

❖ CAL POLY POMONA PHILOSOPHY ❖

UJEPS

Undergraduate Journal of
Ethics, Policy, and Social Justice

Volume 1 | Spring 2022

UJEPS

UNDERGRADUATE JOURNAL OF ETHICS,
POLICY, AND SOCIAL JUSTICE

Volume 1 | Spring 2022

Contents

Letter from the Editor - Mia Miller

Methodological Madness: A Call to Know Better

Omari Kamau Wa-Tenza Cunningham 1

Dissecting Anti-Trans Legislation's Relationship with Transitioning:
A Surgical Analysis

Leon Trey Garcia 19

A Philosophical Consideration of the American Consumers' Gut
Microbiome and Its Relation to Food Justice

Lauren J. Hartogh 30

Addressing the Racial Gap in Academic Achievement Through
Policy

Emily Reyes 47

Ethics Bowl Feature: Billionaires in Space

Rebecca Grant Prentice and Natalie Uribe 65

Letter from the Editor

It is with great pleasure that I present the inaugural issue of the Undergraduate Journal of Ethics, Policy, and Social Justice (UJEPS). I started this journal with the intention of fostering student interest in research and showcasing the original and creative thought of undergraduate students. I further aimed to encourage students to consider ethical issues through a social justice lens and reflect on how different policies can either mitigate or exacerbate such issues.

This journal was made possible with the tremendous support of the Philosophy Department at California State Polytechnic University, Pomona (Cal Poly Pomona). Each of the full-time faculty members of the department played a significant role in the creation of this journal. The faculty's willingness to help materialize this journal is merely one illustration of their unwavering support for their students.

Specifically, I thank Dr. Alex Madva for hearing out my initial proposal and working with me to shape what the journal would look like. He helped me pitch the idea to the Department Chair, Dr. Dale Turner, who generously agreed to take a chance on the idea and offer his support. Many thanks are also owed to Dr. Brian Kim, who developed the website for UJEPS and worked with the university's Ethics Bowl students to submit a short essay describing their work as a team. I also thank Dr. Christine Wieseler, who connected us to outside support from whom we could seek guidance. Additionally, I am grateful for Dr. Peter Ross, who inspired my love for philosophy through his logic class and has offered his continual encouragement. I am also thankful for Dr. Katherine Gasdaglis, who served as a faculty advisor on many of the research projects we published and played a significant role in providing us with valuable feedback throughout the process.

I especially thank Dr. Corwin (Cory) Aragon, who not only served as the journal's Managing Editor and faculty advisor but also agreed to teach a course where the Associate Editors and I learned to successfully put together this journal from start to finish. This journal would not have been possible without Dr. Aragon's guidance, and I am immensely grateful for and inspired by his endless encouragement and hard work.

Finally, I thank everyone on the editorial team for going above and beyond to carefully review and reflect on each manuscript they were assigned to. The dedication that I have seen from each of the editors motivates me to give everything that I do a hundred percent. I could not have hoped for a better team.

Mia A. Miller

Executive Editor



Mia Miller is a senior at Cal Poly Pomona majoring in philosophy major with a political science minor. In addition to running the litigation department at the law firm where she is employed, she has served as the student government Attorney General, runs a business as a notary public, and is a former Emergency Medical Technician. Mia also assists self-represented litigants with completing court forms, advocates for animal welfare legislation, and has volunteered with several nonprofit organizations. In her free time, you can find her up in the skies flying a small plane.

Methodological Madness: A Call to Know Better

By Omari Kamau Wa-Tenza Cunningham

There is widespread debate concerning the impact culture and cultural differences has on what and how we know about psychological phenomena. Questioning culture and cultural difference results in methodological biases and undermines the credibility of knowers that come from underrepresented groups. Miranda Fricker calls this type of epistemic injustice, testimonial injustice. This phenomenon contributes to deficiencies in psychological research and the hermeneutical marginalization of members of underrepresented groups. I provide evidence of longstanding cultural inadequacies within the field of psychology and show how they influence and are influenced by biased norms. I then show how these norms devalue particular research methods and can contribute to erroneous literature in view of construct validation concerns. I conclude with a case that demonstrates the problems I have laid out, followed by some suggestions for attenuating them.

I. Introduction

Historically, within psychological epistemic environments culture and cultural differences have been misrepresented. This misrepresentation occurs partly due to an overabundance of dominant group knowers within the field, knowers who do not have the

necessary tools for adequately representing marginalized group experiences. Also, within psychological epistemic environments, there lies institutional pressure to publish one's research. This pressure facilitates credibility-based social hierarchies that bestow social and occupational awards, such as notoriety and prestige. These rewards work in the researcher's favor: their papers become cited more, and as their papers are cited more, they gain more notoriety and are more likely to be published, working in a cyclical fashion.¹

Within these environments, credibility is a commodity. In turn, credibility valences are attributable to preferred methodologies that result from the epistemic consensus. These credibility valences create credibility deficits and credibility excesses. These phenomena belong to a special type of injustice, testimonial injustice, defined by the lack of merit attributed to the speaker within a particular epistemic community.² I argue that these credibility valences intersect with cultural and methodological biases such that, on the one hand, quantitative methods may confer credibility excesses to those who employ them by virtue of their hegemonic appeal, while on the other hand, qualitative methods may confer credibility deficits by virtue of this same appeal coupled with issues that surround their lack of conceptual structure. I also argue that epistemic marginalization of qualitative research within the field leads to hermeneutical marginalization of underrepresented groups.

I begin with a brief overview of the psychological literature, noting longstanding biases and cultural-sensitivity concerns. I show how the negative portrayal of marginalized-group characteristics has sewn distrust within these communities. In doing so, I provide empirical evidence of cultural biases and subsequent erroneous, prejudiced interpretations by dominant-group members.

I then discuss methodology preferences, highlighting how one particular methodology relies heavily on subjective first-person experiences. I continue by outlining current conceptions of

¹ Felipe Romero, "Philosophy of Science and the Replicability Crisis," *Philosophy Compass* 14, no. 11 (2019): e12633, <https://doi-org/10.1111/phc3.12633>.

² Rachel McKinnon, "Epistemic Injustice," *Philosophy Compass* 11, no. 8 (2016): 437–446.

quantitative and qualitative psychology research methods, highlighting their various strengths and weaknesses. I then follow with conceptual concerns, providing examples of methods that are construed as quantitative but share similarities with qualitative methods and showing how the distinction can become opaque vis-à-vis construct validation concerns. I continue with an analysis of construct validity, one that leads into an argument centered around conceptual structural asymmetries between qualitative and quantitative methods broadly defined. I argue that these structural asymmetries intersect with biased attitudes toward methodology choice and create an inequitable epistemic environment that devalues qualitative methods. I argue that this epistemic devaluing occurs at two levels: methodological devaluing undermines the credibility of those who employ qualitative methods and obfuscates richer, more progressive empirical research.

I then call back to concerns around construct validity and attempt to show how the evaluative prowess of quantitative measures is contingent on proper variable rendering and measurement tool application in turn. I highlight cases that claim to have adequate construct validity showing how and where they fall short. In doing so, I consider and respond to an objection that says qualitative methods cannot serve as adequate evaluative tools in view of issues surrounding the subjective nature of certain constructs and methods related to said construct. I propose that qualitative methods are a way of disconfirming currently accepted, presumedly valid, quantitative methods such as self-reports, affirming their evaluative role.

I end with a case study that elucidates a fundamental problem with the exclusive reliance on self-report measures as adequate measurement tools when assessing independent groups of different cultures.³ I argue for their inadequacy in assessing certain socio-political constructs in view of research on cultural biases in line with power dynamics that lead to testimonial injustices leaving under-represented researchers liable to hermeneutical marginalization. The testimonial smothering of these groups contributes to the paradoxical inability to verify, or account for, cultural distinction between constructs. I conclude with considerations for raising nationwide

³ Joel Michell, "The Quantitative Imperative," *Theory & Psychology* 13, no. 1 (2003): 5–31.

culturally sensitive IRB protocols, reasoning that they may help alleviate some of the quantitative methodology bias, while also serving to make salient the need for cultural consciousness in view of arguments surrounding hermeneutical marginalization.

II. Culture and Cultural Difference

Historically, within psychological epistemic environments, culture and cultural differences have been misrepresented.⁴ Throughout this paper, epistemic environments refers to a social network of experts who contribute to and facilitate knowledge production within their respective field. The misrepresentation of culture and cultural differences in epistemic environments occurs partly due to an oversaturation of knowers within the field who do not have the necessary tools for adequately representing the experiences of marginalized groups. The result of this oversaturation is that dominant groups are left in a position to unfairly impose their expectations for marginalized groups in the scientific literature. Research tells us that there is a higher likelihood of those who ascribe to collectivist culture to report more socially desirable answers in self-reports.⁵ Because of this imposition, psychological studies on marginalized groups are often rife with error, and thus, the data collected and interpreted by outgroup members follows suit.

Psychological epistemic environments also marginalize certain methodologies, particularly, qualitative methods.⁶ These errors often overlap and create problems for psychological construct validity, and methodology choice.⁷ In Psychology, a construct refers to a

⁴ José M., Causadias, Joseph A. Vitriol, and Annabelle L. Atkin, “The Cultural (Mis)Attribution Bias in Developmental Psychology in the United States,” *Journal of Applied Developmental Psychology* 59 (November 2018): 65–74.

⁵ Ashok K. Lalwani,, Sharon Shavitt, and Timothy Johnson, “What Is the Relation between Cultural Orientation and Socially Desirable Responding?” *Journal of Personality and Social Psychology* 90, no. 1 (2006): 165–178.

⁶ Michell, “The Quantitative Imperative.”

⁷ Caroline Stone, “A Defense and Definition of Construct Validity in Psychology,” *Philosophy of Science* 86, no. 5 (December 2019): 1250–1261, <https://doi.org/10.1086/705567>.

phenomenon that a study is attempting to measure, conduct tests on, or derive new information from. In turn, construct validity refers to the degree to which a study accurately measures and assesses said phenomena relative to the derived data. There are distinct methodologies that aim to achieve this goal, and as such, distinct methods aim to achieve their corresponding research aims. Quantitative methods, broadly construed, aim to test theories, hypotheses, and whether constructs are being accurately measured, evidenced by statistically derived data. Whereas, qualitative measures, broadly construed, can be used as exploratory tools for data-rich repositories or, on my view, as construct assessment tools.⁸

Currently, there is consensus around the criterion that designates methods and measures as quantitative in nature, though the same cannot be said for its qualitative counterpart. Quantitative methods assume a spot at the top of the methodological hierarchy⁹, owing to and often contributing to a culture of publication bias.¹⁰ Because qualitative methods are seen as exploratory tools as opposed to confirmatory ones, like quantitative methods, they are often scrutinized and used less. However, we need qualitative research to ascertain certain truths, particularly, truths that fall in line with the phenomenology of marginalized groups. Because these group experiences are constrained to phenomenological reports, rendering them subjective, it is then that much harder for outside group members to understand and accurately convey marginalized group experiences. If researchers are already disincentivized to do qualitative research in view of methodological hierarchies and conceptual disagreements; qualitative research, then, relies on information from members of

⁸ Kaya Yilmaz, "Comparison of Quantitative and Qualitative Research Traditions: Epistemological, Theoretical, and Methodological Differences," *European Journal of Education* 48, no. 2 (June 8, 2013): 311–325.

⁹ Brendan Gough and Antonia Lyons, "The Future of Qualitative Research in Psychology: Accentuating the Positive," *Integrative Psychological and Behavioral Science* 50, no. 2 (June 2016): 234–43, <https://doi.org/10.1007/s12124-015-9320-8>.

¹⁰ Lauren J. Breen and Dawn Darlaston-Jones, "Moving Beyond the Enduring Dominance of Positivism in Psychological Research: Implications for Psychology in Australia," *Australian Psychologist* 45, no. 1 (2010): 67–76, <https://doi.org/10.1080/00050060903127481>.

underrepresented groups. Consequently, the marginalization of qualitative research within the field, I argue, leads to hermeneutical marginalization of underrepresented groups and these injustices infringe on the progression of psychological research. This notion is supported by the development of multi-cultural psychology as the fourth paradigmatic force in psychology.¹¹

III. Quantitative and Qualitative Methods

Quantitative research and methodology stem from the positivist paradigm, a scientific paradigm that posits the ability to measure data as a necessary condition for justifiable scientific practice.¹² The logic of this paradigm revolves around the scientific process of justifying theory by means of observable, measurable data points.¹³ With that, quantitative methods generally serve as theory affirmation tools. That is, they serve as early steps in data-driven explanatory or predictive prowess, aiding in a study's construct measurement, relative to theoretical paradigms. Quantitative measures often rely on computational scales, such as composite Likert-scale survey scores intended to measure quantitative variables such as anxiety levels. Likert scales are measurement tools that rely on values ranging from low to high with the aim of assessing constructs in a self-reported fashion. They are often represented with a question followed by items that are quantified via numbers ranging from one to five with one representing the lower value of someone's answer to the question, having a numerical value of zero, with five having a value of five or more.

Qualitative research methods, however, are some of the oldest methods for generating data, calling back to the days of founding fathers of the discipline like William James. Historically, qualitative research stems from the inductivist paradigm, which posits sufficiently large numbers of observations for deriving laws of nature,

¹¹ Patricia Arredondo and Zoila G. Tovar-Blank, "Multicultural Competencies: A Dynamic Paradigm for the 21st Century," in *APA Handbook of Multicultural Psychology, Vol. 2: Applications and Training* (American Psychological Association, 2014), 19–34.

¹² Michell, "The Quantitative Imperative." .

¹³ Yilmaz, "Comparison."

encompassing theories as well.¹⁴ Succinctly, the central problem around the inductivist paradigm, and qualitative research in turn, are observational ambiguity relative to a particular theory and that qualitative differences in perception are confined to the phenomenology of certain perceivers or groups of perceivers. If this is the case, then it seems difficult to properly evaluate constructs and theory without consensus around the correct interpretation of data. The positivist on the other hand, comes to scientific conclusions by way of ruling out. That is, when given a set of variables in view of phenomena of interest, the positivist aims to arrive at causality by way of ruling out variables until they are left with one or some variables out of the previous set. The one or some is said to be the only logical explanation for the phenomena in question, in line with the theoretical paradigm (Breen and Darlaston-Jones).¹⁵

A few problems arise out of the inductivist and positivist paradigms, and it is important to note these shortcomings if we are to appreciate the value of qualitative research. First, exactly how many specific cases are needed to prove sufficient for a phenomenon in question's generalizability? Furthermore, how many cases would be needed to confirm a state of affairs as pertinent to a particular theory? For example, from an inductivist perspective, if I claim to have found undeniable empirical evidence that all cats in my neighborhood are tabbies because every cat I have seen thus far is a tabby, and I have seen upwards of twenty cats over the last six months, then I might say that the area in question only produces tabbies. It's easy to see that this claim is rife with flawed reasoning, for how could I justifiably claim those instances as sufficient evidence to deduce my living space as one that only produces tabbies? It's clearly possible that I have not looked hard enough for other species of cats, or that I am failing to distinguish between what I think is a tabby and another species, or that I simply haven't seen enough cats to rule out the possibility of there being another species. The point is that those observations alone, absent of careful, structured testing and hypothesis, do not suffice for scientific practice. As such, qualitative research is currently construed as an

¹⁴ Irving Rothchild, "Induction, Deduction, and the Scientific Method," (The Society for the Study of Reproduction, 2006).

¹⁵ Breen and Darlaston-Jones, "Moving Beyond."

exploratory method, one that fleshes out known constructs and asks associated novel questions, though being incongruent with the realm of testing.

IV. Conceptual Asymmetries and Outcomes

I'd like to revisit the nature of quantitative and qualitative methods to discuss their agreed-upon criteria and fundamental structural distinctions. One notable distinction between quantitative and qualitative methods lies in their conceptual structure. Quantitative methods are constituted by strict parameters along with distinguished, specific, sub- methodologies. For example, when assessing differences in intelligence quantitatively, one might design, or utilize a previously designed, survey with Likert-scale items intended to be summed, averaged, and compared to another subject's score. It is important to understand that this is one sub-methodology of quantitative research, one that experts in the field take to be a standard. The salient point is that of standardization. The standard lets others in the field perform replications of the study as a means of assessing said study's theoretical basis along with construct validity. With that, these parameters and distinctions are followed by a consensus among researchers and practitioners alike.

This consensus, however, is not shared within the qualitative domain, despite some of their overlapping similarity. Here I argue that these structural asymmetries, along with epistemic norms and their associated social outcomes, result in preferences and epistemic biases that co-occur with a misguided methodological realism attached to quantitative methods. This co-occurrence aids in conferring a credibility excess to researchers in the field that employ these methods, and this credibility excess increases the likelihood that a researcher's paper will be cited and that those citations follow the same trend.¹⁶ The resulting feedback loop, along with these biased attitudes, renders qualitative methods a frowned-upon methodology choice.

First, quantitative methods make up the bulk of what qualifies psychology as a scientific discipline. The idea being that if data is quantifiable, observable, and as reproducible as possible, there is less room for subjectivity to impede reliable, valid research findings. As

¹⁶ Romero, "Philosophy of Science."

such, quantitative measures often employ scales composed of items intended to assess constructs of interest. For example, on a twelve-item scale intended to assess general anxiety, the construct of interest, would be reduced to a score intended to reflect aspects of said construct or measure levels of the construct itself.¹⁷ Certain items may outweigh others, and the degree to which each item on the scale is related to other items represents the measure's internal consistency, which is indicative of a scale's reliability.¹⁸ Many see elements like these as evidence for the objective nature of quantitative measures, though this claim is often over-stated.

Second, it is important to note the difficulty with developing an adequately structured protocol for qualitative research. There is much less information, in terms of standard practice, on which to draw, which leaves room for flexibility but also for lack of coherent, sound structure. There is also the task of finding the appropriate theoretical framework, if there is one, to guide a qualitative study's aims. Furthermore, when considering the time-constrained atmosphere that surrounds academia, especially Research One institutions where many influential researchers practice, the likelihood of seeing a project through to completion dwindles. Assessing the veracity of a particular qualitative study also becomes difficult as many are almost entirely and almost always context dependent. This subjective characteristic makes it much harder to establish a consensus among researchers regarding the truth value of reported findings. All these factors are considered by researchers when designing a study. The structural coherency and associated methodological consensus quantitative methods enjoy leaves them and their associated projects an overall more desirable, and in terms of career prospects, worthwhile endeavor.

Again, calling back to the positivist notion, quantitative methods are directly reproducible: their veracity can be assessed by anyone with the associated adequate statistical understanding, along with an understanding of the appropriate standard to be employed. Qualitative methods, however, as exploratory methods, aren't reproducible in the same sense. They rely on agreed-upon interpretations of data and have different fundamental aims in most cases. In fact, in some cases,

¹⁷ Stone, "A Defense and Definition."

¹⁸ Yilmaz, "Comparison."

reproducing a qualitative study as a means of assessing its truth value is illogical, as in cases involving people, language, and customs, which all change over time. Many in the field of psychology see this theoretical underpinning as a reason to claim quantitative methods as objective. I, however, argue below that this notion is misguided.

Finally, returning to career prospects, psychological epistemic environments apply institutional pressure to publish one's research. This pressure facilitates credibility-based social hierarchies, ones that bestow social and occupational awards such as notoriety and prestige. These rewards work in the researcher's favor: their papers become cited more, and as their papers are cited more, they gain notoriety and are more likely to be published, working in cyclical fashion.¹⁹ However, the ethics around norms that drive these credibility economies, and the subsequent socio-moral implications, are questionable, to say the least, though a proper assessment of such factors is beyond the scope of this paper.

What is important, however, are the credibility valences attributable to preferred methodologies within the epistemic consensus. These credibility valences are construed as credibility deficits and credibility excesses, terms coined by feminist philosophers like Miranda Fricker. Terms like this belong to a special type of injustice, testimonial injustice, defined by the lack of merit attributed to the speaker within a particular epistemic community.²⁰ In a later section, I argue that these credibility valences intersect with cultural and methodological biases such that, on one hand, quantitative methods may confer credibility excesses to those who employ them by virtue of their hegemonic appeal, while, on the other hand, qualitative methods may confer credibility deficits by virtue of this same appeal, coupled with the perception that their lack of conceptual structure make them much less objective.

V. Questions Concerning Construct Validity

Psychology, as a discipline, is wedded to an objective realist position, the general idea being that psychological research better reflects reality from an objective, quantifiable methodological

¹⁹ Romero, "Philosophy of Science."

²⁰ McKinnon, "Epistemic Injustice."

standpoint.²¹ Objective realism is the idea that a state of affairs can be confirmed to actually exist in reality through objective scientific inquiry. For example, in assessing intelligence, the objective realist says that a subject scores high in intelligence *relative to the standard of intelligence*, which is established in the world. I argue that fluid, varying constructs, such as race, ethnicity, and gender, are incompatible with an objective realist position. But first, I would like to call back to psychological constructs, as a way to illustrate the above point.

Given longstanding worries about replicability, it's easy to see the motivation behind a push for objective methods; however, this push is an overcorrection. This overcorrection, along with other intersecting factors, leaves the field of psychology back at square one, by virtue of an incompatibility between measurement tools and the constructs they attempt to measure.²² I begin with a brief outline of psychological constructs, along with their relationship to theory, and subsequent methodology. I go on to note inconsistencies and overlap between quantitative and qualitative methods keeping their general distinctions in mind. And I end with a call to question the application practices of these methodological tools. In doing so, I argue certain constructs are incompatible with the aims of quantitative measures and transition into a discussion of the distinction between, what Caroline Stone²³ and others call, construct legitimacy and construct validity.

First, a psychological construct is a particular study's central variable of interest.²⁴ The variable represents the intangible phenomenon in question, such as personality or attention span. Because personality and attention span are immaterial things, we must carefully define and represent them in a communicable manner to achieve a makeshift yet palpable agreed-upon understanding of the phenomena in question. To do this, we socially construct it.

Second, the differences between qualitative and quantitative methods can sometimes be obfuscated. For example, in-home

²¹ Michell, "The Quantitative Imperative."

²² B. F. Skinner, "Whatever Happened to Psychology as the Science of Behavior?" *American Psychologist* 42, no. 8 (1987): 780–786.

²³ Stone, "A Defense and Definition."

²⁴ Lee J. Cronbach and Paul E. Meehl, "Construct Validity in Psychological Tests," *Psychological Bulletin* 52, no. 4 (1955): 281–302, <https://doi.org/10.1037/h0040957>.

interviews conducted on subjects who are open to discussing sensitive topics, such as racial inequities, can be quantitatively or qualitatively conducted; sometimes both are employed in a mixed- method design. However, when computing subject scores, there must be careful consideration of between-group differences. Often members of specific social groups are averse to discussing problematic topics due to cultural and societal rules. Because of this, it would be improper to quantitatively compare scores between groups when there are qualitative or *categorical* differences present, though possibly unrecognizable by uninformed, outgroup, or dominant group members. Furthermore, a language barrier may foster difficulty in understanding between researcher and subject, and this could lead to further problems with interpretation. Consequently, dominant group members and members of underrepresented ethnic groups fail to agree on interpretations.

The lack of recognition of this difference leaves underrepresented group members in a catch-twenty-two, or a paradoxical double bind. Owing to longstanding biased institutional norms, members of underrepresented groups find it difficult to integrate into certain psychological fields, hence being *underrepresented*. And members of underrepresented groups who aim to take part in culturally-sensitive qualitative research are denied the tools and support they need, remaining marginalized in the discipline. Dominant group members inadvertently ostracize members of underrepresented groups by virtue of this marginalization. Miranda Fricker identifies the epistemic aspect of this type of marginalization, what she calls hermeneutical marginalization. Hermeneutical marginalization involves the unjust blocking of knowledge transference, including development, acquisition, communication, and contribution experienced by members of marginalized groups.²⁵ Hermeneutical marginalization undermines the progression of psychological research by continuing to marginalize certain groups and by neglecting potential avenues for novel findings. As long as this barrier is in place, the field of psychology will continue to produce deficient research, research that strays from holistic depictions of reality. In the next section I aim to show how

²⁵ McKinnon, "Epistemic Injustice."

marginalization is connected to qualitative methods and construct validity.

VI. Assessing Construct Legitimacy

Construct validity is currently understood as the degree to which a given measure accurately measures what it is intended to measure, namely the construct. Often in Psychology, constructs are referred to by the tools that measure them. A common instrument for measuring personality in Psychology is the well-known Big-Five scale, a personality model that measures scores on key personality traits, such as Neuroticism and Agreeableness, often represented as ‘OCEAN.’²⁶ So we might ask whether the Big-Five scale is measuring human behavior or an aspect of human behavior, like violence, within an aggressive person.

Caroline Stone uses this opaque conceptualization of psychological constructs as a reason to motivate a need to distinguish between construct validity and construct legitimacy.²⁷ According to Stone, construct validity refers to aspects of the measure relative to a construct.²⁸ For example, a thermometer doesn’t directly measure temperature; rather, the fluid within the thermometer correlates with temperature. Construct legitimacy, on the other hand, is intended to represent an aspect of the construct itself: the significant distinctions being made apparent at the conceptual level in view of construct legitimacy’s required accordance with theory. Put simply, Stone argues that construct legitimacy is contingent on its fit with theory, and thus, it becomes difficult to ascertain the veracity of a given construct if the theoretical basis isn’t empirically informed.²⁹

Theory and the subsequent construct being tied together has a profound influence on methodology. To comprehend how this pairing influences methodology, we must first understand how some

²⁶ Imran Ali, “Personality Traits, Individual Innovativeness and Satisfaction with Life,” *Journal of Innovation & Knowledge* 4, no. 1 (January 1, 2019): 38–46, <https://doi.org/10.1016/j.jik.2017.11.002>.

²⁷ Stone, “A Defense and Definition.”

²⁸ Stone, “A Defense and Definition,” 1253.

²⁹ Stone, “A Defense and Definition.”

measure's methodological categories are viewpoint dependent. By this I mean, the category they belong to is contingent on the study's aims in conjunction with background knowledge about the topic of interest. To understand this, we have to look toward an example of self-report measures, calling back to how quantitative and qualitative methods are distinguished. As I mentioned earlier, self-reports, sometimes taking the form of in-home interviews, can be conducted either qualitatively or quantitatively, which can obfuscate proper application of these methods.

A self-report measure, like a scale intended to measure a construct like supportive parenting, can be quantitative *if* employed properly. An example of an adequate scale for this task would have to draw from a legitimate index that can be applied across groups or one that intends to measure a specific group's supportive parenting levels. In other words, these scales can be applied either across groups or within groups. Some constructs such as attention span can sometimes be applied across and within groups; however, culturally-sensitive constructs like supportive parenting do not share in the former's flexibility. Different cultures parent differently and may understand the questions from a self-report interview about parenting differently. Research shows that there are major differences in parenting, particularly when African American styles are compared with Caucasians.³⁰ Lack of attention to this potential problem ignores the possibility of—and even portends—a hermeneutical gap forming. A hermeneutical gap refers to the disconnect between members of marginalized groups and dominant group member's understanding of shared concepts, knowledge, and data repositories. This gap contributes to the marginalization of certain groups by undermining their credibility, that is, conferring credibility deficits. This type of epistemic injustice—hermeneutical injustice—intersects with the methodological hierarchy; leaving qualitative methods, and the respective group members who employ them, devalued.

³⁰ Alexandria Saulsberry et al., "Skills and Strategies of African American Parents in the Management of ADHD: A Qualitative Study," *Journal of Attention Disorders* 24, no. 13 (2017): 1867–75, <https://doi.org/10.1177/1087054717727351>.

VII. Conclusion

In this final section, I provide a protentional solution to this problem along with a suggestion for future direction. I have discussed how cultural biases and methodology choice within psychological epistemic environments intersect and can lead to the marginalization of underrepresented cultural groups. I have argued that, on one hand, a lack of specific protocol for conducting qualitative research leaves the prospective study's design more daunting in view of anticipated structural difficulties, and, on the other, the attitudes that co-occur render these studies devalued. I have also brought attention to the epistemic consensus that facilitates negative attitudes toward qualitative methods, undermining the credibility of those who employ them. I have made a case for stringent, clearer borders concerning qualitative methodology criteria, including more rigorous evaluation and subsequent application of construct-assessment methods. For example, in considering an itemized survey construed as a measure of supportive parenting, we can look toward qualitative methods as possible ways of assessing the veracity of previously accepted data. We can do this by carefully structuring qualitative interviews to include competent multicultural knowers.

Problems surrounding construct legitimacy can be accounted for and ameliorated by utilizing well-structured qualitative research. While it is the case that qualitative methods are adequate exploratory tools, they also prove to disconfirm current erroneous cultural constructs. As such, qualitative methods can be used to disconfirm currently-accepted and erroneous theoretical constructs by appealing to the phenomenology of the groups that legitimize these constructs. Calling back to the positivist paradigm, the disconfirming prowess or *qualitative falsification*, is clear when given a set of culturally sensitive constructs, like supportive parenting.

Critics of this view maintain that it is impossible to accurately measure and represent qualitative differences in perception without an objective standard to reference; thus, attempts at achieving consensus are slim. This view, however, is misguided and confused by the term *measured*: what these critics mean is measured quantitatively, often taken to be the only way to objectively measure constructs. Critics reason that because there is an inability to reach a collective shared perception when discussing constructs such as race and ethnicity, it is

entirely possible that one group's perception differs from another group's; with that, it's difficult to obtain consensus around the correct interpretation of these constructs and, consequently, what is taken to be an objective measure. Thus, it's more likely for the dominant group's shared conception of these constructs to be accepted, despite its erroneous nature.

One way of combatting this problem is to change how we view qualitative research, specifically their overarching aims. By this I mean, if we look toward developing qualitative methods that aim to affirm or disconfirm culturally-sensitive constructs, then we may inch closer toward a more holistic, secure knowledge base. As I mentioned before, truth values regarding culturally-sensitive constructs are subject to becoming lost between groups, people, or groups of people, struggling to accurately interpret their observations and experiences. This is the main reason that some cite as a barrier for using qualitative methods in this way. But empirical evidence supports the view that qualitative methods can be used to assess theoretical constructs. Qualitative data from a study on African-American-community perspectives on ADHD diagnoses shows how the collective conception, or misconception, of mental illness, can be shared within a cultural community, despite views not being shared by members of dominant groups. These differences in understanding yield real life consequences and need to be accounted for by persons with the appropriate cultural competence, many being researchers that come from these cultural groups.³¹ My point isn't to say that membership in a cultural group automatically bestows the necessary skills for adequate construct assessment; rather, I hope to show one way the gap in understanding can progressively shrink. I see this as a better solution than writing off a group's shared perception of a state of affairs in favor of the perception accepted by a dominant outgroup, one often conceived from the armchair.

On that note, I would like to conclude by proposing a structural solution for some of the problems I have laid out, namely, universal

³¹ Omolara Olaniyan et al., "Community Perspectives of Childhood Behavioral Problems and ADHD among African American Parents," *Ambulatory Pediatrics* 7, no. 3 (May 2007): 226–31, <https://doi.org/10.1016/j.ambp.2007.02.002>.

culturally-sensitive Institutional Review Board (IRB) protocols. Currently, the content of IRB criteria varies from institution to institution, which leads to wide variation in the type of studies that are approved or denied. As I mentioned earlier, publication of research confers credibility and other social rewards, also bolstering an author's likelihood of being cited. Publication norms and the quality of the structural practices that decide whether research is accepted or not matters, arguably quite a bit. It is important that certain, if not all, research projects are evaluated from the appropriate cultural lens and sensitive to cultural differences in communication, understanding, and associated construct validity or legitimacy. One way of implementing this is by developing universal, homogeneous IRB protocols from state to state that appropriately account for cultural difference. With nationwide culturally-sensitive IRB consensus, we may be able to inch closer toward a shared understanding, acceptance, and proper acknowledgment of marginalized-group-member contributions to their respective epistemic environments. Furthermore, if psychology is to be taken seriously as a discipline that aims at uncovering deterministic laws of human behavior, then it cannot continue to ignore culture and the impact cultural differences has on the discipline's epistemology. This neglect contributes to hermeneutical marginalization and allows for the continued unjust treatment of members of underrepresented groups, as well as the asymmetrical, devalued positioning of qualitative methods.

Acknowledgements

Credit for many ideas, including universal IRB protocols, go to Dr. Katherine Gasdaglis and Lauren Hartogh. I would like to thank colleagues Michael Rhodes, and my mentor and friend Dr. Alexander Madva for helping edit, and the like for pushing me to complete this paper despite arduous life circumstances.



Omari Kamau Wa-Tenza Cunningham is a third-year undergraduate at California State Polytechnic University Pomona, studying Psychology and Philosophy. Long-term, they plan on obtaining their Ph.D. in clinical health psychology to gain the necessary tools and licensure for producing efficacious clinical treatment for a diverse range of clientele. In Fall 2022, they will apply to in and out-of-state graduate school programs and will take a gap year to recharge in preparation for graduate school.

Dissecting Anti-Trans Legislation's Relationship with Transitioning: A Surgical Analysis

By Leon Trey Garcia

Given the recent reactionary backlash to the building social acceptance of transgender people, the practice of transitioning necessitates a critical analysis of how it structures gender norms. While medical transitioning would open a space for those who wish to break the binarizing logic of sex and gender, gatekeeping measures have proven to be problematic, as it maintains a cisnormativity and heteronormativity that many transgender people were and are wishing to break. In this paper, I deconstruct how the essence of sex is maintained by the field of medicine and offer a change to the process of transitioning, guided by the opinion of many in the field of medicine.

I. Introduction

While liberal feminist thought touts a distinction between gender and sex, one that distinguishes, respectively, between the “social” and “natural” aspect of one’s identity, there still remains social markings maintained to uphold the view of sex as a “natural kind.” Alyssa Ney

defines natural kind as “a group of objects in which each member of the group shares some objective, mind-independent similarity,”

¹ while all members of a social kind share “some similarity based on existing social practices, institutions, or conventions.”² When it comes to sex, what makes one “naturally” a woman or man? Is it the body or the chromosomes one has? Does one require a certain level of estrogen or testosterone in their bloodstream before becoming a sex? Even as one tries to identify a different way to describe the phenomenon of how individuals become gendered, there is a core issue that remains in the relationship between gender and sex in the paradigm of liberal feminism. The “natural” female and male sex signify universals that shape how gender should be performed and constructed. One maintains that the male gender must conform in such a way to be in line with what is standard for the male sex. In this paper, I examine how the essence of sex is constructed by way of analyzing recent anti-trans(gender) legislation in two states (Idaho and Arkansas) and how the justifications of those laws espouse and maintain underpinnings of heteronormativity and cisnormativity. These underpinnings ultimately reveal that the markings of sex are socially contingent and, as Judith Butler says, “sex, by definition, will be shown to have been gender all along.”³

II. Idaho

In Idaho, the House of Representatives garnered national attention for passing H.B. 675, which punished parents and medical practitioners who aided in providing children with gender-affirming healthcare by codifying such care as child abuse and making it prosecutable.⁴ The justification given for such a law is that children are too young to determine their own gender identity. Within this

¹ Alyssa Ney. *Metaphysics: An Introduction* (New York, Routledge 2014), 261.

² Ney, *Metaphysics*, 262.

³ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 11.

⁴ House Bill No. 675, 66th Leg., 2nd Sess. (Idaho 2022), <https://legislature.idaho.gov/sessioninfo/billbookmark/?yr=2022&bn=H0675>.

argument is the cisnormative justification that one should default to the gender that conforms with the sex they were assigned at birth. It should be noted, however, that there is an inherent understanding behind the justification for such a bill that gender and sex are both natural kinds. From an American conservative view, gender and sex are, in their essence, interchangeable; there is no distinction to be made. As a result, one defends the bill on the assumption that children should maintain the gender identity that conforms to the sex they were assigned at birth and go through puberty. One was born a boy, so he must become a man.

Recently, Idaho Senate Republicans backed down from voting on the bill, maintaining a position that while they do still oppose gender-affirming medical treatment for children, they “believe in parents’ rights and that the best decisions regarding medical treatment options for children are made by parents, with the benefit of their physician’s advice and expertise.”⁵ In their statement, caucusing Republican Senators recognize the fact the Idaho Medical Association has not recommended sex reassignment surgery (SRS) for minors and that SRS has never taken place in Idaho. SRS for minors is not practiced at a national level and, as far as I have researched, there has not been a single example of a minor undergoing SRS cited by proponents of bills similar to H.B. 675.

Although it is certainly reassuring that anti-trans politicians have backed off in this specific instance and deferred to medical practitioners, the discourse surrounding gender-affirming healthcare ignores the days, months, and years spent by trans children questioning their own identity. American conservatives seem to imagine that children simply wake up one day and say, “Today, I want to change my gender!” and then immediately go to the doctor and start injecting hormones before the day is over. On the contrary, as I discuss in more detail below, transitioning is a very rigorous process that requires strict and constant evaluation by medical professionals.

⁵ Mark Harris, “Idaho Senate Republicans Statement on House Bill 675,” *Idaho Capital Sun*, March 15, 2022, <https://idahocapitalsun.com/wp-content/uploads/2022/03/Idaho-Senate-Republicans-Statement-on-HB-675-4.pdf>.

III. Arkansas

In 2021, Arkansas Governor, Asa Hutchinson, received praise for vetoing legislation (H.B. 1570), passed by the Arkansas State Senate and House and enacted over Hutchinson's veto, that banned children from seeking and receiving gender-affirming care,⁶ similar to H.B. 675 in Idaho. Hutchinson justified his veto by denying the state's right to dictate medical care. While Hutchinson vetoed the most recent anti-trans legislation, he previously signed laws that prevented trans women and girls from competing in sports and allowed doctors to refuse gender-affirming treatment. One could argue that Hutchinson vetoed H.B. 1570 merely to save face and receive some good press since the Senate overrode the veto anyway. But even if that was the case, there still is value in looking into his own justification for the veto. Hutchinson writes in the *Washington Post*: "H.B. 1570 puts the state as the definitive oracle of medical care, overriding parents, patients and health-care experts. While in some instances the state must act to protect life, the state should not presume to jump into the middle of every medical, human and ethical issue. This would be—and is—a vast government overreach."⁷ In a later NPR interview with Ari Shapiro, Hutchinson notably says, "Let's give some more deference to the medical professionals."⁸ In contrast with his party colleagues, Hutchinson passes on the responsibility of controlling the healthcare trans people can access rather than having the state directly determine healthcare outcomes.

A shift away from the state directly dictating how one should perform their own gender allows for social and cultural influences to

⁶ House Bill No. 1570, 93rd Leg., Reg. Sess. (Arkansas 2021).

⁷ Asa Hutchinson, "Why I vetoed my party's bill restricting health care for transgender youth," *Washington Post*, April 8, 2021, https://www.washingtonpost.com/opinions/asa-hutchinson-veto-transgender-health-bill-youth/2021/04/08/990c43f4-9892-11eb-962b-78c1d8228819_story.html.

⁸ Asa Hutchinson, "Gov. Asa Hutchinson On Vetoing A Bill Banning Gender-Affirming Care For Trans Youth," interview by Ari Shapiro, *All Things Considered*, NPR, April 6, 2021. Audio, 4:13. <https://www.npr.org/2021/04/06/984829976/gov-asa-hutchinson-on-vetoing-a-bill-banning-gender-affirming-care-for-trans-you>.

shape how medical practitioners administer healthcare as it relates to how sex is defined in medicine. While medicine recognizes sex as a natural kind, by using particular physiological markers to identify it, there are social aspects to gender that exist independent of natural physiological features that one can shape to influence their gender identity. One can use medicine to transition and change their bodily gender performance to better conform with their gender identity. As Simone de Beauvoir famously wrote, “One is not born, but rather becomes, a woman.”⁹ Beauvoir’s iconic quote affirms that, while the female sex exists, social processes create the subject, “woman.” Hutchinson does not maintain a sophisticated liberal feminist view on gender; still, his justification for vetoing H.B. 1570 opens space for crafting a social kind of gender, while maintaining the view that sex is biologically determined as a natural kind.

IV. Medical Gatekeeping

While the current framing of medical transitioning is called “gender-affirming,” there is history and justification behind the practice; the terms used at the time provide insight into how sex is still socially conceived. A prime example would be the term “transsexual,” now considered a derogatory way to refer to a trans person. This word maintains the assumption that transitioning is a process that changes the sex, not gender, of a person. While one could argue that the distinction between gender and sex was not conceptualized at the time of the coining of the term, people who transitioned were understood as being a different sex and thus treated as such. For example, to this day, you can change the “sex” on your government identification.

Transitioning was promoted as changing one’s sex. Medical gatekeeping was a functional necessity to maintain the legitimacy of the process.

In the 1960s, the German-born endocrinologist Harry Benjamin became the foremost doctor in the United States helping people transition, but the work was so controversial that it threatened his reputation. Dr. Benjamin and others like him realized they would

⁹ Simone de Beauvoir, *The Second Sex*, trans. by H.M. Parshley (New York: Alfred A. Knopf, 1993), 281.

need guidelines, ways of ascertaining who was legitimately trans, both to shore up their authority and to guard themselves against the specter of the fraudulent transgender person, the one who might be trying to trick them, or who was simply deluded.¹⁰

Without any significant barriers, the practice would have been quickly outlawed during the mid-twentieth century.

What steps must one take if they hope to express and perform their gender differently from the gendered expectations of the sex they were assigned at birth? For instance, what must one assigned male at birth (AMAB) do in order to become a woman? In many cases of transitioning, one must first pass a “real-life test” or “real-life experience.”

In order to be conservative and avoid harm, most transgender hormone guidelines in the past suggested that transgender individuals undergo a ‘real-life test’ living in chosen gender prior to hormone therapy. Undergoing a ‘real-life test’ was thought to ensure that patients would be prepared for the social transition to desired gender.¹¹

The first step one must take in performing gender incongruent with that assigned at birth is regulating their own image. The most essential part of performing gender is maintaining an image projected socially before one can even hope to receive any further intervention. The following step is hormone replacement therapy. In the case of AMAB, one must take estrogen to reconfigure their own physiology. There should be physical attributes and markers on the body that allow a person to identify the subject as a woman. Only after one passes the “real-life experience,” uses hormone therapy for 12 consecutive months, and is approved by a panel of psychiatrists, are they allowed

¹⁰ Alex Marzano-Lesnevich, “Who Should Be Allowed to Transition?” *New York Times*, March 4, 2022, <https://www.nytimes.com/2022/03/04/opinion/trans-laws-doctors-healthcare.html>.

¹¹ Ivy H. Gardner and Joshua D. Safer, “Progress on the Road to Better Medical Care for Transgender Patients,” *Current Opinion in Endocrinology & Diabetes and Obesity* 20, no. 6 (2013): 553-558, doi:10.1097/01.med.0000436188.95351.4d.

to receive SRS.¹² The most serious form of gatekeeping regulates how one experiences and expresses their own sexuality. At the time, the rigorous standards that protected SRS allowed for one to discover one's own sexuality!

The gatekeeping that once maintained the legitimacy of transitioning as a medical practice has transformed gender into a signifier just as rigid as sex. In transitioning, there is a hierarchy of the elements of what constitutes the category of sex. The first step one must take in order to become a sex is the image one presents and performs. Trans people are required to perform their gender without any medical intervention and conform to the already existing gender norms in order to pass. This requirement can notably be problematized when one considers the environment under which trans people must live to be their gender. Those who are not able to pass without any medical intervention face everyday marginalization and discrimination due to their gender identity, all the while facing intense scrutiny from a psychiatrist who can refuse treatment over the slightest indication that their patient does not conform to how a man or woman should behave. The required ongoing psychiatric evaluation also poses a barrier in and of itself against those who are non-binary and do not fall into a clearly defined category. Transitioning as a practice is not free for one to liberate themselves from the socially and culturally imposed norms of gender when one can be denied treatment if they are not "masculine enough" to be a man.

The medical field exacerbates the cisnormativity already present in how people are influenced culturally and socially, especially as children. As one moves towards receiving hormones, there is a pervasive expectation that trans people must live towards embodying the ideal man or woman so they can be seen as legitimate to the psychiatrists evaluating their medical needs. It is no longer simply the image one presents, but also how hormone changes affect their own pattern of

¹² "Gender Affirmation Surgery and Hormone Therapy," *BlueShield BlueCross of North Carolina*, accessed March 20, 2022, https://www.bluecrossnc.com/sites/default/files/document/attachment/services/public/pdfs/medicalpolicy/gender_affirmation_surgery_and_hormone_therapy.pdf.

behavior that must cleanly fit into the socially defined category of “masculine” or “feminine.”

Lastly, the gatekeeping of SRS works to shape the sexual expression of the subjects produced and deemed worthy of the surgery. As the influence of heteronormative and cisnormative psychiatry regulates how one should present the image of their sex so as to conform to a Western universal of man or woman, there remain underlying influences that shape how the universal man and woman should express their own sexuality as it relates to the “end product” bodies they maintain.

V. Objection

There is certainly a compelling objection to merely doing away with any categorization of sex as a natural aspect of identity based in the idea that natural sex categorization is medically necessary. The argument goes that there are certain types of diseases and conditions that females and males are uniquely susceptible to, such that drawing a distinction, however it may be, can and should be done out of medical necessity. I respond that maintaining such a rigid view of sex, a distinction that codifies difference between man and woman, diminishes the existence of people who are intersex and nonbinary who cannot conform to the binarizing medical classification. Upon accepting the binary conception of sex, the empirical response has been to pathologize those who were not born conforming to such a category. Parents are forced to “choose” what sex they want their child to be. “Choice” implies that sex must be one or the other and that there is no possibility of the binary where one can express an identity worthy of acceptance. There are still social implications that are inherently attached to how one tries to maintain some natural kind of sexual distinction between what is man and what is woman. There may very well be a better way to conceive of a natural kind of sex, but there has empirically been a cisnormative exclusion of people who do not fall strictly into the binarized categories constructed.

VI. Conclusion

While I pose harsh criticisms of how gender-affirming healthcare is practiced, I maintain the importance for trans people to be protected

in their own pursuit of transitioning and receiving the medical assistance they need. Progressing past the way the essence of sex has been constructed reveals its inner workings in how the “ideal” trans person transitions and demonstrates how the same social and cultural norms feminism critiques are still maintained in trying to justify sex, an aspect of identity that is still understood as naturally determined. Critiquing the idealism and normativity of gender is not mutually exclusive with supporting trans and nonbinary people wanting to adopt certain aspects that are seen as “normal” into their own performance of gender! The proper response to heteronormativity and cisnormativity is not to do away with all those aspects; the purpose of critique is to break away from the strict binarizing logic that essentializes gender and sex to only be visible through certain markers. People should be free to generate meaning from those markers for themselves as they perform their own gender! There should be a decoupling between the markers of image, the body, and expression of sexuality from gender.

When it comes to addressing practice, I do not have a comprehensive resolution. However, there have been notable changes for the better made in how transitioning is practiced, such as doing away with the “real-life test.” There are some states that do “self-identification” such that one does not need to pass the “real-life test,” so long as they see a psychiatrist and get approval after some evaluation.¹³ What was not mentioned in the earlier citation from BlueShield BlueCross of North Carolina’s policy sheet was that there was a way for patients to avoid doing the real-life test, but they would need “the treating clinician [to] submit information indicating why it would be clinically inappropriate to require the candidate to meet these criteria [of the real-life experience].”¹⁴

Social and cultural biases of gender still do have a lurking effect within psychiatric evaluation, as doing away with the “real-life test” does not eliminate it entirely. Still, there is progress to be made in helping trans people:

In addition to promoting resilience by enhancing peer support and other ameliorating assets among affected individuals and

¹³ Marzano-Lesnevich, “Who Should Be Allowed to Transition?”

¹⁴ “Gender Affirmation,” *BlueCross BlueShield*.

communities, interventions, advocacy, and public policy initiatives are needed to confront the social structures (e.g., gender-segregated restrooms and social groups), norms (e.g., gender role expectations), and attitudes (e.g., prejudice in the workplace) that produce minority stress to reduce the high rates of psychological distress found among transgender and other minority populations.¹⁵

There is no resolution that takes place with the snap of a finger and progress will stifle and stall out if only made through liberal incrementalism; there is an absurdity how Arkansas has allowed one to legally identify as nonbinary while one can readily see the demonization of parents who affirm and support their children in discovering their own gender identity. Homophobia did not vanish in the blink of an eye when the Supreme Court ruled on *Obergefell vs. Hodges*,¹⁶ at best, eliminating anti-trans laws shifts the problem of transphobia from the institutional level to the social and cultural space. Even in the case of Hutchinson's veto, deferring to medical professionals who are free to refuse medical care for trans children still harms them all the same. There are a variety of non-medical measures that can be taken to improve the lives and well-being of those who transition, though it would be beyond the scope of this paper to enumerate each individual step of progress one could take. However, there are actions and steps one can take, at least on an individual level. We must work to build an environment more accepting and affirming of people's own gender identity, while actively confronting our own biases and beliefs about how gender must be performed.

Acknowledgements

I can't thank my friend Spencer "Skycat" Williams enough. You've been an immense help, not only for reading my shoddily put together first draft, but for being such an amazingly understanding and kind

¹⁵ Walter O. Bockting et al., "Stigma, Mental Health, and Resilience in an Online Sample of the US Transgender Population," *American Journal of Public Health* 103, no. 5 (2013): 943-951, doi:10.2105/AJPH.2013.301241.

¹⁶ *Obergefell et al. v. Hodges*, Director, Ohio Department of Health, et al., 576 U.S. 1 (2015).

friend ever since Berkeley when you played Sufjan Stevens during my first night of work. Your courage inspired me to be as open as you've been; it inspired me to write this article. I could never be where I am without you having my back and being one of the nicest persons I have ever met. I am forever grateful to call you a friend. Thank you.

Leon Trey Garcia is pursuing a double major in political science and economics with a minor in philosophy. Garcia's interests include 20th-century continental philosophy and Nietzsche.

A Philosophical Consideration of the American Consumers' Gut Microbiome and Its Relation to Food Justice

By Lauren J. Hartogh

This paper underlines the increased need to solve food justice issues created by the growing knowledge of the connection between the gut microbiome and our mental states. Given this knowledge, I argue that consumers should not be held solely responsible for their health and mental wellbeing. Instead, some of the burdens must shift onto political and epistemic institutions to create a society that fosters their constituents' health. I demonstrate how American institutions are exacerbating the problem and highlight the negative consequences in various social, political, and epistemological structures. While this paper addresses the concern for necessary actions regarding food justice issues, I do not claim to provide tangible solutions. Instead, I explore and identify where possible solutions might lie, moving away from the current doctrine of placing an individual burden on consumers and, instead, pushing toward regulation and transparency in educational institutions and political systems. The exigency and ethical importance of this interconnected issue are dissected to leave room for further development from other thinkers.

I. Considering the Gut's Role in Food Justice

I aim to highlight the connection between the gut microbiome and mental states in American consumers and show how that connection is then applied to the difficult and urgent social issue of food justice. First, I define food justice as the broad initiative aimed to help elevate food insecurity and other economic pressures that can prevent access to nutritious, culturally appropriate, and healthy foods.

¹ Second, I address a newfound exigency for the socio-political problem, which has been shaped by the growing knowledge of the connection between the gut and brain. Undeniably, food justice has long been an important matter of discussion due to its overreaching negative impacts on the environment, global trade, and various communities across the world. However, by considering groundbreaking scientific studies of the gut microbiome, food justice evolves into a much larger human rights concern that brings light to further deep-seated issues about what we are putting into our bodies. This difficult problem addresses how our current institutions are exacerbating the problem, creating downstream consequences in social, political, and epistemological structures. This paper will not provide concrete solutions to these problems, but instead, explore and identify where possible resolutions might lie to begin resolving food justice issues.

A. Introduction of Research

Recent research demonstrates the effects that food consumption has on the American consumer's mental states; in this section, I provide empirical research on the bidirectional connection between the gut microbiome and cognitive processing. Food justice has long been an important theme in social and political philosophy, but now, its resolution seems more urgent. By introducing various studies of the gut-brain axis, I explain why food justice issues are more critical and urgent than ever before.

¹ "The Devastating Consequences of Unequal Food Access," Union of Concerned Scientists, accessed April 24, 2022, <https://www.ucsusa.org/resources/devastating-consequences-unequal-food-access>.

Besides the racialized, gendered, political, and economic detriments that food injustice brings to us,² it also harms us at a molecular level. I argue that if we can fix the microscopic battles going on within our gut, we can begin to tackle the broader issues that come along with food policy. The newfound microbiological research on the gut reveals that “gut issues themselves...do not occur in isolation from social, relational, and environmental factors.”³

Newfound research has shown that the gut microbiome plays an essential role in contributing to altered mental states and cognitive functioning, such as anxiety and depression.⁴ Due to the creation of many important biochemicals in the gut microbiome, and the bidirectional relationship of neurons between the brain and the gut biome, we have additional evidence for the conclusion that mental states are not simply brain-centric phenomena.⁵ In *I Contain Multitudes: The Microbes Within Us and A Grander View of Life*, Ed Yong discusses numerous studies on the gut-brain connection.⁶ He explains the bidirectional relationship between our gut microbiome and our mental states by using experiments done on germ-free rodents:

We now know that gut microbes are part of this axis, in both directions. Since the 1970s, a trickle of studies have shown that any kind of stress – starvation, sleeplessness, being separated from one’s mother, the sudden arrival of an aggressive individual, uncomfortable temperatures, overcrowding, even loud noises – can change a mouse’s gut microbiome. The opposite is also true:

² Robert Gottlieb and Anupama Joshi, *Food Justice* (Cambridge, MA: MIT Press, 2013).

³ Jane Dryden, “Food Choices and Gut Issues.” *Feminist Philosophy Quarterly* 7, no. 3 (2021): 30, <https://ojs.lib.uwo.ca/index.php/fpq/article/view/10839>.

⁴ Giovanna Colombetti and Eder Zavala, “Are Emotional States Based in the Brain? A Critique of Affective Brain-centrism from a Physiological Perspective,” *Biology & philosophy* 34, no. 5 (2019): 1–20.

⁵ Colombetti and Zavala, “Are Emotional States Based in the Brain?”

⁶ Ed Yong, *I Contain Multitudes: The Microbes Within Us and A Grander View of Life* (New York: Harper Collins Publishing, 2016).

the microbiome can affect a host's behaviour, including its social attitudes and its ability to deal with stress.⁷

Yong examines one of the first studies conducted in the late nineteenth century by William Beaumont, now considered the “Father of Gastric Physiology.” Yong explains that Beaumont discovered that the foods we eat impact everything from our mood and happiness to our social behavior.⁸ We know now that the foods we choose can fuel specific bacteria in our gut that create different reactions in our brain. Through his experiment on feeding a man with an open gun wound to the stomach, Beaumont had a literal window into the gut and its effects on the body. He was able to test how different foods had different effects on his patient's mood and disposition. He saw that the foods we are consuming could hold the power to create unwellness in our bodies and have influence over our minds.

B. Mental States in the Gut

Consuming certain foods can have detrimental effects on the gut microbiome and on one's physical health and mental wellbeing.⁹ Researchers describe the connection between the gut microbiome and the effect on human brain development as especially impactful in children and adolescents whose brains are not fully developed. Through experiments, they found that what we feed young ones, or not feeding them in many cases, can significantly affect how their brains develop: “Nutrition itself is a well-established modulator of cognitive outcomes...both specific nutrient deficiencies and low overall diet quality are associated with negative long-term impacts on cognitive development.”¹⁰

Yong also summarizes researcher Paul Patterson's studies to show that many emotions and other mental processes can be the result of the communication between the colony of bacterial organisms living

⁷ Yong, *I Contain Multitudes*, 91.

⁸ Yong, *I Contain Multitudes*, 90.

⁹ Caitlin S. M. Cowan, Timothy G Dinan, and John F Cryan “Annual Research Review: Critical Windows – the Microbiota–gut–brain Axis in Neurocognitive Development,” *Journal of child psychology and psychiatry* 61, no. 3 (2020): 353–371, <https://doi.org/10.1111/jcpp.13156>.

¹⁰ Cowan, Dinan, and Cryan, “Annual Research Review,” 371.

within our digestive systems. Patterson's research explains the effects that the gut has on mental health, including depression, anxiety, and relational autonomy.¹¹ While the research is in its initial stages and has many variables to consider, it opens many doors to the interdisciplinary studies of neuroscience, microbiology, and gastroenterology. Patterson's findings demonstrate that the connection between food justice and the relationship between the gut and brain grows, and so does the urgency to not only understand, but eradicate these problems.

C. Killing the Biome One Antibiotic at a Time

Due to the rampant use of antibiotics, modern medicine often produces harmful effects on the gut microbiome. However, Yong explains, "Much of modern medicine is built upon the foundations that antibiotics provide, and those foundations are now crumbling."¹² When we ingest antibiotics, they enter our stomach and kill all bacterial entities, including those necessary for healthy development and proper somatic functioning.¹³ Antibiotics are destroying the diversity of our microbiome and thereby affecting our immune systems and our mental states. In a human study that observed the effects of antibiotics on young children, researchers found that "early-life antibiotic exposure was also associated with greater behavioral difficulties, more oppositional behavior and more symptoms of ADHD and depression."¹⁴

They explain that the effect antibiotics have on the gut microbiota of younger individuals can possibly be detrimental to their long-term health. This is reflected in germ-free rodents, who exhibit cognitive and social deficits compared to their germ-ridden counterparts.¹⁵ They argued that the first set of microbiotas we gain after birth seems to have a disproportionately significant influence on the overall state of

¹¹ Yong, *I Contain Multitudes*, 87.

¹² Yong, *I Contain Multitudes*, 162.

¹³ Michaela Wenzel, "Do We Really Understand How Antibiotics Work?" *Future Microbiology* 15 (2020): 1307-1311, <https://doi.org/10.2217/fmb-2019-0324>.

¹⁴ Cowan, Dinan, and Cryan, "Annual Research Review," 371.

¹⁵ Cowan, Dinan, and Cryan, "Annual Research Review," 371.

the microbiota later in life, based on results from the mice model they were studying. A study done on infant rats found that immune challenges, inflammatory disorders, and social deficits are more likely to be reversed early in life rather than at four weeks into adulthood.¹⁶ What this study shows is that adverse effects are easier to reverse younger in life, when the gut is not fully populated yet. These findings should increase the need for greater attention on pediatric education, such as greater education about what probiotics infants should be exposed to after nonvaginal births to ensure the best gut population in adult life.

II. Considering Moral Implications of Food Injustice

Given the research on the gut microbiome and knowledge of existing gaps in various social structures, I argue that food injustice compromises consumer autonomy. I understand autonomy through feminist work on relational autonomy, which:

Characterizes selves as relationally constituted and their autonomy as augmented or diminished through relational factors. Paying attention to how an agent's autonomy and broader social structures work together can help us consider how an agent might be supported in making choices about food that reflect their values, goals, and commitments.¹⁷

This feminist framework of autonomy highlights the concern for a need for change in food justice. As the urgency of the problem increases, I highlight how there tends to be an increase in the individual's burden through either moral shaming or biased racial and gendered tactics, instead of political institutions accepting the bulk of the responsibility. In our current society, individuals are almost entirely responsible for making the 'right' choices for their health. I argue that this burden is unfair and unjust due to the compromised state of autonomy that many individuals suffer.

¹⁶ Cowan, Dinan, and Cryan, "Annual Research Review," 371.

¹⁷ Dryden, "Food Choices and Gut Issues," 30.

A. Exposing the Gendered Issue

Diet culture functions to blame the individual, and worse yet, due to the nature of marketing and advertising, food companies use purposeful tactics to make it nearly impossible to desire to eat healthily. Because of this, we tend to place the responsibility on the individual, which only further perpetuates the current obesity epidemic we have on our hands.¹⁸ Through diet culture, American society has collectively created and upheld unrealistic standards of health and beauty, while simultaneously providing near impossible solutions for people to obtain them, which, in turn, creates a perpetual cycle of consumerism and self-loathing. In *Food is Love: Food Advertising and Gender Roles in Modern America*, Katherine J. Parkin writes, “Scholars have long debated the role of advertising, with some speculating that it reflected the culture and others charging that it shaped it. Fundamentally, advertising seeks to shape. That it might at times have reflected reality was coincidental, but not its purpose.”¹⁹

Through the creation of a dieting culture, Parkin focuses on women’s burden and the hopelessness they feel if they cannot successfully fit into the specific idea of beauty and health presented to them. These unrealistic ideals promote a cyclical downward spiral towards more unhealthy decisions. It is in the personal and professional interest of businesses, food producers, the diet industry, and privatized health care companies to keep people overweight and unhealthy because it makes them money,²⁰ which is the goal of any business. “In addition to positive portrayals, the ads also directed a barrage of criticism at women about their appearance, most especially about their weight. The ads encouraged feelings of bodily shame and promised that their products would offer salvation.”²¹ The moral pressures and value judgments about health and weight should be done away with entirely.

¹⁸ Nia Mitchell et al, “Obesity: Overview of An Epidemic,” *The Psychiatric Clinics of North America* 34, no. 4 (2011):717-732, <https://doi.org/10.1016/j.psc.2011.08.005>.

¹⁹ Katherine J. Parkin, *Food Is Love: Food Advertising and Gender Roles in Modern America* / (Philadelphia: University of Pennsylvania Press, 2006), x.

²⁰ Gottlieb and Joshi, *Food Justice*, 69.

²¹ Parkin, *Food Is Love*, 70.

B. Exposing the Racialized Issue

Low-income communities and communities of color are also disproportionately affected. In *Food Justice*, Robert Gottlieb and Joshi Anupama explain that food marketing companies purposely target vulnerable people who will be affected the most and for the longest duration of time. Through the evolution of supermarkets and grocery stores, there have been discrepancies in access that affect urban communities, lower-income individuals, and people of color disproportionately. There are no longer independent delis, butchers, or grocers, since they are all confined into one super-space and generally placed in suburbs. Low-income communities are within the marketing companies' grasp; consequently, there is an increased accessibility to unhealthy, highly processed foods and a corresponding difficulty to obtain healthy food or secure the time to prepare it.²² There is also a disturbing connection between the number of fast-food establishments compared to grocery stores in inner-city areas. Areas with persistent uneven distribution of unhealthy food have been labeled as 'food swamps' to explain both the lack of accessibility to healthy foods and the excess of unhealthy foods.²³ Low-income communities are more susceptible to these food dangers.²⁴

In addition, food-related diseases, such as diabetes and heart disease, are more common amongst minority groups for the exact reasons already mentioned. There is less access to healthy foods, causing their eating habits to become skewed and problematic. Due to this injustice, the individual is not equipped to make decisions about their health without the proper education on what is nutritious, or without a fair chance when making buying decisions. Therefore, these individuals should not be held solely responsible for the mismanagement of their health. These various systemic injustices have begun from and continue because of the inability to access nutritious

²² Gottlieb and Joshi, *Food Justice*, 55.

²³ Kristen Cooksey-Stowers, Marlene B. Schwartz, and Kelly D. Brownell, "Food Swamps Predict Obesity Rates Better Than Food Deserts in the United States," *International Journal of Environmental Research and Public Health* 14, no. 11 (2017): 1366, <https://doi.org/10.3390/ijerph14111366>.

²⁴ Gottlieb and Joshi, *Food Justice*, 73.

foods, the miseducation of the human mind-body connection, and the inadequate regulation of food policy decisions in America.

C. Exposing the Moral Weight

Although corporations and large companies have much more of an environmental and social impact when it comes to their contribution to these issues, the American consumer has been the one burdened with responsibility for them in multiple aspects of life. We have seen this repeated with several problems that are out of the consumer's control. For example, in her book, Heather Rogers writes about the social and political history of garbage in the United States.²⁵ She explains how the United States government placed the responsibility of keeping the environment clean on the consumers through various anti-littering campaigns rather than blaming the plastic companies creating all the unnecessary waste. In promoting recycling as an individual responsibility, a sense of morality was applied to the consumers' decisions. The littering campaign made it seem that if you litter, you are a bad person, but if you recycle, you are a good person. This is important to note because we see this again with diet culture. Even though food companies have made it nearly impossible to remain healthy, morality is now directed at individual food decisions: if you are skinny, you are judged a good person, but if you are fat, you are judged a bad person. Companies find it more efficient and profitable to shift blame onto their consumers than to address the issues they create.

Similarly, in American society, diet, just like recycling, is treated as a matter of individual responsibility. Fast food companies cause weight gain and physical unwellness, yet "the industries have sought to deny responsibility to health outcomes and have funded research to that effect, for example...that sodas have no relation to weight gain."²⁶ The false research makes people largely unaware of the negative connections between food and mental states and therefore have little control in avoiding them. Thus, the consumers' self-sufficiency, or autonomy, is negatively impacted. If consumers are largely unaware,

²⁵ Heather Rogers, *Gone Tomorrow: The Hidden Life of Garbage*. (New York: New Press, 2005).

²⁶ Gottlieb and Joshi, *Food Justice*, 57.

burdens of moral responsibility should shift from the consumer onto social institutions instead. Microbiological evidence shows us that shifts in relational autonomy are occurring due to food. If this is true, and the consumer's autonomy can be negatively impacted, then I propose that the individual's burden should be decreased. A responsibility to correctly inform the consumer and regulate food consumption arises from these shifts in autonomy, pushing the bulk of the moral responsibility onto a broader social entity.

III. Proposal Arguing Where Solutions Should Lie

We need to push away from the current doctrine of placing an individual burden on consumers and instead push towards regulation and transparency in educational institutions and political systems. The solution to these food justice issues might lie in educational reform. I am careful to note that education comes in many forms, from actual epistemic institutions to education on city infrastructure, government food subsidies, and much more. After educational reform begins, bottom-up political reform becomes possible. When voters are more aware of the issues, representatives are more accountable to voters' needs and desires.

A. Consumer Consciousness-Raising

Education comes in various forms, from an institutionalized curriculum to an increase in political and social awareness. The education I propose involves consciousness-raising rather than just formal or institutionalized learning. The populace of all ages must be appropriately informed in relation to their ability to act. Small children and school-aged individuals can focus on their locus of control and what they put into their bodies. Young adults and those of voting age should be informed of their power in a democracy and must be adequately informed about legislation that can create lasting change.

Education through a school-based curriculum is the most common form of teaching. By promoting a need for nutrition in schools, America can produce more educated consumers. All K-12 school systems should include nutrition courses that provide scientifically supported studies taught by registered dietitians who are able to inform the students correctly. In addition, children should be

educated about the existence and function of their gut microbiome from an early age. By learning about their body in a more comprehensive light, students can identify how food really affects our minds and bodies. There are various benefits to introducing nutrition in schools:

[Students] enhance their competence as informed consumers able to perform their food choices in a complex society with a wide variety of food available. School-based nutrition education should focus not only on nutrition information, but also develop skills and behaviours related to areas such as food preparation, food preservation and storage; social and cultural aspects of food and eating; enhance self-esteem and positive body image and consumer aspects.²⁷

It is imperative to provide consumers with the proper tools to make informed decisions, and nutrition education can aid in meeting this imperative.

Teaching students about the value of nutrition and how to navigate the difference between actual healthy foods and marketing lies is essential to their health and wellbeing. Several other countries already incorporate food education for school-aged children.²⁸ Therefore, there are various functioning roadmaps available for the United States to follow and emulate. In addition, the reliance on established epistemic institutions to inform the young consumer is currently how we have built our society, and, thus, the new reform would be less invasive than other tactics, since the infrastructure is already set up to be successful this way.

B. Education in Policy Making

Simply learning about which foods are nutritious is only half the battle, since eating healthily requires time and resources that are not

²⁷ Rachael Dixey et al., "Healthy Eating for Young People in Europe: A School-based Nutrition Education Guide," International Planning Committee of the European Network of Health Promoting Schools, Guide, 1999.

²⁸ Carmen Perez-Rodrigo and Javier Aranceta, "Nutrition Education in Schools: Experiences and Challenges," *European Journal of Clinical Nutrition* 57, no. 1 (2003): S82-S85.

available to many people; education on the gut biome cannot help the individual living thirty miles away from any available organic produce and information on probiotics does not benefit the immigrant family living on a farm. Social and political awareness are also needed to call attention to these problems of inequality; however, there remains a need for educational programs that will help combat food injustice. Teaching communities about the reality of food swamps and food inaccessibility is also imperative to create change.

First, by introducing the interconnectedness between what we feed our gut microbiome and the world around us, we can highlight the deeper importance of creating access to the right choices. This interconnectedness between the gut microbiome and food justice continues to present itself. As shown,

With regard to gut issues, while the biomedical condition plays a role, the experience of making food choices is highly affected by social, relational, and environmental factors...Drawing attention to the importance of these factors helps to point to ways in which we could collectively respond and thus enable more possibilities for food choices.²⁹

Education about how the gut affects our minds comes first, then that can be applied to how that affects the broader social structures that we exist in. The goal is creating higher voter consciousness on issues like city and government capabilities to help irradicate some of those issues.

IV. Objections to My Proposal

In this section, I will raise two objections to my proposal and explain the shortcomings in education-based solutions, explore where other areas may fit better to solve food justice issues, and investigate the boundaries of my proposal to discover which problems education cannot reach.

A. Education is an Individual Burden.

It is important to note that not every student has the same access to education. Federal mandates can require information to be taught,

²⁹ Dryden, "Food Choices and Gut Issues," 30.

but they cannot ensure the same quality of education in every school district, and educational inequalities disproportionality affect students of color and people living in low-income communities. Thus, providing education on the gut biome might unfairly help those with better access to more affluent school districts. The burden is still primarily placed on the individual because education requires taking the time to internalize information and trying to act on it. Once the information is taught, there must still be infrastructure set up to ensure equal access to the right foods. Educating people on the harms of food does not solve the issue of autonomy if there is nothing they can do to change or fix it.

B. Education Cannot Change Everything.

As informed as a nation can be, there are still people who simply will not care. There are various issues that have been mandated to be taught in schools, yet they are still disagreed upon. Teaching students about their mental and physical health can be mandated; however, there is no guarantee that students will follow or agree upon the information. Additionally, teaching individuals what they should or should not eat is not helpful if they do not have access to those foods. Various accredited sources have already been written and published, showing the detriments of food swamps and the role food marketing companies had in creating them.³⁰ However, they are still perpetuated, not because people are uneducated about their existence, but because solving problems on paper is easier than real-world application. Education about an injustice does not solve the injustice; no matter how many people read about it, change does not come from education alone. Educating the masses might be less fruitful than predicted. Exploring alternative proposals like policy reform in the form of stricter guidelines on what can or cannot be sold might prove to be more effective in our current society.

³⁰ Kristen Cooksey-Stowers, Marlene B. Schwartz, and Kelly D. Brownell, "Food Swamps Predict Obesity Rates Better Than Food Deserts in the United States," *International Journal of Environmental Research and Public Health* 14, no. 11 (2017): 1366.

V. Conclusion

The main argument of this paper is that, as more information is discovered on the connection between the gut microbiome and our mental states, the urgency to elucidate food justice issues increases. Because of this development, consumers should no longer solely be held morally responsible for their own healthiness and wellbeing; instead, some of the moral burden must shift onto political and epistemic institutions to create a society that fosters their constituents' overall health. I call for significant revisions in epistemic, social, political, and structural practices in America. I recognize the limitations of my position and understand that I have not formulated obtainable solutions. Instead, I issue a call for action to those who have the power to ensure lasting change in this field of study. The link between our gut and our mental states is undeniable; what we will do with this newfound information is critical, yet still undetermined. I encourage further interdisciplinary research to be done on the philosophical implications of the human condition and their gut microbiome.

A. What Education Can Change

While acknowledging the objections above, I maintain that education is necessary, even if not sufficient, for lasting change. Education alone will not be able to solve food swamps in their entirety; however, food swamps are not the only issue within the realm of food justice. Education can help local farmers through more awareness. Education can provide health and vitality to consumers through the consumption of proper foods. Consciousness-raising is about creating a holistic awareness of the world and promoting transparency between knowers. I argue that education is only the first step. Once voters are properly informed, they can begin to understand the limits and abilities that the government possesses. This knowledge can help initiate laws aimed at subsidizing organic produce or allowing proper access to relevant resources and healthy foods.

Regardless of the current state of the education system, it is still essential to inform consumers, to the best of our ability, about the importance of eating healthily and caring for their gut biome. I recognize that learning about what to put in our bodies is only half the

battle, and that food swamps can only fall away by decreasing the demand for unhealthy foods *and* increasing the supply of healthier foods. My proposal is not simply to create a more informed consumer but to give them more fair options to choose between. When we place the burden on corporations to make food more accessible and affordable, we can alleviate an individual's burden to choose between cheap and unhealthy or expensive and healthy. I maintain that this change in the supply and demand all starts with education because, with a more educated population, communities are more able to decide and fight for what they deserve to have access to.

B. Awareness Creates Change

Strict policy reformation and an increase in governmental control will only further harm consumer autonomy. Education and transparency, on the other hand, allow for an individual's decision-making to remain autonomous. The government's role is to ensure that all consumers are properly informed so that their vote can inform how they want their legislatures to act. We already have governmental institutions like the FDA and USDA created to ensure proper regulation of goods, but even they lack transparency from companies about what is going on behind all the products sold. Therefore, placing more responsibility on these institutions might not work. I propose that when the government creates new policies, they employ a team of registered dietitians on the board before implementing any new food regulations and drastically limit lobbying from interested companies. This will further the push for education and transparency, since there is currently little nutritional input from actual dietitians about what is healthy and advice from privately-run food companies is included without context. Researchers explain that "corporations frequently hire lobbyists to engage directly with government policymakers. Business associations can also wield significant influence over policy processes because they claim to represent a large number of firms that may be important economic players within a policy or regulatory context."³¹ The American governmental policy creates conventional

³¹ Jennifer Clapp and Gyorgy Scrinis, "Big Food, Nutritionism, and Corporate Power," *Globalizations* 14, no. 4 (2017): 578–595, <https://doi.org/10.1080/14747731.2016.1239806>.

ideas of ‘wellbeing’ such as the *Food Pyramid* or the more recent *MyPlate* initiative, which are all heavily influenced by lobbyists, instead of nutritionists or dietitians.³² After constituents are informed about how the microbes affect their bodies, and how to ensure equal access to the correct foods, then recognizing where the government should take on its responsibility is the next step. We must also educate and inform legislatures so that we can trust them to make the right decisions and implement successful policies.

Raising one’s consciousness provides vital power to the individual knower. By understanding the connection between how what we eat affects not only how we feel, but our place in the world as well, the daily habit becomes much more weighted and important to consider. Teaching consumers about the myriad of factors that are influenced by the simple act of eating can protect them from exploitation. When we change the way we consume, we can begin to reshape the world with more equity and justice for all.

Acknowledgements

I would like to thank the folks at the Undergraduate Journal of Ethics, Policy and Social Justice for their hard work and dedication; I really could not have done this without you. And of course, I would like to thank my husband Kyle for always supporting me and my writings. I love you.



Lauren Hartogh went through dozens of rounds of antibiotics as a child and never understood why she was sick much more often than most other children. Overuse of antibiotics damaged her gut microbiome and weakened her immune system, perpetuating her constant illnesses. As she grew more aware of her body, she discovered the influence of the gut microbiome. Out of an

³² Matthew Chrisman and Lillian Karina Diaz Rios. “Evaluating MyPlate After 8 Years: A Perspective,” *Journal of Nutrition Education and Behavior* 51, no. 7 (2019): 899–903.

act of desperation to find out how to heal her body, this paper was born; looking for advice for herself, she found the connection between what lives inside everyone and the world around us.

Addressing the Racial Gap in Academic Achievement Through Policy

By Emily Reyes

In this paper, I investigate how certain policies impact racial inequities in education. Ultimately, I argue that many of the inequities in education are mutually reinforcing and can be attributed to inadequacies in policy. I primarily focus on seven policies by revealing their purpose and inadequacies: (1-2) The Morrill Land Grant Acts of 1862 and 1890, (3) The Servicemen's Readjustment Act (G.I. Bill), (4) standardized or high-stakes testing, (5) zero-tolerance policies and maximum-security schools, (6) cost and fees, and (7) affirmative action. I argue that factors impeding academic success among disadvantaged groups mutually reinforce one another by creating a web of obstacles for these members. I propose three strategies to consider when cultivating and implementing policy: (1) high-quality teachers, (2) increasing diversity among teaching staff, and (3) smaller classroom sizes, all of which evidently increase academic success among disadvantaged groups by providing students with the resources they need for their development. I also argue that, in order for the above strategies to be effective, educational institutions should direct their focus to implementing well-designed race education, racial equity frameworks, and perspective-taking in order to arm themselves with

the capacity to cultivate racially conscious and inclusive campus environments.

I. Introduction

A key obstacle impeding successful efforts to reduce racial injustice is the failure to distinguish impact from intent. Particularly in education, many policies that are said to be “race-conscious” fail to make meaningful progress in addressing racial inequalities in education and, in some cases, even increase racial inequality. Such policies struggle to positively impact the experiences of people of color in academic settings, even though they are “well-intended.”

Why is this so? If policy drives action or change, why are racial policies in education unable to mitigate or reduce racial injustices? Being able to distinguish impact from intent can help us determine which racial policies fail to make meaningful progress and how they might be reformed to be more successful. Where do these policies fail to produce meaningful change and how can we support these critical areas, so they can foster this change?

In this paper, I argue that the factors contributing to racial injustice in education are mutually reinforcing and driven by policies that ultimately exacerbate racial inequities rather than reduce the racial gap in academic achievement. Many current and former “race-conscious” policies fail to reduce this gap by diverting critical resources from high-need areas to predominantly white, affluent communities and fail to create supportive, academic spaces that promote growth and success for people of color. Understanding these policy failures is crucial to redressing them. I conclude by outlining educational strategies to help reduce the racial gap while also highlighting their current limitations and potential modifications. One key upshot of this discussion is that well-designed race education, racial equity frameworks, and perspective-taking are necessary conditions for implementing race-conscious policies and strategies to successfully reduce racial injustice in education.

II. Policy Inadequacies

I begin by providing accounts of several “race-conscious policies,” highlighting their purpose and inadequacies in addressing racial inequities in education.

A. The Morrill Land Grant Acts of 1862 and 1890

The Morrill Land Grant Act of 1862 allocated federal funding to institutions of higher education, so they can access land grants to expand their campuses as well as establish new colleges and universities. Since some states continued to adopt segregation, many black students were denied access to many of these land grant institutions. In efforts to mitigate this exclusion, Congress enacted the 1890 Morrill Act, which allocated funding for states to cultivate separate land grant institutions for black students. However, while these acts made it more accessible for black students to access these institutions, they failed to give these students equal opportunity to commit to highly respected careers, like becoming doctors or lawyers. Land grant institutions for black students primarily emphasized “mechanics, agriculture, and industrial fields.”¹ Here, we see that while the 1890 Morrill Land Grant Act attempts to grant black students equal access to educational institutions, a new inequality has developed: the racial gap in highly respected careers or fields. Rather than granting black students equal access to any institution they please, the more recent land grant act funnels black students into careers more in line with the trade industry. This makes it more difficult for black students to achieve upward mobility by limiting their opportunities to fields that struggle to bring in as much income compared to doctors, lawyers, or other prestigious careers.

B. The Servicemen’s Readjustment Act (G.I. Bill)

The G.I. Bill was enacted in efforts to increase opportunities for veterans to pursue their education by providing them financial benefits and subsidies. While the G.I. Bill successfully expanded higher

¹ Samuel D. Museus, María C. Ledesma, and Tara L. Parker, “Systemic Racism in Higher Education,” *Racism and Racial Equity in Higher Education: AEHE* 42, no. 1. (2015), 50.

education campuses, it further exacerbated the racialized academic achievement gap among veterans. In fact, while “white veterans were much more likely to cash in their full benefits, veterans of color were often denied access to their subsidies...”² Moreso, many veterans of color who were able to attain their benefits were pushed into trade schools and less-competitive institutions of higher education (IHEs). This policy was meant to serve and expand education for veterans, but ultimately widened the racial gap in academic achievement by excluding veterans of color from full access to these subsidies and other financial benefits that would support their enrollment in higher education. Thus, we are presented again with a similar theme mentioned in the first two policies addressed in this paper: the act of funneling students of color into the trade industry and less-competitive IHEs. Students of color are restricted from equal access to institutions that prioritize their academic success and propel their students up the social ladder or, in other words, achieve upward mobility.

C. Standardized or High-Stakes Testing

High-stakes testing can be described as the process in which educational institutions administer standardized tests as the determining factor in evaluating academic ability or achievement.³ This process was widely implemented in many schools across the U.S. after former President George W. Bush’s launch of the *No Child Left Behind Act* (NCLB), a federal educational reform plan developed in response to the disparities in academic achievement between white, affluent communities and members from disadvantaged groups who also struggle financially. In his educational reform plan, Bush attempts to mitigate these disparities by “using education funds as incentives for test performance.”⁴ Rather than making the quality of education more equal across all groups, NCLB diverts funding from communities of

² Museus, Ledesma, and Parker, 51.

³ Tammy Johnson, Jennifer Emiko Boyden, and William J. Pittz, “High-Stakes Testing,” in *Racial Profiling and Punishment in US Public Schools: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity. Research Report [and] Executive Summary* (Applied Research Center, 2001), 9-13.

⁴ Johnson, Emiko Boyden, and Pittz, 11.

color who already have less access to the resources essential for higher test performance to begin with. This is evident given that “the ‘rewards and sanctions’ that follow standardized testing disproportionately benefit white middle-class students and use scarce education tax dollars to widen the racial achievement gap in our public schools.”⁵

High-stakes testing also amplifies racially biased attitudes (ultimately contributing to institutional racism) by falsely affirming the belief that people of color are less intelligent than their white counterparts. The implementation of one of the first standardized achievement tests was developed by Stanford psychologist Lewis Terman, who assumed that he could reveal a link between intelligence and race.⁶ This method of testing continues to be used for California students today. Since members of disadvantaged groups tend to do more poorly on these exams compared to white, affluent individuals, it is wrongfully assumed that white people are academically superior, rather than acknowledging members of affluent groups have more access to resources essential for academic achievement. When students do not do well on these tests, they are denied diplomas, promotion to the next grade, or placed in alternative programs, making it more difficult for these students to achieve academic success. In reality, standardized testing is a testament to differences in socioeconomic backgrounds and situations, despite being based on the assumption that all students are receiving equal access to quality education and developing at the same pace. It is a generalized measure that fails to account for students coming from a range of different social backgrounds, some of which hinder one’s ability to advance in education.

D. Zero-Tolerance Policies and Maximum-Security Schools

The zero-tolerance policy became widely implemented after the Gun-Free Schools Act (GFSA) was enacted in 1994, an effort to protect school communities from violence after previous, more frequent incidents of mass shootings.⁷ GFSA requires “a one-year

⁵ Johnson, Emiko Boyden, and Pittz, 11.

⁶ Johnson, Emiko Boyden, and Pittz, 12.

⁷ Tammy Johnson, Jennifer Emiko Boyden, and William J. Pittz, “Zero Tolerance and Maximum-Security Schools,” in *Racial Profiling and Punishment*

expulsion for any student who brings a firearm to school.”⁸ Following the enactment of GFSA, school districts allocated extensive resources to help boost security measures in schools, which led to an increase in police presence and surveillance on campus. While these policies are put in place to ensure the safety of others, they negatively impact academic achievement among students of color by expelling or suspending them at rates disproportionate to their white counterparts. Not only that, but the zero-tolerance policy has been expanded in many schools to include suspension for students missing class, arriving late to class, and instances of minor misbehavior or disruption of a class. According to Tammy Johnson, Jennifer Emiko Boyden, and William J. Pittz, “In 1998 while African American students comprised 17.1 percent of the US student population, they represented 32.7 percent of suspended students nationally. That same year white students comprised 62.7 percent of all students, but accounted for 49.8 percent of those suspended.”⁹ These numbers represent a disproportionate use of punishment among students of color. Simultaneously, students of color are subjected to more severe forms of punishment than white students for the same “offenses.”¹⁰ Maximum-security schools also contribute to the racial gap in academic achievement by making it more likely for these students to stop pursuing education entirely.

Consider an instance of excessive police presence in Albuquerque Public School, where officers were armed with taser stun guns, mace, and police batons. Johnson, Emiko Boyden, and Pittz suggest that these measures “put students of color at an academic disadvantage to their white counterparts, and as a consequence large numbers of youth of color fall behind, become more frustrated and drop out of school entirely.”¹¹ A possible explanation for this could be that students of color are more likely to be targeted for certain violations of school policies based on racial stereotypes and attitudes and removed from

in US Public Schools: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity. Research Report [and] Executive Summary (Applied Research Center, 2001), 14-18.

⁸ Johnson, Emiko Boyden, and Pittz, 15.

⁹ Johnson, Emiko Boyden, and Pittz, 15-16.

¹⁰ Johnson, Emiko Boyden, and Pittz, 17.

¹¹ Johnson, Emiko Boyden, and Pittz, 17.

class as a result, which disrupts their education and makes it more likely for them to fall behind in school. This demonstrates how these issues are mutually reinforcing. As students of color experience higher rates of suspension and fall behind in their classes, they tend to do more poorly on their exams. As more students do worse on exams, schools are allocated less funding, which ultimately restricts them from accessing the necessary resources to help students from disadvantaged groups succeed in education. While zero-tolerance policies and maximum-security schools are meant to protect members of the school community from violence, they inadvertently make it more difficult for students of color to do well academically. Consider an instance in Bell County, Kentucky where a white student called a black student the n-word because the white student was dared by his friends. In response, the black student hit the white student which led to a physical fight. In this instance, the white student was suspended for one week, while the black student was suspended for two. This was justified on account that the black student-initiated physical contact with the other student. White students receive little to no punishment at disproportionate rates, which suggests that their academic success is prioritized over students of color. It also implies that white students are considered by the administration to be inherently “good” students with temporary lapses in judgment, whereas students of color are more susceptible to misbehavior and deserve more severe degrees of punishment in efforts to “correct” them. In this particular case, the administration failed to acknowledge “racial harassment and provocation on the part of the white student.”¹²

E. Cost and Fees

The high cost of higher education also has a large influence on the racial gap in academic achievement.¹³ This results in any students of color taking out loans to help pay for their tuition, ultimately making it more difficult for these students to continue their education and achieve upward social mobility, since they are burdened with school debt. Even efforts to subsidize education, like the Pell Grant, do not necessarily make educational opportunities more accessible for

¹² Johnson, Emiko Boyden, and Pittz, 16.

¹³ Museus, Ledesma, and Parker, 57

students of color, but rather make it more likely for IHEs to increase tuition and fees.¹⁴ Performance funding and for-profit education also exacerbate racial inequities in higher education by creating incentives for IHEs to increase retention and graduation rates. This is similar to the policy discussed above (high-stakes testing) in that it shares a similar theme: the awarding of funding to institutions that are already doing well with regard to student success and diverting funding to the institutions in communities that really need it. This ultimately makes IHEs more selective, inaccurately assumes graduation rates are imperative to academic success, and fails to account for IHEs serving predominantly disadvantaged students with fewer resources and whose students have had less access to quality education.¹⁵

F. Affirmative Action

Affirmative action was enacted in response to former President John F. Kennedy's Executive Order 10925 but was applied to the higher education sector under the administration of former President Lyndon B. Johnson. This effort was developed to reduce racial discrimination and increase diversity in highly selective universities and college campuses by encouraging IHEs to look beyond students of color's test scores. Affirmative action also heavily relied on the notion of a "critical mass,"¹⁶ which is the idea that students of color perform better in academic settings when they are surrounded by those that share their racial backgrounds. However, "...in the absence of a focus on reaffirming the role of affirmative action in combating systemic racism, critics of race-conscious admissions policies have engaged ideological narratives that promote color blindness and post-racialism to dismiss the role of racism in shaping college opportunity and contend that policies like affirmative action are no longer necessary."¹⁷ When IHEs implement affirmative action and only focus on increasing diversity on campus, they fail to create academic spaces essential to the growth and success of people of color in these settings by subjecting people of color to racial hostility and mistreatment. Elizabeth

¹⁴ Museus, Ledesma, and Parker, 59

¹⁵ Museus, Ledesma, and Parker, 60

¹⁶ Museus, Ledesma, and Parker, 55.

¹⁷ Museus, Ledesma, and Parker, 56.

Anderson also reveals that affirmative action “can promote racial myths that may be stigmatizing”¹⁸ and “invites the inference that the diversity represented by race is a matter of racially distinct cultures.”¹⁹ Affirmative action also has the tendency to benefit the most advantaged members of disadvantaged groups, which is what Olúfẹ́mi O. Táíwò describes as “elite capture.”²⁰ Take former President Barack Obama as an example, who attended private and prestigious institutions that many children in his racial group did not have access to, which ultimately fostered his growth and overall success.

III. Strategies for Reducing the Racial Gap in Academic Achievement

There are several strategies that can be used to reduce the racial gap in academic achievement, and when combined together, may produce successful outcomes. However, it is also important to note that large factors impeding their successful implementation are inadequate funding and resources. As I discuss in further detail below, we see here again the issues and inequities in education are mutually reinforcing.

A. High-Quality Teachers

Johnson, Emiko Boyden, and Pittz²¹ highlight, “Teacher education, experience, and expertise are the most significant factors in student performance, outweighing race, income, or parental education level.”²² Evidently, students tend to be more academically inclined in

¹⁸ Elizabeth Anderson, *The Imperative of Integration*, (Princeton: Princeton University Press, 2010), 142.

¹⁹ Anderson, *The Imperative of Integration*, 143.

²⁰ Olúfẹ́mi O. Táíwò, “Identity Politics and Elite Capture,” *Boston Review*, May 7, 2020, <https://bostonreview.net/articles/olufemi-o-taiwo-identity-politics-and-elite-capture/>.

²¹ Tammy Johnson, Jennifer Emiko Boyden, and William J. Pittz, “Proven Solutions: High-quality and Diverse Teachers in Small Schools,” in *Racial Profiling and Punishment in US Public Schools: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity. Research Report [and] Executive Summary* (Applied Research Center, 2001), 19-24.

²² Johnson, Emiko Boyden, and Pittz, 19.

schools where teachers are fully certified combined with high-quality training. Unfortunately, this is not the reality for many US public schools given that one out of every four new teachers enter the field on an emergency or substandard license.²³ This contributes to the racial gap in academic achievement as increases of uncredentialed teachers are funneled into low-income areas largely made up of people of color and students whose first language is not English. We can take a closer look at educational reform efforts in Connecticut to increase and retain the number of high-quality teachers. There are six methods Connecticut implemented to increase the number of high-quality teachers: (1) made sure teachers know the subject(s) they will be teaching, as well as effective strategies to help their students learn (including students with developmental issues and English language learners), (2) increased wages and resources for credentialed teachers, (3) decreased incentives to hire uncredentialed teachers by awarding funding to administrations for hiring a more qualified teaching staff, (4) increased the availability of scholarships and forgivable loans to help support those interested in becoming teachers, (5) improved working conditions for teaching staff by reducing class size, allocating more time for professional development, providing more resources for learning and lastly, (6) provided opportunities for mentorship for teachers just starting out to increase confidence and competency, resulting in higher teacher retention.²⁴ As a result, school administrations were able to diversify their teaching staff and the number of teachers in fields lacking adequate support like math and science. These reforms decreased “attrition rates for new teachers by more than two-thirds, and helped teachers become competent more quickly.”²⁵

This is not possible without the proper funding and resources necessary to support teaching and learning. When the state fails to allocate adequate funding to its school communities, institutions fail to hire and retain a higher quality teaching staff. As more uncredentialed teachers are circulated within this system, students struggle to perform well in the classroom due to a limited

²³ Johnson, Emiko Boyden, and Pittz, 19.

²⁴ Johnson, Emiko Boyden, and Pittz, 20.

²⁵ Johnson, Emiko Boyden, and Pittz, 21.

understanding of the subjects at hand. The cycle continues as more students fail to perform well on high-stakes tests, which results in critical funding and resources being diverted from these communities.

B. Increase Diversity Among Teaching Staff

Increasing teacher diversity is another key factor essential to a student of color's academic development. There are several reasons to suggest this: (1) a diverse teaching staff provides examples to students of color of "successful, respected adults,"²⁶ (2) students of color (and even white students) tend to do better on reading and math exams, (3) teachers of color are more likely to continue teaching in urban areas, lacking adequate support than white teachers, and lastly, (4) teachers who share their students' racial background can connect better with their students and their families, making both parties more likely to be invested in their academic success.²⁷

C. Smaller Class Sizes

Smaller class sizes are also fundamental to students of colors' academic achievement. Consider Wisconsin's Student Achievement Guarantee in Education program dedicated to reducing class size by prioritizing "overcrowded, underperforming, low-income schools over affluent suburban districts."²⁸ The program primarily focused on first and third graders and as a result, third grade African American students did better in school than students whose class sizes remained the same. If not carried out appropriately, however, class size reduction can result in a reduction of fully certified teachers in underprivileged communities. This is evident in consideration of California's class size reduction program, which pushed efforts to reduce class size among affluent and low-income areas. This led to an increase in the rate of transfer among teachers from underperforming schools to higher-performing, affluent districts.²⁹ Providing incentives and funding for teachers to remain in underperforming schools could mitigate this high rate of transfer. By doing this, students from

²⁶ Johnson, Emiko Boyden, and Pittz, 21.

²⁷ Johnson, Emiko Boyden, and Pittz, 22.

²⁸ Johnson, Emiko Boyden, and Pittz, 23.

²⁹ Johnson, Emiko Boyden, and Pittz, 23.

disadvantaged communities will receive adequate academic support due to a decrease in high teacher turnover rates, ultimately allowing schools in these communities to better serve and accommodate their students.

IV. The Importance of Race Education and Racial Equity Frameworks

These policies and strategies also reveal that there is a critical missing piece essential to their successful implementation: well-designed race education. Race education can be utilized in IHEs to 1) shed light on how these systems oppress people of color and 2) offer guidance on how to apply effective strategies that will work to reduce the gap in academic achievement among students of color.

Critical race theory (CRT) does an important job in educating others on the experiences and oppression of people of color. CRT 1) reveals that racism is normalized in American society, 2) challenges dominant ideologies that work against people of color and are maintained by white supremacist notions, 3) places focus and particular priority on the historical contexts that shape racial attitudes, 4) highlights how people of color offer experiential knowledge³⁰ necessary in understanding how race and racism exist in society, 5) can be applied to many other contexts and institutions, and lastly, 6) is committed to eliminating racial oppression among people of color.³¹ There are many other theories that go beyond the black and white binary heavily emphasized in CRT: Latina and Latino Critical Race Theory (LatCrit), Tribal Critical Race Theory (TribalCrit), Asian Critical Race Theory (AsianCrit), and Native Hawaiian Critical Theory (KanakaCrit), which are equally fundamental to addressing racial injustice in education. The use of these frameworks allows people of color to be included in the conversation regarding their oppression in academic contexts, reject dominant ideologies in IHEs that subordinate people of color, and reflect on how IHEs perpetuate the oppression of people of color.

There are also several frameworks that can be implemented to help IHEs address racial inequities in higher education. The Campus

³⁰ Museus, Ledesma, and Parker. "Racial Frameworks," 18.

³¹ Museus, Ledesma, and Parker. "Racial Frameworks," 18.

Climate for Diversity framework addresses the negative experiences of students of color in racially hostile, campus climates by revealing that IHEs should increase diversity among staff, students, and faculty, create more “positive, interracial interactions among college students,”³² and strengthen the campus community’s views on the current racial climate on campus, which would ultimately attract more people of color onto campus. This is relevant as many college campuses attempt to recruit more students of color but fail to have a diverse staff to help accommodate these students, ultimately hindering their ability to attain academic success.

Another framework is regarded as “The Culturally Engaging Campus Environments (CECE) Model,” which works to create a campus culture that echoes various racial backgrounds. According to the National Institute for Transformation and Equity, the CECE Model, “is derived from three decades of published research in higher education, over 180 interviews conducted across several qualitative studies, and the findings of many quantitative analyses that examine the experiences and outcomes of diverse college students.”³³

There are nine factors essential to its implementation. The first indicates that students should be given ample opportunity to connect with faculty, staff, and other classmates who share the same racial backgrounds. The second suggests that IHEs increase opportunities for students to learn about their culture and its history. The third emphasizes that students should be given opportunities to engage in community service projects that help benefit their respective communities and culture. The fourth reveals that IHEs should cultivate programs that focus on “cross-cultural interactions,”³⁴ and “solving real social and political problems.”³⁵ The fifth asserts that IHEs must recognize and acknowledge various racial groups on campus. The sixth recognizes that IHEs must place priority on “collectiveness,” rather than the individual to facilitate teamwork on campus. The seventh states that students should be given the

³² Museus, Ledesma, and Parker. “Racial Frameworks,” 30.

³³ “The CECE Model,” National Institute for Transformation & Equity, accessed Oct. 13, 2021, <https://nite-education.org/the-cece-model/>.

³⁴ Museus, Ledesma, and Parker. “Racial Frameworks,” 33.

³⁵ Museus, Ledesma, and Parker. “Racial Frameworks,” 33.

opportunity to develop positive relationships with faculty and staff dedicated to helping their students succeed in academic settings. The eighth contends that faculty and staff should provide students with “important information, opportunities, and support services to students, rather than waiting for students to seek them out or hunt them down.”³⁶ Lastly, faculty and staff should provide “holistic support”³⁷ for obstacles students of color may experience.

In short, this framework suggests that college campuses should encourage dialogue that prioritizes the needs of various racial groups. They must also critically evaluate their campus environments through a racially inclusive lens. In doing so, campuses will be able to assess how and what areas require more effort, allowing them to develop targeted plans to increase academic success among disadvantaged groups. By implementing the above, campuses will be able to cultivate environments that allow various racial groups to succeed in academics, since they start to become more racially aware and inclusive, allowing them to tend to the needs of students of color.

However, people that spend their time attending diversity workshops and reading critical race theories are not entirely aware of how their behavior and actions impact people of color. In other words, there are many cases where exposure to critical pedagogies is not enough to warrant racially considerate behavior. In many instances, such pedagogies fail to provide any real guidance on how one ought to interact with various racially distinct groups in a positive manner. This is largely recognized by Dr. Rubocalba³⁸ during our discussion about the experiences of faculty of color, as she highlights a particular situation during a committee meeting. Dr. Rubocalba recently had to serve on a search committee where she was the only faculty of color there and ended up having to prove her experience to a group of white women who served as “racial equity liaisons.” One of the women remarked that she had only seen Dr. Rubocalba in a few chair meetings and that she must be new to this position. In response, Dr. Rubocalba testified to her experience by revealing that she has maintained this

³⁶ Museus, Ledesma, and Parker. “Racial Frameworks,” 33.

³⁷ Museus, Ledesma, and Parker. “Racial Frameworks,” 33.

³⁸ The name of the professor has been changed to protect their identity.

position for eight years. The committee members chuckled uncomfortably and moved on to the meeting agenda. Instead of shrugging it off, Dr. Rubocalba decided to email the committee member and tell her about her experience during that meeting and how it was what she described as a “nightmare for a faculty of color.” In this instance, Dr. Rubocalba recalls that she felt like she had to defend herself even though she had more experience serving as chair than the rest of the meeting attendees. She also highlighted that none of the members had to testify to their experience. She explicitly stated that she felt like she was being treated as the “low man on the totem pole.” Dr. Rubocalba offered her perspective on how the actions of this committee member impacted her in a harmful way, as a faculty member of color. This issue is addressed by Alex Madva in the notion of “the power of perspective;” Madva writes, “Part of what makes approach and common-ground mindsets effective is their ability to prompt *perspective-taking* across group boundaries.”³⁹ In order for others to be more aware and considerate of racial issues in education, individuals in positions of power should engage in direct interaction with diverse people who are willing to share their perspective.

It is important to recognize, however, that people of color are not obligated to share their perspectives under these circumstances, and in doing so, should be compensated with the appropriate wages for engaging in this process.⁴⁰ When an individual shares their perspective, they essentially have to defend why their experience is valid, which sets the individual up for conflict and/or potential hostility. At the same time, this process also requires mental preparation on how one ought to deliver their perspective, as well as being able to anticipate a negative or dismissive response. Moreso, offering one’s perspective is a complex process that requires deep thought and evaluation about how a particular situation made someone feel. This process can be quite taxing on an individual depending on the severity, frequency, and level of trauma experienced from the situation(s). To successfully employ the above strategies, one must not only acknowledge that, for a person

³⁹ Alex Madva, “Individual and Structural Interventions,” in *An Introduction to Implicit Bias: Knowledge, Justice, and the Social Mind*, eds. Erin Beeghly and Alex Madva (New York: Routledge, 2020) 244.

⁴⁰ Katherine Gasdaglis, Discussion with faculty advisor, 2021.

of color, offering their perspective takes a considerable amount of mental work, but that this work is valuable when it comes to reducing racial inequities in education. However, it is not enough to offer wages as means of testifying to the value of one's work in offering their perspective. During my discussion with Dr. Rubocalba, she also highlighted that she had lived most of her life with people asking her what it's like to be a person of color but never feeling like people truly acknowledged or realized how the harmful implications of her experience impacted her specifically. In reality, Dr. Rubocalba's testimonies were used to serve others on their path to being more racially conscious without really validating her experience as a person of color. Compensation is significant, but validation of one's individual experiences is just as important in creating a supportive, holistic campus environment for members of various racial groups.

There are several studies that demonstrate perspective-taking is effective. One study examined the effects of an online "choose-your-adventure," game where Hungarian young adults were able to put themselves in the shoes of a Hungarian Roma minority. This study showed that participants demonstrated "less anti-Roma prejudice, as well as less prejudice toward another social group (refugees) who were not mentioned in the game."⁴¹ Ultimately, perspective-taking interventions are essential to reducing racial bias and increasing awareness of the racial inequities students and faculty of color experience on a day-to-day basis. Madva reveals that by engaging in the perspective-taking process, one attempts to "occupy people's points of view in order to understand their perspective."⁴² This allows for more positive interactions with members outside one's specific racial group, which ultimately allows students and faculty to continue their journey in education in a positive, meaningful way.

V. Concluding Remarks

Ultimately, students of color fail to receive adequate attention essential to their academic growth and success due to unsuccessful efforts in policy, which ultimately neglects students of color because they are primarily facilitated by white, affluent groups with priorities in

⁴¹ Madva, "Individual and Structural Interventions," 244.

⁴² Madva, "Individual and Structural Interventions," 244.

preserving power, status, and opportunity for the white majority.⁴³ A large part of the negative experiences among students of color in academic settings can be attributed to racial hostility and lack of support specific to students with certain racial backgrounds. This applies to teachers and faculty of color as well. Such negative experiences operate in a pattern of mutual reinforcement by building upon one another and increasing the racial gap. Providing adequate support and incentives for decreasing classroom sizes, increasing the amount of high-quality teaching staff, and diversity among the teaching staff, administration, and the student population prevents such instances from occurring by allowing campus constituents to cultivate more positive relationships among one another. However, we must also focus on the implementation of race education, racial equity frameworks, and perspective-taking to make academic spaces more worthwhile and engaging for people of color.

Acknowledgements

I would like to extend my deepest gratitude and love to my mother. Her strength and wisdom have guided me in this process and words cannot describe how much I value our daily conversations. She has always been engaged and passionate about my learning no matter the circumstances. Mom, you are amazing.

I would also like to express my deepest thanks to Dr. Aragon, Dr. Gasdaglis, and Dr. Madva for their immense support in this process. It took a lot for me to get to this point and it would not be possible without your passion for helping students grow.

⁴³ “The CECE Model,” 52.



Emily Reyes is a senior at California State Polytechnic University, Pomona where she is studying philosophy under the law and society option. Her philosophical interests include social and political philosophy, political epistemology, philosophy of law, and ethics. She is a California Center for Ethics and Policy Fellow and has previously served as a student assistant for the Office of Student Success and the Office of Government and External Affairs at her university.

Ethics Bowl Feature: Billionaires in Space

By Rebecca Grant Prentice and Natalie Uribe

In this invited feature, Rebecca Grant Prentice and Natalie Uribe, two members of the 2021-2022 Cal Poly Pomona (CPP) Ethics Bowl team, provide some background on Ethics Bowl at CPP and in general. They also outline a sample case and model putting forward a position on that case to demonstrate Ethics Bowl in action. To capture the spirit of Ethics Bowl, they conclude with some commentary on formulating and putting forward their position.

I. Introduction

This past fall, the Cal Poly Pomona (CPP) Ethics Bowl team, under the guidance and supervision of Dr. Brian Kim, finished in the top 5 of the California Regional Ethics Bowl Competition and, as a result, qualified for the Intercollegiate Ethics Bowl, where teams from colleges across the United States come together to discuss and explore issues of contemporary moral concern. The competition runs for a full academic year with teams preparing for regionals in the Fall semester and competing in December and qualifying teams preparing for nationals in the Spring semester and competing in late February or early March. Unlike debate competitions, teams are not pitted against each other. Instead, teams are given the creative freedom to present and defend any view or position they choose. The spirit and aim of Ethics Bowl are collaborative inquiry. Prior to both the regional and

national competitions, short summaries of a wide variety of topics are distributed to the teams. These cases introduce issues of contemporary interest that raise complex moral questions.

CPP sent their first teams to compete in the Ethics Bowl in 2005 and has successfully fielded teams since. Over the first fifteen years of competing (2005-2019), CPP won the California regional, finished as a runner-up, and qualified four times for the national Intercollegiate Ethics Bowl, with a semifinals finish one year and a quarterfinals finish another. CPP is currently riding a three-year streak (since 2019) of qualifying teams for the national competition.

For this invited feature, we would like to share what it is like to be part of the Ethics Bowl. To do so, we have selected a case that was used during one round of this year's Intercollegiate Ethics Bowl, summarize the case, and then, share the views and arguments we presented during the round. Finally, in hopes of embodying the spirit of ethics bowl and continuing the inquiry with the reader, we conclude with some questions and comments we have about our own presentation.

II. A Sample Case: Billionaires in Space

The case titled *Billionaires in Space* explores the recent space race, in which billionaires Elon Musk, Jeff Bezos, and Richard Branson have cumulatively spent 400 billion dollars on their personal space exploration projects. Their immense resources to pursue these pet projects are paired with the fact that these billionaires and their associated companies are taxed at a rate that is much lower than the average United States citizen. According to Jesse Eisinger, Jeff Ernsthausen, and Paul Kiel, “Many Americans live paycheck to paycheck, amassing little wealth and paying the federal government a percentage of their income that rises if they earn more. In recent years, the median American household earned about \$70,000 annually and paid 14% in federal taxes. The highest income tax rate, 37%, kicked in this year, for couples, on earnings above \$628,300. The confidential tax records obtained by ProPublica show that the ultrarich effectively sidesteps this system.”¹

¹ Jesse Eisinger, Jeff Ernsthausen, and Paul Kiel, “The Secret IRS Files: Trove of Never-Before-Seen Records Reveal How the Wealthiest Avoid

Each of these billionaires has different aims for their projects. Jeff Bezos founded Blue Origin, an aerospace manufacturer and space flight company, and has primarily focused on space tourism. Most notably, The New Shepard, Blue Origin's suborbital launch vehicle, surpassed the Kármán Line, which is known as the altitude at which outer space begins, to an altitude of 66.52 miles. The aims of Blue Origin are similar to those of Branson's Virgin Atlantic, which is focused on expanding space tourism. On the other hand, Space X's focus is to make human life multi-planetary; Musk told a SXSW audience in 2013, "I've said I want to die on Mars, just not on impact."² Space X's aim is to colonize Mars.

One issue raised by this case is whether these billionaires are simply trying to escape earth, and we might also wonder whether the immense amount of resources used for space exploration could be better used to address current crises, such as climate change, world hunger, and poverty. The case concluded with a tweet by Adam Schiff from July 20, 2021: "Listen, I'm all for space exploration and it must have been an amazing view. But maybe—and I'm just spitballing here—if Amazon and other companies paid their fair share in taxes, we could lift all kids—if not into space—at least out of poverty. Sincerely, Earthlings."³

During the competition, the presenting team is asked to respond to a question that they have not seen previously. In this case, we were asked, "Is spending money on space exploration morally justifiable? Why or why not?"

Income Tax," *ProPublica*, June 8, 2021, <https://www.propublica.org/article/the-secret-irs-files-trove-of-never-before-seen-records-reveal-how-the-wealthiest-avoid-income-tax>.

² Elien Blue Becque, "Elon Musk Wants to Die on Mars," *Vanity Fair*, March 10, 2013, <https://www.vanityfair.com/news/tech/2013/03/elon-musk-die-mars>.

³ Adam Schiff (@RepAdamSchiff), "Listen, I'm all for space exploration and it must have been an amazing view. But maybe—and I'm just spitballing here," Twitter, July 20, 2021, <https://twitter.com/repadamschiff/status/1417639459647115266?lang=en>

III. Our Presentation

Our position is that, while it is morally justifiable to invest in space exploration, there is something morally problematic about the way that current space exploration projects are being led by billionaires with no recourse to public interests in determining the value of the projects. In laying out our position, we begin by discussing an intuitive principle that can be used to justify the view that billionaires are entitled to use their wealth to fund their own projects. We will argue that, to make the principle valid, there are a number of caveats that must be made. More importantly, the principle relies upon some ambiguities in the concept of ownership that must be made precise. We will first focus on some of the caveats and conditions governing how we use what we own. We will then examine the concept of ownership required to make the principle valid. In short, we will argue that, because these billionaires amassed their wealth through the implicit coercion of workers and the exploitation of their labor, they fail to own their wealth in a way that would entitle them to full autonomy. In turn, they must, along with other demands, take into account the collective interests and concerns of the public. Given this, we conclude that, while spending money on space exploration is morally justifiable, the current billionaire-funded space race is not.

The intuitive claim underpinning the moral permissibility of these personal space exploration projects is the principle that if you own something, then you are entitled to full autonomy in how you use what you own. Billionaires own huge amounts of wealth, and given that ownership, they generally have the legal right to use, possess, and give away their wealth in ways they see fit. Of course, as it stands, this principle is obviously false. The same moral principles that govern our actions also govern how we use what we own. So, our principle must incorporate the moral caveat that you are entitled to autonomy to use what you own given that you act in morally permissible ways.

Thus, we should first address whether space exploration is a morally justifiable project to invest in and pursue. We think it is worth first thinking about the relationship between humans and space exploration. Space exploration has long stimulated the minds of human imagination. Humans have an intangible desire for space exploration, as space exploration enables us to explore the boundaries of our own existence and the limits of our potential. In the pursuit of

this intangible desire, our efforts have produced tangible benefits. We have recognized the benefits of space exploration, even at the initial point of developing or considering space exploration, directly benefiting other technological advancements. According to the International Space Exploration Coordination Group:

Scientific research founded on data from space is also leading to discoveries with benefits for life on Earth. Ongoing research in the space environment of the ISS – in areas such as human physiology, plant biology, materials science, and fundamental physics – continues to yield insights that benefit society. For example, studies of the human body’s response to extended periods in the microgravity environment of the ISS are improving our understanding of the aging process.⁴

Given that we have both this innate and humanistic relationship with space, it’s clear that space exploration has produced tangible benefits for us here on earth. While our discussion will not be focused on the costs and benefits of space exploration, we can also note that, on the whole, a very small percentage of our resources is being used for space exploration. While we acknowledge that there are many more pressing issues that we face as a human race, we think that relatively small investments in the future and in potential knowledge gained are, on the whole, worthwhile and believe that modest investments in space exploration are morally permissible.

Returning to our principle, we note that it relies upon a view of ownership and use that is grounded in a legal and intuitive understanding of ownership. While this may not seem problematic at first glance, it becomes much more problematic when we investigate the ideas of ownership and use in our current context. When we think about the ownership of an object, we usually conceive of some object that we could hold or touch, something tangible that has an intimate relationship with us. The most immediate sense of ownership is our ownership of personal items of everyday use, like a toothbrush or a coffee cup. This kind of ownership could be thought of as personal

⁴ *Benefits Stemming from Space Exploration*, International Space Exploration Coordinating Group, Executive Summary, September 2013, 8, <https://www.nasa.gov/sites/default/files/files/Benefits-Stemming-from-Space-Exploration-2013-TAGGED.pdf>.

ownership, which is ownership based on a personal relationship with the items in question. Our toothbrush, a prime example of personal property, can certainly be used however we like.

Or can it? Obviously, as we noted above, there are limits to how we could ethically use a toothbrush, even if it's not a matter of legality. It is not technically illegal to use our toothbrush to clean another person's toothbrush, but considering taboos around hygiene, personal boundaries, and respect for other people, even if our toothbrush was cleaned first, this use could and likely would be considered an ethical transgression. So, I could use a toothbrush in either an ethical way or an unethical way, regardless of whether or not it is legally permissible. Thus, legal ownership of an object is not a sufficient ethical justification for full autonomy over how that object is used; rather, the use of an object is always caught in a web of ethical obligations that are particular to both the object in question and the social environment in which it is used.

At this point, it may seem as though—considering that the only apparent ethical obligations that need to be taken into account regarding how billionaires use massive amounts of wealth are whether or not they are using that wealth for projects that don't seem to cause any ethical concerns—space exploration is an acceptable project for them to spend money on. As long as their projects themselves are not unethical, then there are no problems or further obligations. However, when we consider the object in question, there is a qualitative shift in the nature of the relationship between the ownership of wealth acquired through collective labor vs personal ownership of a toothbrush. The key difference in this relationship is that, while I may buy or be gifted a toothbrush, wealth is generally produced by labor. Where collective labor is the means of a sum of wealth, people enter a series of relationships that generate new obligations, and the ethical obligations of the relationships can vary in their complexity and ethical implications.

The owner of a business comes to acquire their wealth from the labor of their employees, unless, of course, they are self-employed. A craftsman or an artist who owns their own labor and profits from selling the products of their own labor is in a direct relationship to the wealth their labor has generated. Their primary obligations regarding the use of that wealth depend solely on their relationship to their own

needs and desires. But the vast majority of businesses are not cases of self-employment. Most businesses employ at least a handful of workers, and these workers' relationship to the wealth they help produce is mediated through their employer. After accounting for wages and other necessary costs that are required for the maintenance of the businesses, business owners are then left with the profits, and with these profits, they have the freedom to spend or invest as they see fit. The workers, however, have agreed to being divorced from having any kind of relationship with the profits they helped make as part of the terms of their employment.

This doesn't seem too problematic at the small scale, such as in the case of a small locally owned pizzeria, where the owner may only make enough for themselves, to pay their employees, and stay in business. But such an arrangement still has a lot of potential to become problematic. Suppose the pizzeria suddenly experienced a massive increase in customers due to development in the area. The owner of the business sees this as a great opportunity to increase profits, and despite the increasing workload, they refuse to hire more employees. Instead, they encourage their workers to do more, and intensify the working conditions. After a while, the profits do go up, and the employer begins to think about how maybe they can buy a new car by the end of the year. Meanwhile, the wages of the workers remain the same, since there is no explicit obligation to compensate the workers for increased productivity.

As this process scales up, it becomes increasingly fraught with issues, as the amount of profit increases exponentially while wages of thousands of workers remain low. In a capitalist society, where the vast majority of people must face either absolute poverty or sell their labor to those who own the means of production because they cannot produce their own means of subsistence without access to the means of production, the choice to sell their labor or not is a false choice. Because of this, the voluntary relationship between most workers and their employers is implicitly coercive. The wealth produced by these workers' labor is collected, and in the process, it is alienated from those that contributed to making that wealth, with only a portion of it being returned to the workers in the form of wages or salary and the use of the profits remain a private concern of their employers. In the case of large corporations, the amount of wealth produced by these

workers' labor is vast, and when wages remain low, huge profits are reaped by these corporations. This unequal distribution of the wealth produced by workers and the alienation of workers from that wealth is entirely legal, but we do not think it is ethically sound. The economic inequality produced by this process is unethical, given the ever-increasing accumulation of profit, more and more concentrated in the hands of a few, while many struggle to live off their wages. We view this as exploitation, since workers are given an unequal share and few benefits from the vast wealth that is collected from their labor, while that same labor overwhelmingly provides benefits to large-scale business owners. These conditions of implicit structural coercion and the exploitation of workers are a part of the very conditions that enable the existence of billionaires.

Once again, there seems to be a qualitative shift in the kind of obligations entailed by ownership that corresponds to a qualitative shift in the kind of object, since the relationship between me and my toothbrush is much simpler ethically speaking than the relationship between the owner of a massive corporation and the wealth their company has produced. Even small-business owners are obligated to use the wealth they collect from the productive process to reimburse their workers for their labor, as well as obligations to pay unique taxes, meaning that the obligations to use attached to the ownership of the wealth produced by labor are already quite different than the obligations to use attached to my toothbrush. And so, we think that further obligations are necessary to consider when we talk about how the vast amount of wealth owned by billionaires is used and what it is used for, since the process of its production is ethically problematic.

Because the wealth that billionaires own is acquired through social coercion and the exploitation of the labor of workers, and we consider coercion and exploitation to be unethical practices, we believe that the ethical use of this wealth beyond the maintenance of the corporation and the payment of the workers should involve a reparation for this process of coercion and exploitation in the form of an investment in the collective interests of the workers. We believe that this obligation is grounded in the obligation to seek redress for the ethically problematic way that the wealth was produced. If the wealth is massive enough, it should be used to benefit workers more broadly in the form of serving public interests in general. We also believe that for the use

of this wealth to be ethical, it should not only appeal to the collective interests of the public but also benefit them in some tangible way. This criterion of tangible social benefit is exponentially more essential as we talk about larger sums of wealth because of the increase in possible benefits that larger sums of wealth entail for society as a whole. As an example, if somehow people collectively were invested in some large portion of the wealth produced by Amazon to be used to build a 100-foot-tall platinum-plated statue of Jeff Bezos, it would not satisfy our full criteria of the ethical use of the wealth. We assert that only under these conditions, of serving collective interests and producing tangible public benefits, is using the vast amounts of wealth that billionaires possess to fund large-scale projects ethically permissible.

Currently, billionaire-funded space programs do not satisfy our criteria. It's entirely unclear if collective interests were addressed in the decision to begin these projects, since this is simply not a part of the fabric of how these businesses are run within the contemporary capitalist socio-economic paradigm, and it is of no advantage to billionaires to pursue such projects in these terms. Therefore, the first criterion cannot be verified to have been met, which in our view invalidates the moral permissibility of these space programs outright. Even if these projects could be argued to have tangible benefits for society as a whole, they do not account for the problem of addressing the harms that exploitation and alienation of those who helped enable. Not only this, but the even more problematic assertion that billionaires could be capable of autocratically determining projects on behalf of benefiting society as a whole with no recourse to collective interests emerges as a consequence of admitting that only the second criterion is necessary for the moral permissibility of the use of their wealth for such large-scale projects. Considering that it is already difficult for public officials to discern what is in the best interests of the public, we don't think it is reasonable to assume that billionaires will have any exceptional capacity to know what is best for society without any involvement from the rest of society.

IV. Commentary

In the spirit of Ethics Bowl, we conclude our discussion by reflecting on our own presentation and raising some questions and comments about the proffered argument and view. This, in fact,

follows how a typical Ethics Bowl round would proceed with one team providing commentary on the other team's presentation. As a recap, we argued that billionaires have certain ethical obligations to use their wealth in a particular way because of how they acquired their wealth. A worry that follows from this is that we haven't identified all the criteria that must be met for these personal projects to be morally justified. After all, if Jeff Bezos used some of his wealth to offer some form of benefit back to the public, as a gesture of restitution, this is a merely palliative act that does not actually address the issue of coercion and exploitation. If we consider the conditions of coercion and exploitation that enable the existence of billionaires to be genuine harms, and if the implication of the first two criteria is that a billionaire's use of the wealth they have acquired must somehow address these harms for the use of that wealth to be considered ethically permissible, then it doesn't appear as though there is a genuine way for billionaires to use that wealth in a completely ethical way without undermining the conditions that enable them to be in the position they are in.

Billionaires continuing to benefit from these harms so long as they are accompanied by beneficent acts, done on behalf of those harmed and performed by those who help perpetuate it, appears as though it might be an ethically incoherent position. Given that billionaires aren't necessarily personally responsible for the coercive and exploitative condition in which workers find themselves, at what point is a broader systemic critique of these conditions necessary to address the root of these problems?

In offering some commentary on our view of the permissibility of investing in projects for space exploration, it seems as though we are saying that collective human desire and the possibility of beneficial technological development are sufficient reasons to allow for the ethical permissibility of space exploration. Putting the issue of them being funded by billionaires aside, with many other more pressing social and environmental concerns confronting the world today it seems like questions of priority may be important. Is it possible that we may have an ethical duty to prioritize some projects over others, even if they are all ethically permissible in the most general sense?

Rebecca Grant Prentice is a senior at Cal Poly Pomona currently double majoring in psychology and philosophy. Her philosophical interests are geared toward the ontology of subjectivity, German idealism, Marxism, and the intersection of philosophy and psychoanalytic theory. Her hobbies are playing video games, listening to podcasts, watching horror movies or weird and surreal movies, hiking, and collecting and drinking tea. Currently, she is playing the games Elden Ring and Disco Elysium and attempting to watch every David



Lynch movie.



Natalie Uribe is majoring in philosophy with an emphasis in law and society. She's from San Bernardino, CA. Her hobbies include trying new food, creating music playlists, and spending time with her cat, Rain.

Mia Miller

Executive Editor

Dr. Corwin Aragon

Managing Editor and Faculty Advisor

Associate Editors

Maria Pia Matos

Ryan Mendoza

Parish Niwa

Evelyn Ojeda

Michael Rhodes

Emily Reyes

Cea Stewart

Cal Poly Pomona Philosophy Department

Dr. Katherine Gasdaglis

Dr. Brian Kim

Dr. Alex Madva

Dr. Peter Ross

Dr. Dale Turner

Dr. Christine Wieseler

California Center for Ethics and Policy

Dr. Alex Madva, Director

UJEPS

Undergraduate Journal of
Ethics, Policy, and Social Justice

