

Transgender Bodies are the Battleground: Backlash, Threat, and the Future of Queer Rights in the United States

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ABSTRACT

Legislation that seeks to restrict the ability of transgender people to fully participate in society has proliferated across state legislatures in the last four years. In legislative sessions throughout the United States, legislators have argued in favor of denying transgender people access to public facilities, sports, health care, and even their own guardians. What can these debates tell us not only about the backlash against transgender people but the queer community and women more broadly? Using an analysis of the debate on anti-transgender legislation in two state legislatures, we argue that legislators attempt to gain support for anti-transgender legislation using paternal, protectionist frames and by coopting the language of feminism. We argue that the gender essentialism and heteronormativity at the center of these debates indicates an attempt on behalf of conservative movements and legislators to pursue an idealized, heteropatriarchal society with a strict gender binary.

Anti-transgender legislation and sentiment is on the rise in the United States (Ramirez 2024). A strong coalition of right-wing advocates, think tanks, and legislators have cooperated to enact legislation that prevents transgender individuals from accessing gender-affirming care, using bathrooms that align with their gender, and playing youth sports (Trans Legislation Tracker 2024). Many of these laws have tangible negative effects on one of the most vulnerable populations, transgender youth—denying them access to health care and social support (Mallory and Redfield 2023). This political debate over anti-transgender legislation juxtaposes an argument for the full inclusion of transgender people in society with one that argues their exclusion is necessary for the safety and fulfillment of the “majority.”

In this article, we use empirical data on the framing of the anti-transgender legislation debate in state legislatures to demonstrate how transgender rights are at the epicenter of a broader conservative backlash against queer rights and women’s rights. Our analysis builds on literature that describes the backlash against transgender people as hinging on gender essentialism and heteronormativity (Murib 2020, 2022; Schilt and Westbrook 2015; Shar-


row 2021). These debates paint gender nonconforming individuals as dangerous and cisgender individuals, especially girls, as in need of protection from this threat. Conservative lawmakers coopt some feminist language, expressing concern for girls’ safety from sexual violence and the lack of opportunities being afforded to them.

We argue that the current political movement against transgender individuals is part of a sweeping movement to deny rights for the LGBTQ community and women. The movement demands a status quo on heteronormativity, traditional gender norms, and patriarchal norms. Transgender individuals are particularly marginalized because they have historically been excluded from a growing acceptance of the broader queer community, as their citizenship claims threaten conceptions of the gender binary (Jones et al. 2018; Murib 2023). We argue that these policy debates are informative to other political divisions around the role of the state in regulating the private sphere and are relevant to the discipline writ large. Our analysis shows that the movement against transgender rights has created a gender essentialist idea of who is deserving of government protections and who is not.

DEFINING AND FRAMING CONTENTIOUS ISSUES

Political issues are not presented to the public in a value neutral manner. Numerous actors in the political process, including legislators, take part in the battle over defining and adding specific

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meaning to issues (Nelson 2013; Stone 2022). In contests of meaning over gendered issues, conservative lawmakers have increasingly coopted the language of feminism and applied it to the traditional gender norms associated with the Republican party (Murib 2022; Roberti 2022; Wineinger 2022). Antiabortion bills across the United States commonly used frames such as “protect women,” “empower,” and “provide opportunity” (Roberti 2022). These frames are also evidence in arguments against rights for the LGBTQ community. Groups lobbying in favor of transgender bathroom ban bills have framed the issue around protecting those in the “majority” from transgender bodies (Schilt and Westbrook 2015; Tadlock 2017).

Patriarchal norms around gender and gender identity have policy implications. Transgender rights are a policy space where there are tensions around the meaning of the relationship between sex and gender. Transgender people challenge societal assumptions about the relationship between sex and gender (Stryker 2008). Movements for transgender liberation have received backlash from even within the queer community, and transgender activists have had to call in their shared community on the need for solidarity (Beard 2023). The experiences transgender people have with the legal system demonstrate that states do not have uniform definitions of sex (Currah 2022). These discrepancies can help us better understand how gender injustice functions, as the state distributes resources based on gender (Hawkesworth 1994). How sex is defined legally often depends on “what it has done or what it continues to do for particular state projects” (Currah 2022, 14). Following Currah (2022), examining how sex is defined and used in, for example, transgender youth sports bans enables a deeper understanding of how sex is used to distribute public goods. The norm of practices such as sex segregation in sports can have the effect of making one group dominant, stifling the potential of policies like Title IX (Druckman and Sharrow 2023).

The political discourse around transgender rights provides unique insights into the construction of paternal frames in the policy process. For example, in policy debates around gender-affirming care, the frames for protecting youth rely on the claim that gender-affirming care is a radical and untested form of medical care, thus creating unacceptable risk for young people (Wuest and Last 2024). In policy debates concerning the involvement of transgender youth in sports, the protection frames used combine heteronormative assumptions about cisgender girls’ athletic ability and an implied need for sex segregation for “fairness” and adhering to Title IX (Murib 2022; Schilt and Westbrook 2015; Sharrow 2021). In our analysis of legislative debate on transgender issues, we set out to answer the following: How are legislators framing their support of legislation that denies rights to transgender people? How can we center these debates in the current, widespread backlash against queer individuals and women?

METHODS

To understand the current debate around transgender rights in state legislatures, we conducted a critical discourse analysis of committee and floor debate of all bills directed at transgender individuals in two states. Discourse analysis involves finding relevant themes in the data and analyzing those themes to see how the language constructs different ideas (Gee 2003). Conversation, debate, and the written word can build identities and emphasize power structures (Wodak and Meyer 2009). Critical discourse analysis views discourse as a form of social practice,

thus discursive events are shaped by and shape the context in which they take place (Wodak and Meyer 2009, 5-6). Critical discourse analysis is an important tool for analyzing political ideology because it acknowledges the use of language socially constructs different realities in the social world—shaping what is sayable, knowable, and taken for granted (Murib 2023; Wodak and Meyer 2009).

To conduct this study, we identified bills directly targeting transgender people’s rights to access public space and bodily autonomy in two states, Arkansas and Arizona. Evidence that a coordinated effort by right-wing lobbying groups was a partial catalyst for recent transgender legislation created an expectation for issue frame consistency across both states (Hatewatch 2021; Pauly 2023). At the time this research project began in 2021, Arkansas was the first state in the union with a legislature that voted to make gender-affirming care for transgender minors illegal (DeMillo 2023). We chose Arizona as a comparison case for two reasons. First, Arizona is a state that is trending “purple,” over the study period 52% of the legislature was Republican and the state ceased to have a Republican trifecta when the Democrats won the Governorship in 2022 (see Appendix B for further discussion of partisanship and case selection). Arkansas is a solidly Republican state with Republican control of both houses (77% of the legislature) and the governorship, enabling us address whether the discourse is consistent across political context. Second, both states maintain video archives of committee and floor actions, which create the rich text needed for critical discourse analysis¹ (Wodak and Meyer 2009). We excluded bills that had wider objectives such as targeting all people who have nonheteronormative family structures. Between 2020 and 2022, the Arkansas state legislature considered nine bills and the Arizona state legislature considered 12 bills that met our criteria for inclusion. Other states, such as North Carolina, had high-profile anti-transgender legislation during this time but did not have available data. See a list of legislation in Appendix A (Tables A1 and A2). Data for both states were collected through Legiscan and the states’ legislative webpages. The authors created a comprehensive list of all bills involving transgender people from 2020 to 2022. We sought those bills that went through House and/or Senate committees and received committee hearings. After identifying these bills, we coded 14 hearings and floor discussions that range from seven minutes (HB1905) to three hours (SB1138).

The authors began the analysis by viewing and transcribing all videos identified for committee and floor hearings on transgender legislation. Our transcriptions include the language of the statements given, speaker’s tone, length of statement, the physical space of the hearing, and how speakers presented themselves (clothing, affiliation, etc.); taken together this constitutes the text analyzed. We include this data as they provide insight into how power is enacted through the discourse presented (Wodak and Meyer 2009). We took a semi-inductive and iterative approach to coding our data (Bingham 2023; Murib 2023; Wodak and Meyer 2009). During the initial transcription process we used a deductive process to identify whether a statement addressed themes of protection, paternalism or girlhood; this was based on our theoretical presupposition that the protection of girlhood was central to anti-trans legislation (Bingham 2023; Murib 2023; Yin 2014; Wodak and Meyer 2009). Likewise, we inductively identified additional themes present in the data. We then identified all the themes present in the transcripts and recoded them using the

same list of themes. Our analysis is focused on the subsection of the data centered on themes of protection. Within this subset, we inductively identified specific protection frames and subframes (such as protection from physical violence) through an iterative and collaborative process (Murib 2023). Both researchers maintained memos and correspondence to document this process.²

FINDINGS

As political discourse is relevant not only to the adoption of public policy but the perception and standing of marginalized groups in society, we asked how legislators in two states were shaping the discourse on anti-transgender legislation. Our findings show that legislators and lobbyists are using arguments against transgender rights that hinge on paternalism and gender essentialism to make claims that restricting the rights of transgender people is necessary. A common thread throughout the debates is a paternalist rhetoric that asserts a “threat” posed by transgender people and the cooptation of feminist language to argue that the goal is providing girls with opportunity and protection (Ayoub and Stoeckl 2024; Butler 2024).

Our findings show that legislators and lobbyists are using arguments against transgender rights that hinge on paternalism and gender essentialism to make claims that restricting the rights of transgender people is necessary.

In both Arkansas and Arizona, legislators combine protection frames with the cooption of feminist language when the policy is directed at maintaining gender segregation in sports.³ Conservative movements have borrowed language from feminism to advance everything from antiabortion bills to bathroom bans (Roberti 2022; Schilt and Westbrook 2015), and in the case of the sports segregation bills in our two cases, opponents of transgender inclusion use a cisgender supremacy argument that cisgender girls specifically deserve the greater opportunities promised by Title IX (Sharroff 2021). Their comments point to transgender girls attempting to rob cisgender girls of opportunities and spaces that were created for them. In Arkansas, Sen. Missy Irvin (R) presents the Fairness in Women’s Sports Act on the Senate floor using feminist language, emphasizing the need for girls to be able to fulfill their sports aspirations (Arkansas State Legislature 2021). In explaining the need for SB 354, Irvin argues that victories are being stolen from cisgender girls, stating girls “had their dreams shattered because a biological male decided to identify as a girl and stole any chance they had to reach their goals” (Arkansas State Legislature 2021). In Arizona, Julia Ageya with her 9-year-old daughter testifies that “women before me fought long and hard for rights” in support of the Save Women’s

focused on only transgender girls. The language of the bills specifically bans children assigned male at birth from participating on girls’ sports teams but does not prohibit children assigned female at birth from participating on boys’ sports teams (Arkansas SB 354; Arkansas SB 450; Arizona SB 1165). Stereotypical assumptions about girls’ weakness provide the foundation of the claim that cisgender girls are threatened by the participation of transgender girls in youth sports. These sports bans conclude that “biology is destiny” and that there is a natural hierarchy of athletic ability based on sex organs and anatomy at birth (Sharroff 2021). When Arkansas SB 354 is heard in the House Education Committee, Rep. Richard Womack (R) gives his support for banning transgender girls from “intentionally going against the weaker sex,” meaning cisgender girls (Arkansas State Legislature 2021).

To emphasize the threat posed by transgender girls in sports, anti-trans rights legislators and advocates construct transgender girls as adult men and cisgender girls as children. In arguments over the GIRLS Act, Sen. Missy Irvin argues that it is necessary to punish transgender girls participating in girls’ sports and not transgender

boys in boys’ sports because a girl could not compete against “stronger, faster, more athletic, more muscular biological men” (Arkansas State Legislature 2021). In this discussion, Irvin refers to transgender girls with the adult term “biological men,” but cisgender girls by the adolescent terms of “girls” or “young girls.” Similarly, in Arizona SB 1165 sponsor Sen. Nancy Barto (R) states in an exasperated tone “girls and women, who should not be forced to compete against men playing on women’s sports team” (Arizona State Legislature 2022). Similarly, in Arkansas, the Privacy Accommodations Act (HB 1882) is presented by author Rep. Cindy Crawford (R) as providing protection for cis girls from predatory men in public restrooms. In this discourse, Irvin, Barto, and their allies construct cisgender girls as young and weak and transgender girls as strong, dominant, adult men.

Where transgender girls are constructed as threatening men, cisgender girls are constructed as not only girls but as “our daughters and our granddaughters” as claimed by Sen. Warren Petersen (R) (Arizona State Legislature 2022). In these examples, we can see how legislators and lobbyists use their word choice to create a hierarchy of who is a “real” girl and deserving of protection and who they see as threatening those girls, anyone assigned male at birth. As previously noted, Ageya’s daughter stands next to her

Their comments point to transgender girls attempting to rob cisgender girls of opportunities and spaces that were created for them.

Sports act (Arizona State Legislature 2022). In this way, Title IX is effectively linked to biological essentialism.

In both the Arizona and Arkansas cases, bills seeking to ban transgender athletes from participating in school sports are

as she argues that transgender participation in sports is a “movement against our daughters” (Arizona State Legislature 2022). Likewise, Rep. Quang Nguyen (R) cites the specter of a transgender athlete breaking his daughter’s track record as a reason for his

support for SB1165 (Arizona State Legislature 2022). These politics of identity used by Rep. Nguyen and others constructs their shared identity of parents of “acceptable” (cis)girls in solidarity against the threat of transgender girls (Hall 1997).

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At first glance, there is a contradiction between legislation limiting transgender girls’ access to interscholastic sports and bills limiting transgender youth’s access to gender-affirming care, as the “threat” posed by transgender girls is linked to their male biology. However, even in cases where the bills on both topics appear in the same hearing, as in the Arizona House Judiciary Committee, this potential contradiction is resolved through the construction of gender-affirming care as a dangerous threat. Legislators and advocates arguing in favor of the bills construct gender-affirming care as untested, and uncertain, and thus too risky (for more on this framing, see Wuest and Last 2024). Dr. Paul Hruz, pediatric endocrinologist, asserts that SB1138 will prevent children from undergoing treatment that is “experimentation” and ensure that children avoid “permanent infertility” (Arizona State Legislature 2022).

Parents that support and advocate for gender-affirming care are constructed as endangering their children. During the Health and Human Services Senate Committee Hearing on SB1138, a debate ensues between Rev. Sandy Johnson, the first parent of transgender child to testify in the hearing, and Sen. Kelly Townsend (R). Townsend questions Johnson on whether a parent’s “preconceived idea of the child’s gender from an early age” may lead to coercion. When dissatisfied with Johnson’s answer, Sen. Townsend (R) repeats the question, and when unsatisfied with Johnson’s follow-up answer, Townsend interrupts Johnson saying she has heard past testimony of parental coercion. Sen. Townsend’s repeated questioning of Rev. Johnson and her interruption undermine Rev. Johnson’s testimony by implying that affirming parents of transgender children’s testimony cannot be trusted. Likewise, Rep. Walter Blackman (R), states in the Majority Caucus that he “believes [transition] is pushed by some parents ... so we’re protecting minors on this one” by supporting the bill (Arizona State Legislature 2022). Therefore, within this discourse parents who allow children access to gender-affirming care are constructed as needing state intervention due to risky or potentially abusive parenting choices.

Although all transgender children are constructed as endangered by gender-affirming care, children assigned female at birth are constructed as particularly vulnerable. In the Arizona Senate Health and Human Services Committee hearing on SB1138, Lisa Fink of the Protect Arizona Children Coalition reads testimony from adolescent psychologist Dr. Rodger Hiatt Jr. describing an “alarming trend” of increasing numbers of “biological females” seeking gender-affirming care since 2015.⁴ In the House Judicial Committee Hearing on SB1138, Chairman Rep. Walter Blackman (R) interrupts the testimony of a medical professional to describe how his own teenage daughter can be confused and indecisive. Blackman says that out of his five children, his 13-year-old

daughter “changes her mind as much as I change my shoes.” He uses this analogy as evidence of the inherent indecisiveness of girls and their need for protection from precarious decisions, such as transitioning. In this view, a stereotypical teenage girl puts no

more effort into understanding their gender identity than they do in getting dressed.

In summary, our analysis shows the approach to limiting transgender individuals’ access to public life is framed in terms of supporting and protecting cisgender individuals who are in the majority. Across two state legislatures, legislators and lobbyists used paternal language or coopted feminist language to describe how transgender individuals are putting themselves and others at risk or are maliciously attempting to strip away girls’ opportunities. Frames that focus on protection or invoke feminist language are consistent with past efforts to gather support for gendered issues like antiabortion measures or welfare reform (Roberti 2022; Schreiber 2017; Wineinger 2022). Furthermore, these frames rely on a consistent gender-essentialist gender ideology which underlies these policies.

CONCLUSION

A recent surge of legislation has been directed at limiting the rights of transgender people and normalizing a renewed push for establishing a norm around the gender binary. Although this current iteration of discriminatory policies is focused on transgender people, we assert that it is indicative of a larger trend. Scholars of queer politics have expressed alarm about anti-transgender sentiment for a decade (e.g. Murib 2020, 2022; Schilt and Westbrook 2015), and the mobilizing forces that seek to deny equal rights have grown (Butler 2024). In the United States, the conservative policy manifesto Project 2025 targeted transgender individuals’ rights in education, sports, and military service (Saric 2024). A move toward right-wing authoritarianism globally has pushed an anti-transgender agenda, and transgender people as a group are already highly marginalized (Butler 2024). The LGBT movement historically subsumed gender identity under sexuality, and this framing of transgender people as a quasi-third sexuality enables a policy project that ignores transgender people’s specific needs with respect to issues like gender-affirming health care (Murib 2023; Stryker 2008).

This research reveals not only the state of opposition to transgender people as participants in society but also the future of opposition to the queer community more broadly and women. Political scientists have uplifted the power of solidarity in solving collective action problems while recognizing that solidarity often excludes the most disadvantaged groups (Ciccia and Roggeband 2021). The framing of issues by political actors reveals the interconnectedness of inequality across a spectrum of identities (Ciccia and Roggeband 2021). Legislators and lobbyists supporting anti-transgender legislation have used paternal frames that center on gender essentialism. Right-wing mobilization against transgender individuals has adopted frames present in other political battles—such as in the backlash to women’s rights and LGBTQ rights more broadly (e.g., Roberti 2022; Schreiber 2017). Looking to the future,

we see these arguments against the rights of transgender people as the starting position for a larger political agenda that reinforces patriarchal norms using public policy, as have been recorded previously in debates over issues of women's autonomy (Kreitzer 2015; Lusvardi 2024).

The political debate over transgender rights is one that should be of interest to the discipline. It strikes at the core of questions over state power in regulating individual choices and actions. Our analysis provides evidence of how states have used a gender-essentialist framework of gender relations to advance a right-wing policy agenda that seeks to regulate the ability of certain people to exist in the public sphere.

SUPPLEMENTARY MATERIAL

To view supplementary material for this article, please visit <http://doi.org/10.1017/S1049096525000010>.

CONFLICTS OF INTEREST

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

NOTES

1. As of 2022, there were 24 states that maintained archived video of at least some committee hearings in both chambers (NCSL 2022).
2. For additional details on the process, see Appendices B and C.
3. The Arkansas legislature considered two bills directed at limiting transgender girls' participation in school sports: GIRLS Act, SB 450, and Fairness in Women's Sports Act, SB 354, and adopted one bill, SB 1165, Save Women's Sports Act.
4. Hiatt submitted similar testimony to the Kentucky State Legislature.

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