Moral Reframing and Transgender Athlete Bans: In-groups, Out-groups, and a Future Research Agenda

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ABSTRACT Scholars have long touted the power of moral convictions in shaping political attitudes. Moral reframing involves designing messages that align with an opponent's moral convictions with the goal of increasing their willingness to adopt that position. Using lessons from the literature on political psychology, we examine the rhetoric used by legislators supporting and opposing transgender athlete bans in US states to determine how moral reframing was used. We find that the moral convictions of both sides, coupled with their emphasis on in-groups and out-groups, lead legislators to interpret the fundamental principles of the bills differently. This dynamic renders it challenging to reframe moral arguments in a manner that might sway opponents. Additional research is needed to study the efficacy of moral reframing in legislative debates on transgender-related policies.

Over the past two decades, transgender and non-binary youth have become increasingly visible and made significant social and political gains (Meadow 2018; Rahilly 2020). Recently, however, political, religious, and cultural forces have collided to trigger a wave of antitransgender legislation in US state assemblies that restrict, or even eliminate, various aspects of LGBT life (Armitage 2020; Currah 2024). Transgender athlete bans are perhaps the most visible tool in these efforts, with hundreds of related bills proposed in almost every state. By mid-2024, 26 states had passed legislation that bans transgender girls, and sometimes transgender boys, from participating in sex-segregated sports teams at K-12 schools. Another two states had passed legislation in at least one chamber (Human Rights Campaign). Republicans and legislators with conservative constituencies were more likely to support the bans; however, not all bills became law, as some were vetoed by both Democratic and Republican governors (Martin 2025).

Prior to the success of athlete bans, most antitransgender policies at the state level were unsuccessful (Cunningham, Buzuvis, and Mosier 2018). Perhaps you wonder, as we do, what arguments were presented in state legislatures that led to the overwhelming success of these bills. Our research examines the rhetoric used by legislators who supported and opposed athlete bans during chamber debates and committee testimony from 2020 to 2022. Using session transcripts, we applied qualitative methods and critical discourse analysis to identify the dominant rhetorical frames that are meant to persuade members from opposite parties to support or oppose athlete bans.

Moral reframing is the technique of presenting an argument in a way that aligns with the values and moral beliefs of the audience to make it more persuasive (Feinberg and Willer 2015, 2019). Research shows that moral reframing is a promising persuasive technique in some contexts. Were legislators using moral reframing as a rhetorical tool, and can future research on the efficacy of moral reframing inform debates on transgender rights? We find that supporters and opponents of athlete bans framed their arguments in terms of diametrically opposing moral convictions that were unlikely to sway the opposite party—even when the same concept was being argued. We focus on the morals of "*fairness*" and "*protection from harm*," as applied to in-groups and out-groups, to best showcase these polarizing dynamics. By examining these commonly used rhetorical strategies, we seek to lay the groundwork for further investigation into the effectiveness of moral reframing as a tool for crafting messages for future policies.

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MORAL CONVICTIONS AND REFRAMING

Research in political psychology has demonstrated that "liberals and conservatives have fundamentally different moral profiles,"

In contrast, perceptions of discrimination against out-groups drive feelings of empathy from groups who are already inclined to be sympathetic to out-groups. As we will demonstrate, this is

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which account for their opposing viewpoints (Graham, Haidt, and Nosek 2009; Thorisdottir et al. 2007). Moral convictions are linked to individual identity and political attitudes and are so influential that it is difficult to persuade view holders to change their minds (Skitka and Mullen 2002).

Moral foundations theory (MFT) is a useful framework for exploring the disparate moral profiles held by liberals and conservatives (Graham, Haidt, and Nosek 2009). For instance, research concerning moral foundations theory identifies fairness, caring, and protection from harm as more important to those who identify as liberal than conservative. As an example, liberal policies often emphasize benevolence, equality, and social justice for marginalized out-groups, such as voting rights for minorities or marriage rights for LGBT individuals. In contrast, conservatives value in-group loyalty, respect for authority, purity, and social order (Feldman 2003; Jones and Brewer 2018). As a social cognition model, political conservatism presents reality as clear, stable, and orderly, defending the subscriber against uncertainty, change, and threats to tradition (Jost et al. 2003).

Regrettably, "political advocates on both sides of the ideological spectrum regularly" use their *own* sense of morality to frame arguments rather than reframing arguments to fit the moral preferences of their opponents (Feinberg and Willer 2015, 2019). Political psychologists have argued that if a message is morally reframed in a manner that is consistent with an *opponent's* moral convictions, it could increase their willingness to adopt that position (Feinberg and Willer 2015). Moral reframing has proven effective for changing attitudes on environmental protection (Feinberg and Willer 2015), abortion (Kalla, Levine, and Broockman 2022), and vaccine hesitancy (Amin et al. 2017).

Due to the distinct values associated with each group, it is clear why liberals and conservatives often perceive the world through different moral perspectives (Feinberg and Willer 2015). This does not mean that conservatives disregard fairness and liberals do not care about loyalty. According to Graham, Haidt, and Nosek (2009), both parties uphold a core set of moral principles, emphasizing some over others. The distinction lies in how these moral convictions are interpreted to align with the party's priorities and upon whom—in-groups versus out-groups—the benefits of those values are bestowed.

Brewer (1999) describes an in-group as a community of mutual obligation that assumes interdependence and cooperation among group members. Despite preferences toward in-groups, hostility toward out-groups is not guaranteed (Brewer 1999). In instances where moral traditionalism is seen as "absolute," hostility toward the out-group occurs when the in-group sees the out-group as a threat to their values (Lewis et al. 2024). This leads to increases in in-group solidarity and, as Lewis et al. (2024) find, support for trans-exclusive policies that limit the out-group's (i.e., transgender athletes) cultural influence.

evident with athlete ban opponents where threats to the out-group, particularly perceptions of discrimination, are associated with support for transgender athletic participation.

METHODS

As of this writing, 28 US state legislatures have passed transgender athlete bans in either one or both legislative chambers. Legislative debate from 18 of those states are included in this analysis: Arizona, Arkansas, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Utah.

We selected states where legislation that bans transgender athletes from competing on sports teams that match their gender identity entered the final passage stage of the policy process. Although there are slight differences between each bill, they all ban transgender girls from participation on sports teams and are uniformly enforced at the secondary education level. Not every state that debated an athlete ban was included in this study because quality and availability of video, audio, and written transcripts was inconsistent across states.

Athlete bans only passed both chambers, or became law, in states with a Republican majority legislature. When athlete bans passed in *blue* or *purple* states, it was in Republican-controlled chambers. For instance, an athlete ban received a floor vote and passed the Republican majority Virginia House of Delegates but was not considered by the Democrat controlled Senate.

Raw video and audio footage was captured from publicly available recordings on government websites and then sent to professional transcriptionists. Multiple sessions and hearings were collected from each state, ranging from 10 minutes to several hours. In total, we gathered over 60 hours of footage. Once video and audio were located and transcribed, transcripts were loaded into a qualitative analysis software program (Atlas.ti).

Using thematic coding techniques and critical discourse analysis (Braun and Clarke 2006; Fairclough 2001; van Dijk 1993), both authors reviewed transcripts for recurring patterns in legislators' speech. Critical discourse, as a method, examines how language and communication reflect and perpetuate power dynamics and social inequalities. As elected officials with the power to shape social policy for women and marginalized groups, legislators' language is especially ripe for a critical analysis of the rhetorics used to influence legislation and establish hierarchies between different social groups (van Dijk 1993).

We started with a preliminary list of codes (e.g., "biological advantage," "fairness"), but kept the coding largely inductive and noted additional themes as they emerged, such as "physical safety." We noted themes that were explicitly stated (e.g., "women's rights") as well as those that were more subtle (e.g., evading the use of "transgender" terminology). We observed that both sides often marshaled the same concept to make opposing cases, such as "Title IX"

precedents that were cited to protect either cisgender women from unfair advantage or transgender girls from discrimination. In this article, we focus on two common moral tropes that surfaced in the dialogue and demonstrate the parties' efforts in moral reframing: *fairness* and *protection from harm.*

MORAL (RE)FRAMING?

Transgender policies came to the forefront of national politics when the North Carolina legislature reversed a 2016 Charlotte ordinance allowing transgender individuals to use public restrooms based on gender identity (Dorosin 2019). National controversy ensued, culminating in billions of dollars in economic losses to the state (Dorosin 2019). Economic repercussions became a powerful rhetorical reference for preventing other states from passing similar bills, so when Republicans began introducing athlete bans in 2020, opponents, mainly Democrats, attempted to discourage bill supporters by using the same rhetorical strategy. In other words, opponents framed their arguments in a way they believed would resonate with their Republican rivals–economic consequences and fiscal responsibility. Democrats pushed these logics in the hearings:

> [L]et's talk about some details that might actually matter to some of you. Let's talk about money and how SB 156 threatens to strip billions of dollars away from Louisiana's economy. Let's talk about 400 major corporations that are against discrimination against transgender people, 400. (Senator Peterson, Democrat, Louisiana Senate Veto Override, July 22, 2021)

Risks to the economy were a dominant rhetorical strategy marshaled to challenge the bans. The problem, however, was that bill supporters were no longer fearful of potential economic consequences. When anti-trans legislation began passing in 2020, businesses did not rush to support transgender rights as they did in 2016 (Sherman, Soloff, and Hurt 2023). With no significant opposition from the business community, another more influential factor dominated the discourse of both bill supporters and opponents—commonly held moral convictions, epitomized in the following excerpt:

> I find it insulting that we say we value fairness, equality, equal rights for women and then we talk about a price tag of losing potential business. That's insulting to me. ... I think it's insulting to the women who fought so hard for these rights. (Senator Erickson, Republican, Kansas Senate, April 9, 2021)

Questions of women's rights, fairness, and who was worthy of protection provided the moral framework on which much of the dialogue hinged.

FAIRNESS

Notions of fairness and women's rights are typically liberal platitudes (Graham, Haidt, and Nosek 2009), but bill supporters leaned heavily on these principles to make the case for transgender athlete bans: "boys" (i.e., transgender girls) pose an "unfair advantage" over women and girls in sports. Supporters, predominantly Republicans, emphasized this premise through consistent references to the phrases "fairness" and "leveling the playing field." Supporters cited the potential loss of opportunities, of scholarships, and of "women's rights" altogether if girls are forced to compete against "biological males." In another twist of traditional liberal values, supporters

claimed this would amount to unfair "discrimination" against women:

> It is unfortunate for some girls that those dreams, goals and opportunities for participation, recruitment, and scholarships can be directly and negatively affected by new school policies permitting boys who are male in every biological respect to compete in girls' athletic competitions if they claim a female gender identity. Allowing boys to compete in girls' athletic competitions discriminates against girls. (Representative Cepicky, Republican, Tennessee House, March 22, 2021).

On these terms, Republicans co-opted a classic liberal moral belief to their own ends, protecting women's rights. However, they coupled this principle with a value closer to traditional conservatism: maintaining social order and the status quo (Martin and Rahilly 2023). Conservative legislators framed transgender athletes as an out-group that threatens traditional sex-segregated sports—and perhaps the broader social order overall—because they challenge the notion that there are clear and obvious differences between the sexes, as indicated in this excerpt:

> Similarly gifted and trained males will always have physical advantages over females... . Science and common sense tell us that males are generally bigger, faster, and stronger than females... . No amount of testosterone suppression can undo all of those advantages. The world's best female Olympic athletes would lose to literally hundreds of boys and men on any given day. (Governor's Office Representative, Republican, South Dakota Senate State Affairs Committee, January 14, 2022)

In short, Republicans framed "fairness for women" as a matter of preserving tradition and excluding an out-group, a principle that contrasted with most liberal Democrats and maintained a staunch partisan divide in the proceedings.

Opponents sought to rework and reclaim the concept of "fairness," but they framed this principle in terms of their own sense of morality—defending an out-group. Their message was one of inclusion and social justice: allow transgender children to participate in sports, as involvement in athletics imparts valuable life lessons and fosters a sense of inclusion. On opponents' terms, the object of discrimination was not cisgender women, but transgender youth:

> We can keep a level playing field and still include transgender children in sports. We can celebrate women's sports and protect transgender youth from discrimination... . It is deeply hurtful to the student and disrupts the school's policy of treating all children fairly. (Senator Stahl Hamilton, Democrat, Arizona Senate Committee of the Whole, February 2, 2022.)

Rarely were supporters or opponents successfully able to morally reframe their assertions of fairness to appeal to the opposing party. This impasse stems from the fundamental differences in each party's moral priorities and views on sex and gender, causing them to view fairness, and the underlying premise of the bill, differently. As mentioned, although fairness is important to both parties, research has shown that liberals emphasize fairness for "out-groups," whereas conservatives endorse fairness as important for members of political and social "in-groups" (Stewart and Morris 2021). For Democrats, transgender youth are the "out-group" whose rights should be protected. The "in-group" for conservatives is cisgender women who, they assert, need protection in the name of feminism and women's rights.

PROTECTION FROM HARM

Recall that liberals emphasize the moral principles of caring and protection from harm. Those protections extend to out-groups. As

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one major rhetorical strategy, bill opponents frequently cited statistics highlighting the vulnerability of transgender youth including high suicide rates, instances of bullying, and struggles with social integration, underscoring the need to protect trans kids from harm:

> [In] the 2019 Youth Risk Behavior Survey … they asked about how kids are feeling about school … *Have you ever been bullied?* Non-LGBT students, 22.7%. Well, double that number if LGBT kids are reporting it … 38% is too high of a number for being bullied at school… . Then we move on to suicide, when you look at the number of [LGBT] kids, those numbers are off the charts. This legislation, I guarantee you, will only compound those numbers … they're gonna see the action made by this body and it's going to play unfortunately [into] other decisions that they will make. (Representative Boschee, Democrat, North Dakota House, February 11, 2021)

Opponents reasoned that excluding trans students from sports would just exacerbate risk to this group: "This bill is thinly veiled

prejudice under the guise of protection. This bill is fomenting fear where no problem is present" (Representative Schneider, Democrat, North Dakota House, February 1, 2021).

Bill supporters, meanwhile, interpreted care and protection to mean protecting the physical safety of cisgender girls and women who, they argued, would be injured if they were forced to play with larger, bulkier "men:"

> This is about protecting female athletes and recognizing their accomplishments within their biological peer group… . I have families that are legitimately concerned about a biological male playing, as Senator Lucio said, in a competitive contact sport and doing bodily injury permanently. (Senator Perry, Republican, March 26, 2021, Texas Senate Affairs Committee)

The rhetorical strategy of threatening harm to women and children if "sexual others" are permitted in public spaces dates back to the 1970s, when gay-identified teachers were portrayed as harmful to children (Stone 2019). Likewise, supporters here framed the ethic of care as a matter of preventing harm to an in-group—namely, cisgender females, from transgender athletes, ultimately exemplifying conservative values. In short, both sides invoked the values of protection and preventing harm in morally distinct ways.

DISCUSSION

The purpose of this project is to compare the rhetorical strategies of both supporters and opponents of transgender athlete bans in US state legislatures. Our analysis lends insight into the nature of moral disagreements between US political parties on transgender rights and to the discourses political elites use to create power relationships between different social groups. Political psychologists have long touted the strength of moral convictions in shaping political attitudes. These moral convictions often serve as a source of division and inflexibility, even when the same concept is being issued by opposing sides (i.e., fairness and protection).

Research indicates that leveraging moral convictions to reframe arguments in a more persuasive manner can serve as a foundation for opinion change (Feinberg and Willer 2015). For athlete bans, both bill supporters and opponents used the concepts of fairness and protection to mirror the opposing side. However, each ultimately reframed these morals in the language of their own party, diminishing their ability to formulate arguments "in terms of the morals of those targeted for persuasion" (Skitka and Mullen 2002).

In the context of athlete bans, moral convictions are rooted in a struggle for power between marginalized out-groups and perceived deserving in-groups.

In the context of athlete bans, moral convictions are rooted in a struggle for power between marginalized out-groups and perceived deserving in-groups. Both sides emphasized "fairness" and "protection" while underscoring their necessity for separate social groups. Liberals framed fairness in terms of inclusion for trans athletes, who are a vulnerable political out-group, whereas conservatives see fairness as essential for protecting cisgender women, a constituent in-group. This finding is consistent with the literature, which states that preferences for in-groups and out-groups intensify when moral foundations are under threat (Shah, Kruglanski, and Thompson 1998; Voelkel and Brandt 2019).

Assessing the actual efficacy of different moral arguments is beyond the scope of this analysis; however, questions of effective persuasion are particularly significant now that the anti-LGBT movement has taken on a much broader agenda. Based on our current sample, attempts to persuade Republicans through moralistic appeals that are ultimately rooted in liberal values and deeply tethered to loyalty toward certain groups were too weak to blunt the tide of conservatism within each state. But moral reframing has proven to be a valuable tool for persuasion in some contexts. Could it be successful if a more concerted effort was made to tailor the argument to appeal to opposing moral convictions, and what might such a message look like?

We propose that future research focus on identifying messages that *work*, not just for athlete bans but for a range of LGBT-related policies. The next logical step is to evaluate moral reframing to determine the conditions under which it can be successful. If moral reframing is proven ineffective, other persuasive theoretical frameworks might have more utility for safeguarding the civil rights of the transgender community. For example, opponents paid far less attention to the complexity of "biological sex" and "biological advantage," which would more directly challenge the scientific basis of the bans. Perhaps Petty and Cacioppo's (1986) elaboration likelihood model, which encourages evaluation of arguments based on evidence and information, might prove more successful. Social judgement theory could also be applied to predict whether people will accept certain messages over others (Sherif and Hovland 1961). Field studies, experiments, and even surveys could be employed to investigate the conditions under which moral arguments, in any form, are effective, and when they are not.

SUPPLEMENTARY MATERIAL

To view supplementary material for this article, please visit http://doi.org/10.1017/S1049096524001185.

CONFLICTS OF INTEREST

The authors declare no ethical issues or conflicts of interest in this research. ∎

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