

# Gender Critical Feminism and Trans Tolerance in Sports

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Through a systematic review of gender critical feminist rhetoric in the realm of sports, this article excavates a rhetorical strategy of what the author calls “trans tolerance,” a strategy that is at once trans-affirming and trans-exclusionary. The author argues that three themes run across three gender critical feminist organizations: (a) nonpartisanship, (b) biofeminism, and (c) trans tolerance. In a sports world that desperately needs transformation, scholars and activists alike must sharpen analyses of violent transphobic rhetoric in a way that moves beyond a “pro-trans versus anti-trans framework.”

On February 22, 2019, the house judiciary committee for the Montana state legislature convened to vote on several house bills concerning transgender rights. House Bill 465 would have revised Montana’s anti-discrimination laws by adding gender identity, gender expression, and sexual orientation to its list of protected classes of persons. For the purposes of the bill, gender identity was defined as the “gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth,” and sexual orientation was defined as “an individual’s actual or perceived romantic or sexual attraction to people of the same or different gender” (Montana HB465, 2019). In effect, the new law would have prohibited discrimination against LGBTQIA+ people in employment, housing, education, and goods and services provided by the state.

During the 45-min period that opponents of the bill made their case against HB 465, Anita Milanovich, an attorney for the Montana Family Foundation, argued that the proposed bill would threaten “three key areas of American life” First, it would threaten Montanans’ first amendment rights to freedom of speech, religion, and conscience. Second, it would put the privacy and safety of Montanans—specifically women—at risk by “inviting men” into locker rooms, changing rooms, and bathrooms with women and girls. Within this area of purported threat, a change to the bill would also allow “men identifying as women” to sleep alongside women staying at domestic violence shelters. Third, it would threaten the economic safety of Montanans because it would entitle the government to regulate ideas and beliefs rather than allowing individuals to freely exchange them (Judiciary, n.d.).

Embedded within her argument that the proposed bill would threaten the safety of women and girls was Milanovich’s assertion that the academic and athletic achievements of women and girls would be “eviscerated, as men who profess a female identity will take spots on female teams and compete for scholarships and opportunities designated for women.” To support this rationale, she went on to position “Tennis legend Martina Navratilova” as a recent victim of the type of gender-regressive and anti-woman politics she believed would result from this bill. Milanovich explained to the judiciary committee that, having “recently raised this issue in an op-ed stating that a rule that allows trans athletes to compete according to their gender ‘rewards cheats and punishes the innocent,’” Navratilova had been “removed from the LGBTQ

board for being transphobic,” despite her iconic status as a groundbreaking lesbian athlete.

Indeed, a few days before the hearing in Montana, Navratilova published an op-ed in *The Sunday Times* where she aired her concerns about trans athletes participating in sports. “To put the argument at its most basic,” she wrote:

[A] man can decide to be female, take hormones if required by whatever sporting organization is concerned, win everything in sight, and perhaps earn a small fortune, and then reverse his decision and go back to making babies if he so desires. It’s insane and it’s cheating. I am happy to address a transgender woman in whatever form she prefers, but I would not be happy to compete against her. It would not be fair. (Navratilova, 2019a)

Milanovich’s deployment of Navratilova’s speech served a twofold purpose during the hearing. First, as a famous athlete with an illustrious career, Navratilova’s words and subsequent dismissal from various organizations legitimated Milanovich’s claims that adding gender identity and expression to Montana’s human rights act would harm women. Second, by describing Navratilova’s expulsion from various organizations that worked to expand trans policies, particularly for trans athletes, Milanovich illustrated that individuals who openly contest trans women and girls’ participation in sports risk being accused of transphobia and being shamed into silence—even when they are “happy to address a transgender woman in whatever form she prefers.”

The bill died in April 2019, and thus prevented gender identity or expression and sexual orientation from becoming legally protected classes. The Montana hearing, and the subsequent events that unfolded, depict an entanglement of discourses around trans embodiment, sports, and opposition to trans sportswomen who play women’s sports. It is telling that a bill intended to add gender identity to an existing nondiscrimination law was successfully opposed by way of citing a famous tennis player; especially since Navratilova herself contended that her words were taken out of context. When an attorney at the American Civil Liberties Union’s Montana branch tweeted that Navratilova’s words were used to oppose the bill, Navratilova (2019b) responded in a tweet, “well that is just ridiculous—I was only speaking about professional athletic competitions—certainly not HUMAN RIGHTS and EQUAL rights for transgender people. That is totally misrepresenting what I said.” Yet despite Navratilova’s contention that her intentions had been misrepresented, it is significant that her words

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as a prominent—arguably legendary—sports figure were evoked to shut down a bill that was otherwise unrelated to sports.

In the following paper, I examine how opposition to trans women in sports takes on a particular rhetorical form that is at once trans-“affirming” and trans-exclusionary. I use the Montana hearing as an entry point for understanding this rhetoric, to which I will return later. But this form is not limited to the Montana hearing and, in fact, characterizes much of the contemporary opposition to trans people’s access to services, spaces, and anti-discrimination protections by self-proclaimed gender critical feminists (hereafter, GCFs). I excavate this rhetorical strategy through a systematic review of its uses and effects when deployed by GCFs, then position it squarely within this cultural and social moment surrounding gender and sports by analyzing organizations that use this rhetoric to challenge trans women’s participation in women’s sports. I provide a general overview of the GCF landscape, then provide a brief description of leading GCF organizations that focus solely on maintaining a cissexist vision for women’s sports; that is, organizations that aim to restrict access to women’s and girls’ sports so that only cis women and cis girls can participate. I argue that three themes run across three GCF organizations: (a) nonpartisanship, (b) biofeminism, and (c) what I call “trans tolerance,” a form that is both trans-affirming and trans-exclusionary. I identified these three themes because they constitute an adept and effective rhetorical maneuver that has allowed many organized GCF groups to shift from spewing violent anti-trans opinions to disseminating well-developed and seemingly objective arguments, even if these arguments are not actually grounded in widely accepted facts. To understand how this rhetoric operates, it is first necessary to contextualize gender critical feminism (GFC) within broader feminist discourses, and to provide a general overview of feminist approaches to gender and sports over the past decade.

## A Ripe Opportunity: The Transgender Tipping Point and GFC

The convergence between trans visibility and vulnerability marks the hollowness of what is now commonly known as the “transgender tipping point,” a term made famous by Laverne Cox’s appearance on the cover of *Time* magazine in May 2014. The logics that inform GCF are shaped by the same historical, political, and social conditions that make the concept of a transgender tipping point possible. This is not to deny that current anti-trans discourse in GCF groups is congruent with a particular strain of unapologetically anti-trans radical feminism. In fact, many GCFs label themselves as such. On the contrary, I make this distinction to establish with greater accuracy how the specific radical feminist bent of GCF groups is shaped by contemporary social and political conditions.

Enabled by biofeminism—a term coined by Madeleine Pape (2022)—and a display of purported nonpartisanship, much of GCF rhetoric intimates varying degrees of trans tolerance, or reluctant and half-hearted claims that trans athletes should be supported and accommodated in their athletic endeavors. Thus, traces of both trans support and trans exclusion can be found on any well-organized and well-funded GCF website, speech, executive summary, or petition. This strategy is neither unique nor relatively new, but rather a clever contradiction that, as Jules Gill-Peterson (2021) notes, GCF do not wish to resolve, but to exploit. If scholars engaged in trans feminist sports studies (Jones, 2021) envision a

(sports) world that desperately needs transformation, we must scrutinize the details of how GCF, and the broader coalition of which it is a part, seeks to further constrict athletic opportunities for trans and nonbinary folks.

Much has been written about the relationship between a particular anti-trans strand of radical feminism and contemporary GCF (Hines, 2019) as well as the conditions in which GCF has gained widespread popularity (Pearce et al., 2020), particularly in the United Kingdom (Hines, 2020) and the United States. Scholars also trace connections between the gender critical movement and what Bassi and LaFleur (2022) argue should be urgently understood as a distinctly postfascist feminism that interlaces reinforced sexual and gender normativity with white supremacist nationalism. So, while contemporary iterations of trans-exclusionary feminism bear traces of radical feminist sentiment from the 1970s, specifically a biological essentialist understanding of sex and gender (Ferguson, 1984), current gender critical politics unfold against a backdrop of a larger anti-gender movement developing in Europe (Paternotte & Kuhar 2018b) and Latin America (Careaga-Pérez, 2016) since the 1990s. This anti-gender movement, consisting of numerous disparate actors, mobilizes against a range of issues including trans rights, sex and gender education, reproductive rights, and so-called “Gender Ideology” or “Gender Theory” (Paternotte & Kuhar, 2018a). For the purpose of this article, I focus here on the ideological position of GCF as it relates to trans embodiment in general and then trans embodiment in sports, specifically.

In 2008, Viv Smythe, an Australian feminist blogger Viv Smythe, first used the term “TERF” (Trans Exclusionary Radical Feminist) on her internet blog “Finally, A Feminism 101 Blog” to describe specific feminists who articulate their opposition to trans phenomena and identities through a critique of “a phenomenon they refer to as gender ideology” (Smythe, 2018). But while the term “gender critical” suggests an analytically novel approach to gender, their ideas about gender are firmly grounded in biological determinism. Many GCFs are firm believers in the immutability of sex assigned at birth. Sex designation overrides gender identity. GCFs therefore believe that the systematic erosion of cis women’s rights and protections are driven by what they call “gender ideology,” or a process of pseudo-brainwashing where trans people haphazardly identify with a gender other than the one assigned at birth. As such, any form of gender transgression is framed as ranging from anything as innocuous as simple naivety to an atrocity like male violence against women (usually rape), depending on which strain of GCF one subscribes to.

Feminists who believe that trans women are inexorably male prefer the term “gender critical” over the term “TERF,” which has been assigned to them by critics. They view the term TERF as a slur that silences them and delegitimizes their position (Ahmed, 2016). I choose to use “gender critical feminism” (GCF) instead of TERF or other externally designated terms for two reasons. First, TERF risks homogenization of radical feminism and erasure of radical feminism’s histories of trans-inclusive and anti-racist politics (Heaney, 2016). As Finn Enke (2018) argues, history is important “not because things were better (or worse) in an earlier time but because, as co-creators of collective memory, we’re all doing it one way and another, and it matters how we tell the story.” Second, GCF cites a particular form of anti-trans politics—what Jules Gill-Peterson (2018) suggests is a “highly contemporary form of anti-trans backlash that has taken the convergence of trans visibility and vulnerability as an opportunity.” While GCF is *ideologically* similar to anti-trans discourses that some radical feminists supported and disseminated in the

1970s, the political and cultural conditions that shape and promulgate their prevalence are different.

GCFs have staked their political positions on several issues, ranging from opposition to state and federal legislation that protects gender (trans) identity, to taking sides on legal battles over workplace discrimination to objections to drag. For example, Women's Liberation Front (WoLF) is an organization that seeks to abolish "gender ideology," "male violence," "commercial sexual exploitation," and achieve "women's reproductive autonomy." WoLF is one of the more structured and well-resourced organizations that is aligned with GCF. The backbone of their organization is their annually elected board of directors and four task forces dedicated to "political action for women's liberation"; women's reproductive autonomy; "pornstition"; gender abolition; and male violence (WoLF, n.d.). The group has sent formal statements in several legal battles, as well as in struggles over state and federal legislation, regarding gender identity. These include an amicus brief to the Supreme Court in *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission* and Aimee Stephens board member testimony in favor of South Dakota HB 1057, a bill that would have prohibited doctors from providing gender affirming health care such as surgeries, hormone therapy, and puberty blockers; and a letter to the board of directors of Hennepin County Public Library that outlines WoLF's objection to Drag Queen Story Hour because it promotes homophobia, sexism, and an "unhealthy image" of LGB people (Feminist Objections, n.d.). Significantly, WoLF couches their opposition to Drag Queen Story Hour as being pro- rather than anti-LGB, a pattern that allows them to refute charges of homophobia. What is particularly troubling about an LGB politics of sport is how people's alleged support of trans people, alongside a heavy critique of trans women's participation in sports, has been used to justify the use of sports contexts as "obvious" examples "to prove" that trans women are not "real women." As I will discuss in more detail, WoLF has also been involved in efforts to oppose the participation of trans women athletes in women's sports.

Other avenues of support and idea-exchange among GCFs include blogs and sites that re-post news articles either written by GCFs or published on GCF websites. For example, "The Politics of Gender" provides background information on GCF's stance on gender and sex; "Transcritical" re-posts over 400 online articles that critique "transgender doctrine" (Critiquing Transgender Doctrine & Gender Identity Politics, n.d.); "Sex Not Gender," founded by a feminist lawyer, posts legal takes on gender identity policies (Sex matters, n.d.); "Gender Critical Greens" is a collective of feminists that oppose gender ideology and seek to realign feminism within green politics (Gender Critical Greens, n.d.); and "4th Wave Now," created by a left-leaning mother of a teenager who came out as a trans man, challenges a medical "rush" to diagnose and help children, teens, and folks in their early 20s, to transition (4thWaveNow, n.d.). One of the larger producers of articles, commentary, and other online content is *The Feminist Current*, which was founded by Meghan Murphy in 2012. Based in Vancouver, the website publishes content that critiques third wave feminism, gender identity politics, and the "sex industry through a socialist position" (Feminist Current, n.d.). In their most basic iteration, these sites maintain the position that anyone assigned male at birth is unequivocally male and therefore a man regardless of gender identification. Through this assertion, various GCF sites disseminate the argument that trans women do not belong in women's

homeless shelters, women's bathrooms, women's locker rooms, and other gender-segregated spaces. If trans women seek access to these spaces, GCFs claim that (cisgender) women's right to privacy and physical safety are being violated.

### Frenemies: GCF and Conservative Affiliation

Conservative affiliations among the aforementioned GCF organizations and campaigns range from what Nancy Whittier (2014) calls "overt and substantial" to "none" to "oppositional." Whittier's framework for analyzing the extent of religious and secular conservative affiliations with feminist groups is useful because it maps the historical and strategic trajectories of women's social movements alongside, and in tandem with, conservatism. Although feminist and conservative groups are generally opposed to each other, their collaborative interactions stem from a shared opposition to pornography, child sexual abuse, and violence against women that dates back to the 1970s. Whittier defines this type of relationship, where organizations within different social movements share opposition to the same issue, albeit for different reasons, as "collaborative adversarial."

Feminist-conservative interactions in which the two groups engage as "frenemies" (Whittier, 2018) against a common cause have arguably laid the groundwork for today's right-wing Christian and secular conservative anti-trans adversarial collaborations with radical feminist organizations. For religious conservatives, the immutability of sex must be defended to protect moral society (composed of nuclear families) from becoming a sexually deviant and generally hedonistic one. Radical feminist organizations such as WoLF insist on the immutability of "biological" sex (sex assigned at birth) to protect cis women as a legally and culturally protected class and thereby establish and maintain (cis)women-only spaces, such as prisons, homeless and domestic violence shelters, bathrooms, and girls/women's only sports teams.

Anti-trans organizations, which include GCF and conservative constituents, coalesced against the introduction of the Equality Act in March 2019. The bill would amend the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and other laws pertaining to employment to explicitly include sexual orientation and gender identity. Before the bill would pass in the U.S. House of Representatives on May 17, 2019, a conglomerate of leaders from women's groups co-signed a letter to House Speaker Nancy Pelosi urging "Congress to pass laws that protect and defend the rights and dignity of women and the gains we have made, not laws that risk our safety and our opportunities" (Save Women's Sports [SWS], n.d.-b). The letter was signed by several directors of chapters of Concerned Women for America along with WoLF board member, Kara Dansky, and SWS founder, Beth Stelzer. It is signed by these women's groups along with conservative organizations such as Alliance Defending Freedom and Family Research Council. This strategic alignment—which includes SWS—was among the first of many coalitional strategies that allow GCF groups to declare their opposition to trans women and girls in the women/girls category in a wide range of contexts where gender segregation is the norm.

The letter defines gender identity as having "no objective standard, medical diagnosis, or permanent intent" and that it is "nothing more than a person's perception of self that can be changed at any time, for any reason, and cannot be challenged." The Equality Act would therefore "abolish the protections of biological sex-specific practices and spaces." The co-signers thus refuse to give up their right to "women-only" sports: "Puberty, testosterone, and innate biological differences give physical

advantages to males that cannot be mitigated, disqualifying any female athlete from fair competition. To deny this is denying science.” One of the co-signers of the letter, Hands Across the Aisle Coalition (HATAC), takes what Whittier calls a “narrow neutral” approach to frenemy interaction. In a collaboration strategy that is less adversarial on the surface, a narrow neutral approach unites otherwise opposing organizations against a single issue—in this case trans-inclusive policies—and frames it as a politically nonpartisan issue. As HATAC’s website states, “We are radical feminists, lesbians, Christians, and conservatives that are tabling our ideological differences to stand in solidarity against gender identity legislation . . . we are committed to working together, rising above our differences, and leveraging our collective resources to oppose gender identity ideology” (2017). As the visual “hands across the aisle” suggests, many GCF organizations consider themselves nonpartisan or in collaboration with actors across the political spectrum. By depicting objection to “gender ideology” as nonpolitical—and ostensibly politically neutral—GCF is able to rhetorically depoliticize the political.

The frenemy relationship between GCFs and conservatives, whether narrowly neutral or adversely collaborative, has fostered a wider range of opposition to transgender policies and legal rulings. Informed by otherwise differing ideological positions, they share a belief that trans girls and trans women pose a threat to their biologically determinist understanding of the category of woman. Their opposition to transfeminine identities is expressed through various issues that impact transgender people, namely access to hormones and surgery, gender-segregated bathrooms, and sports. It is the latter two issues where opposition is most explicitly directed against trans girls and trans women because of their alleged threat to the physical safety and level playing field that ostensibly already exists for cisgender women and girls in these realms. GCFs and conservatives harness the social and political momentum that developed during controversy over bathrooms to eliminate trans girls and trans women from competing in women’s sports. In the next section, I explore in more detail the terrain upon which GCFs build their opposition to transfeminine people in women’s sports.

## GCF and Sports

While GCF has made a name for itself among a range of organizations focused on the rights of cisgender women to the exclusion of trans women, the realm of sports is a particularly fertile ground in which trans-exclusionary ideology has gained traction. Scholarly attention has increasingly focused on sports governing bodies, media coverage, and policies that severely constrict, if not eliminate entirely, eligibility for trans and intersex women and girls (Jones & Travers 2023; Karkazis & Jordan-Young, 2018). Specifically, feminist scholars trace how trans-exclusionary policies in the name of “protecting women’s sports” (Posbergh, 2022) serve to uphold not only cisgender supremacy (Sharro, 2021) but also White supremacy (Fischer, 2023). Protectionist arguments are driven by tired, yet effective, tropes of racialized trans women, who prey on White girls and women in gender-segregated spaces (Bettcher, 2007). For example, such was the case when Fallon Fox, a black mixed-martial arts fighter who encountered an onslaught of racism and cissexism as the first openly trans woman in women’s professional mixed-martial arts (McClearn, 2015).

The past decade has seen increasing mobilization against trans women in women’s sports, specifically with the formation of several GCF groups that focus exclusively on sports. SWS, for example, was founded by amateur powerlifter Beth Stelzer in 2019 and is a nonpartisan “coalition that seeks to preserve biology-based

eligibility standards for participation in female sports” (Save Women’s Sports, n.d.-a). Stelzer started SWS after USA Powerlifting (USAPL) banned JayCee Cooper and other trans powerlifters from competing in USAPL-sanctioned events, which subsequently led to a “time out” protest by Cooper, trans allies, and other trans powerlifters who opposed the ban.

Compared with GCF sites geared toward multi-issue consciousness-raising, SWS offers multiple opportunities to get involved in the movement against trans women in sports while also allowing the viewer to “review the science” and read up on the latest news articles. This action-oriented method permeates almost every location on the website. On its home page, three links provide just this: sandwiched between a link to review the science and read the “newest articles,” the viewer’s gaze centers on the middle tab, titled “Save Women’s Sports,” with a link that implores visitors to “write letters, make calls, and sign petitions.” Shortly after Governor Little of Idaho signed HB 500, which stipulates sex and gender as that which is assigned at birth, the SWS homepage summoned its viewers in giant black and white letters to “Call Gov. Brad Little at 208-334-2100 and thank him for signing HB 500!” Alongside the “Home” and “About Us” tabs at the top of the page, the viewer can click on “Males in Women’s Sport,” which leads to four subtabs. The first subtab, titled, “Males Playing as Females,” gives an alphabetical list of 59 trans women athletes followed by an alphabetized list of sports that these women play. Under each sport, the viewer sees a photo of the athlete along with a caption that deadnames and/or misgenders them. When I interviewed a trans cyclist who is well known for her athletic achievements and trans sports activist work, she pointed out that sites such as SWS tend to use the most “unflattering” photos of athletes in order to emphasize a lack of femininity, a move that visually makes the argument that someone who “looks” like a man should not play women’s sports.

Another sport-focused anti-trans group, which Madeleine Pape pinpoints as distinctly biofeminist, is Fair Play for Women (FPW). Based in the United Kingdom and founded in 2018 by Dr. Nicola Williams (Pape, 2022, p. 98), the campaign started as an informal blogging site intended exclusively to discuss the purported effects of trans affirming policies on (cisgender) women and girls in sports. A particular focus of this site was the Gender Recognition Act, which allows trans people to acquire documentation that legally recognizes their sex and gender identity. Extending beyond its initial parameters as an awareness campaign, FPW is now composed of “experts in science and law” with whom policy-makers can consult in order to “facilitate the much-needed factual discussion about the importance of sex-based policies for women and to provide policy makers with the guidance they need for evidence-based policy making that is fair for all” (FPW, n.d.). Whereas SWS is a grassroots and volunteer-based organization that spreads awareness through publicizing individual women’s and girls’ experience, FPW takes more of a structural approach that seeks to amend and institute policies that exclude trans girls and trans women from sport.

## The Rhetorics of GCF: Nonpartisanship, Biofeminism, and Trans Tolerance

SWS and FPW double down on what Madeleine Pape (2022) calls “biofeminism,” or a “variety of feminist mobilization that appeals to science in seeking to root women’s rights and gender equity in a binary, biological model of sex difference” (pp. 96–97). While all the GCF organizations that I have outlined employ a certain degree

of biofeminist opposition to trans women in gender-segregating spaces, groups that focus exclusively on women's sports rely heavily on scientific language and claims of expertise to reinforce a binary model of sex difference. Phrases such as "biological sex" and "immutable physiological sex differences" function to assert not only the veracity but the urgency to restrict women's and girls' sports to those assigned female at birth. As scholars in feminist Science and Technology Studies have long argued, packaging social subscriptions to gender normativity in the language of biological and other natural sciences yields an authoritative claim to legitimacy (Haraway, 1988; Subramaniam & Willey, 2017). But as Pape rightly points out, the discursive work of biofeminism does not rely *only* on the scientific claims themselves, but uses these claims in conjunction with the expectation that these claims will deeply resonate with a cis audience, specifically as they are applied to cis women's oppression.

In the following sections, I build on Pape's concept of biofeminism to develop a more precise analysis of GCF that moves beyond a trans-exclusionary versus trans-inclusive framework. To accomplish this, I first provide excerpts from websites of three GCF organizations that encapsulate three mutually enabling rhetorical strategies that exemplify how GCF engages with trans women in sports more broadly. These strategies, 1) science and biology (biofeminism); 2) non- or bi-partisanship; and 3) a degree of what I call "trans tolerance." All three strategies enhance each other to craft a benevolent facade. This purported benevolence then acts as a guard against accusations that GCF adherents are anti-trans or evangelizing, thus framing their stance as a necessary and objective intervention based on the "facts" that they must take on behalf of women and girls due to the "vulnerability" of people assigned female at birth.

Returning to the Montana hearing, biofeminist approaches to trans tolerance offer at least a partial answer to the question of why efforts to add gender identity to an existing law were successfully opposed by way of citing a famous tennis player. Although Navratilova had been vocal about her opposition to trans women in sports and was therefore not a particularly random choice by Milanovich her status as an athlete was strategically useful in that sport operates as the focal point that lawmakers, gender critical groups, and even "ordinary" people turn to as the "obvious" arena that proves—once and for all—the immutable differences between men and women. This assumption is deemed so obvious as to be an almost universal source of common sense. Even Martina Navratilova, a lesbian member of the LGBT sports community who was "happy to address a transgender woman in whatever form she prefers" still said she "would not be happy to compete with her" on the basis that "it would not be fair." Her expertise in sports, authenticated by her illustrious professional tennis career, certifies her claim that trans women playing with/against cis women is unfair. As a lesbian, she accepts transgender people—even "happy to address a transgender woman in whatever form she prefers"—except when it comes to playing women's sports. In fact, it was Navratilova's emphatic and patronizing attempt to draw this proverbial line that served to highlight her ostensible tolerance of trans women outside of sports, and to further validate her claims that, despite her tolerance, trans women have no place in women's sports. In other words, Navratilova's tolerance of trans women in general does not negate her opposition to trans women in women's sports, but rather enhances it. This enhancement occurs because it rhetorically shows that her opposition to trans women playing women's sports is not driven by a blanket opposition to all trans people (transphobia), but a position rooted in ideas about gender protection/equality within sports, and how this impacts fairness.

Expressed through a nonpartisan frame, the following organizations weave the language of acceptance, inclusion, and equality for trans people through its biofeminist claims. The Independent Council on Women's Sports (ICONS) is a "network" of collegiate and professional athletes that seeks to protect the "safety, fairness, and opportunity for girls and women" by "elevating and empowering female athletes" (ICONS, n.d.). On their website is a drop-down menu of several petitions to various sports governing bodies as well as a general petition addressed to "governing bodies of sport and legislative authorities to protect female athletes from discrimination and exclusion on the basis of sex by defining eligibility for the women's/girl's categories to participants born female" (ICONS General Petition, n.d.). In this plea, ICONS defines women and girls as those who are "born female," or to put it more precisely, assigned female at birth. At the end of the petition is an asterisk that leads the reader to a fine-print note that reads:

We support trans and non-conforming athletes, as we do all athletes, in their pursuit of excellence both in and out of sport. We support utilizing an open/men's division to meet the needs of trans and non-conforming athletes seeking fair competition in sport. We support additional divisions only if they do not dilute opportunities, awards, recognition, prize money, or funding for female athletes. For example, a third category (that would typically be won by males) allows for 2/3 of champions to be male athletes and would increase discrimination against female athletes. (ICONS General Petition, n.d.)

The juxtaposition between the first two statements suggests that "support" for trans and (gender) nonconforming athletes—a gender neutral term—includes grouping them in the "open/men's" division. In other words, trans, gender nonconforming, nonbinary, and any other noncisgender athletes would essentially be placed in a division that is otherwise the only division in which cis men can participate. The exception to this of course is a third category, which they then debunk because it would discriminate against folks assigned female at birth. Nowhere else in the petition, nor on their website, does ICONS elaborate on what constitutes their stated "support for trans and [gender] non-conforming athletes."

The Women's Sports Policy Working Group (WSPWG, n.d.-a) is a bi-partisan group of former elite athletes and sports administrators "with significant experience in women's sports policy-making and LGBTQ advocacy." The bi-partisan stance of this organization is central to how members position their arguments about sports, allowing them to claim that their arguments are free from political bias and informed solely by scientific or biological "facts." Their executive summary states:

The purpose of sport categories is to exclude. The purpose of the women's sports category is to exclude men. We resist calls for a reversal of this common sense policy, which would allow inclusion of male athletes into the female sport category. Gender ideology—akin to a religion—holds that people's belief that they are male or female or neither ("nonbinary") or both ("gender fluid") should take precedence over biological facts. Adherents believe a transgender status should grant those people access to girls and women's sports and other sex-segregated spaces . . . . We encourage equitable and inclusive accommodations for males who identify as women; gender-fluid athletes; and nonbinary athletes, *so long as those accommodations do not diminish females' sport opportunities or financial rewards, nor females' right to fair, safe, sex-separated sports experiences* . . . . We mean no disrespect to

transgender people who prefer different terms. Our goal is to be clear: Sex is immutable. Sex is not fluid. Males cannot transform into females. Women are adult human females. These definitions have meaning and consequences in women's sports, especially as they pertain to eligibility rules that allow or disallow certain people into women's sports. (WSPWG, n.d.-b, original emphasis)

The balance struck in the WSPWG statement allows the group to claim support for trans people, noting that members “encourage equitable and inclusive accommodations for males who identify as women; gender-fluid athletes; and nonbinary athletes” and that they “mean no disrespect to transgender people who prefer different terms.” But by referring to identities as “preferences” and “terms,” the WSPWG delegitimizes trans identities in the same breath. In fact, they begin their statement by situating their logic in direct opposition to “gender ideology,” characterized as anti-scientific by describing it as being “akin to a religion,” and maintaining “that people’s *belief* [emphasis added] that they are male or female or neither (‘nonbinary’) or both (‘gender fluid’) should take precedence over *biological facts* [emphasis added].” Fractured from biological facts, trans people’s mere beliefs collapse against WSPWG’s scientific objectivity and therefore bias-free position.

Champion Women, a frequent collaborator with WSPWG, is a nonprofit founded by Nancy Hogshead-Makar, a former Olympic swimmer and influential figure in shaping policy cis-exclusive women’s sports. The footer of Champion Women’s website states that it “provides legal advocacy for women and girls in sports; harnessing the power of sport for social justice” (Champion Women, n.d.). A petition on the “Transgender Eligibility” tab, which includes over 9,000 signatures by coaches, Olympians, and Paralympians outlines a call for fairness:

Women have earned the right to our own sports category, based on the science of sex, biology, facts, rather than bigotry. The biological differences between males and females has [*sic*] always been the justification for the formal sex-segregation in sport; indeed, it is the only legal justification to permit official sex-segregation. Women are not weak or weakened males. As Title IX and the rise of women in sports has taught us, “different” does not mean “less than.” Clarifying eligibility rules does not mean that transgender athletes should be excluded from sports. They must be made to feel safe and comfortable competing in their sex category. (Champion Women and the Women’s Sports Policy Working Group, 2023)

As with many of the GCF groups that I highlighted earlier, these newly formed sports-focused feminist organizations explicitly state that they are non- or bi-partisan. While different in meaning, the former conveying no allegiance to a political party and the latter a collaboration between two otherwise opposing ones, the end purpose is the same: to cast their members as neutral advocates for (cis)women’s sports outside of the political realm. This lays the groundwork to then appeal to scientific facts, backed by several experts they have recruited, and keep the issue of trans women in women sports ostensibly outside of politics.

All three organizations deploy biofeminist arguments that advance biological facts (WSPWG) and restrict women’s sports to those “born female” (ICONS). They enlist a range of experts to substantiate the “truth” behind biological sex, namely that it is unequivocally binary and unable to be changed because of how a person chooses to identify. At their 2022 kickoff conference, for example, ICONS hosted a large conference with several high-

profile attendees and notable GCFs: Donna deVarona, former Olympic swimmer; Dr. Carole Hooven, an evolutionary biologist and lecturer at Harvard University; Dr. Emma Hilton, a developmental biologist and founder of Sex Matters; Dr. Ross Tucker, an exercise physiologist and science consultant for World Rugby; and Martina Navratilova. Organized events like these are common, and as Pape’s extensive research on GCF groups suggests, these large gatherings showcase a specific kind of scientific expertise, one that appears to be more invested in repeatedly asserting its scientific authority rather than allowing the findings from any of the proclaimed rigorous studies to speak for themselves.

In all three excerpts, tolerance for trans and nonbinary athletes is expressed through phrases such as “we support,” “equitable and inclusive accommodations,” “we mean no disrespect,” and “must be made to feel safe and comfortable.” ICONS’ support for trans and nonbinary athletes even extends beyond their athletic endeavors. On their homepage, WSPWG’s subheading reads “affirming girls and women’s sport while including transgender athletes.” My pinpointing of “trans tolerance” as a rhetorical strategy is not an expression of approval nor does it warrant celebration. In these excerpts and elsewhere on these groups’ websites, seemingly inclusive language and lukewarm support for trans people occurs at the very moment that “female” is rendered exclusionary to them. To be clear, my goal is to identify how GCF can simultaneously oppose trans women in women’s sports while supporting “equitable” and “inclusive” accommodations for trans and nonbinary athletes. Moreover, identifying trans tolerance does not erase the more overt, violent forms of trans phobia that I mentioned earlier. In fact, identifying trans tolerance is crucial *because* anti-trans sentiment is not expressed in its obvious form.

## Conclusions

In this article, I have described the general landscape GCF with particular attention to GCFs use of sports to oppose anti-discrimination protections for trans people. I have argued it is not only *that* sports are leveraged to oppose anti-discrimination protections for trans people, but also *how* sports are leveraged, which makes the intersection between sports and GCF a particularly evocative and important cite of analysis for activists and scholars alike. To illustrate how sports is used as “proof” of gender immutability by subscribers to GCF, I analyzed public statements on trans athletes’ participation in sports from various nonprofit organizations that have used the logics of GCF to shape trans sports legislation and policies of sports governing bodies. I focused specifically on patterns of GCF advocacy work within these organizations and how they deployed three rhetorical frames: (a) repetitive circulation of scientific facts, (b) a declaration of nonpartisanship, and (c) a sentiment of what I call “trans tolerance,” or support for trans and nonbinary athletes through fleeting gestures imbued with mainstream liberal terminology. It is this last frame that is particularly strategic and worthy of further scrutiny.

Expressions of trans tolerance is a product of how GCF has consistently refined its argument against trans women playing women’s sports in the last decade in an effort to tactically participate in the conversation. Initially, their advocacy efforts materialized through overt and explicit transphobia through words and images that demonstrated a blanket opposition to trans women—but trans women in women’s sports in particular. As the debate has unfolded in the public sphere, GCF rhetoric has shifted to a focus on the irreversible effects of “male puberty” exposure, a biofeminist tactic that allowed scientific and medical experts to substantiate their claims.

While the support of cissexist expertise on gender continues, GCF's advancement of cissexist arguments, couched in the language of mainstream liberal trans politics, represents a particular kind of discursive turn within the debate as a whole. This is what allows them to assert that they "support trans and non-conforming athletes, as we do all athletes, in their pursuit of excellence both in and out of sport" while simultaneously arguing for the exclusion of trans women from women's sports. As I have shown, GCF advocates have effectively depicted themselves as being both supportive of and dismissive toward trans people, using sports as a strategic entry point—simultaneously advocating for trans athletes while being exclusionary toward them under the guise of scientific objectivity. As gender studies scholars within and outside of sports studies have identified political projects since the Reagan era that use benevolent language toward violent ends. It is for this reason that activists, scholars, and others working toward gender justice through sport must also sharpen our analysis of these arguments in a way that moves beyond a "pro-trans versus anti-trans framework."

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