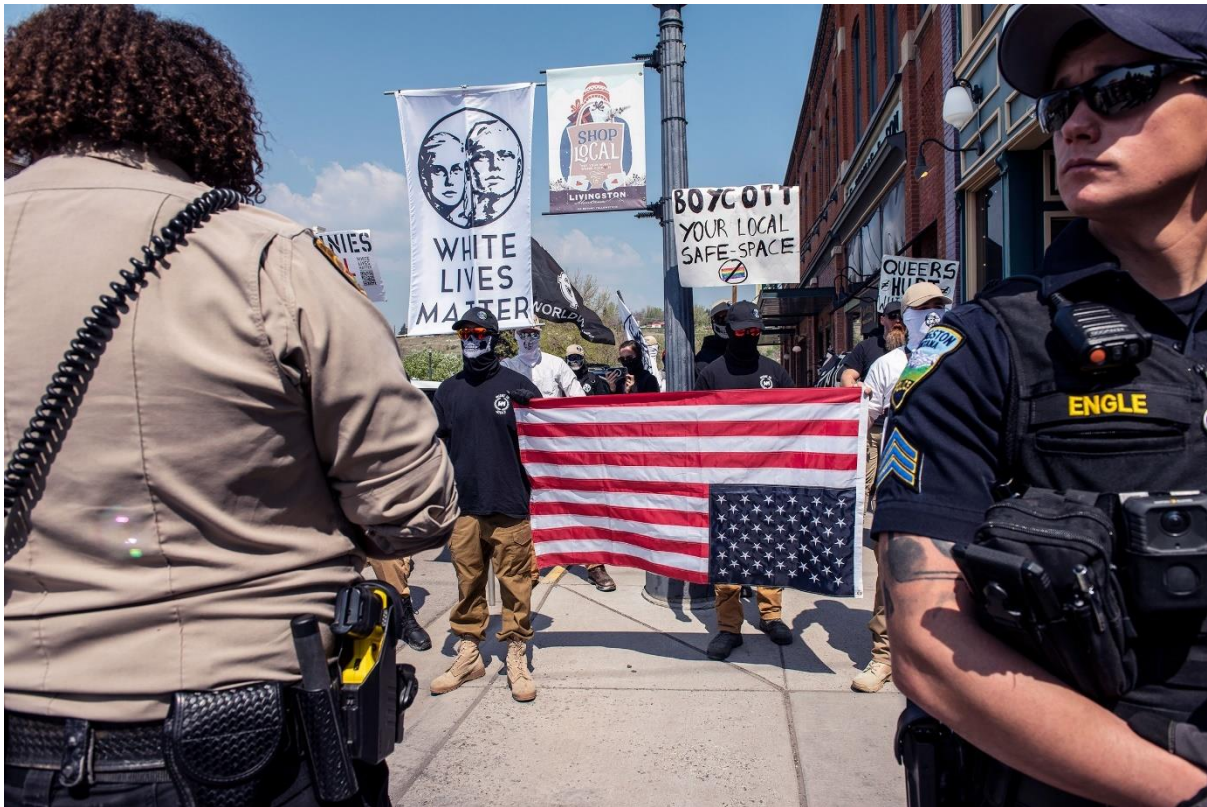


# TERFs Are Drawing on the Same Fascist Arguments as Torture Advocates



RIGHT-WING WHITE NATIONALIST GROUPS PROTEST AGAINST A DRAG STORY HOUR EVENT OUTSIDE THE WHEATGRASS BOOKS STORE ON MAY 20, 2023, IN LIVINGSTON, MONTANA. WILLIAM CAMPBELL / GETTY IMAGES

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**Bigoted attacks on trans participation in sports and access to bathrooms outrageously rely on “ticking-bomb” rhetoric.**

On both sides of the Atlantic, anti-trans hatred is gaining momentum. In the United States, several states have criminalized gender-affirming health care, leading campaigners and scholars to state that [the U.S. is involved in a trans genocide](#) and to [observe without hyperbole that](#) we are witnessing “a global assault on trans and queer life” which is “part of escalating fascism and authoritarianism across the world.” Meanwhile, the British press [relentlessly publishes](#) negative stories about trans people, and the British government [recently blocked](#) the Scottish administration

from making reforms that would have given trans people greater freedom to declare their legal gender.

The public conversation around these issues, too, is poisonously divisive and hostile. One reason that this anti-trans moral panic is particularly interesting, however, is because its rhetorical structure is shared with other justifications of state violence. Specifically, transphobic arguments remind me of the [ticking-bomb scenario](#), a pro-torture thought experiment that [I published a book about in 2019](#).

The ticking-bomb scenario allows writers such as [Alan Dershowitz](#) and [Sam Harris](#), among others, to argue that torture is a morally acceptable and militarily necessary counterterrorism tactic that is appropriate to the moral conduct of the post-9/11 “war on terror.” Though torture is bad in itself, the argument runs, it is sometimes preferable to other, worse evils. If a bomb were ticking in a public place such as a school, a hospital, a marketplace or a packed sports arena, then surely, the argument runs, you could [justify torturing](#) the person responsible for the bomb if it would give you a chance to save the lives of all those innocent people threatened by it.

The risk of apocalyptic violence against innocents, for those convinced by this argument, legitimizes extreme violence against perceived evildoers. Some trans-exclusionary radical feminist (TERF) arguments have a similar structure, casting trans existence as an urgent emergency to be “solved.” This similarity is revealing, because it is yet more evidence that anti-trans thought shares much with imperialist, essentialist, anti-feminist political currents that actively work to make life worse for all of us.

The ticking-bomb scenario was used to legitimate the Central Intelligence Agency torture program, a global project of racist imperial violence. For example, torture lawyer John Yoo, who drafted legislation that facilitated the interrogation regimes of the post-9/11 torture program, [referred to the ticking-bomb scenario as a “real world scenario”](#) in which torture would clearly be defensible. Likewise, TERF thought uses imaginary threats to legitimize real oppression and harm against trans folks.

The ticking-bomb argument for torture has been [extensively debunked](#), so I won't rehearse a critique of it here. Suffice it to say that it is, [as scholar David Luban writes](#), “a remarkably effective propaganda device” because “it is simple, easy to grasp, emotionally powerful, and — above all — it seems to have only one right answer, the pro-torture answer.”

The important point is that this argument is designed expressly to make a crime against humanity seem as though it is a morally good act committed for virtuous reasons. Crucially, it works through a form of emotionally loaded misdirection. It doesn't ask you to think about the ethics of torture as it actually happens in the world. It asks you whether you love your children, your wife, your friends, and it asks you whether you would wish to hurt a person who threatens them. This is, of course, quite different from thinking carefully about the ethics of the U.S. torture program, Guantánamo, indefinite detention or the inherent violence of contemporary policing practices.

In much the same way, anti-trans arguments don't ask you to consider the complexities of trans life but instead encourage you to agree, based on artificial hypothetical arguments, that trans people are disgusting and should be kept away from cisgender people. In the place, that is, of a responsible and evidence-based debate about the ways that trans people, one of the most widely discriminated against groups in society, can live their lives safely, accessing health care, education, housing and employment, we instead see the promotion of multiple loathsome and misleading discourses from voices — such as [Jordan Peterson](#), [Ben Shapiro](#) or [Elon Musk](#) in the U.S., or [Julie Bindel](#), [Kathleen Stock](#) and [Graham Linehan](#) in the United Kingdom — who slander trans existence as a contagion, a disease, a perversion or a threat to women and the sanctity of the family.

Many of the things that anti-trans voices say are plainly disgusting, indefensible and bigoted, and require no close reading or smart analysis to be revealed as fascist. However, their ticking-bomb talking points are embraced by centrists, liberals and even some on the left because they seem, when effectively framed, to be “reasonable concerns.” The most common “reasonable arguments” that anti-trans campaigners make are the assertion that trans people should be excluded from sports and the infamous “bathroom question.” Both arguments frame a situation in which trans women — and it usually is trans women, because transphobes suffer from a hyper fixation on trans women

— propose an existential threat to cis women and must, as a result, be the objects of violent preventative intervention.

When it comes to trans people in sports, the argument usually runs that trans women should be excluded from women’s sports because their “biologically male” anatomy gives them an unfair advantage. Calling a trans woman a biological male is simply misgendering, a slur, and [there is no evidence that trans women have any significant advantage over cis women in sport](#).

While it is true that transgender athletes such as [Lia Thomas](#) are winning titles, on the other hand, [Laurel Hubbard](#), the only trans athlete to have ever competed at the Olympics, conspicuously failed to dominate the women’s 2021 weightlifting competition, winning no medals. Of course, trans people as a group are no more uniquely suited to victory or dominance in sport than any other group.

What is more, this fear of male athletes masquerading as women has led to legislation that is harmful, ill-informed and disproportionate. [Kansas Republicans recently proposed an anti-trans bill](#) restricting the participation of trans people in sports which would affect a population of only three people. Many legislators who propose such bills are [unable to cite any examples](#) of when trans people have caused any problems in sports.

On the other hand, the “bathroom question” concerns whether trans people should use the toilets that are appropriate for their gender. Transphobes state that trans people should use the toilets that match the gender that they were assigned at birth because this will, according to them, reduce the risk of sexual assault. Some versions of the “trans people in sports” argument blend into the “bathroom question,” as trans women’s presence in women’s changing rooms is claimed to represent a threat to cis women.

Again, this is simply not true. [There is no evidence that allowing trans people to use the toilets or changing rooms that match their gender in any way increases risk or incidence of sexual violence in public bathrooms](#). The overwhelming majority of sexual assault in public is committed by cis men, who — as many before me have pointed out — do not need to claim to be trans to hurt women. What is more, [trans people are over four times more likely than cis people to be victims of](#)

[violent crime](#), so the assumption that trans people are violent predators seeking opportunities to harm women is categorically untrue.

Though people may not consider themselves transphobic or bigoted, they may still embrace the anti-trans positions on these issues. Why? Because these arguments are framed not as ways of openly discriminating against trans people but instead [as ways of protecting women](#), as progressive, even as feminist.

Like the ticking-bomb scenario, the discussions about bathroom access and participation in sport are wedge issues that appeal to “common sense.” For the ticking-bomb scenario, the “common sense” intuition is that torture “works” — that is, that torture provides instantly actionable intelligence that will safely resolve emergency problems. This is demonstrably false: As torture scholar Darius Rejali puts it in his definitive study *Torture and Democracy*, “for harvesting information, torture is the clumsiest method available to organizations, even clumsier in some cases than flipping coins or shooting randomly into crowds.”

For transphobes, the “common sense” that underpins their arguments is the logic of binary gender as a fixed and unchangeable characteristic: The idea that biological sex is permanently binary, and that trans people are, therefore, a kind of unnatural aberration that should not exist.

The important part of both these arguments is not whether they are supported by evidence, but rather that they enable people to feel as though they are taking a principled stand on something that is “obviously true.” The anti-trans arguments provide legitimate-sounding “exceptions” which permit people to discriminate against trans people while remaining convinced that they are not themselves transphobic. In much the same way, the ticking-bomb scenario provides a legitimate-sounding exception to the absolute prohibition against torture which enables people to say that they object to torture *most of the time* but *not in this instance*.

There are two other parallels that should be noted. The ticking-bomb scenario doesn’t deal with terrorist violence as it actually exists in the world. Instead, it relies on stereotypical intuitions about imaginary maniacal terrorists who only respond to torture. Anti-trans moral panics, too, are based on stereotypical intuitions about trans people as demonic predators or infiltrators. Rather than the

“terrorist” who needs to be tortured, these thought experiments feature [the sexual predator or the “groomer”](#) who needs to be kept away from women and children at all costs. Crucially, trans people are portrayed in much the same way as the “lone-wolf terrorist” common to so many thriller narratives: as a deceptive threat hiding in plain sight and abusing the trust and tolerance of an overindulgently liberal society in order to infiltrate and cause untold damage.

Our complacency, these scenarios imply, means that dangerous, infiltrating predators are at liberty to harm our vulnerable people. There are serious consequences for those who disagree, too. If you critique the ticking-bomb scenario, then you are positioned as defending terrorists and endorsing the murder of innocent civilians. If you defend trans people, you are positioned by TERFs as someone who defends groomers, pedophiles and sexual predators. Note that transphobes, here, many of whom claim to be feminists, need to portray cis women as feeble victims in order for their arguments to make sense, and that their arguments fail if we refuse to believe that trans people are all lascivious outlaws.

A final parallel with the torture debate is an obsession with bad faith definition. As the torture program was being established, torture lawyer Yoo drafted a [scandalous redefinition of torture](#) which claimed that only violence which causes organ failure or death could be considered torture. Now, of course, this means that the only thing that counts as torture is murder. Though this may seem like a bizarre endeavour, by redefining torture in such a way that it can never be said to appear, Yoo aimed to eliminate the possibility of the U.S. military ever being found guilty of it.

Transphobes, too, are obsessed with the definition of a woman, or rather, with enforcing a definition of “woman” that validates their worldview. The question “What is a woman?” is often used as a sort of “gotcha” question by transphobes, because they claim that their answer — anybody with a vagina, uterus and the “correct” arrangement of chromosomes — is the only admissible response to this question. The scientific evidence on this point is again clear: [Human sex is not binary; our genitals don’t define our gender](#); and gender is a mutable and flexible social act rather than a fixed and permanent destiny.

Just as torture was defined out of existence with the express aim of denying that it was happening, transphobes' heteronormative definition of gender, sex and anatomy is expressly designed to delegitimize trans existence.

The point of my comparison here is not to show that anti-trans arguments are bad because they mirror or reproduce other, worse arguments — TERF arguments are objectionable enough as it is. Rather, I want to emphasize that fascist argumentation consistently uses blatant, ridiculous distortion, and, worse, that this tactic is effective even with many people who consider themselves trans allies.

The fact that TERF ideas about protecting the heteronormative system of gender share their moral panic tactics with thought experiments justifying torture in the war on terror shows the continuity between imperial violence and the TERF project, both of which are arch-conservative programs of oppression and violence.

### **Alex Adams**

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