, 'Defining Black Feminist Thought' (n 32).

<sup>194</sup> Agency, (n 132).

<sup>195</sup> Lovise Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000' 1.

<sup>196</sup> Jacqueline Moodley and Lauren Graham, 'The Importance of Intersectionality in Disability and Gender Studies' (2019) 29 Agenda 24.

Ethnicity is a form of group allegiance, denoting a kind of personal identification involving a set of symbols or traits which serve as the basis for this identification. Further its dictionary meaning is; a large group of people who have the same national, racial, or cultural origins, or the state of belonging to such a group.<sup>197</sup> With *Ethnic Federalism* as a scheme of government in Ethiopia, ethnicities are categorised and given land to reside in and establish their regional government.<sup>198</sup> The Somali region has 97% of the the Somali ethnic group with 98% strict Muslim population.<sup>199</sup>

Interestingly, the contribution of ethnicity in Somali women's case of domestic violence, is rather indirect, meaning ethnicity determines their place of residence [Because of Ethiopian Ethnic Federalism], consequentially, the communal life will shape their culture/tradition since they flourish amongst people residing in one place.<sup>200</sup> Here, we can see the intersections between ethnicity and culture. However, ethnicity plays a direct role in commercial/capital/ cities, as individuals from distinct ethnicities come together and live together in those towns, thus, in such situations, ethnicity will be even more significant in the process of detangling the complexities of domestic violence issues and conducting intersectional analysis.

Moreover, with 98% of the Islamic population in the area, it has high probability that a Somali-born individual will grow up as a Muslim. Thus, demonstrating how ethnicity determines religion.

One thing this paper wants to make a note of the complexity of ethnicity in Africa, including Ethiopia is; the possibility of further division of ethnicity into a tribe and furthermore clans. e.g. In Ethiopia-Oromia region, the "Oromo ethnicity" live there having several tribes, such as *welega*, *Shewa*, *Arsi*.<sup>201</sup> Thus, using 'ethnicity' as an axis in the analysis of intersectionality is not as easy as employing race in the U.S. This might pose in conducting intersectional analysis; it will make the division of social categories infinite and designing policies on a country or regional level difficult. Thus, the concern of Ben Smith on the infinite division of social categories should be considered to resolve this dilemma.

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<sup>197</sup> Cambridge University Press. (2008). *Cambridge online dictionary*, Cambridge Dictionary online. Retrieved at August, 2019, from the website temoa : Open Educational Resources (OER) Portal at <http://temoa.tec.mx/node/324>

<sup>198</sup> Aalen (n 195).

<sup>199</sup> Agency (n 132).

<sup>200</sup> Lahra Smith, *Making Citizen in Africa: Ethnicity, Gender, and National Identity in Ethiopia* (2013).

<sup>201</sup> Yuval-Davis (n 7).

## Gender:

The second category selected for Somali-women domestic violence intersectional analysis is gender. According to Francis Raday, gender is the social construct that results from the norms of behaviour imposed on men and women by culture and religion.<sup>202</sup> Gender is determined by the conception of function, roles and attributes to women and men in society and public and private life.<sup>203</sup> For Yuval-Davis, gender is not about 'real' social differences but connected with a mode of discourse that "relates to groups of subjects whose social roles are defined by their sexual/ biological difference,"<sup>204</sup> Thus, 'Being a woman', or 'man' differs along with historical and geographical settings. Even how gender becomes part of the subjective identity vary according to space and time.

The intersectionality perspective further reveals that the individual's social identities profoundly influence one's beliefs about and experience of gender.<sup>205</sup> Domestic violence as one of the "Gender-based violence," it is typically associated with gender.<sup>206</sup> In the context of intersectional analysis, for Somali women or any other women, gender is one of the primary identities that is considered. Domestic violence studies have shown that 'gender inequality' plays a vital role.<sup>207</sup> It has been regarded that the reason why females are beaten or psychologically and mentally tormented or even raped is mainly because of their gender.<sup>208</sup> However, this paper argues that *gender* itself is a social construct shaped by culture and religion; therefore, gender should not be solely employed for analysis of domestic violence.

For instance, in Ethiopia, violence against women is labelled "gender-based violence," which assumes the violation is inflicted only towards their gender, which is a single-axis understanding, as Crenshaw would have put it.<sup>209</sup> Such an interpretation of any abuse against women, however, lacks knowledge of the other variables that contribute to

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<sup>202</sup> Francis Raday, 'Culture, Religion, and Gender' (2003) 1 Oxford University Press and New York School of Law 663.

<sup>203</sup> *ibid.*

<sup>204</sup> Yuval-Davis (n 7).

<sup>205</sup> Shields (n 8).

<sup>206</sup> Ravneet Kaur & Suneela Garg, 'Addressing Domestic Violence against Women: An Unfinished Agenda' (2008) 33 Indian journal of community medicine: official publication of Indian Association of Preventive & Social Medicine 73.

<sup>207</sup> *ibid.*

<sup>208</sup> *ibid.*

<sup>209</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

gender inequalities.<sup>210</sup> Similarly, gender as a category of analysis cannot be understood decontextualised from different social categories in a woman.<sup>211</sup> When we take the case of the Somali-region, gender is not the only reason women experiencing violations, instead, gender intersects with culture/traditions and religion.

In Ethiopia, including the Somali-region, gender inequality is manifested in education, work, wealth distribution, property ownership, political participation, and family decision-making.<sup>212</sup> This is a result of a society that has strong traditions and culture with high patriarchal values.<sup>213</sup> Therefore, if gender is a result of the community, then we must understand the community and their values, this demonstrates the intersection between social categories, where one social category influences another, furthermore, gender itself determines the economic status of women by determining their occupation.

To demonstrate how culture/tradition determines gender role let us see a unique community in Ethiopia: The “Awra-amba” is an outstanding community in the northern part of Ethiopia,<sup>214</sup> where the roles of females and males are fluid and mostly reversed, and gender equality is well-maintained.<sup>215</sup> In *Awra-Amba* society, females are not bound to remain at home, so they can go out and farm while men remain at home to cook and taking care of the children.<sup>216</sup> This community has transcended even the western context of women's role in the family. It is therefore up to the society to give both women and men attributes and roles. Consequently, considering gender alone as a means of understanding domestic violence, as Crenshaw pointed out, would not tackle the real problem behind it.<sup>217</sup>

According to a shadow report presented to the Committee on CEDAW Somali women are amongst the most vulnerable to abuse and violence in the region due to the multiple-discrimination they experience: based on their

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<sup>210</sup> *ibid.*

<sup>211</sup> Rose M Brewer, ‘Theorizing Race, Class and Gender: The New Scholarship of Black Feminist Intellectuals and Black’, *Theorizing Black Feminism: The visionary pragmatism of black women* (1993).

<sup>212</sup> United Nations Women and European Union, ‘Preliminary Gender Profile of Ethiopia’, (2014) <[https://www.usaid.gov/sites/default/files/documents/1860/Preliminary Gender Profile of Ethiopia Nov 17 final.pdf](https://www.usaid.gov/sites/default/files/documents/1860/Preliminary%20Gender%20Profile%20of%20Ethiopia%20Nov%2017%20final.pdf)>.

<sup>213</sup> Programme (n 129).

<sup>214</sup> Maheder Hailesilassie, ‘Awramba: A Collective Community’ 1 <<https://witness.worldpressphoto.org/awramba-a-collective-community-cc9744312d0>>.

<sup>215</sup> Robert Joumard, ‘Awra Amba , an Ethiopian Utopia , According to the Web’ 1 <[https://local.attac.org/rhone/IMG/pdf/Awra\\_Amba\\_RJ\\_281210\\_EN.pdf](https://local.attac.org/rhone/IMG/pdf/Awra_Amba_RJ_281210_EN.pdf)>.

<sup>216</sup> *ibid.*

<sup>217</sup> Floya Anthias and Nira Yuval-Davis, ‘Contextualizing Feminism: Gender, Ethnic and Class Divisions’ (1983) *Wwinter*, 1 *Feminist Review*, Palgrave Macmillan Journals 62.

culture and also their gender.<sup>218</sup> From this, we can deduce that gender is a social construct which is shaped by the values of a given society, and such values may arise from tradition, culture or religion of that society. Therefore, as Shields explained in the first chapter, it is clear to see the intersections amongst the social categories where one is influencing and shaping the other.<sup>219</sup>

### **Religion:**

Scholars of religious studies explain religion to mean “a set of ideas and practice that link to an authoritative source, i.e., God or teacher, spiritual leader, these beliefs, in turn, give adherents a firm understanding of the meaning and purpose of life and identity formation.<sup>220</sup> Religious Ideology forms the basis of what members of society think is true and natural.<sup>221</sup> Such ideologies include values and behaviour assigned to men and women, which embody their gender roles.<sup>222</sup> Religion encourages both commitment and exploration in identity.<sup>223</sup> It can be used to develop or preserve religious identity, an ethnic/cultural identity, or a combination of these.

Furthermore, religion is an institutionalised, systemic pattern of values, beliefs, that shapes social relations — for example, definition of marriage.<sup>224</sup> Moreover, for scholars such as Rady, religion is an institutionalised aspect of culture.<sup>225</sup> The first intersectionality by the Black feminists did not include religion amongst the intersecting axes, and religion was not part of the discourse for analysis.<sup>226</sup> However, with the development of intersectionality and the full range application of the theory outside the context of the ‘western world,’ religion has become one of the identity-axis considered.<sup>227</sup>

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<sup>218</sup> Unrepresented Nations and Peoples Organization (UNPO), ‘Alternative Report to the Committee of the United Nations’ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Federal Democratic Republic of Ethiopia’ (2018).

<sup>219</sup> Shields (n 8).

<sup>220</sup> Tamsin Bradley, *Religion and Gender in the Developing World: Faith-Based Organizations and Feminism in India* (2011).

<sup>221</sup> Margaret Strobel, ‘Women in Religious and Secular Ideology,’ in Margaret Jean Hay & Sharon Stichter, *Report on the role of women in African religions, Christianity and Islam* (1995).

<sup>222</sup> *ibid.*

<sup>223</sup> Nafiseh Ghafournia, ‘Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice’ (2017) 36 *Journal of Religion and Spirituality in Social Work: Social Thought* 146.

<sup>224</sup> *ibid.*

<sup>225</sup> Rady (n 202).

<sup>226</sup> Collins, ‘Defining Black Feminist Thought’ (n 32).

<sup>227</sup> Yuval-Davis (n 7).

At the UN level, 'Religion' was first included as an identity category in the *Beijing Platform for Action* in 1995, in the Centre for Women's Global Leadership. Scholars such as Yuval-Davis also consider religion as one of the factors where women and girls face multiple barriers to their empowerment and advancement.<sup>228</sup> However, most works on intersectionality in the 'west' where it is considered secular society have not given enough attention to religion as a social category,<sup>229</sup> as Collins would argue it is more applicable in Africa or Caribbean and Asian context of intersectional analysis.<sup>230</sup> This paper also argues that religion is at the centre in Africa-Ethiopia societies; it plays a crucial role in shaping the community, including the role and status of women. It is also a mechanism in which the patriarchal system is preserved without dispute.<sup>231</sup>

In Ethiopia, whether it be Christianity, Islam, or traditional religion, community life is exceptionally intertwined with religion, this is also evident in the Somali-region, which has a 98% strict Muslim community.<sup>232</sup> As a result, religion, having a central position in society, has profoundly shaped the community's attitude towards women in the region.<sup>233</sup> Religion must, therefore, be one of the social categories for the intersectional analysis of the Somali region.

In instances of domestic violence, most religions strongly discourage women from leaving their abusers.<sup>234</sup> Like the larger society, many religions blamed the victim.<sup>235</sup> In the face of divorce, many religions still stress the significance of family counselling and prevent victims from leaving their abusive husbands.<sup>236</sup> Some believed that Islam is a religion of peace and equality, but both ordinary men and religious leaders interpret the religious ideologies according to their desires and take advantage of religion to abuse women.<sup>237</sup> Thus, when considering religion for intersectional analysis, it is beneficial to employ the

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<sup>228</sup> *ibid.*

<sup>229</sup> Grace Davie, *Religion in Modern Europe: A Memory Mutates* (2000).

<sup>230</sup> Collins, 'Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment' (n 23).

<sup>231</sup> Abeda Sultana, 'Patriarchy and Women's Subordination: A Theoretical Analysis' (2010) 4 *The Arts Faculty Journal* 1.

<sup>232</sup> Agency (n 132).

<sup>233</sup> *ibid.*

<sup>234</sup> Venessa Garcia and Patric McManimon, 'Intersectionality and Intimate Partner Violence: Barriers and Women Face' <<https://www.tikkun.org/intersectionality-and-intimate-partner-violence-barriers-women-face>>.

<sup>235</sup> *ibid.*

<sup>236</sup> *ibid.*

<sup>237</sup> Ghafournia (n 223).

practical application and interpretation of the religion rather than going to the original text of the religion, since it is the practical interpretation of the religion that contribute for women's marginalisation.

In the same token, Islam in the Somali-region has been manipulated and used to marginalise women.<sup>238</sup> From the typical restrictive dress code including wearing of veil to making women staying at home, Female Genital Mutilation, battering, honour killing, forced marriage, allowing the husband to control over the finances and property, husband's right to obedience and power to discipline to commit an act of violence against his wife, including marital rape, demonstrating the vast influence of religion in the lives of women towards rights and freedom including financial independence.<sup>239</sup> In some cases, however, this type of marginalisation could be considered to be a result of culture, which, in turn, shows how religion and culture are intertwined while they intersect.

The intersection between religion and culture shows that religion is a component of culture in its broader sense, and it might be considered an integral part of culture.<sup>240</sup> For some, religion is an institutionalised aspect of culture.<sup>241</sup> Nevertheless, religion must influence and be influenced by social and ideological culture.<sup>242</sup> However, the flow of influence is not necessarily symmetrical and indeed religious forms for theoretical and empirically the core of cultural resistance to gender equality.<sup>243</sup> In Somali-region the influence of the two social categories is manifested in many practices that contribute for violation of women rights as listed above.

Moreover, most culture and religion considered women as mothers and wives and restricting their role to the house which makes them vulnerable because of lack of education and financial independence.<sup>244</sup> This fact is also the reality within Ethiopia including Somali-region. Also, religion influences the economic status of women by forbidding women from inheritance, work outside the household, and engage in business.<sup>245</sup>

Additionally, the Somali community is recognised as one of the rigid supporters of Islam, making it even more persuasive to regard religion as an axis for intersectional analysis. Even if it is hard to say that religious ideologies

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<sup>238</sup> Bhandari (n 146).

<sup>239</sup> *ibid.*

<sup>240</sup> Raday (n 202).

<sup>241</sup> *ibid.*

<sup>242</sup> *ibid.*

<sup>243</sup> *ibid.*

<sup>244</sup> *ibid.*

<sup>245</sup> Strobel (n 221).



encourage such abuses against females, religious leaders and religious extremists (male leaders in almost all instances) have interpreted books to be marginalising against females and putting women to subordination.<sup>246</sup> Therefore, disregarding religion from the intersectional analysis would result in a wrong conclusion.

**Culture/tradition:**

According to Adam Kuper; “in its most general sense, culture is simply a way of talking about collective identities.”<sup>247</sup> Moreover, Culture has been described as “a flexible repertoire of practices and discourses created through a historical process of contestation over signs and meanings.”<sup>248</sup> This paper argues that the other intersection we should consider in the context of Somali region domestic violence against women is culture/traditions.

Culture in Africa-Ethiopia is profoundly shaped by a patriarchal ideology which assigns different roles, rights and responsibilities for women and men. Such roles possibly are used to subjugate women through violence such as domestic violence.<sup>249</sup> Many of the historical or cultural structure of Ethiopian society inherently encourage violence against women.<sup>250</sup> For instance, there is an Ethiopian proverb which says “*Set ena aheya dula yewodal*,” which translates as “*Women and donkeys love being battered*.”<sup>251</sup> According to Ethiopian Statistics Agency survey, eight out of ten women agree with wife-beating if the perpetrator has one reason such as the burning of food, confrontation, going out without his know-how, child neglect, and refusal of sex by the victim. Furthermore, a systematic review from sub-Saharan African countries showed that women who justified wife-beating in Ethiopia are 74 %.<sup>252</sup> Thus, demonstrating the prevalence of the violence in the culture/tradition which promotes the act. Thus, normalising domestic violence as part of the culture. Moreover, the Somali culture/traditions have been recognised to be highly marginalising towards woman even from early ages, for instance; considered as purification

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<sup>246</sup> Ghafournia (n 223).

<sup>247</sup> Raday (n 202).

<sup>248</sup> Sally F Goldfarb, ‘A Clash of Cultures: Women, Domestic Violence, and Law in the United States’, *Gender and Culture at the Limit of Rights* (2011).

<sup>249</sup> Sultana (n 231).

<sup>250</sup> Fite (n 164).

<sup>251</sup> *ibid*.

<sup>252</sup> Naomi Kipuri and Andrew Ridgewell, ‘A Double Bind: The Exclusion of Pastoralist Women in the East and Horn of Africa’ (2008) <<https://www.refworld.org/pdfid/494672bc2.pdf>>.

and chastising system, the rate of female genital mutilation is the highest in the nation with the most severe form, which gets justified as part of the culture/tradition.<sup>253</sup>

Moreover, the Somali culture affects women's role to be just wife and mothers rather than being independent.<sup>254</sup> Also, the pastoral way of life-shaping their culture made it impossible for girls to attend school, which in the long run will determine their economic independence.<sup>255</sup> Furthermore, their religion and culture contribute to the fact that women cannot own property and not considered for inheritance.<sup>256</sup> Their culture promotes women to uphold men above their interests; therefore, women are considered a second-class citizen and those women give birth to girls to raise them as such.

Religion and culture can intersect in various ways; culture subsumes religion as an aspect of culture.<sup>257</sup> While culture and, with it, religion is the source of the gender construct.<sup>258</sup> Religion, therefore, is obtained from culture but transcends culture.<sup>259</sup> Gender, in turn, is derived from both culture and religion.<sup>260</sup> This kind of inter-influence is a perfect demonstration of the intersection of social categories; Furthermore, in the next section, we will see how culture and ethnicity influence economic status.

### **Economic Status**

From the above elucidations, we can understand how ethnicity, gender, religion, culture, and economic dependence, are interwoven together one influencing the other. Here, this paper notes that economic status in this context is not the same as 'class'.<sup>261</sup> For 'class' in the strict sense has a definite and clear separation amongst the

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<sup>253</sup> Kiros Gebremicheal *et al*, "Sequela of female genital mutilation on birth outcomes in Jijiga town, Ethiopian Somali region: a prospective cohort study," *BMC Pregnancy and Childbirth*, Vol.18, 2018, 1-10

<sup>254</sup> Nafiseh Ghafournia , "Muslim women and domestic violence: Developing a framework for social work practice," *Journal of Religion & Spirituality in Social Work: Social Thought*, Vol 36, No.1-2, 2017, 146-163

<sup>255</sup> Ridgewell (n 252).

<sup>256</sup> *ibid*.

<sup>257</sup> Raday (n 202).

<sup>258</sup> *ibid*.

<sup>259</sup> Ghafournia (n 223).

<sup>260</sup> Raday (n 202).

<sup>261</sup> and Kenneth Eells Warner, W. Lloyd, Marchia Meeker, 'What Social Class Is in America', *Social class and stratification: Classic statements and theoretical debates* (2006).

In the popular view, class is perhaps most readily defined in terms of income. Poor people constitute a lower class, middle-income people a middle class, and rich people an upper class

society, which requires the division of sects within the class system.<sup>262</sup> Segregation of this kind is not present in current Ethiopia. However, in other countries such as Nigeria, class is seen vividly, in which case, class should be one of the identities in conducting intersectionality.<sup>263</sup>

The relationship between domestic violence, ethnicity, and poverty (low economic status) is neither clear nor uncontested.<sup>264</sup> The increased vulnerability to domestic violence of women is likely related to poverty and income.<sup>265</sup> The likelihood of enhanced violence in households where the perpetrators are frustrated by the failure to build authority in the framework of jobs, or where tensions and frustrations around a lack of money are already present, may increase the propensity for some men to use violence.<sup>266</sup> Here, we notice that it is not only the economic status and dependence of women that contribute for the domestic violence but also the perpetrator's level of poverty which leads to insecurity and enticing them to use violence as a way of showing dominance.

With significant poverty livelihood, where the pastoralist way of life puts a disproportionate burden on women.<sup>267</sup> As they are often expected to carry out a considerable amount of unpaid care and domestic work, including husbandry of small animals, without adequate access to and control over resources.<sup>268</sup> Furthermore, women's daily lives are much more burdensome than their male counterparts because of their gender they have been responsible for the upbringing of their children, household chores and other work, with little or no support from their husbands.<sup>269</sup> As a result, In Ethiopia, in a rural setting, women spend more than Fourteen hours of hard and detrimental physical labour which is unpaid.<sup>270</sup>

Moreover, women are also marginalised from the benefits such as access to land, assets, and other productive resources.<sup>271</sup> Besides, regardless of Ethiopian Family Law which prohibits early marriage, according to UNICEF in

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<sup>262</sup> Erik Olin Wright, 'Class Structure and Income Determination' (1979) 2 Academic Press 9.

<sup>263</sup> Temitope Michael Ajayi, 'Language, Social Class and Education in Nigeria: The Bridge Hypothesis' (2013) 1 University of Ibadan, Ife Journal Humanities and Social Studies 1.

<sup>264</sup> Humphreys (n 158).

<sup>265</sup> *ibid.*

<sup>266</sup> *ibid.*

<sup>267</sup> Ridgewell (n 252).

<sup>268</sup> Aysha Surti and Iman S Pertek, 'Lessons Learnt From Somali Regional State of Ethiopia: Combating Gender-Based Violence against Women and Girls in Dekasuftu Woreda' (2017).

<sup>269</sup> *ibid.*

<sup>270</sup> Mulugeta E Cherinet H, "'A Profile on Gender Relations: Towards Gender Equality in Ethiopia' [2003] *Sida* 60.

<sup>271</sup> Ridgewell (n 252).

2016, 16% of girls are married by 15 and 41% by 18, resulting in them withdrawing from education.<sup>272</sup> This is due to the cultural and religious standard of marrying girls at a young age.<sup>273</sup> Economic status, therefore, plays a vital role in contributing to the vulnerability of women to domestic violence, this begins with access to education, paying job and ownership of property. The fact that culture and religion determining the occupation of the women shows how the three social categories intersect. Furthermore, their gender and economic status intersect when gender determines whether they go to school or not and which work they should perform. Thus, proving for the need for economic status consideration in the intersectional analysis.

### **Conclusions to Chapter Two**

Different from the famous intersectional triad, i.e. gender, race and class, an intersectional analysis on domestic violence in the Somali-region should consider the five identities discussed above, i.e. ethnicity, gender, religion, culture and economic status. Understanding the complexities behind domestic violence requires the study of the contributing identities separately and identifying their intersections with one another. The chapter has pointed out how ethnicity in the Somali women's case contributed to their culture and religion by determining their area of residence. In turn, gender was shaped by their culture and religion; religion can be part of culture. Also, we have seen how gender and culture, as well as religion, determine economic status by determining the occupation of women in the region. Perfectly demonstrating the intricate relationship, the social categories have for Somali women experiencing domestic violence. In the next chapter, this paper will explain how intersectional analysis can be applied in research and policy-making process in the context of Somali women experiencing domestic violence.

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<sup>272</sup> Pertek (n 268).

<sup>273</sup> CEDAW Committee, 'Brief Report on Child Marriage and Female Genital Mutulation/Circumcision(FGM/C) in Ethiopia/ 72nd CEDAW Session' (2019).

#### 4. Chapter Three: Applied Intersectionality Framework: Mainstreaming Intersectional Analysis in Research and Policymaking

In the previous section, this paper identified the Social Categories ethnicity, gender, religion, culture, and economic status to consider for an intersectional analysis in the case of domestic violence against women in Somali-region. As Crenshaw pointed out, women are marginalised not only by social structures but also politically (political intersectionality) through laws and policies.<sup>274</sup> Accordingly, this paper argues that the process of research and policymaking should be rethought. Hence, this section shows how intersectionality could be integrated into research and policymaking. In line with the scope of this paper, the context for the case of Somali women experiencing domestic violence is considered.

##### 4.1. Intersectional Research

Intersectionality can transform how a research problem is conceptualized, how it is investigated, and how findings are used to advance social justice, i.e. by moving past a goal of “achieving statistically significant results” towards one that seeks to address and ameliorate inequity.<sup>275</sup> In the simplest term, intersectional research means research conducted by employing intersectional analysis from the process of designing research question, data collecting to conducting final analysis.<sup>276</sup> Just like its definition and scope, intersectional research has no precise way of designing and undertaking intersectional research, as Jenny Rodriguez puts it, operationalisation of intersectionality is perhaps the most challenging aspect in research terms.<sup>277</sup> Thus, in operationalising intersectionality, we look at two main questions: How do we make work intersectional? Also, how do we make categories of social difference operational for our research in a way that it captures the intersections and how the categories play out in societal structures of power, privilege, and oppression?<sup>278</sup> Thus, Intersectional analysis is related to deriving complex meaning from the observed data of structural inequality that may not be explicitly visible

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<sup>274</sup> Popa (n 71).

<sup>275</sup> Gemma Hunting, ‘Intersectionality-Informed Qualitative Research: A Primer’ (2014).

<sup>276</sup> *ibid.*

<sup>277</sup> Jenny K Rodriguez, ‘Intersectionality and Qualitative Research’, *The SAGE Handbook of Qualitative Business and Management Research Methods: History and Traditions* (2018).

<sup>278</sup> *ibid.*

in the data.<sup>279</sup> Thus, intersectional analysis goes a step forward in understanding the findings of research through the understanding of the social realities in their complexity.

The primary benefit of adopting an intersectional approach to equality research is that it provides an understanding of the issues that are closer to the lived experiences of the equality group that one is interested in, thus allowing one to develop effective strategies to address them.<sup>280</sup> Therefore, it aids in the development of appropriate equality objectives and equality outcomes.<sup>281</sup> Intersectional research requires that data and result be put into context, meaning it requires of taking cognizant of the historical and contemporary structuring of inequalities in broader society when it comes to designing research question, analysing and interpreting data.<sup>282</sup> Research questions should be specific and contextual to the issue.

#### **4.2. What does intersectional research look like? [Data Collection; Contextual analysis]**

##### **4.2.1. Applied intersectional research relevant to the Somali region**

In dealing with domestic violence in the Somali region, intersectional analysis should be employed in researches of advocates, NGOs, international organisations, policy and lawmakers combating domestic violence.<sup>283</sup> Since intersectional research portrays the reality, any researcher working on issues of domestic violence in the Somali-region would benefit from it. Since it would help them gain a better language for designating those specific and complex situations that Somali women face, and it will point them to the need for a more in-depth analysis of the social processes that create such conditions.<sup>284</sup>

Since the intersectional approach does not supersede analyses that focus on a distinct social category individually, but rather add an extra layer of complexity to such analyses.<sup>285</sup> Therefore, as Yuval-Davis advises, researchers should as a primary step focus on gathering disaggregated data on gender, religion, ethnicity, culture and economic

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<sup>279</sup> Lisa Bowleg, 'When Black + Lesbian + Woman ≠ Black Lesbian Woman: The Methodological Challenges of Qualitative and Quantitative Research' (2008) 59 *Sex Roles* 312.

<sup>280</sup> Ashlee Christoffersen, 'Intersectional Approaches to Equality Research and Data' 1.

<sup>281</sup> *ibid.*

<sup>282</sup> *ibid.*

<sup>283</sup> *ibid.*

<sup>284</sup> *ibid.*

<sup>285</sup> McCall (n 15).

status.<sup>286</sup> In Somali women context, domestic violence is not treated as acts of violence with intersections, but rather as a manifestation of only sexism since their gender is treated as inferior and subordinate.

However, as this paper has been arguing in the second chapter the intersection of gender, ethnicity, religion, culture and economic status should be considered not only because they configure particular disadvantages, but also because they shape the broader social context of Somali women's lives.

**Data Collection:** just like any research, an intersectional research's first step [after framing the research question] will be to define available data disaggregated on the social categories; race, ethnicity, etc. or in case such 'data' is not available for the identified context, the researcher should devise a way to collect such data.<sup>287</sup> Therefore, such data collection should be done by dealing with all the identities separately; such data should not be assumed or generalised instead they should be collected by giving due attention to the existence of each identity and done in a well-thought-through rational of the intersections to be analysed.<sup>288</sup> For instance, in the context of Somali women facing domestic violence, the data should not generalise and be conducted on a country level, since each region and ethnicity has its own context. Also, it should not be done based only a single social category and researchers should reconceptualise the meaning and consequence of social categories at each stage of the research process.<sup>289</sup>

Once such data is available, the "impact of particular problem and policies on particular groups of women" can be identified.<sup>290</sup> Thus, within the data a trend will reflect the intersections of identities, for instance; by studying gender, religion, culture, economic status, and ethnicity a pattern that highlight intersections will come to the surface.<sup>291</sup> This approach is in contrast to the strategy of treating women in Ethiopia as comparable in general and facing the same experience.

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<sup>286</sup> Yuval-Davis (n 7).

<sup>287</sup> Hunting (n 275).

<sup>288</sup> *ibid.*

<sup>289</sup> *ibid.*

<sup>290</sup> Hae Yeon Choo and Myra Marx Ferree, 'Practicing Intersectionality in Sociological Research: A Critical Analysis of Inclusions, Interactions, and Institutions in the Study of Inequalities' (2010) 28 *Sociology Theory* 130.

<sup>291</sup> *ibid.*

On its concluding observation, the Committee on CEDAW in 2019, gave a recommendation to the Ethiopian government to adopt an intersectional approach in the collection of data regarding gender-based violence against women.<sup>292</sup> According to the recommendation data collection should be disaggregated by age, ethnicity, race, geographical location, disability, number of cases of violence against women, number of women who are victims of violence who have received compensation. Allowing for a differential treatment of each case to be dealt in its unique context.<sup>293</sup>

**Contextual Analysis:** This is the second task in intersectional analysis, that is to document the impact of a problem that is the result of the junction of identities, and this contextual analysis should help to discover other relevant identities contributing a situation of disadvantage.<sup>294</sup> Gemma Hunting points out; it is essential to reconceptualise the meaning and the consequence of the categories that are used during the research.<sup>295</sup> Here, researchers should be explicit about the framework of the issue and the categories considered, and the categories that remain unaddressed because they are out of context/issue.<sup>296</sup> Moreover, the body conducting the

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<sup>292</sup> CEDAW Committee, 'Concluding Observation on the Eight Periodic Report of Ethiopia', *Convention on the Elimination of All Forms of Discrimination against Women* (2019).

<sup>293</sup> *ibid.*

<sup>294</sup> Hunting (n 275).

<sup>295</sup> *ibid.*

<sup>296</sup> MacDowell, E. L. (2013). Theorizing from particularity: Perpetrators and intersectional theory on domestic violence. *J. Gender Race & Just.*, 16, 531-635.



research could ask the following ask analytical questions;

No.	A Researching body (Government, NGO, International Organization, Advocates) should ask the following questions
1	How does the law discriminate against certain groups?
2	How are different social categories (gender, religion, ethnicity.) treated in anti-discrimination or equal opportunity laws? Are there any references to multiple, intersected forms of discrimination/violation or are there different grounds of discrimination represented separately?
3	Are there state institutions/ governmental bodies that deal with discrimination on different grounds? How do they address problems of multiple/intersected forms of discrimination?
4	Do policy measures in the field of gender equality consider the difference of income, ethnicity, nationality, or sexuality, or are they fixated on the category gender?
6	Which "standards of need" are a legal rule and governmental measures regarding violence against women
7	How did social division change in the course of political and economic transformation?
8	What differentiation of gender/religion/ethnicity are relevant in the country of research?
9	Are some social categories prioritized in political debate? Or policies?
10	Which norm figures are constructed within the respective social categories, which norms are represented as majority categories?

Figure 6: Analysis of the institutional and legal framework of the central policy areas <sup>297</sup>

After asking all the questions listed in the table above, the researcher thus next should identify the intersections clearly and contextually by subverting a one-size-fits conclusions.<sup>298</sup> In the process of analysis, the following table of *intersectionality-informed analysis* should be conducted as such; the following template is adopted for the Somali-region context using Sirma Bigle's template on Generic Intersectionality.<sup>299</sup>

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<sup>297</sup> Maja Sticker, 'Considering Intersectionality' [2008] Universitat Wien 3.

<sup>298</sup> Bowleg (n 279).

<sup>299</sup> Sirma Bilge, 'Smuggling Intersectionality into the Study of Masculinity: Some Methodological Challenges. Paper Presented at Feminist Research Methods' [2009] An International Conference, University of Stockholm.

<b>Social Categories</b>	<b>Discrete Consideration (1<sup>st</sup> Step)</b>	<b>Intersectional Consideration (2<sup>nd</sup> Step)</b>
<b>Ethnicity</b>	How does ethnicity inform this individual(the women's) account?	How ethnicity interacts with other social categories in this individual(the women's) account?
<b>Gender</b>	How does gender inform this individual(the women's) account?	How gender interacts with other social categories in this individual(the women's) account? Or which dimensions of the experience are interacting with gender?
<b>Religion</b>	How does religion inform this individual(the women's) account?	How religion interacts with other social categories in this individual(the women's) account?
<b>Culture/Tradition</b>	How does culture inform this individual(the women's) account?	How culture interacts with other social categories in this individual(the women's) account?
<b>Economic Status</b>	How does Economic Status inform this individual(the women's) account?	How Economic Status interacts with other categories in this individual(the women's) account?

Figure 6: A Generic Intersectionality Template adopted in the context of Domestic Violence case in Somali-region

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The party working on an intersectional analysis should take into consideration and ask the above-listed questions. Moreover, In the process of employing intersectionality analysis Yuval-Davis claims that it is essential to know “how many social divisions/categories are involved and/or which ones should be incorporated into the analysis of the intersectional process.<sup>301</sup> In the case of domestic violence against women in Somali region we can identify several social division/categories, which could be multiple in number. However, as mentioned in the first chapter one of the criticisms against intersectionality by Ben Smith was about its *open-endedness* leading to an infinite number of

<sup>300</sup> *ibid.*

<sup>301</sup> Yuval-Davis (n 7).

identities to consider and not knowing where to stop.<sup>302</sup> This paper argues, for the purpose of doing such an analysis and policymaking in the context of the Somali women case of domestic violence, the social division/category that should be employed should be only; gender, ethnicity, religion, culture and economic status, due to their proximity to the issue.

### **4.3. Intersectional Policy-Making**

#### **4.3.1. What does intersectional Policy-Making look like?**

Public Policy refers to “a guide to action, a plan, a framework, [or] a course of action or inaction designed to deal with problems.”<sup>303</sup> In particular, public policy is seen as the creation of governments, namely, ‘what public authorities, within the state, and by extension, the people they represent, choose to do or not do about public issues.’<sup>304</sup> Feminist intersectional policy analysis asks how well policies, services and programs account for the perspectives, knowledge and experience of diverse individual and communities.<sup>305</sup> Intersectional policy analysis aims to identify and address the way specific acts and policies address the inequalities experienced by a various social group, by taking social categories into account.<sup>306</sup> It is here intersectional approach to policymaking comes into motion, by depicting the reality, it identifies targeted areas where issues come to arise and requiring attention.<sup>307</sup>

Compared to the traditionally used strict sectorial approaches, intersectional approaches go deeper to examine the limits of policy-making based on gender only or ethnicity only, type of approach.<sup>308</sup> Intersectionality reveals and addresses policy silences and challenges experienced by marginalised groups, particularly among those whose

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<sup>302</sup> Petrova (n 114).

<sup>303</sup> Olena Hankivsky and Renee Cormier, ‘Intersectionality and Public Policy: Some Lessons from Existing Models’ (2011) 64 Political Research Quarterly 217.

<sup>304</sup> *ibid.*

<sup>305</sup> ‘A FemNorth Net Fact Sheet, “Feminist Intersectional Policy Analysis: Resource Development and Extraction Framework,” The Canadian Research Institute for the Advancement of Women, 2014, 1-4, Available at [Http://Fnn.Criaw-lcref.ca/Images/Userfiles/Files/FIP](http://Fnn.Criaw-lcref.ca/Images/Userfiles/Files/FIP)’.

<sup>306</sup> Cormier (n 303).

<sup>307</sup> *ibid.*

<sup>308</sup> Popa (n 71).

marginalisation is shaped by interacting form of disadvantage.<sup>309</sup> Here, we recognise the real contribution intersectionality makes beyond identifying social categories.

#### **4.3.2. Applied intersectional Policymaking relevant to the Somali-region [Intersectional Review of Policy Initiatives and System of Implementation]**

The significance of recognising intersecting social locations in policy is well illustrated by the examples of violence against women and crime policy.<sup>310</sup> Focusing on the gendered nature of violence, traditional policy responses to violence against women underscored the shared experiences of battered women.<sup>311</sup> Thus, failing to acknowledge the unique experiences of each woman.

In general, violence against women such as domestic violence cannot be read through the lens of gender without accounting for other intersecting factors that shape the lived realities of affected women and determine their needs and help-seeking patterns.<sup>312</sup> Therefore, interjecting intersectional analysis in to the policymaking process on complex issues of women [in this case domestic violence] can provide the way forward to develop more targeted programs addressing the issues, while at the same time ensuring initiatives in the fields of social inclusion, anti-discrimination or gender equality reach and benefit Somali women and girls. i.e. works related to the prevention of domestic violence.

To date, it can be argued that the Ethiopian policy-making process, has been the traditional policymaking approach and has given no attention to intersectionality/intersectional analysis. In order to create more inclusive and relevant equality mainstreaming mechanisms, it is necessary to comprehend the differences and relationship between various inequalities. From experience it has been witnessed countries who have employed intersectionality informed policies had demonstrated better understanding of the construction and perpetuation of inequalities within public policy.<sup>313</sup>

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<sup>309</sup> Cathy J Cohen, 'The Boundaries of Blackness: AIDS and the Breakdown of Black Politics' [1999] University of Chicago Press 1.

<sup>310</sup> Cormier (n 303).

<sup>311</sup> Ferree (n 290).

<sup>312</sup> Cormier (n 303).

<sup>313</sup> *ibid.*

Generally, the purpose of an intersectional approach to policymaking can be: *a) to better understand the realities of discrimination/violation*: It will enable us to understand how and why Somali women face domestic violence and identify which intersecting social identities need attention. *b) to acknowledge the severity of multiple marginalisations*: Intersectional approach will enable us to understand the multiple marginalisation's Somali women face, due to their gender, economic status, culture, religion and ethnicity. *c) to design better equality policies (with more targeted and efficient policy measures*: since most of the policies in Ethiopia regarding women's right violation are a single-axis, i.e. gender. That is applied across the country similarly. Moreover, solutions for violence against women remain unlikely if violence against women is imagined through mono-categorical lenses (single axis) such as Gender lenses.<sup>314</sup> Thus the intersection of ethnicity, culture, class, religion and gender have shown to be relevant to women's and gender studies in bringing the intersections of inequalities into focus.<sup>315</sup> Thus, It can provide the way forward to develop more targeted programs and at the same time to ensure that initiatives in the fields of social inclusion, anti-discrimination or gender equality reach Somali women and girls.

As echoed by Crenshaw and Yuval-Davis, intersectionality frameworks are used to rethink social problems such as domestic violence.<sup>316</sup> For Yuval-Davis identities/social categories have organisational, intersubjective, experiential and representational forms, they are expressed in specific institutions and organisations, such as state law and state agencies, trade unions, voluntary organisations and the family.<sup>317</sup> Thus, recognition of the identities as autonomous is required in the process of framing policies or laws involving them, without intermeshing them or reducing them to each other.<sup>318</sup> Furthermore, she highlights whenever intersectional-analysis is applied, and they should be examined separately, in a "contextual analysis" first and then identify the intersections.<sup>319</sup>

According to Yuval-Davis policy initiatives should have an intersectional analysis and should involve "as many people on the ground as possible" not only the perspectives of the policymakers.<sup>320</sup> Also, Angela Kocze claims that

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<sup>314</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>315</sup> Maja Sticker, 'Considering Intersectionality' (2008) 1 *Governing Difference*.

<sup>316</sup> Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (n 4).

<sup>317</sup> Yuval-Davis (n 7).

<sup>318</sup> *ibid*.

<sup>319</sup> Maja Sticker (n 315).

<sup>320</sup> Yuval-Davis (n 7).

intersectionality offers tools for formulating complex and responsive public policies in fields such as social inclusion and gender equality.<sup>321</sup> Which proves that when a policy is designed to address certain issue such as domestic violence, it is essential to understand the context as well as the victims' identities. This paper argues the identities considered to design policies and strategies to fight domestic violence in the U.S. should be different from the one in Africa, such as Somali region.

This paper echoes the steps needed to be considered by the Ethiopian government and the Somali regional government to adopt in the process of policymaking and devising strategies (e.g. preventive mechanisms) in the fight against domestic violence for women of the Somali region as well as the rest of the country. Therefore, the processes of policymaking should adopt intersectional approach and should involve as many people as possible who can relate to the context.

#### **4.3.3. Intersectional Review of Policy Initiatives and System of Implementation:**

Once the information has been gathered and analysed the next steps is to make specific policies on the issues of the most apparent disadvantages they specifically faced in the area, For instance in Somali region it can be, access to education, property/land ownership. Furthermore, in the context of violence against women It is important to realise that the approach the government has been taking is using single-axis analysis, which may results in 'blind spots' where particular issues remain invisible or unaddressed, therefore, should be set aside.<sup>322</sup>

For instance, anti-discrimination policies often focus on combating sexism but do not integrate solutions to problems of social exclusion related to poverty, ethnicity, religion and other facets of social identity.<sup>323</sup> Intersectionality seeks to acknowledge the impact of multiple identities, discriminations, and inequalities on women's and men's experience.<sup>324</sup> According to Crenshaw, intersectional subordination is often invisible

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<sup>321</sup> Popa (n 71).

<sup>322</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

<sup>323</sup> Sticker (n 297).

<sup>324</sup> Crenshaw, 'Demarginalizing the Intersections of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (n 2).

particularly for women who experience multiple forms of discrimination, and it is inadequately addressed by gender equality framework.<sup>325</sup>

In the process of employing intersectional analysis, it first requires each identity to be identified and dealt separately.<sup>326</sup> Thus, Somali women's problems require specific solutions relevant to their context, such as young Somali girls' issue of access to education. Somali women are exposed to multilayered inequalities which are disempowering and silencing indeed, there are many differences among Somali women, yet, some are general.<sup>327</sup> Somali women are not a homogenous group among themselves and other Ethiopian ethnicities, poverty correlates to various factors, such as the employment status, educational achievement, and whether rural or urban area and it is quite conceivable that Somali woman who experience the highest level of absolute poverty also face more significant gender-related vulnerabilities such as domestic violence.

Finally, this paper proposes approaches to tackling violence against women; *First*, re-evaluation of existing gender policies to integrate gender equality and consciously work against gender stereotypes by considering the identified social categories. *Secondly*, new gender equality policies must become more inclusive and integrate anti-racism, anti-poverty, eradication of harmful culture/tradition and diversity among their goals. Finally, Specific Somali woman policies are also necessary to address some of the most obvious disadvantages they specifically face in their region, such as access to education, property ownership, access to land. Also, such disadvantages lie at the intersection of ethnic, gender, religion, and economic disadvantages.

### **Way Forward:**

From all the discussion above this paper proposes the development of adequate policy responses to the situation of Somali women by interjecting intersectional methodologies to provide a useful tool for policymaking processes that respond to the complex situation of Somali women. One of the specific characteristics of intersectional analysis is an anti-homogenising approach that refrains from over-generalisation. An intersectional approach scrutinises the

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<sup>325</sup> *ibid.*

<sup>326</sup> Yuval-Davis (n 7).

<sup>327</sup> Ridgewell (n 252).

differences within broad categories of ethnicity, gender, and class and explores how different social divisions are entangled and constructed by each other.<sup>328</sup>

### **The conclusion to Chapter Three**

Even though, by and large, the different aspects of the violation on Somali women can be qualified as “intersectional discrimination/violation” they are neither recognised or conceptualised as such by researchers and policymakers. This paper argues that intersectionality first and foremost should be introduced in the discourse of women’s rights violation, it helps to understand the violations as well as for devising protection and prevention mechanisms. Furthermore, this paper argues even the nomenclature “gender-based violence” implies single-axis notion and should be set aside.

Moreover, the concept of intersectionality should be employed by researchers, as to help them gain a better language for designating those specific and complex situations that Somali women face, moreover, it will point them to the need for a more in-depth analysis of the social processes that create such situations. In doing so researchers should as a primary step focus on gathering disaggregated, since intersectional approach do not supersede analyses that focus on a distinct social category individual, but rather add an extra layer of complexity to such analyses.

Since women in the Somali region are treated as inferior and subordinate, therefore, when developing adequate policy response to issues of Somali women, there are hindering factors that need caution both as conceptual problem and lacking baseline data on the situation of Somali women. Thus, in developing an intersectional analysis one of the specific characteristics is an anti-homogenising approach that refrains from over-generalisation.

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<sup>328</sup> Yuval-Davis (n 7).



## 5. Overall Conclusions and Recommendation

This paper intended to address the question; whether intersectionality-a theory developed in the west-be employed in a different context other than its origin [Africa]. Thus, in doing so, the paper began its first chapter by introducing the concept of intersectionality in its origin [U.S./western world], the paper presented the essences and evolution of intersectionality including the criticism that has been made by scholars.

The paper pointed out that Intersectionality is considered to have been one of the most significant contributions of feminism to date. Originally designed to recognise the discrimination Black women experience based on their race and their gender in the U.S. Intersectionality was explained as the idea that disadvantages are conditioned by multiple interacting systems of oppression. Thus, understanding the unique experiences of Black women. Even if intersectionality has received the standing ovation over the years, it has been criticised of its ambiguity and open-endedness. Furthermore, paradoxically, its ambiguity and open-endedness had been a reason for praise for intersectionality's success as a theory.

Moreover, this ambiguity and open-endedness left intersectionality without a single formula which allowed intersectionality to be framed in a different context than its origin, thus making this paper possible. Therefore, in the second chapter, to adopt intersectionality in the African context, the paper chose Ethiopia-Somali region and the issue of domestic violence against women. Since the application of an intersectional analysis or a contextualised approach to multiple grounds of discrimination has various advantages, it acknowledges the complexity of how individuals experience discrimination and recognise the experience of discrimination can be unique. Also, it takes into consideration the cultural and historical background of the society. It focuses on society's response to the individual as a consequence of the confluence of the premises and does not require the individual to be slotted into rigid compartments or categories.

Therefore, the second chapter reformulated Intersectionality into Africa-Ethiopia. The paper argued that the intersectional social categories considered in the western concept would result in theoretical failure. Consequently, it devised intersectional analysis for the context of the Somali women; Thus, the paper chose five social categories that have a direct contribution for domestic violence in the Somali region, i.e. ethnicity, culture, religion, gender and economic status. These identities have a direct contribution to domestic violence separately and in their intersection with one another. Thus, demonstrating the need for an intersectional explanation of their experience.

After the identification of the social categories and demonstrating their intersection which contribute for domestic violence in Somali context, the third chapter presented applied intersectionality in which intersectional analysis can be employed practically in research and policymaking process. Thus, intersectionality will inform the process of

designing the question, analysing of the data and conclusion. Since every experience of violence is unique, a one-size-fits-all type of research or policymaking process should be set aside. Which also has the advantage of helping researchers gain a better language for designating those specific and complex situations that Somali women face, moreover, it will point them to the need for a more in-depth analysis of the social processes that create such issues. The paper furthermore notes that to apply intersectionality in the litigation process further and in-depth research is required.

This paper has shown that even if intersectionality is initially theorized in the western world for their context, it can be reformulated to fit into a different context. Since intersectionality is a perfect demonstration of the reality, it is advantageous to understand complex social issues in Africa-Ethiopia therefore, since intersectionality does not have a single formula, with modification to the context intersectionality can be applied to the context of Africa-Ethiopia. However, the concept is still unknown for most of Africa, including Ethiopia which requires further research. Thus, the paper recommends the following to change that;

### **Recommendation:**

-The Ethiopian government should set aside the term “gender-based violence” since it is a single-axis understanding of violence against women.

- Intersectionality as a theory is a perfect depiction of the reality and a tool of understanding complexities, therefore, it should be introduced in the academia, i.e. secondary school and university level curriculums.

-Intersectionality beyond academia should be presented to the general public via public media platforms to create public awareness of its essence and purpose.

- Any interested body conducting research [in this case on domestic violence] should employ intersectional analysis in their work and ask questions that are ‘intersectionality’ informed to detangle the complex nature of violence, including human right violations.

-The Ethiopian legislature body should consider policies that have employed intersectional analysis for the law-making process.

Further research areas

-Research on the application of intersectionality in the African context, not only for domestic violence, but also in several social injustices against different groups such as children, minorities, or refugees, Internally displaced people.

-Research on Intersectional analysis must be conducted from the perspective of perpetrators to disentangle the complexities of violations,

-Research on how intersectional analysis can be employed in the litigation process, both in Civil law and Common law systems.

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