

Constructing a queer population? Asking about sexual orientation in Scotland's 2022 census

Teaching Guide

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Questions about the text

1. The article describes 'the veneer of objectivity associated with censuses and a catalogue of contested decisions about the design of question stems, response options and supplementary guidance' (p. 2). List the decisions made about the census, described in the article, and reflect on how they might impact the type of LGBTQ citizen constructed?
2. Guyan writes, 'Conceptualizing Scotland's census as a project in governance, where the census is not a neutral representation of reality but a tool to construct a governable population, poses new questions as to the purpose of asking a question about sexual orientation' (p. 2-3). What are these questions and do you feel they are adequately answered in the article?
3. The article describes how the census only captures information about 'sexual identity', one component of the umbrella term 'sexual orientation', along with 'sexual attraction' and 'sexual behaviour'. Is this a problem and if so how? Furthermore, if ideas about sexual orientation differ along lines of age, class and race how might this effect who is counted in the census?
4. Guyan writes, 'The design of collection tools can ensure that particular characteristics, or ways of thinking about identities, are 'designed-out' of the process' (p. 3). Reflect on what it means to be 'designed-out' in relation to non-binary people (who neither identify exclusively as 'male' or 'female') and the census.
5. The article explains that the National Records of Scotland supported the inclusion of a non-binary response option to the sex question in the 2022 census. What reasons does Guyan give as to why the Scottish Parliament's Culture, Tourism, Europe & External Affairs Committee ultimately voted against this proposal? How does this turn of events

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ABSTRACT
For the first time, Scotland's 2022 census will ask a question about sexual orientation. Correspondence between National Records of Scotland, the Scottish Parliament's Culture, Tourism, Europe and External Affairs Committee and campaign groups present insights into decisions made, the uneasy relationship between queer identities and state data collection practices, and the question of who is counted when we count LGBTQ people. Building on Foucault's critique of projects that construct population knowledge, the census is framed primarily as a tool to facilitate the state's capacity to govern. My engagement in the design process enabled me to critically examine decisions made about the exclusion of non-binary identities and the use of predictive text technology. These decisions demonstrate how the design process constructed a queer population that 'made sense' to the heteronormative majority and 'designed-out' queer lives that the state did not wish to bring into being.

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Census; sexual orientation; lgbtq; queer; data collection

Introduction

On 20 March 2022, the Scottish government will ask everyone aged 16 and over, roughly 4.5 million people, to voluntarily disclose their sexual orientation. For the first time, Scotland's census will present the opportunity for respondents to identify themselves as 'Straight/Heterosexual', 'Gay or Lesbian', 'Bisexual' or 'Other sexual orientation, please write in...'. Due to the covid-19 pandemic, the Scottish census takes place one year after other UK censuses in Northern Ireland, England and Wales, which also ask a question about sexual orientation for the first time. This article discusses the design of the sexual orientation question in Scotland's 2022 census. It considers the work undertaken by National Records of Scotland (Scotland's national statistical office with responsibility for delivery of the census), the Scottish Parliament's Culture, Tourism, Europe and External Affairs Committee (designated as the lead committee scrutinising legislation related to the census) and campaign groups that supported and opposed proposals for a sexual orientation question. More widely, in both Scotland and across the rest of the UK, the design of census questions became a focus of heated discourse around trans inclusive data collection practices (Cowan et al., 2020; Fugard, 2020; Hines, 2020; Murray & Hunter Blackburn, 2019; Sullivan, 2020). As a result, discussions about 'Who to count?' contributed to a climate of increased scrutiny of trans lives and experiences, where trans people were expected to provide evidence of their existence in consultation exercises, stakeholder meetings and parliamentary evidence sessions to representatives who are overwhelmingly cis and straight/heterosexual.¹ The voicing of 'legitimate concerns' about trans lives and experiences had negative impacts beyond decision-making spaces. In their account of the design of census questions in England and Wales, Fugard (2020) highlights the 37% increase in recorded transphobic hate crimes

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Conversations and dialogues with other texts

All quotes are from the original texts.

- Kath Browne (2010) has observed that data collection exercises, like the census, can reveal differential privilege within the queer community as to 'who can become lesbian, gay or bisexual citizens' in the eyes of the state (p. 248). What does Browne mean by becoming lesbian, gay or bisexual citizens?
- Sally Hines (2020) has argued, there is 'nothing new in gender (or sexual) diversity. Refusing to see – or count – practices of gendered (or sexed) fluidity will not make them disappear' (p. 5). Discuss what this quotes means for those who see the census as a representation of the social world.



Pride March in Edinburgh - BBC News, June 2019

- Dean Spade (2015) explains, 'Rather than understanding administrative systems merely as responsible for sorting and managing what "naturally" exists, [...] administrative systems that classify people actually invent and produce meaning for the categories they administer, and that those categories manage both the population and the distribution of security and vulnerability' (p. 11). Discuss how Spade's argument is reflected in the idea of constructing a queer population in Scotland's census.
- Spade (2015) also observes how the collection of standardised data 'makes certain populations inconceivable or impossible, and establish modes of distribution that make some people more secure at the expense of others' (p. 113). Discuss this statement in relation to the differential impacts of asking about gender, sex and sexuality in the census.
- Marika Cifor et al.'s *The Feminist Data Manifest-No* (2019) notes, 'We refuse to operate under the assumption that risk and harm associated with data practices can be bounded to mean the same thing for everyone, everywhere, at every time. We commit to acknowledging how historical and systemic patterns of violence and exploitation produce differential vulnerabilities for communities'. What are the implications of this statement for the counting of LGBTQ people in Scotland?
- Che Gossett (2017) has observed, 'One of the traps of trans visibility is that it is premised on invisibility: to bring a select few into view, others must disappear into the background, and this is always a political project that reinforces oppression' (p. 183). By bringing some into view, at the expense of others, how does the design of Scotland's census speak to Gossett's concerns?

What is your sex?

◆ Tick one box only

Female

Male

Other, please write in

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Non-binary sex question - tested for Scotland's 2022 census but not included in the final question set.

- Anna Lauren Hoffmann (2020) examines how we might respond to harms inflicted by and through data practices. Hoffmann is critical of ‘inclusion discourses’ that ‘readily admit that data technologies produce harmful or even violent outcomes but respond by positioning data science and technology as ultimately the solution to these violences—as long we design and deploy them in more inclusive ways’ (p. 16). For Hoffmann, ‘inclusion represents an ethics of social change that does not upset the social order’ (p. 20). What lessons might we take from Hoffmann’s critique of ‘inclusion discourses’ when considering how to respond to the challenges outlined in Guyan’s article?

Activities

All quotes are from the original texts.

Students might wish to explore the following list of themes in:

- Short group presentations.
- Elevator pitches or short, written explainers.
- Illustrations or mind maps.
- Projects for further investigation and research.

Themes to explore include:

Queer data competence

It is not practical for those in decision-making spaces to always bring lived experiences to the table. We therefore need to ensure that those with the power to make decisions about data practices, which impact the lives of LGBTQ individuals, are queer data competent. This requires a basic knowledge of language and concepts associated with LGBTQ identities, an understanding that historical and social factors mean that equality of opportunity is a fiction, an awareness of power differences between and within LGBTQ communities and the intersection of these identities with other characteristics. **How might we apply the idea of queer data competence to institutions that make decisions that impact the lives of LGBTQ people?**



Headline about the design of the sexual orientation question in The Scottish Sun, 29 October 2019.

Survey design and gender, sex and sexuality data

Westbrook and Saperstein (2015) identify four issues in survey design related to gender, sex and sexuality:

- (1) Although related, “sex” and “gender” are best understood as distinct concepts;
- (2) there are more than two sexes and more than two genders;
- (3) how people identify in terms of sex or gender may not “match” how other people perceive and classify them; and
- (4) both identities and classifications can change over a person’s life course (p. 537).

Examine the four issues noted by Westbrook and Saperstein in relation to the design of the census in Scotland.

Pros and cons of asking about sexual orientation and trans/gender identity in the census

Efforts to categorise and establish who counts as LGBTQ means that some people are *always* left behind. **In what ways might data about LGBTQ people serve the interests of the people about whom the data relates?**

Visibility and data

In *Discipline and Punish: The Birth of the Prison*, Michel Foucault warned 'Visibility is a trap' (1995). Although the collection of data and its use for positive representations has brought benefits for many LGBTQ people, this should not preclude critical examination of dangers that can emerge from shining light on gender, sex and sexuality data. **What is to be gained and what is to be lost from increased visibility? How does this differ among LGBTQ people? What are the potential limitations of being 'out and proud' as a means to achieve LGBTQ liberation?**

Data abolition

In response to the COVID-19 pandemic, the US organisation Data for Black Lives (2020) has noted:

In this critical moment where COVID-19 data is being collected, released, analyzed and interpreted, Data for Black Lives contemplates how this data can be used as a tool for social change instead of a weapon of political oppression in the lives of Black people (p. 4).

This quote calls into question whether we can use existing data tools and systems to meet the needs of those about whom the data relates. Rather than tinker around the edges with question wording, response options and guidance, data justice groups (such as Data for Black Lives) look at what we might gain from an abolitionist approach that turns on its head approaches to data collection that assume the participation of data subjects.

When applied to the context of gender, sex and sexuality data in Scotland, an abolitionist approach to census data calls on LGBTQ people to abandon a system designed by cis, heterosexual architects that is not fit for purpose and beyond repair. In turn, this offers a response to the use of gender, sex and sexuality data that often bring little benefit to those about whom the data relates. **Explore whether an abolitionist approach to data might address some of the challenges associated with gender, sex and sexuality data discussed in Guyan's article.**



Image from Data for Black Lives, 2020.

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