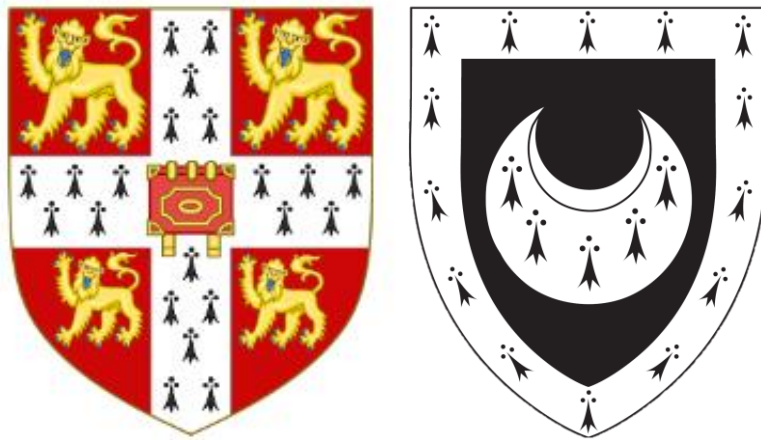


# Exploring Justice: Examining the Role of Intersectionality in British Criminology

*An exploration of the development and significance of intersectional criminology in Britain, considering its role both in the present and the future.*



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# Introduction

Criminologists have always been interested in the relationship between crime, race and gender– a lot of criminological research is dedicated to exploring how different personal factors shape or dictate differences in offending, victimisation and overall case outcomes. However, with the growing awareness of the intersections between personal identities today, there is a movement towards addressing the shortcomings of criminological theory by closely examining how the justice system exploits, embodies and extends existing social inequalities. Considering intersectionality in criminology is more than just a theoretical exercise, but has a direct impact on marginalised groups, and therefore a direct impact on effective justice.

“Intersectionality”, as we understand it today, was defined by Black feminist legal scholar Kimberlé Crenshaw, who has indicated that her conceptualisation is based in both traditional Black feminist theory and critical race theory. Crenshaw’s understanding of intersectionality is that different experiences and lives cannot clearly be separated into distinct identities, but instead that those identities overlap and affect one another in different ways depending on the context and on the situation.<sup>1</sup> The idea of intersectional criminology absorbs Crenshaw’s intersectionality concept into criminological research and theory when evaluating justice and crime. Essentially, it advocates for a more holistic view, allowing for a ‘multi-directional understanding’ (Parmar, 2016) so we can start to see race through the lens of gender, and gender through the lens of race, rather than seeing them as two completely different entities, with two completely different impacts. In recent years, the push for intersectional criminology has become even more significant with social movements like #BlackLivesMatter, #MeToo, and #SayHerName<sup>2</sup> encouraging a move away from the

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<sup>1</sup> Definition paraphrased from her own in *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*

<sup>2</sup> #SayHerName emerged following the 2015 death of Sandra Bland. The aim of the hashtag is to bring attention to gender-specific ways in which Black women are disproportionately affected by racial injustice and is typically used to document the stories of Black women who have been killed by police, or who have died in police custody.

typical “White racial frame”<sup>3</sup> of criminal justice, instead looking towards one that is more holistic, considering factors that are more representative of our modern society.

I have chosen to analyse race and gender as they both present practical and policy challenges for the criminal justice system, with those challenges being similar in some ways, but incredibly varied in others. Historically, both ethnic minorities and women (as well as those with gender non-conforming identities<sup>4</sup>) have both held subordinate social and economic positions in society which has led many key societal systems to be designed without their interests in mind. When considering identities that have been particularly impactful in British criminological research, these two come to mind, being two of the most researched identities, and two in which intersectional approaches have started to be considered.

This project aims to explore the role of intersectionality, specifically in British criminology, by focusing on the intersection between race and gender. By conducting interviews with legal professionals and analysing existing criminological theories regarding race and gender, this study aims to understand the extent to which British criminology seems to understand intersectionality, and the extent to which the concept of intersectional criminology can be embedded in criminological research. From these findings, it will move to discuss the overall significance of recognising intersectionality in criminal justice and conclude with a reflection on its overall significance.

## **Background – A Brief Overview of British Criminology**

Criminology involves the scientific study of crime and criminal behaviour from a social perspective. Rather than looking at what crime is, criminology considers that in light of

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<sup>3</sup> Joe Feagin has identified that in both Europe and North America, a White racial frame has been the vantage point from which we have regulated and interpreted societies. Within this racial frame, Whiteness is considered to be the default identity, and this is something that he believes is evident in the justice systems of both regions. Potter further commented on this understanding of the typical vantage point, suggesting that recognising it as a “White *male* racial frame” would be more appropriate when discussing intersectionality.

<sup>4</sup> Throughout this project, gender is explored as a binary to align with the existing criminological theories. Non-binary identities have been understood to be a source of oppression in society, but there is little empirical evidence to support this.

the impact that it has on society, the causes of crime, the individuals who commit the crime, and their own circumstances. The founding fathers of the discipline – thought to be Enlightenment philosophers such as Bentham, Kant and Beccaria – took a philosophical approach to the problem of crime, believing that law and criminal justice should be proportionate to the crime committed to protect the intrinsic moral authority they believed the law had. Following criminologists, like Lombroso, moved away from this moralistic argument, instead moving towards positivism and arguing that a more scientific and objective approach was required to reflect on the realities of how crime manifests in society.

British criminology is somewhat unique in that it did not emerge from the Lombrosian tradition, or the European movement. The British perspective took on a distinctive medico-legal approach, where “criminological science” was born – it still takes an approach that can be described as biological positivism, but in a way different to that of Lombroso. Essentially, early British criminology made use of a classification system, where the ‘conditions’ that led to criminality and offending were discussed separately from the individuals who committed them; conditions that criminals were often said to exhibit included insanity, moral insanity, degeneracy and feeble-mindedness. These conditions would then be considered through a psychiatric lens, so criminology would apply them to a certain part of criminal populations, leading to discussions of the “criminal class” and “the morbid psychology of criminals”.<sup>5</sup>

This style of criminology was constantly evolving, because it was borne out of practical contexts that were never static due to institutional development. However, it was only after the First World War when Maurice Smith (often thought of as the first British criminologist) started to reject the search for “general theories” in favour of the “study of the individual”.<sup>6</sup> Smith advocated for more psychoanalysis, to assess the personality ‘make-up’ of offenders, which led to the development of psychiatric work, and a significant development of criminological theory. Much of this psychiatric work actually

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<sup>5</sup> Quotes taken from psychiatric journals written and published in the 1860s by Henry Maudsley, J. Bruce Thomson and John Baker.

<sup>6</sup> Hamblin Smith, M., *The Psychology of the Criminal*, 1922, p25

revealed that there are factors which affect crime and offending which can be mitigated and dealt with before 'disturbed conduct' actually becomes criminal. This led to Goring's *The English Convict* which marked a major development, as social science research started to be used to answer questions that arose in institutional practice; instead of finding that there was a particular criminal type, as Lombroso had previously, but instead saw criminality as normal, and those who offended as being a variant of normality. This work was transformative for the development of British criminology, inspiring work that began to assess social factors as the norm, such as Burt's *The Young Delinquent*, which looked at family relationships, education and poverty, as well as assessing the way they affected youth crime. Burt concluded that delinquency was not the outcome of special factors, but instead was the result of a combination of factors – he was the first to note that the study of criminality needs to be multi-causal in scope to be effective, and that treatment needs to relate to the needs of the individuals.

The multi-causal framework set up by Burt is particularly significant as it is the one that academic criminology has continued to form itself around. Since the early days, the discipline has developed and presented numerous diverse ideas about crime and crime control – the rise in 'administrative criminology' (as termed by George Vold) has seen governments fund criminological research centres, such as the Cambridge Institute of Criminology, and the creation of the Home Office Research Development and Statistics Directorate, whilst the development of 'radical' and 'critical' criminology has seen exploration of the relationship between crime and inequality, as well as the role of the state in crime causation. As criminology has continued to grow into an academic discipline, we have seen it start to become more reflective of issues that society deem problematic, with a lot of criminological research often

Understanding the development of British criminology is particularly significant because it is so different from that of America – where the concept of intersectionality both originated and became entrenched in criminology. Considering the functions that British criminology was designed to perform allows for real reflection on whether intersectionality is an idea that can be accommodated comfortably, or whether we will need significant change.

# Literature Review

## Feminist Criminology

Feminist criminology has been the focus of a lot of criminological research since the 1960s, often thought to be aligned with the second-wave feminism movement. Initially, feminist criminology took a very reactionary nature, as it originated in response to the exclusion of women from criminological research. During the early days, whilst criminology was still emerging as an academic discipline in its own right, it was clear that studies relating to men and male criminality were considered “general knowledge”, with women being excluded as both the producers and subjects of this knowledge. Feminist scholars objected to this view, and instead argued that gender was the strongest predictor of offending.

The earliest theories about women’s criminality focused on their psychological and physiological traits, rather than social or economic ones. At the time, most research was being presented by male scholars and criminologists, and it has been heavily criticised for drawing on incorrect assumptions on the “nature of women”. Ideas presented included the separation of the “normal woman” from the “criminal woman” (Lombroso, 2004) and the idea that women were acting due to “penis envy” (Klein, 2003, based on the works of Freud). It was not until Agnew’s Strain Theory where an attempt was made to consider the difference between men’s and women’s crime rates alongside the different types of pressure (whether societal, physical, emotional, financial, etc) that they experienced.

After the strain theory, feminists started to use the standpoint theory in order to subvert the gender-blind criminological theory of the time. The standpoint theory essentially argues that one’s perspectives are formed based on their experiences – it allowed research that sought to understand female criminality to finally be based on the lives and backgrounds of women who were caught up in the justice system, and themes emerged which seemed to show a connection between offending women and abusive situations in their lives, whether relating to poverty, addiction, homelessness or sexual abuse. This in turn led to countless studies on the link between victimisation and

criminalisation, leading to the theory that women's 'deviant' behaviours could be understood as a coping mechanism, and moving away from the traditional idea of the chivalry thesis.<sup>7</sup> However, this theory fell under a lot of criticism for overgeneralising the experiences of women, based on what is now understood to be an unrepresentative sample, and for hyper-focusing the role of abuse in the lives of women, avoiding the question of "why the state responds to abused women with punishment" (Oparah, 2005).

Feminist criminology did not only focus on why women offend, but took a more critical view at how gender affects criminal offending. The idea of masculinity and crime began to be explored in the mid-1990s, with Connell speaking of "hegemonic masculinity" as being a dominant form which is privileged and upheld by society. The idea is essentially that men are often overrepresented in crime statistics because they are being socialised into behaviours that are more likely to lead to deviation from societal expectations due to toxic and unrealistic expectations. Having an understanding of the changing nature of masculinity, and the changing expectations and pressures on men, has meant that most, if not all, criminology relating to gender has moved from a very biological standpoint (which research relating to race is arguably still stuck at) to one that is far more able to consider societal and circumstantial factors, meaning that there is a lot more room for consideration of intersectionality.

## Race and Criminology

The concept of race in British criminology has been particularly interesting, often being an area that stimulates a lot of public interest, whilst being somewhat neglected in terms of substantive research. It is true that there has been a lot of progress in highlighting issues and disparities, but there has not been so much progress in addressing the problems and creating viable solutions. It seems that there is a reluctance to discuss race in the same depth to which other issues are tackled, and this is likely because there has never really been any interrogation into what we mean when

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<sup>7</sup> The chivalry thesis was based on assumptions about women's criminality being less harmful to society – crimes of women were seen to be due to errors of judgement rather than wilful actions.

we refer to “race” and “ethnicity” in criminal justice. Wicks argues that “race” should be approached as a discursive contrast, rather than a real, naturally occurring phenomenon as this presentation can often lead to interpretations of race being read as the cause of a social condition like criminality.<sup>8</sup> Moving away from analysing issues with crime and justice in a way that focuses on race as a free-standing issue, and instead looking at the racialisation of certain institutions, relationships people and places would both entrench racial research and encourage useful findings that can be worked into solutions – criminologists such as Garner have suggested and researched moving in this direction, but currently, there seems to be an “omission of race” (Parmar, 2017) in substantial British criminological research.

Additionally, a lot of criminological research into racial disparity refers to BAME individuals (meaning Black, Asian and Minority Ethnic) which further limits the ability to make substantial change and meaningful observations. Considering such a wide range of ethnicities and cultural backgrounds in a heterogenic way has masked significant differences in experiences and outcomes, and the loss of nuance often works to obscure specific challenges faced by different subgroups within the BAME community. Additionally, the consideration of all ethnic minorities as a monolithic category has meant that race-focused criminology is often just that – race-focused. Whilst feminist criminology has taken on considerations of gender, femininity and masculinity, and family roles, it has also been instrumental in starting the intersectional conversations, making links between gender, crime and class, as well as gender, crime and education, gender, crime and sexuality, and the links between offending women and women who have been victims of crime. In comparison to this, race-focused criminology often falls flat, considering race in a very static way, without looking at the cultural nuances that affect many, and are distinct across different backgrounds.

British criminology has been described as “institutionally white” (Phillips et al, 2020) which works to its detriment when trying to consider race holistically. Criminological research into race in the UK often fails to consider Whiteness as a race, meaning that

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<sup>8</sup> [Wicks, \*Why Is My Criminology Still So White?\* \(2023\)](#)

there are traditionally neglected classes like people from Romani (Gypsy), Traveller and Roma backgrounds, who are often relegated to the “White Other” category in research by both governments, and criminologists. The Lammy Review highlighted disproportionality and poor outcomes for many BAME people in the criminal justice system, but none of the recommendations were aimed at Traveller communities, even though they face many similar problems – they are often overrepresented in both the adult and youth justice systems, and it has been said that they are subjected to discriminatory sentencing and incarceration.<sup>9</sup> The media and society often associate these groups with criminal offending, despite the fact that there is no rigorous evidence to validate these claims, and there is no real research into the victimisation of Traveller communities either. The fact that we consider race in such a binary nature in the UK (essentially considering it as White or non-White) is extremely limiting for criminological research as it creates opportunities for blind spots such as these.

### Intersectionality in Existing Research

As already mentioned, intersectionality is a very American idea, with even the imagery of an “intersection” being based on a very American road structure. Recognising this is particularly important when considering the role that intersectionality plays in British society, and British criminology, because in America, it had foundations that are not so present here, and so it is not an idea that has taken off in the same way. The foundations of critical race theory in the US, presented by Black feminist thinkers like bell hooks and the Combahee River Collective, meant that intersectionality was not like implementing a completely foreign idea into criminology. This was not the same in the UK – as race is an issue that is not so openly discussed or researched, it doesn’t easily fit into criminology in its own right and seems really to have found its place as offspring of feminist criminology. Research into gender and crime has been abundant, and so starting to challenge the dominant narratives and the tendency to focus solely on

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<sup>9</sup> There is a lack of disaggregated ethnic data, and so it is hard to point to the exact disparities. However, a lot of anecdotal evidence, and a number of community reports indicate that Romani, Roma and Traveller people are faced with far more custodial sentences, instead of the diversion programs and alternative sentencing that has been used for other ethnic groups, allowing them to be able to rehabilitate in the community.

gender is an effective way to consider intersectionality alongside many other identities and framing it in a “gender-first” manner has seemed to make it somewhat more palatable for audiences and society.

It is important to note that there has been a noticeable expansion in what is considered to fall under the consideration of intersectional criminology. Barmaki proposed that Crenshaw’s intent for the term was to account for socioeconomic and political marginality, but that it now refers to marginalised people of a variety of backgrounds – we no longer consider intersectionality only in the terms of gender and race, but also consider other sources of discrimination and oppression, like class, sexual orientation and disability.<sup>10</sup> The significant idea of intersectionality was simply that the combination of two (or more) perceived minority traits will produce a distinct third minority entity, which creates a type of disadvantage that is different than just combining the first and the second, and the understanding of this has given researchers a lot of scope, and a test in application. Intersectional criminology is a very fast-growing area currently, with light now being shed on intersections between race, gender, class, disability, sexuality, religion and more, so although it is a somewhat underexplored area, there are very strong indications that meaningful change is happening.

## Methodology

This study used semi-structured interviews, conducted online to interview Cambridge academics on their perspectives and experiences with race and gender in criminological research and their understanding of intersectionality, as well as how the two relate. These interview techniques were used to make sure that the interviews covered several relevant topics, with many of them focusing on the significance of societal beliefs, the developments in criminology, the developments in feminism and the possibility of further implementation in criminal justice.

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<sup>10</sup> [Barmaki, \*On the Origin of Concept of “Intersectionality” in Criminology\*, 2020](#)

The interviews were led by a list of prompts which were used to stay on topic, but the participants controlled and guided the direction of conversation. Interviews were transcribed using AI software and then manually edited for accuracy. They were anonymised and compared for similar themes, which informed the writing of my discussion section.

## Ethics

It was incredibly important for me to protect the privacy of my participants, due to the sensitive nature of my research topic. I was very clear at every stage that all interview data would be anonymised and encrypted before saving, and my analysis was based purely on this anonymised data.

## Demographics

My dataset comprised of 5 legal academics, recruited using purposive sampling techniques (directly requesting to speak to certain individuals, via email) and snowball sampling techniques, where those I had previously interviewed recommended others who they thought may be interested. There are some characteristics of the population which must be noted in the analysis of the results. Most notably, the population is part of a highly selective academic institution. The findings in this study should be in no way extrapolated to the wider public and should instead be interpreted as a reflection of a small sample.

Throughout this project, it was also important for me to recognise my own potential biases as a Black woman living in England, with my own opinions on the developments of criminology and intersectionality. I recognised that these biases could influence the questions that I asked, and the ways that they were phrased, particularly given my own preconceptions. I made sure that I was mindful of these subjectivities during both the interview process and analysis, ensuring that discussions were led by the participants, and that the themes in the discussion came directly from the participants.

# Discussion

## Intersectionality in Society

Throughout interviews, it became clear that many did not believe that British society has a good understanding of what intersectionality actually is, even outside of criminal justice. Often, it seems that there is a public opinion that we are living in a post-racial society (likely informed by publications like the Sewell Report, which reported that “the UK does not have a systemic problem with racism”)<sup>11</sup> and so many do not see racism and racial discrimination in the same way that they see issues such as systemic sexism (with a notable example being the difference in treatment between the gender pay gap and the ethnic pay gap). This links to the idea presented by Harding in 2004, that an individual’s knowledge generally stems from their societal position. Undoubtedly, Britain is a predominantly White country, which could be why the perception and understanding of race and racism in society is so rudimentary compared to sexism; people have a better understanding of the challenges that can be presented by (the binary of) gender because they both experience them, and they are openly discussed in society in a way that is not always true when considering race, or sexuality, or disability, or religion.<sup>12</sup> In British society, there appears to be a distance between the perception of oppression by marginalised groups, and those from non-marginalised groups and, when considering this alongside the reluctance to talk about politicised identities, like the effects of race, or the effects of religion, it become apparent that there is no real understanding of intersectionality in society through a lens that is not gender-focused, or feminist.

The socio-political context of the foundations of criminology is of course, important to consider because it is so relevant to the success of intersectionality in US criminology, and its slow progress in the UK. Through both speaking with my interlocutors and observing media and academic articles, it is clear that no-one perceives the US to be a

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<sup>11</sup> [Commission on Race and Ethnic Disparities: The Report, 2021](#) (also referred to as the ‘Sewell Report’)

<sup>12</sup> Although it is true that there is clear awareness of the gender binary, this is not actually the same for those who have gender non-conforming identities – their experiences can often be far more similar to those with “other” identities, relating back to the fact that their experience of gender is further marginalised because it is different to what is considered the “standard”.

society in which intersectionality is completely understood and implemented. Like the UK, it faces problems with sexism, racism, ableism, homophobia, religious discrimination and so much more, but because there is far more opportunity to discuss these problems on a far more open platform, there is greater understanding of the nuances and challenges that are presented. Some people interviewed believe that the reason intersectionality is strong in British feminism is because feminism played a vital role in the growth of criminology, just like critical race theory did for the creation of intersectionality in the US. Feminism has been (and arguably, continues to be) politicised to some extent by different British governments, but in a way that is far more positive than the politicisation of race and religion and sexuality. By putting intersectionality into an existing and agreeable ideology, it is essentially allowing the idea to become more palatable, and in a way, more natural to British society than its raw conception, which is inherently American. The rise of intersectional feminism in recent years is the main way that intersectionality has been considered and discussed societally, and this is reflected in the British foundations of intersectional criminology, which often seem to have a focus on gender, more specifically womanhood. As intersectional feminism continues to be more entrenched in society, it is likely that we will see a growth in the understanding and acceptance of intersectionality as a standalone concept.

Another issue with the introduction of intersectionality in both British society and criminology is that there is a lot of distrust around the term, with some viewing it as a buzzword, and many criticisms involving the idea that it is so vague, it is just being used to justify analysis by “liberal-capitalist forces” and “contemporary left debates” (Robertson, 2017). In recent years, ‘identity politics’ has suffered from a lot of criticism, notably from the previous Conservative government, but this has also been seen in a lot of media discourse. This rejection of even the concept of intersectionality in British society makes it incredibly hard for it to become embedded in culture and embraced in sociological and criminological research, and many of the individuals I spoke to pointed towards the distrust of the concept more widely as one reason that it has not been able to truly flourish in terms of both research and implementation. However, this suspicion

has been waning in recent years, and the concept of intersectionality is far less polarising than it has been.

A particularly interesting conversation that I had during one interview related to the hierarchical nature of British society; it seems that we are very comfortable with the idea of having an order of significance, and having clear division between those levels, something that intersectionality is fundamentally opposed to. Hierarchy is seen everywhere in British society – it is clear in the fact we have a monarchy, evident in the fact that our bicameral legislature involves an upper and lower house, and even implicitly present through the class system that is so embedded in our society. Intersectionality also introduces the idea that people can hold positions of privilege and disadvantage simultaneously, which further challenges the concept of hierarchy. This acceptance of the idea of hierarchy has meant that we are more comfortable discussing clear divisions between oppressor and oppressed – the multiple axes of oppression that intersectionality seeks to explore clearly challenge this societal basis. The idea of intersectionality is to try and dismantle the idea of hierarchy and move towards one that constantly considers the overlapping of different identities. The fact that there is no real equivalent overlapping phenomenon in British society means that it is hard for it to be able to find a place. Nevertheless, it seemed clear to the both of us that society is moving in a direction where labels, and distinct social orders are being dismantled, so although the idea of intersectionality does not fit into the idea of historic British society and seems at odds with certain aspects of society today, there is a lot of hope for the future.

Although there was a lot of discussion about how far society still needs to come regarding both understanding and embracing intersectionality, it seems clear that we are moving towards a society which is far more prepared to embrace it, and far less scared of the idea than it has been previously. Through both my reading and interviews, it became abundantly clear that there is a strong belief that until there is a real understanding of intersectionality in society, and political engagement and endorsement, it is unlikely to take off in a way that mirrors the significance of intersectionality in the US. Criminology is so clearly influenced by society, and research

is so led by criminologists' interests that embracing the idea of intersectionality in society first would mean that there is a strong foundation for criminological research to develop from. It is incredibly important to note that we are already seeing changes in criminological research and reporting as intersectionality is becoming a more discussed topic; all my interlocuters made it clear that they believe the progress of recent years is clear, and I would agree that intersectionality is growing in importance in society, which is being reflected in criminology.

### Intersectionality and Criminal Justice

A common theme that came up in every interview is that the criminal justice system, and criminal systems more generally, do not operate in a bubble – they function as microcosms of the societies in which they exist, and perpetuate issues regarding power and identity in themselves. The fact that the justice system aims to take an impartial and objective approach to criminal justice often means that different challenges faced by different identities tend not to be understood, or even explicitly recognised in justice processes. Considering intersectionality in criminal justice came up as important for many reasons – many of the people I had interviewed thought it was particularly important to see how the theories and research of criminology are being put into practice, and to question whether they are having any notable impact.

In recent years, there has been a clear effort to eradicate discrimination in criminal justice, but this is often done by looking to White women when discussing gender inequalities, and looking to Black men when exploring racial disparities; we have not yet reached a place where a lot of research is done through an intersectional lens, and the way that we do consider gender and race, amongst other identities, often leads to certain groups (often minority ethnic women when considering race and gender in crime) being overlooked, and treated in isolation.

### *The Prison Problem*

In every interview that was conducted, prisons were mentioned and discussed at least once, purely because they are so instrumental to the implementation of intersectional

criminology in Britain. The popular idea that we should be “tough on crime” has disproportionately impacted people from poorer backgrounds, women and those from minority ethnic communities. We have routinely seen higher sentencing rates for those from ethnic minority backgrounds, often being highest for those from Black and Mixed backgrounds, and the Ministry of Justice has documented that a considerable percentage of women have been prosecuted for “petty crimes”, such as shoplifting and TV licence evasion (Ministry of Justice, 2018). Statistics have also shown that the percentage of women imprisoned with no previous convictions is higher than the percentage of men convicted with long criminal histories, with prosecution rates being twice as high for Black women than for White women.<sup>13</sup> We have also seen findings suggest that Asian women are more likely to plead not guilty than White women because there is a greater cultural stigma, which can then lead to longer sentencing when convicted.<sup>14</sup> All of these statistics, and more, prove that there is a real role for intersectionality when shaping the understanding that experiences of imprisonment and punishment are not universal. Prisons have been the focus of a lot of attention regarding things like privatisation and overcrowding, but research into them is yet to take an intersectional perspective, even when addressing these concerns.

A lot of research into gendered experiences in prison has highlighted that women’s needs can often be overlooked in the prison system; statistics of women in prison in England and Wales have increased by over 200% since 2000 (van den Bergh et al, 2011) but even with this rise, women continue to be in the minority of prisoners, which has been linked to their relative invisibility and lack of gender-specific treatment. It was argued by van den Bergh that prisons are generally structurally designed and run to cater for male inmates, and so it is unrealistic to expect women to be able to properly rehabilitate and reform in these environments. This analysis was based on women’s health, but did not take an intersectional lens. When discussing this idea during my interviews, it became clear that there is a very strong sentiment amongst people that prisons are not doing enough to adapt to the needs of their prisoners, and the fact that

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<sup>13</sup> [Statistics on Women and the Criminal Justice System, Ministry of Justice, 2019](#) | Prison Reform Trust, (*Counted Out Black, Asian and Minority Ethnic Women in the Criminal Justice System*, (2017)

<sup>14</sup> Prison Reform Trust, *Why Focus on Reducing Women’s Imprisonment?* (2017)

offenders are being treated as though their rehabilitation will be successful if always conducted in the same way. There are many gender-based challenges that women face whilst in prison, including the fact that female prisoners suffer far more than male prisoners from mental health problems, self-harm and suicidal ideation, the fact that reproductive health issues are not always met, and the fact that many women in prison have been victims of more serious crimes than those they are accused of committing.<sup>15</sup> During discussions, and upon reflection, it became clear that there are many issues that prisons have regarding gender alone before intersectionality is envisioned as part of productive reform. One discussion I had focused around whether the prison system is still stuck in the early stages of criminology – being based on the experience of White males, and extended to everyone, without making reasonable adjustments to ensure that the system works for them and their own identities. This discussion concluded with the idea that, in order to introduce intersectionality into prisons, it needs to be done through feminism, to ensure that reforms are done which can benefit gender-focused issues too, and see further change be borne out of what seems to be productive.

Shingler and Pope (2018) have highlighted that the therapeutic and rehabilitative approaches that are used in prisons are predominantly concepts created by the White middle class, for the White middle class – they have argued that these treatment approaches are not currently effective for a lot of marginalised groups, particularly when looking at the overrepresentation of BAME individuals in prison. Studies have also shown that there is a lack of cultural awareness when incorporating treatment for minority ethnic people, with a sense of ‘invisibility’ arising as a result of the lack of cultural elements like food, media and diverse staff, as well as a deficit of cultural activities and empowerment. It has been identified that this sense of erasure can be exacerbated for ethnic minority women who feel invisible as a result of both race and gender – women are also a minority in prison, and so they can often be seen as experiencing a double marginalisation or be viewed as the “other other” (Gelsthorpe, 2005). Embracing an intersectional perspective when it comes to prisons would likely

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<sup>15</sup> [Prison Reform Trust - Women in Prison](#) | van den Bergh et al, 2011 | van Hout et al, 2020 | Labhart and Wright, 2018

allow for some of these pressures on minority ethnic women to be relieved – prisons would be able to better accommodate for unique needs caused by the intersection of race and gender in ways that may be more beneficial than previous attempts have been.

To conclude, prisons are an area of particular interest in criminology anyway, because through the rehabilitative process, so much can be understood about why people offend, and how they can be helped. Intersectional approaches have not been explicitly implemented in prisons, but they are influential in research, and criminologists are making note of how considering intersectionality may benefit their findings, and the overall efficacy of the prison system. Intersectionality will allow research to acknowledge the nuances of specific characteristics and how they relate, meaning that they can fully understand and respond to the unrecognised challenges that are faced by the most marginalised. The continual shift of engaging with intersectionality will allow guidance to be better informed, and will likely lead to improved experiences, making rehabilitation more effective, and preventing individuals from marginalised backgrounds from suffering more harm whilst in the system.

### *Can the Justice System Implement Intersectionality?*

When posed with the question of whether the justice system can understand and act in a way that considers all of the intersections of the people they are presented with (as defendants, victims and witnesses), many of my interlocutors seemed unsure as to whether the objectivity of the justice system can adapt to be able to evaluate all the complexities presented by intersectionality. The idea that the justice system is “too sophisticated” was recurring, and there were concerns that adapting it so it is able to take such subjective and circumstantial concepts and deal with them in a purely unbiased and unprejudiced way may be impossible. However, the majority of those who were interviewed seemed to appreciate the possibility of considering people as individuals, instead of “tram lining” people into certain decision-making styles, based on the view that it will be considerably easier to rehabilitate people, or guide them through the system, when you start to understand the individual challenges that they face.

Discussions surrounding the move away from pre-sentencing reports were particularly illuminating when considering the potential of introducing intersectional justice. In the 1980s, pre-sentence reports were called social inquiry reports, and they were written by probation officers, who would go and visit defendants in their homes, speak to them and their family and get a better understanding of them as people. In recent years, pre-sentence reports have become fixated on risk assessments and risk of reoffending, and the move away from understanding the background of offending means that they are sometimes perceived to be understood as “prosecution friendly documents”. It seems that as governments are focusing on the retributive, punitive features of criminal justice (seen through the approach of being “tough on crime”, starting with Thatcher and New Labour, moving through to both the past government under Sunak, and the current government under Starmer), we are moving away from a system more compatible with intersectional criminology. One interlocutor suggested that the focus on dealing with the causes of crime without looking at how they are linked to the people offending, and the cultures and backgrounds of those people, is futile and has no more of a positive effect on the system because we are not dealing with the real issues. They suggested that, if we were to return to a focus on rehabilitating offenders, rather than focusing on punishing them, and using custodial sentences as the main way to do so, it is likely that a more intersectional approach would be appropriate, and that it could more easily be adopted.

The success of the initiative to introduce community centres for women as an alternative to prison, has been far more beneficial for dealing with why women offend, often being able to provide specialised support regarding child sexual abuse and domestic violence as well as addiction and trauma – all seen as common reasons why women offend. Introducing initiatives like this more widely, on an intersectional level, would likely allow for action to be taken where defendants are far more receptive to the rehabilitative process, and it would not be a completely new idea to the system. Although this style of implementation may be difficult, we have already seen feminist criminology have huge impacts in the ways that women are rehabilitate following crime, and so moving towards an intersectional approach does not seem like an impossibility.

## A Future for Intersectional Criminology in Britain?

The fact that intersectionality is such a new concept, and often seems opposed to the ideals of traditional British criminology, means that there has been much questioning about whether there is really a place for intersectional criminology in the UK as we understand it today, or whether it will need to move away from this traditionally American idea, and be repackaged into a more typically British understanding, which embraces and understands the nuances in British society and British criminal justice. Many of those who were interviewed highlighted the fact that the lack of foundational background for understanding of intersectional identities in Britain makes it much harder for the idea to take off and be embraced – one interlocutor described our attempt to introduce intersectionality into criminology as being similar to trying to fit a square peg in a circular hole; the idea is so unsuited to British criminology as we currently understand it that it really does not fit.

One of the most important developments that intersectionality will need to adapt to include is expanding the scope of identities beyond the traditional categories. When we look at intersectional criminology in current Britain, almost all the focus is on the intersections between race, gender and class. To truly ensure that intersectionality is an embedded concept in criminology more widely, and that its application reflects modern-day Britain, far more needs to be done to investigate intersections relating to identities like sexuality, disability and age. Widening the scope will also likely involve embracing the idea that identities are not fixed, but instead are fluid and can change over time, so that intersectional criminology is always an accurate representation of the society it exists within. Of course, the difficulties in both researching and implementing these ideas were highlighted by my interlocutors, but the general conclusion was that more needs to be done for all identities to be equally recognised, so that the discipline itself can be more reflective of the society it is exploring, resulting in a greater significance in the future.

Exploring the application of intersectional criminology through power dynamics will continue to be important in the future, particularly when ensuring it remains a relevant

and evolving concept. One of the people I interviewed found it particularly important that intersectional criminology also considers institutional and systemic issues – they highlighted the importance of understanding how institutions uphold practices that disadvantage certain groups in certain ways so that we can start to limit the continuation of hidden, unintended biases. By doing this, it is likely that we will be able to garner a better understanding of the overlap between intersectionality and privilege, and understanding these nuances in greater depth allows for better application of intersectional ideals in criminal justice. It is possible, and likely, that people will experience both privilege and disadvantage at the same time and understanding the elusive and complex nature of social inequality as well as the systems and institutions that perpetuate these inequalities will require the use of an intersectional lens.

It was very clear throughout the interviews that people believe intersectionality, and intersectional criminology need to be based in the community in order to have a viable future. Much of the theoretical criminological research that we are seeing today is based on existing statistics, or previous empirical findings, but a real emphasis was placed on the desire to be able to incorporate community perspectives, and work with marginalised groups to ensure that the research and knowledge is representative of their lived experiences. Doing this would enable the introduction of more community-based interventions, to address the specific needs of the communities who need them – this could be revolutionary for criminal justice, being better able to deal with some of the problems posed for marginalised groups in prisons, and through the court systems, as well as being better able to rehabilitate people because their needs are being taken into account.

There is a strong hope that intersectional criminology has a future in Britain, and that it will be as important and impactful as it is in the US. There is a lot of change and adaptation needed, both in the way that we approach the idea of intersectionality, and the way we apply its findings, but it is an evolutionary process, and we are already starting to see the impacts that intersectional considerations can have.

## Conclusion

William Du Bois once wrote that “Crime is a phenomenon of organised social life and is the open rebellion of an individual against its social environment.”<sup>16</sup> If we understand this statement to be true in our contemporary context, it becomes clear why intersectional criminology is of such importance – we must understand the social environments and experiences of the people in those societies before we can properly understand the crime that exists in those societies. It is only through understanding the people that we can understand the crime, and once we have started to understand the crimes, we can ensure that the justice which our system provides truly is just and fair for everyone. As it was said to me – it is really difficult to have justice in an unjust world, and when we start to understand these injustices, it is far easier to mitigate them.

Conceptually, intersectionality is messy and layered, considering many overlapping concepts that cannot be neatly defined in a way that is atypical of traditional British criminology, which seems to look for definitive answers to intriguing conceptual questions. I would argue that, for a long time, British criminology has too often and for too long ignored the importance of implicit power dynamics in socially defined identities, and the ways that these affect or are affected by crime, criminality and criminal punishment. However, in recent years there has been an undeniable push to get criminologists to recognise the effects of these intersections, and we have seen that intersectional approaches are increasingly being used – they are growing both in number and in depth and are moving away from solely considering the intersection of race, gender and class, but are considering many marginalised identities. I would argue that intersectionality does have a future in British criminology, and its growing influence is something to take note of. Although it is not yet an entrenched concept in present-day British criminology, it seems clear that intersectionality will be far more important in the future, and we should welcome it to embrace increasingly critical criminology.

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<sup>16</sup> Du Bois, W.E.B, Chapter XIII: The Negro Criminal, *The Philadelphia Negro*, p235

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