

## Moral Space Through Professional Solidarity

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Advocates, Activists, Architects of Moral Space?

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### Article abstract

Creating moral space involves actions and omissions. An important omission of solidarity is to refuse to hold or attend professional conferences in countries and American states where laws and social approbation make it uncomfortable, unwise, or dangerous for certain members of the professional community to attend. Markowitz's Impermissible Sacrifice Principle, which she used to critique abortion policies, is employed to show why it is wrong to hold a professional conference in such a state and why solidarity requires the support of all moral persons. While this article describes the importance of this principle now in terms of LGBTQ+ persons, it may also apply soon or even now with regard to persons of colour, women, and/or visiting non-American citizens. It is also shown why solidarity against impermissible sacrifices is a better way to ground decisions about locating or attending conferences than a teleological argument about boycotts to change policy.

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TÉMOIGNAGE / PERSPECTIVE

## Moral Space Through Professional Solidarity

Stephen S. Hanson<sup>a</sup>

### Résumé

Créer un espace moral implique des actions et des omissions. Une omission importante en matière de solidarité consiste à refuser d'organiser ou d'assister à des congrès professionnelles dans des pays et des États américains où les lois et l'approbation sociale rendent la participation inconfortable, imprudente ou dangereuse pour certains membres de la communauté professionnelle. Le principe du sacrifice inadmissible de Markowitz, qu'elle a utilisé pour critiquer les politiques en matière d'avortement, est utilisé pour montrer pourquoi il est erroné d'organiser une conférence professionnelle dans un tel État et pourquoi la solidarité nécessite le soutien de toutes les personnes morales. Si cet article décrit l'importance de ce principe aujourd'hui en ce qui concerne les personnes LGBTQ+, il pourrait également s'appliquer bientôt, voire dès maintenant, aux personnes de couleur, aux femmes ou aux citoyens non américains en visite. Il montre également pourquoi la solidarité contre les sacrifices inadmissibles est un meilleur moyen de fonder les décisions concernant le lieu ou la participation à des congrès qu'un argument téléologique sur les boycotts visant à changer les politiques.

### Mots-clés

LGBTQ+, espace moral, professionnalisme, sacrifice, solidarité, lois étatiques, transgenre, États-Unis

### Abstract

Creating moral space involves actions and omissions. An important omission of solidarity is to refuse to hold or attend professional conferences in countries and American states where laws and social approbation make it uncomfortable, unwise, or dangerous for certain members of the professional community to attend. Markowitz's Impermissible Sacrifice Principle, which she used to critique abortion policies, is employed to show why it is wrong to hold a professional conference in such a state and why solidarity requires the support of all moral persons. While this article describes the importance of this principle now in terms of LGBTQ+ persons, it may also apply soon or even now with regard to persons of colour, women, and/or visiting non-American citizens. It is also shown why solidarity against impermissible sacrifices is a better way to ground decisions about locating or attending conferences than a teleological argument about boycotts to change policy.

### Keywords

LGBTQ+, moral space, professionalism, sacrifice, solidarity, state laws, transgender, United States

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One of the most important things that can be done to create moral space in these troubled times is to maintain solidarity with oppressed groups. One specific way this should be done is by avoiding holding and attending professional conferences in areas of the US which are hostile to some potential attendees.

I have previously argued that it was inappropriate to hold the 17<sup>th</sup> World Congress of Bioethics in Qatar because this placed an "Impermissible Sacrifice", as defined by Sally Markowitz, on LGBTQ+ persons, especially those who do not pass easily in heteronormative spaces (1). The same general form of argument applies to holding any conferences in multiple US states with restrictive laws against transgender persons. The conclusion of this must be that not only bioethics groups, but indeed any group interested in behaving ethically, must not hold conferences in these US states.

This follows from an important argument made by Markowitz in the context of abortion (2), arguing that it is particularly unjust to force an oppressed group to sacrifice in order to help maintain their own oppression. Markowitz argues that legally prohibiting abortion in a society where "[w]omen are, as a group, sexually oppressed by men; and this oppression can neither be completely understood in terms of, nor otherwise reduced to, oppressions of other sorts" violates the "Impermissible Sacrifice Principle," which is "*When one social group in a society is systematically oppressed by another, it is impermissible [unjust] to require the oppressed group to make sacrifices that will exacerbate or perpetuate this oppression.*" (2, p.7) In Markowitz's argument, she is objecting to women having to sacrifice by carrying unwanted pregnancies to term when that sacrifice will help to perpetuate this oppression of women; this principle can apply with as much validity to other sorts of sacrifice in other contexts.

Based on this, I argued that it is impermissible to hold a conference in Qatar, a country which explicitly makes being LGBT illegal, which has no legal protections for LGBTQ+ persons, where it is not clear that the state would respond to stop a group beating someone up because they were perceived to be gay, lesbian, or transgender (3), and where the state may try to target visiting LGBTQ+ persons through use of social media (4,5). It is impermissible not only because these are morally unacceptable laws and behaviours, but because the sacrifices that this requires of LGBTQ+ persons — either closeting themselves if they can pass heteronormatively, not attending the conference (at least not in person) or risking their health and freedom — actually help to maintain their oppression. Societies are most able to discriminate against persons perceived as different when they can control the public perception of those persons, and requiring persons to pass heteronormatively or

face risk of state-sanctioned violence allows persons in that society to see very few LGBTQ+ persons outside of caricatures approved by the state. Consequently, I argued, any conference, meeting, or group association — but especially one focused on ethics — ought to employ a basic test for locations and rule out those where some attendees would be likely to feel significantly less safe and comfortable attending the conference and exploring the local city outside the conference than they would in their home country/city.

Participation in a conference virtually is still possible without risk to health and safety; however, it retains much of the sacrifice that inability to attend would provide. Virtual attendance asks that LGBTQ+ persons sacrifice some of their professional development in order to help maintain their own oppression. Since so much of the function of a conference is not just papers and colloquia, but also collaboration, networking, and professional reinvigoration through informal conversations and interactions, virtual attendance is a poor substitute when others are able to attend in person. It remains a sacrifice to be forced to attend only virtually for fear of one's safety. Further, virtual attendance does not prevent the maintenance of one's own oppression, since it allows the discriminatory society to maintain its discrimination by keeping LGBTQ+ persons from having normal representation in society.

By this argument, Qatar is not the only place where an ethics-related conference ought not be held. The same should apply to the multiple US states who have or will soon have, if expected legal changes are made in the next few years, significant restrictions on transgender persons. Multiple states currently have or are seeking to pass such restrictive laws. The specific laws that are most problematic are "bathroom laws" which seek to restrict persons who are transgender from using the bathrooms, changing rooms, and other "single-gender" spaces that match their outward presentation and internal self-understanding of their gender. Other laws and behaviours contribute to a hostile environment that can make conferences in those states also unacceptable. Notable examples include restricting the use of preferred names and pronouns in school settings, language restrictions to attempt to erase acknowledgement of LGBTQ+ persons in schools, grants, universities, and government documents, and the glee with which Governor Abbott of Texas enjoyed the firing of a person for including their pronouns in their email signature (6) or the (repeated) painting over of a rainbow crosswalk memorializing "the deadliest act of violence against LGBTQ+ people in U.S. history" at the Pulse nightclub in Orlando (7).

An identical form of the Qatar-directed argument will not work directly. A significant portion of that argument was that Qatar's population sees very few openly LGBTQ+ persons; the ability of the state of Qatar to discriminate against LGBTQ+ persons is enabled by this lack of awareness. Most persons in the US are not as unaware of LGBTQ+ persons. Still, a very similar argument can show that there is an Impermissible Sacrifice being demanded of LGBTQ+ persons, specifically but not exclusively transgender persons, in these states.<sup>1</sup>

Social approbation of LGBTQ+ persons can be maintained by a state like Qatar when very few LGBTQ+ persons are even known by the general public. But it can also be maintained by a US state if the majority of LGBTQ+ persons are seen only through a political lens rather than as just everyday participants in society. If the only LGBTQ+ persons widely known are politically active, even if only politically active against laws that harm them, then the entire group can be minimized and demonized as an "Other." If most non-LGBTQ+ persons only know of LGBTQ+ persons as members of an active group promoting a political agenda that can be posited by politicians, media, religious groups, etc., as evil, anti-family, anti-science, or otherwise wrong, then they can be positioned by those persons as being an outside group to be placed in opposition to a group that can think of themselves as the "Us" in an "Us vs. Them" dynamic. This further enables the non-LGBTQ+ residents of a state to perceive themselves as an oppressed group, even though they are in a significant numerical majority. Being able to categorize LGBTQ+ persons as an impersonal juggernaut rolling over "Our" common everyday lives allows for unlikely, even absurd positions to be held (e.g., "the gay agenda", "Rapid onset gender dysphoria", "groomers", and other implausible conspiracy theories). This contributes to the harm and risk of harm of visiting such an area. Conversely, if LGBTQ+ persons are seen as doctors, nurses, professors, theologians, or other persons who might be conference attendees, this sort of paranoia becomes much harder to maintain.

If part of the point of a state enabling conferences to take place there is to benefit the state through taxation, entertainment, and increased visibility and tourism, then the state benefits from having a conference. If visitors to a state are made to feel uncomfortable being openly LGBTQ+ to the point where they must sacrifice their safety or their selves in order to attend the conference, or their careers by avoiding it, they must sacrifice because of that conference being in that state. They must risk harm, hide their real selves (if possible) or avoid the professional benefits that come from attending the conference. For the state to benefit while LGBTQ+ persons are required to sacrifice in a way that benefits a state that is actively hostile to their lives, means they are required to sacrifice to help maintain their own oppression.

The argument derives its moral value from solidarity. It undermines solidarity to make persons choose between different modes of reinforcing their own oppression, and this solidarity is not just with LGBTQ+ persons but with all persons. First, there are individuals who are in the threatened community (in the US this is currently mainly trans persons but may include any within the umbrella of LGBTQ+) but are able to pass as heteronormative. They may choose to obtain all the benefits of attending a conference in person, including the business contacts, invitations to present or write for other people's projects, learning, teaching, camaraderie, and so on that influence careers in many small ways. Doing so means, of course, suppressing and

<sup>1</sup> Arguably this applies to the whole of the United States regardless of state, because of federal positions taken by the current administration. This possibility will not be directly addressed here.

hiding a part of oneself, but it also means benefiting while at the same time maintaining the oppression of others who cannot or choose not to attend. Persons in this group have a decision to sacrifice benefit to their own development and careers, in solidarity with those who cannot pass heteronormatively, or to attend and benefit their own careers.

The second group is LGBTQ+ people who do not pass easily as heteronormative. They do not have the above option to attend with little risk to themselves. If they attend, they may gain the benefits of attendance, but only at significant risk of verbal, physical, or legal abuse from residents or law enforcement of the locality where the conference is held, and likely without being able to fully experience the social aspects of a gathering. Conversely, these persons may choose not to attend to avoid these risks.

The third group is persons who are not LGBTQ+ and appear as society expects persons of their sex and gender to appear, and the fourth is persons who are not LGBTQ+ but who do not always appear as society expects of them. This latter group is often forgotten but is becoming more widely recognized as cis/straight persons find themselves emboldened to challenge other people who don't match their expected views of (usually) femininity.<sup>2</sup> This currently is seeing the most impact in policing women's bodies in sports and public bathrooms, but as bills proposed in multiple states suggest, it may soon be applied anywhere in public. This policy allows all four groups to be in solidarity with each other as the only way that they can all be supported. It is not merely a matter of being in solidarity with LGBTQ+ persons, but rather with all persons.

It is important to note several points about this argument. This is not an argument for a boycott in an effort to force, through financial or social pressure, change in the objectionable laws of these states. Whether such an argument is good would be at least partially dependent upon the likelihood of such a boycott having the desired effect of policy change. Instead, this argument is valid whether any change in the laws is likely. If such a boycott were to be effective that would be a bonus, but the force of this argument is as strong even if, as is possible, it results in no change at all in the laws of the states or even reactionary backlash. Unlike these sorts of teleologically grounded arguments, the grounding for this objection lies in the moral offensiveness of forcing oppressed individuals to sacrifice in order to participate in the oppression of themselves, others in their oppressed group, or both.

In addition, it does not matter whether a state puts forth a "biology-based" argument for their laws. Although these arguments are not generally valid, this critique does not depend upon them being wrong. Even if something is true, enforcing a policy based on it that causes an oppressed minority to sacrifice to help maintain that oppression is still morally unacceptable.

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<sup>2</sup> But not always. The person fired in Texas for referring to his pronouns in his email signature was a man assigned male at birth using he, him pronouns.