

# Assignment 4 – Qualifier Question

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***Project Abstract***—Every year medical providers are required to participate in Continuing Medical Education (CME) to maintain their licenses. Educational Technology is providing an avenue for delivering CME content effectively and efficiently. At the same time, the need for increased medical provider knowledge regarding both medical and cultural aspects of care for patients who are Transgender or Nonbinary has not been addressed. The goal of this project is to develop Transgender and Nonbinary CME content, utilizing Educational Technology to address a rapidly changing landscape of care for these patients as well as address key cultural knowledge that is often omitted from purely technical areas of education, improving overall provider knowledge and, as a result, quality of care.

## 1 QUALIFIER QUESTION

“You've been describing a serious situation involving discrimination by commission, omission or even ignorance against a minority. Similar situations with equally grave outcomes have existed based on race, religion, disability, or even (binary) gender. What does the literature say about the lessons learned from these situations and how best to overcome them? Please feel free to explore beyond a medical context.”

## 2 CONTEXT FOR PEER REVIEWS

I am developing an online continuing medical education (CME) course in Transgender and Nonbinary patient care, including addressing cultural concerns as well as medical ones to improve patient experience. Transgender and nonbinary patients report major barriers to receiving medical care, with provider lack of knowledge and ignorance being the key contributors. This course is intended to help alleviate discrimination by medical providers, playing into the need to understand the qualifier question presented to me.

### 3 QUALIFIER QUESTION ANSWER

Discrimination against others has been a well-documented aspect of human history, which has taken many forms across many civilizations over the span of millennia. While this history is both fascinating and horrifying, I believe to address this question appropriately it is necessary to focus on a modern context from which can be drawn reasonable connections to the issues faced by the Transgender and Nonbinary communities today.

Please note that discussion of Transgender and Nonbinary discrimination will be largely absent from this paper, as the purpose is to address a broader discussion and potential solutions.

#### 3.1 Intersectional Feminism

I believe that Intersectional Feminism, also simply called Intersectionality, is an appropriate place to start as it inherently addresses discrimination against every marginalized group simultaneously.

##### 3.1.1 *Intersectionality* 101

The term “Intersectionality” was coined in 1989 by Kimberlé Crenshaw, an African American Feminist, though the concepts invoked by the term had existed for decades as they arose out of frustration by black women with the mainstream, predominantly white, American feminist movements [1]. Feeling also abandoned by anti-racism activism, Kimberlé Crenshaw summarizes the issue as “black jobs were available to blacks who were men and women’s jobs were available to women who were white” [2, 0:02:30]. Black women found themselves at a place between race and gender which deprived them of the new opportunities afforded each to black men and white women, such that progress made in empowering two marginalized groups was not reflected in the treatment of those who sat within both. Intersectionality follows this realization, and addresses discrimination as the intersection of identities—such as race, gender identity, religion, disability, or sexual orientation. It is not limited to these things, however, and may be expanded indefinitely to address any marginalized group. For illustration, a simple five-point diagram is provided as Figure 1, created by YW Boston, a group dedicated to ending discrimination in the city of Boston [1].

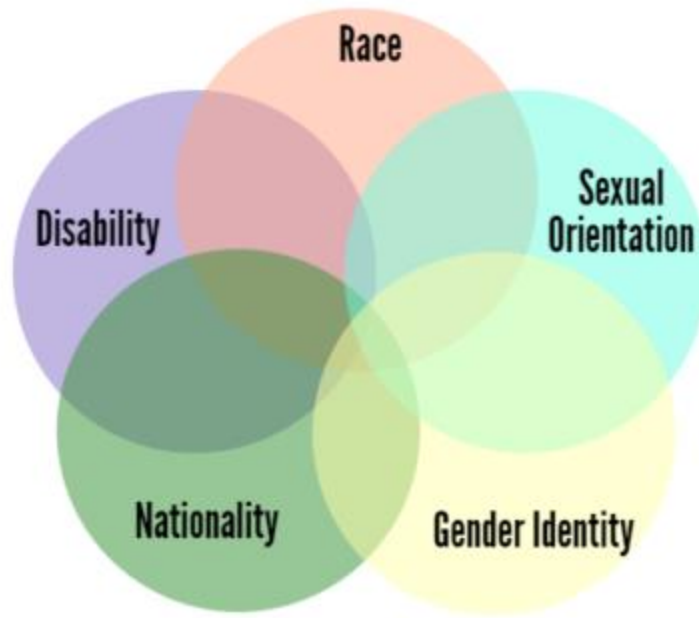


Figure 1- Diagram by YW Boston [1]

For the larger context of the project this paper supports, it is worth noting that in contrast to some forms of radical feminism, intersectional feminism often explicitly includes gender identity as seen in Figure 1 in its analysis as opposed to simply gender, so that there is no division between transgender people and cis-gender<sup>1</sup> people of the same gender.

### 3.1.2 *Why does this matter?*

To fully appreciate the mechanisms to overcoming discrimination, it is important to understand discrimination and how it may be applied, even when hidden beneath seemingly favorable policies and statistics. The maxim of understanding a problem to be able to solve a problem is ingrained in everything from science to business. This is partly what intersectionality addresses. It is common to think of discrimination as a thing that targets a group ubiquitously, and thus believe that by addressing that group as a whole you have solved a problem for everyone. Yet, Crenshaw's example of progress in hiring for black men and white women still leaving discrimination against black women unaddressed shows that this is not always the case. Intersectionality is thus the preferred framework required for a

<sup>1</sup> **Cisgender** is defined as having a gender identity that aligns with sex/gender assigned at birth.

robust analysis of how discrimination can be overcome, without leaving even more marginalized, complex, identities out of the progress being made.

### **3.1.3 *Intersectionality in Academic Studies on Discrimination***

For an actual academic example of the framework, I turn to a paper by Sandra Fielden and Marilyn Davidson. In 2012, Fielden and Davidson from the University of Manchester published a study using an intersectional analytical framework [5]. Their study focused on interviewing female “BAME<sup>2</sup>” small business owners, attempting to analyze how having these shared identities may impact them. The study found that marginalization based on being part of both groups was present and impacted the participants differently than that of “BAME” men or women of non-marginalized ethnicity [5]. By using the framework, Fielden and Davidson identified issues that would have been neglected in a more non-intersectional approach.

## **3.2 Discrimination in Modern America**

This section is intended to provide context for discussion as well as further examples of the application of intersectionality.

### **3.2.1 *The Inherent Contradiction of “Post-Racism”***

In the United States, after Barack Obama was elected President in 2008, many people declared that America had become a “post-racial society” [7]. Due to the progress of anti-discrimination legislation over the decades, general improvements in hiring practices, and evolving social attitudes, culminating the election of a black President, the contention from some was that racism was then over—this was a view held by people such as Lou Dobbs [7] and Forbes writers John McWhorter among many other notable pundits and journalists [8]. McWhorter’s article provides a distillation of much of the dialogue surrounding this claim, and also serves as an example of the deep fallacy involved. In McWhorter’s opinion piece on the matter, he immediately undermines himself, explicitly discounting all racism except that against black individuals [8]. Discrimination itself is used

<sup>2</sup> **BAME** is a U.K. acronym commonly used in legal and academic writing, meaning “Black, Asian, and Minority Ethnic”. The term is sometimes viewed as discriminatory, and it has been reproduced here only as a quote. [6]

as a tactic to discount the continued existence of discrimination! McWhorter contends that:

“We are not really thinking about racism against Arabs. Most of us have a sense that the Asian pitching in on how the question applies to her is vaguely beside the point.” [8]

By this one statement, there was clearly still a long way to go in 2008, and this holds true today. For particularly extreme evidence of this in direct physical violence, the FBI reported a severe uptick in violent hate crimes in 2018 [9]. We have then simultaneously seen the rise of a new generation of aggressive white nationalist organizations [10] and domestic hate-based terror attacks such as in Charlottesville [11].

This attempt to claim we have moved past discrimination culturally can also be seen in other areas of discrimination as well. For example, after the Supreme Court ruling on same-sex marriage, many believed the issue was settled and signified a new equality for same-sex couples seeking marriage, even within the LGBTQ community. Despite this, there have been renewed legal attacks against same-sex marriage, such as was tacked on to the recent South Dakota bill originally believed to target only transgender issues [12]. Though it should be noted that in the case of the South Dakota bill, this wound up being the death of the bill, which was ready to be passed when it was seen as targeting only transgender rights.

### ***3.2.2 Discrimination, Intersectionality and Presidential Elections***

How we approach national politicians in the United States, particularly the office of President, may provide a observable insight into the broad range of discrimination still present even while progress has been made, and certainly dispels any notion that discrimination has been defeated. While a political candidate should always be placed under scrutiny and given fair criticism on their policies, it is almost inevitable that a candidate who is part of a marginalized group will see a degree of unjust criticism on the basis of discrimination. This was seen in attacks steeped in racism against Barack Obama [15], and again in some attacks rooted in misogyny against Hillary Clinton [14]. For the sake of brevity, I will let the provided sources provide the evidence here.

A somewhat more subversive example of discrimination on a national stage can potentially be seen in a different manner with current Democratic presidential primary candidate, Pete Buttigieg. Despite being a gay man himself, Mayor Buttigieg does not have widespread appeal among LGBTQ people, including cis gay men [13]. Louis Staples is the author of an article in The Independent in which a number of cis gay men were interviewed on their thoughts about Mayor Buttigieg, and the responses are telling of this issue [13]. To many, Mayor Buttigieg embodies the stereotype of the “acceptable gay” [13], an LGBTQ person who conforms to cis-heteronormative<sup>3</sup> social expectations contrary to the dominant social movements in the LGBTQ community. One quote from the article by interviewee James Ball sums up this feeling succinctly:

“He feels very much packaged as the most acceptable possible version of a gay man to the USA’s still widely homophobic voting base – a Christian, a veteran, a clean-cut white man married to another. In Buttigieg’s defense, that absolutely may just be who is (and that’s great for him if so), but it is also the absolute least challenging way for anything other than heterosexuality to present itself to US voters.” [13]

Another man interviewed, Nathan Ma, invokes intersectionality in his consideration of the candidate:

“Pete Buttigieg is, at the end of the day, more aligned along axes of race, class, and gender with most presidents in the history of the States.” [13]

This leads into an important question on the current state of discrimination from within the framework of Intersectional Feminism. We have now seen a black President along with a female Presidential candidate who won the popular vote. Individually, these things show signs of progress. Mayor Buttigieg has likewise surprised with his performance in the recent 2020 Iowa Caucus, regardless of controversy surrounding the results. His rival in Iowa, Senator Bernie Sanders, has

<sup>3</sup> **Cis-heteronormative** is a conjunction of cis, as in cisgender, with the concept of heteronormativity to describe social from outside the broader LGBTQ community, as heteronormativity as a term does not implicitly address different experiences of transgender people.

also seen immense success both in 2016 and thus far in 2020 as a secular Jewish candidate.

In all of the cases mentioned above, each individual finds themselves only one point off of the baseline, facing discrimination based on a single identity they lay within. For contrast, consider every other President to hold the office. Each office holder was a cis, heterosexual<sup>4</sup>, white, Christian male. Despite some propaganda to the contrary, Barack Obama is a cis, heterosexual, Christian male. Hillary Clinton is a cis, heterosexual, white Christian. Pete Buttigieg is a cis, white, Christian male. Bernie Sanders is a cis, heterosexual, white male. If you were to combine each divergent point into a single individual, it is difficult to imagine that a queer, black, Jewish (secular or otherwise) woman would not face more discrimination than any of the candidates today.

### **3.2.3 *Summary of Social Movements***

The #MeToo movement [17] and Gamergate controversy [18] both provide unique looks into discrimination, primarily centered around women, within the past decade. Me Too<sup>5</sup> was a movement that rose to prominence as powerful men, mostly in entertainment and politics, were accused of sexual harassment or worse. In support, others who had experienced sexual harassment and assault used the hashtag to share their own stories [17].

Gamergate is a more difficult to summarize as parts of it fit into a much grayer area than #MeToo, but regardless of its origins or the motivations of some proponents largely devolved into targeted misogynistic harassment campaigns against women [18]. Gamergate is an example of discrimination perverting potentially valid ideas. For some, it was about the core contention of journalism ethics, certainly a valid concern, but the systematic harassment that arose from that contention served to obscure any validity beneath discriminatory behavior.

There are other vastly important social movements that also deserve to be written on, such as Black Lives Matter, though I unfortunately lack the time/space to delve into them here.

<sup>4</sup> For this discussion, we will consider heterosexuality in terms of not being openly gay, as there are academic arguments made that some past Presidents were, in fact, either homosexual or bisexual.

<sup>5</sup> Me Too is an older movement which eventually spawned the #MeToo hashtag, giving it prominence. There is a distinction sometimes made between the two.

### **3.3 Lessons Learned and Overcoming Discrimination Moving Forward**

#### **3.3.1 *Anti-Discrimination Legislation***

It may seem odd that I have waited until now to discuss anti-discrimination legislation, and there are a few reasons for this. The first is that I prefer to not simply recite a list of notable legislation, as if this were a high school civics test, but rather address discrimination as it stands from a meaningful framework, ideally showing a genuine understanding of the mechanisms involved.

The second reason is that, for many, legislation is seen as the ultimate solution to discrimination, and before approaching the topic I believed it was necessary to lay the groundwork to show why this is not the case. I will return to Kimberlé Crenshaw's example of jobs for black men and white women but not for black women as evidencing this [2, 0:02:30]. Legislation or policy often approach a single point of discrimination, and those at the intersections of discrimination are not often addressed as, per legal scholar Beth Goldblatt, "the complex nature of inequality [...] does not always lend itself to redress in terms of distinct legal categories" [19].

Noted British disability activist Liz Sayce argues this sentiment as well within her sphere of disability discrimination and speaks about how discrimination must be approached on multiple levels in a comprehensive fashion [16]. In short, legislation is part of the solution, not the whole solution.

This all begs the question of how to approach legislation from within the framework of intersectionality, a topic that has seen greater attention in recent years according to Goldblatt [19]. Goldblatt speaks of this in an article for the Australian Journal of Human Rights, published in 2015, which provides a look at cases of intersectionality in international law [19]. Her final conclusion speaks volumes, in that "Anti-discrimination law that brings to light systemic (intersectional) inequality and responds robustly and creatively to this challenge has the potential to be transformative" [19].

#### **3.3.2 *Building Movements***

I wanted to point out Me Too earlier in this paper specifically to discuss the arguments made by Dr. Michelle Rodino-Colocino's essay "Me too, #MeToo: countering cruelty with empathy" [20]. Dr. Rodino-Colocino discusses what I believe to



be a core part of addressing discrimination from a social/cultural level through “transformative empathy”<sup>6</sup> [20]. The Me Too movement both seeks to “help survivors gain power as individuals” and “become an agent for exposing systems of oppression and privilege” [20]. To summarize, movements built on empathy build a collective power for victims, and provide the support needed to fight back against oppressive power structures ultimately required to truly address the agencies that foster discrimination in society.

### **3.4 Conclusion**

#### **3.4.1 *General Conclusion***

While it may be the most simple and reasonable approach to the qualifier question to iterate through evidence of what has shown results and what has not, I believe that answering the question in such a way would be a very shallow view of the topic—claims like that of being in a “post racial” America, the idea that discrimination has been unequivocally solved, provide an extreme reflection of that shallow view. To be sure, there are certainly areas of progress, but there has been no definitive solution that we can simply model every approach from. I would even say that attempting to do so is part of the problem as it exists today, and why many intersectionalists are critical of common implementations of diversity initiatives [21]. Intersectionality provides an increasingly adopted framework for understanding the mechanisms of discrimination neglected previously, attempting to ensure that no one falls through the cracks as has been the case through traditional single axis approaches to the topic in the past. And, as with diversity initiatives, while legislation born of the traditional approach is typically seen as progress, it is not enough.

It is through a comprehensive approach, focusing on laws built from an intersectional framework and social movements born of empathy can real, lasting change be affected. Empathy being that which helps to bring together the disenfranchised while exposing the structures of power which allow disenfranchisement in the first place.

<sup>6</sup> This is not a term for which I can do justice here and will not attempt to distill into a single talking point, and I can only recommend reading Dr. Rodino-Colocino’s summary.

### 3.4.2 *Drawing the Connection to My Project*

An inferred aspect of the qualifier question lies in how to apply solutions to my project's content—which in turn means also to understand what does not apply. Simply put, transgender and nonbinary people are deep within multiple layers of discrimination, and traditional approaches don't provide a clean solution.

Of course, in context of this project, there is no opportunity to influence legislative action. This leaves the consideration of social movements built on empathy, and education may play a key role in helping build those movements and allowing them to flourish. One of the primary intentions of this project from its inception was to attempt to humanize transgender and nonbinary patients to healthcare providers, both as individuals and as a community, through explaining not just medical care but by providing context and understanding on a cultural level—in other words, Dr. Rodino-Colocino's description of "transformative empathy" [20] is the goal.

## 4 REFERENCES

1. Alemán, R. (2019, August 2). What is intersectionality, and what does it have to do with me? Retrieved from <https://www.ywboston.org/2017/03/what-is-intersectionality-and-what-does-it-have-to-do-with-me/>
2. [Southbank Centre]. (2016, Mar 14). *Kimberlé Crenshaw - On Intersectionality - keynote - WOW 2016* [Video File]. Retrieved from <https://www.youtube.com/watch?v=-DW4HLgYPIA>.
3. Crenshaw, Kimberle (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. 1989: Iss. 1, Article 8. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>
4. Carbado, D., Crenshaw, K., Mays, V., & Tomlinson, B. (2013). INTERSECTIONALITY: Mapping the Movements of a Theory. *Du Bois Review: Social Science Research on Race*, 10(2), 303-312. doi:10.1017/S1742058X13000349
5. Fielden, S., & Davidson, M. (2012). BAME women business owners: How intersectionality affects discrimination and social support. *Gender in Management: An International Journal*, 27(8), 559-581.

6. Bunglawala, Z. (2019, July 8). Please, don't call me BAME or BME! Retrieved from <https://civilservice.blog.gov.uk/2019/07/08/please-dont-call-me-bame-or-bme/>
7. Dawson, M. C., & Bobo, L. D. (2009). One Year Later And The Myth Of A Post-Racial Society. *Du Bois Review: Social Science Research on Race*, 6(2), 247–249. doi: 10.1017/S1742058X09990282
8. McWhorter, J. (2012, July 13). Racism In America Is Over. Retrieved from [https://www.forbes.com/2008/12/30/end-of-racism-oped-cx\\_jm\\_1230mcwhorter.html#2b61b1b349f8](https://www.forbes.com/2008/12/30/end-of-racism-oped-cx_jm_1230mcwhorter.html#2b61b1b349f8)
9. Hassan, A. (2019, November 12). Hate-Crime Violence Hits 16-Year High, F.B.I. Reports. Retrieved from <https://www.nytimes.com/2019/11/12/us/hate-crimes-fbi-report.html>
10. Rankine, C., & Walsh, J. (2019, December 19). A Year Inside a Growing American Terrorist Movement. Retrieved from <https://nymag.com/intelligencer/2019/12/white-supremacy-terrorism-in-america-2019.html>
11. Fieldstadt, E. (2019, June 28). James Alex Fields, driver in deadly car attack at Charlottesville rally, sentenced to life in prison. Retrieved from <https://www.nbcnews.com/news/us-news/james-alex-fields-driver-deadly-car-attack-charlottesville-rally-sentenced-n1024436>
12. Ksfy. (n.d.). New South Dakota House bill seeks one man, one woman marriage definition. Retrieved from <https://www.ksfy.com/content/news/New-South-Dakota-House-bill-seeks--567448021.html>
13. Staples, L. (2020, February 5). Why gay men are divided on Pete Buttigieg. Retrieved from <https://www.indy100.com/article/pete-buttigieg-gay-lgbt-2020-election-us-iowa-9319416>
14. Beinart, P. (2019, June 3). Fear of a Female President. Retrieved from <https://www.theatlantic.com/magazine/archive/2016/10/fear-of-a-female-president/497564/>
15. Enck-Wanzer, D. (2011). Barack Obama, the Tea Party, and the Threat of Race: On Racial Neoliberalism and Born Again Racism. *Communication, Culture & Critique*, 4(1), 23–30. doi: 10.1111/j.1753-9137.2010.01090.x
16. Sayce, L. (2003) Beyond Good Intentions. Making Anti-discrimination Strategies Work, *Disability & Society*, 18:5, 625-642, DOI: 10.1080/0968759032000097852
17. North, A. (2018, October 11). The #MeToo movement and its evolution, explained. Retrieved from

- <https://www.vox.com/identities/2018/10/9/17933746/me-too-movement-me-too-brett-kavanaugh-weinstein>
18. VanDerWerff, E. T. (2014, October 13). Why is everybody in the video game world fighting? #Gamergate. Retrieved from <https://www.vox.com/2014/9/6/6111065/gamergate-explained-everybody-fighting>
  19. Goldblatt, B. (2015). Intersectionality in international anti-discrimination law: addressing poverty in its complexity. *Australian Journal of Human Rights*, 21(1), 47–70. doi: 10.1080/1323238x.2015.11910931
  20. Rodino-Colocino, M. (2018). Me too, #MeToo: countering cruelty with empathy. *Communication and Critical/Cultural Studies*, 15(1), 96–100. doi: 10.1080/14791420.2018.1435083
  21. Anthias, F. (2013). Moving beyond the Janus Face of Integration and Diversity Discourses: Towards an Intersectional Framing. *The Sociological Review*, 61(2), 323–343. doi: 10.1111/1467-954x.12001