

Episode: *Author Interview: “Gender-Affirming Care, Incarceration, and the Eighth Amendment”*

Guest: Jennifer Aldrich, MD

Host: Tim Hoff

Transcript by: Cheryl Green

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[bright theme music]

TIM HOFF: Welcome to another episode of the Author Interview series from the American Medical Association Journal of Ethics. I’m your host, Tim Hoff. This series provides an alternative way to access the interesting and important work being done by Journal contributors each month. Joining me on this episode is Dr Jennifer Aldrich, a professor of clinical medicine at the Louis Katz School of Medicine at Temple University in Philadelphia, Pennsylvania. She’s here to discuss her article, coauthored with Jessica Kant and Eric Gramszlo, “*Gender-Affirming Care, Incarceration, and the Eighth Amendment*,” in the June 2023 issue of the Journal, [Patient-Centered Transgender Surgery Care](#). Dr Aldrich, thank you so much for being on the podcast.

DR JENNIFER ALDRICH: Thank you for having me. [music fades]

HOFF: So, what’s the main ethics point that you and your coauthors are making in this article?

ALDRICH: Gender-affirming care is health care, and denial of that standard of care that people deserve and are entitled to in the community, that denial violates the Eighth Amendment. The Eighth Amendment establishes that prisoners should not be subjected to cruel and unusual punishment, and the legal precedent for that was *Estelle v. Gamble* in 1976. And it’s also inappropriate to deny the most vulnerable subset of one of the most marginalized communities basic care. And it’s also inappropriate for non-medical providers to be making medical decisions. We don’t see wardens judging the appropriateness of oncologic treatment, and the same should be true of gender-affirming care.

HOFF: And so, what do you see as the most important thing for health professions students and trainees to take from your article?

ALDRICH: Well, I think that it’s really important for readers to understand the enormous hurdles that are faced by transgender people in general, but particularly in prison. These are the most vulnerable of one of the most marginalized populations, and they have had to, and continue to, seek legal remedy in order to get what is generally accepted standard-of-care medication and treatment on the outside, sometimes to the point of self-mutilation.

HOFF: And if you could add a point to your article that you didn’t have the time or space to fully explore, what would that be?

ALDRICH: So, unfortunately, at this point, we are seeing unprecedented assaults on the rights of transgender people and seeking to deny them care, particularly as in the case of juveniles. And unfortunately, this has carried over into carceral settings. There is a bill in the Indiana legislature looking to usurp *Estelle v. Gamble*, which was the legal precedent for Eighth Amendment rights to medical care in prison. And Texas is seeking to overturn policies of housing in accordance with gender identity, which is also, has been mandated federally. [theme

music returns] So, I think that it's really important to realize that what is happening on the outside has serious repercussions for people who are incarcerated.

HOFF: Dr Aldrich, thank you so much for your time on the podcast and for you and your contributors' contribution to the Journal this month.

ALDRICH: Thank you.

HOFF: To read the full article, as well as the rest of this month's issue for free, visit our site, JournalofEthics.org. We'll be back soon with more *Ethics Talk* from the *American Medical Association Journal of Ethics*.