



Trans Bans Expand: Anti-LGBTIQ+ Lawfare and Neo-fascism

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Abstract

Introduction Anti-fascist theories suggest different *meanings* for anti-LGBTIQ+ rights laws. This paper explores how 2023 increases in US anti-LGBTIQ+ bill attempts can be explained.

Methods A Critical Discourse Analysis of 1054 US anti-LGBTIQ+ state-level bill submissions from 1 Jan 2018 to 31 December 2023, compared 2023 trends to previous data.

Results The co-ordinated neofascist mobilisation behind US hyper-productivity and erratic contradictory justifications of anti-LGBTIQ+ bills expanded exponentially, emphasising less resisted campaigns. Initially smaller bills targeted political weak spots: transgender youth in primary schools, bathrooms and politically enabling Republican-governed states. Increasingly bills expanded in number, frequency, size, and punitive reach against LGBTIQ+ and other citizens' rights, in wider contexts (higher education, public and Democrat-governed spaces). By 2023, bill strategies used hypocritical and hypothetical anti-LGBTIQ+ logics; replicated federally to thwart democratic and economic structures.

Conclusions Anti-fascist, Queer and critical socialist theories explained the 2023 bills' increase as building upon past partisan mobilisation on wedge transgender state election issues; towards neofascist diminishment of increasingly wider-ranging and higher-level US democratic structures, rights protections, and economic functioning. Policy attacks on vulnerable social groups' rights — particularly trans youth — can signal 'early stages' within neo-fascist strong-man state-identity creation supporting democratic structure diminishment.

Policy Implications Multi-level multi-cultural pluralist democratic institutions and support structures with inter-reinforced rights recognition expansions should be required by and should protect the rights of all citizens.

Keywords Fascism · LGBT · Transphobia · Homophobia · Law

Introduction

Elite-led political campaign mobilisations undoing lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) peoples' protections in law, or 'anti-LGBTIQ+ lawfare', recently emerged and spread (Datta, 2023; Jones, 2023). Across 2009–2018, \$707.2 million USD was redeployed by 54 US, Russian and other European non-government, political and religious entities for promoting anti-LGBTIQ+ laws internationally — especially 'anti-gender' bills restricting transgender and gender diverse (TGD) people's and women's rights in Africa, Europe, the Americas and Australia (Datta, 2023; Jarkovska, 2020; Jones, 2023).

The US Trump Administration used social media to revoke LGBTIQ+ and gender identity protections including coverage within *Title IX*; devolving 'sex' definitions and discrimination to state jurisdictions (US Department of Justice, 2017). In 2018–2022, 543 anti-LGBTIQ+ senate and house bills were submitted in US state-level parliaments — attempting:

1. Restricting TGD students from school-based athletics and facilities access aligned to their gender,
2. Restricting textual representation of LGBTIQ+ themes, or
3. Expanding religious dominion in services over LGBTIQ+ rights (Jones, 2023).

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President Biden issued an executive order protecting LGBTIQ+ youth *equal treatment* in facilities and athletics access (Biden, 2021), and legislation safeguarding marriage

equality from court and state interventions (Biden, 2022). Americans also supported safe accepting schools (96%) for LGBTQ people (GLAAD, 2023). Nonetheless, the total US state-level anti-LGBTIQ+ bill submissions in 2023 outnumbered those from any past year. This article examines strategies motivating increased 2023 US state-level anti-LGBTIQ+ lawfare. It considers literature theorising the ‘functions’ of anti-LGBTIQ+ backlash, and then compares 2023 trends in US anti-LGBTIQ+ state-level bills to 2018–2022 patterns.

Literature Review: An Anti-fascist Assemblage Lens on Anti-LGBTIQ+ Lawfare

Anti-LGBTIQ+ lawfare may have multi-factorial causes. Dominant *liberal-progressive* theoretical models of human rights assume progressive increases in gender and sexuality freedoms and rights within democratic societies where ‘civilising’ structures increase, like elected representative governments and courts (Elias, 2000). Anti-LGBTIQ+ laws are understood as *temporary retrogressive slippages* corrected by rights expansion trends *over time* as reason and empathy increase through structural oversights and expanded education (Elias, 2000).

Critical socialist theoretical models of human rights assume an *ongoing power struggle across class systems* necessitating either revolutionary actions to achieve or rights-defensive actions to maintain (Carlson, 1992). Anti-LGBTIQ+ laws and identity-related debates are understood as repressive efforts supporting the political subordination of lower classes perpetuated strategically by political and resource dominant classes, to *distract lower classes from hierarchical structural economic abuse and inaction* (Carlson, 1992). Responses support LGBTIQ+ freedoms but re-focus debates on economic concerns (Carlson, 1992).

Post-/de-colonial and multi-cultural feminist rights models conversely question the inevitability of rights progress, conceiving anti-LGBTIQ+ lawfare as *indicating flaws inherent to monolithic patriarchal colonising societies* enforcing social-moral binary-sex prototypes enlivened in times of *democratic vs. autocratic power instability* and violent ‘corrective’ morality-based (*re*)organisation attempts (O’Sullivan, 2021; Okin, 1999; Serano, 2007; Smith, 2015). Such laws maintain the incomprehensibility of difference in *complex erasures* of gender diversity and kinship (O’Sullivan, 2021; Serano, 2007); making femininity, LGBTIQ+ and racial diversity socio-cultural scapegoats/ ‘whipping girls’: diverse women are penalized for weakness yet also for surpassing weak domestic reproductive femininity models, transmen for lacking men’s strength, and transwomen for society’s discomfort with their ‘trading down’

(Serano, 2007). Rights barriers are theorised as best met by *pluralist institutional structures* supporting multi-cultures (Okin, 1999).

Some *Queer Theory* scholars *critiqued notions of LGBTIQ+ rights progress as non-hierarchical or global* by considering how neoliberalism is together sympathetic and antagonistic towards LGBTIQ+ students; supporting limited inclusion of ‘normative’ and norm-aspiring sub-groups following conventional relationships and recognisable gender patterns only (Binnie, 2014; Epprecht, 2013). Queer theorists used the terms *political homophobias and transphobias* to explain how anti-LGBTIQ+ policies, campaigns and state policing enabled right-wing religious authoritarian political groups in Post-Apartheid South Africa and Uganda to regain power during crises (Epprecht, 2013). European neo-conservative authoritarian populist election campaigns utilised political transphobias and homophobias to energise politicised faith (especially Christian evangelical) movements, alongside ‘gender ideology’ (anti-transphobic education) movements and media-driven moral panics (Jarkovska, 2020). In Turkey, right-wing parties used political homo/transphobias to impose LGBTIQ+ ‘age-inappropriateness’ text bans (Altay, 2022). In Queer analyses, anti-LGBTIQ+ lawfare thus *fortifies repressive authoritarian power*.

An *Anti-fascist* assemblage lens can combine a plurality of perspectives on anti-LGBTIQ+ laws, requiring only *prioritising opposing dictatorial political systems of state control without political opposition allowed* (Seidman, 2019). An Anti-fascist Queer Feminism could see resurgent anti-LGBTIQ+ (especially anti-gender) lawfare within existing colonial patriarchies as potentially concomitantly *disingenuous for fascist purposes* and constituting *genuine freedom reductions harming material conditions for fascist purposes* like prioritising state-based identities (Mason, 2022; Seidman, 2019). Anti-fascist lenses suggest expanding anti-LGBTIQ+ bill hyper-productivity may signify *wider coordinated resurgences in (neo)fascist tendencies* behind extremist populisms (Mason, 2022). (Neo)fascisms claim to (re-)make nations’ ‘greatness’ through enforcing *nation-serving identity* cumulatively achieved state-by-state, which all identity serves and for which sexual or reproductive freedoms are considered harmful (Passmore, 2002). Neofascisms (lacking Marxists) dismantle the advancement of ‘cultural Marxists’ — channelling popular anger about economic hardship into hatred against minorities, LGBTIQ+ people, women etc. Neofascisms spread five myths (Mason, 2022, pp.33–34):

1. LGBTIQ+ and other rights movements replaced cis-gender binary-sexed peoples’ reproductive, social and economic opportunities;

2. Since democratic (LGBTIQ+) rights enable replacement, strong rulers should create ‘emergency states’ undoing them;
3. Promoting (LGBTIQ+) diversity destroys ‘natural’ binary male–female roles, relationships and reproduction;
4. Authoritarian populists should exert (anti-LGBTIQ+) pressure within institutions whilst countering liberal (pro-LGBTIQ+) information in online ‘meta-politics’; towards
5. Catastrophe(s) catalysing whole-scale (re)purification of nation-centred identity.

Both anti-LGBTIQ+ youth rights and anti-abortion rights laws thus communicate (neo)fascist paternal dominance and female subordination, anti-liberalist anti-rights enmities, and dystopic moral panic narratives first at smaller state levels expanded in (meta)political and real-world national, regional work etc. (Mason, 2022). The fascist Nazi German government revoked doctor protections of transgender people and increasingly targeted the LGBTIQ+ community via ‘Paragraph 175’ on homosexual sex and ‘183’ on cross-dressing, erasing LGBTIQ+ people’s institutional protections before deporting them to camps (Nunn, 2022). Foci in neofascist campaigns use fabricated, hypocritical and hypothetical rights claims opportunistically to mask links to maligned classical fascisms and reduce ‘other’ rights first (Mason, 2022). The claims are incited by populist right-wing elected politicians yet linked to extremists, advertised via social media, and serve wider politically symbolic and pragmatic purposes diminishing democracies (Mason, 2022). Judith Butler notes neofascist trends in Latin America, Europe, Africa and Asia variably use anti-gender transphobias, homophobias and misogynies to divide and weaken feminist LGBTIQ+ allied political power, increase nationalist destruction fears and destabilise democracies (Parsons, 2021).

Methods

Critical post-structuralist lenses conceive (LGBTIQ+) subjects as an entry-point into understanding the wider discourses of knowledge and power constituting them in laws (Butler, 2004; Fairclough, 2005; Mason, 2022). Foucault suggests that institutions create contradictory discourses that inadvertently make LGBTIQ+ subjects more understandable in a ‘tactical polyvalence’ of implied identities, despite attempting to repress them (Foucault, 1976, pp.155–156). Bills aimed at restricting LGBTIQ+ identities ironically amplify their visibility. Butler (2004) developed this idea, contending that restricting LGBTIQ+ identities and bodies requires discussions of many perspectives questioning

constructions of sex and gender; exposing their constructed nature. Probing for features central to such frameworks, this study examined anti-LGBTIQ+ bills’ discursive functions.

Viewing proposed bills as mobilizing particular discourses/worldviews throughout their documents and progressions (Rogers et al., 2005), this research applied Foucault’s (1976) social theory of discourse, considering statements and their meanings within their contextual and interactive conditions. Fairclough (1989) organises Foucault’s theory into a threefold model of bill discourses:

1. Text in bill attempts and versions;
2. Discursive processes by which laws are developed and deciphered;
3. Social practice in laws’ assemblage and translation contexts.

This model integrates Foucault’s ideas into a social model of text-based discourses, expanding the analysis of LGBTIQ+ discourses in relation to bill production and interpretation. While primarily considering bill texts, the interpretation of bills is contextualised by the circumstances influencing and receiving their manufacture. This study asked: 1. *What do patterns in US state anti-LGBTIQ+ bills in 2023, compared to those in 2018–2022, now suggest about the bills’ functions?*; and 2. *Are any implementations of anti-LGBTIQ+ bills in 2023 suggesting new information on their functions?*

An emancipatory study was designed to foreground LGBTIQ+ policy and legislation concerns (Mertens, 1998). A Critical Discourse Analysis (CDA) was performed on publicly available senate bills (SB)/files (SF) and house bills (HB)/files (HF) proposed in American states between 1 January 2018 and 31 December 2023, in any way directly or indirectly limiting LGBTIQ+ rights or enabling any parties to do so. The study conceived diminishment of *any* LGBTIQ+ rights in proposed laws by utilising learning from the researcher’s ‘insider’ and ‘academic’ LGBTIQ+ expertise, 15+ years of engagement in LGBTIQ+ policy studies and reference group insights. The analysis covered 50 American states, discounting the District of Columbia/Washington D.C. and Puerto Rico for non-state status within 2018–2023. Extensive searches were conducted on state government, party, American Civil Liberties Union (ACLU) and Legiscan bill databases. All versions of relevant bills were downloaded from Senate or House repositories in PDF or copy-pasted into Word, in all public draft and final versions for analyses.

The CDA utilized Fairclough’s threefold approach (1989), deemed valid and rigorous when correctly applied (Rogers et al., 2005), because it acknowledges that laws/policies have applications beyond their stated meanings. Descriptive, interpretive, and explanatory analyses involved examining

texts, their contexts, production, distribution and consumption (Fairclough, 1989:144); using notes on state government and ACLU websites, house and senate meetings and journalists' reporting. The first stage of CDA described the formal features and meaning of the texts, focusing on states, themes and production process staging. Fairclough's 10 CDA questions were then applied to analyse texts' vocabulary, grammar and textual structures (1989, pp.110–139). Settings of text development and reception were considered for contextualizing the bills' manufacture and perceived and manifested applications. Numeric information (totals, percentages) was calculated, recorded in tables and graphs, and compared to reveal any patterns.

Results

Escalating State-Identity-Defining Anti-LGBTIQ+ Bill Hyper-Productivity

Overall, 1054 anti-LGBTIQ+ bills were submitted to US state parliaments across 2018–2023. Annual total bill attempts escalated from 43 in 2018 (4.1% of the total) to 511 in 2023 (48.5%). Building on an overall steady increase, 2023 showed the largest increase (Fig. 1). The average (mean) amount of anti-LGBTIQ+ bills attempted per state was ~21 (~3.5/years) overall. Lower cumulative amounts of anti-LGBTIQ+ bills attempted occurred overall in currently/recently Democrat-run states, including none (0) in New York and below three in California, Colorado, Maryland and New Mexico. Significantly higher numbers of anti-LGBTIQ+ bill attempts occurred in currently/recently Republican-

run states particularly (> 60) in: Missouri (88), Texas (88), Tennessee (75), Iowa (68), and Oklahoma (68). These five states also had higher anti-LGBTIQ+ bill attempts each year.

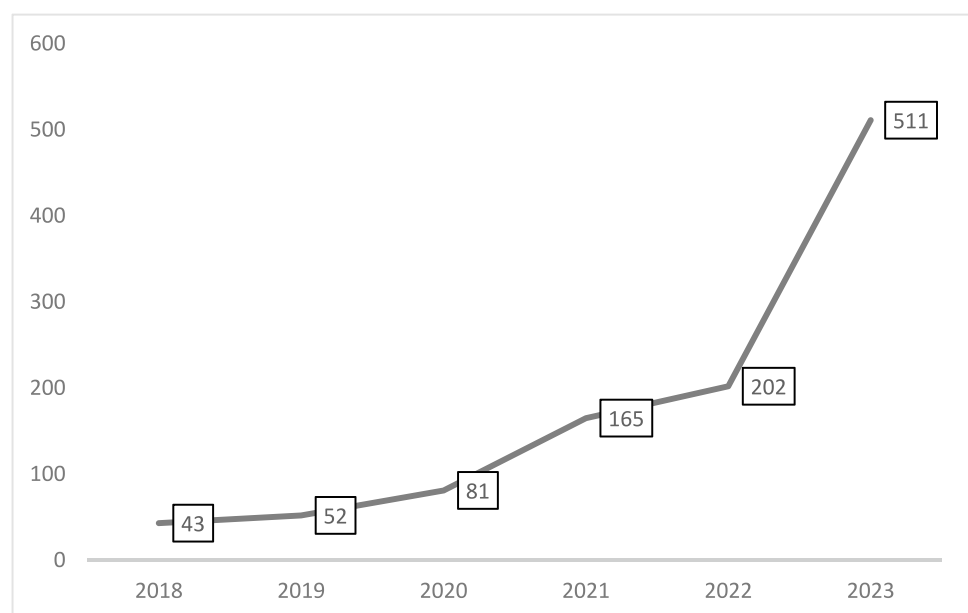
Whilst overall the 10 top states for anti-LGBTIQ+ hyper-productivity were Republican-voting, and the 10 lowest largely Democrat-voting, in 2023 ~10 bills were attempted per state (a median of ~15) and some Democrat states attempted anti-LGBTIQ+ bills for the first time (Figs. 2 and 3). Exponential attempts were especially seen in politically enabling Republican-governed states. Missouri (48), Texas (55), Tennessee (26), Iowa (29) and Oklahoma (35) had attempt totals in 2023 near-matching their totals from the five past years (Fig. 2). Thus, exponentially increased anti-LGBTIQ+ lawfare became *state-identity-defining in 2023* within key 'Southern Republican-run' states.

Evolving Bill Forms and Strategies

Switching Emphasis in 2023's Increased TGD Youth Rights Restrictions

Most states that passed anti-LGBTIQ legislation had engagement with well-funded conservative religious advocacy organisations The Heritage Foundation, Family Policy Alliance and Alliance Defending Freedom (Datta, 2023; Human Rights Campaign, 2023). These entities worked to draft model legislation, recruit legislators, testify for bills in committee hearings and organise de-transitioners to lobby or testify (e.g. American College of Paediatricians for restricting gender affirmations in Kentucky, de-transitioner Chloe Cole for Florida bills), and fund legal defense when bills were challenged in courts. The primary 2018–2023

Fig. 1 US state anti-LGBTIQ+ bills attempts by year (2018–2023)



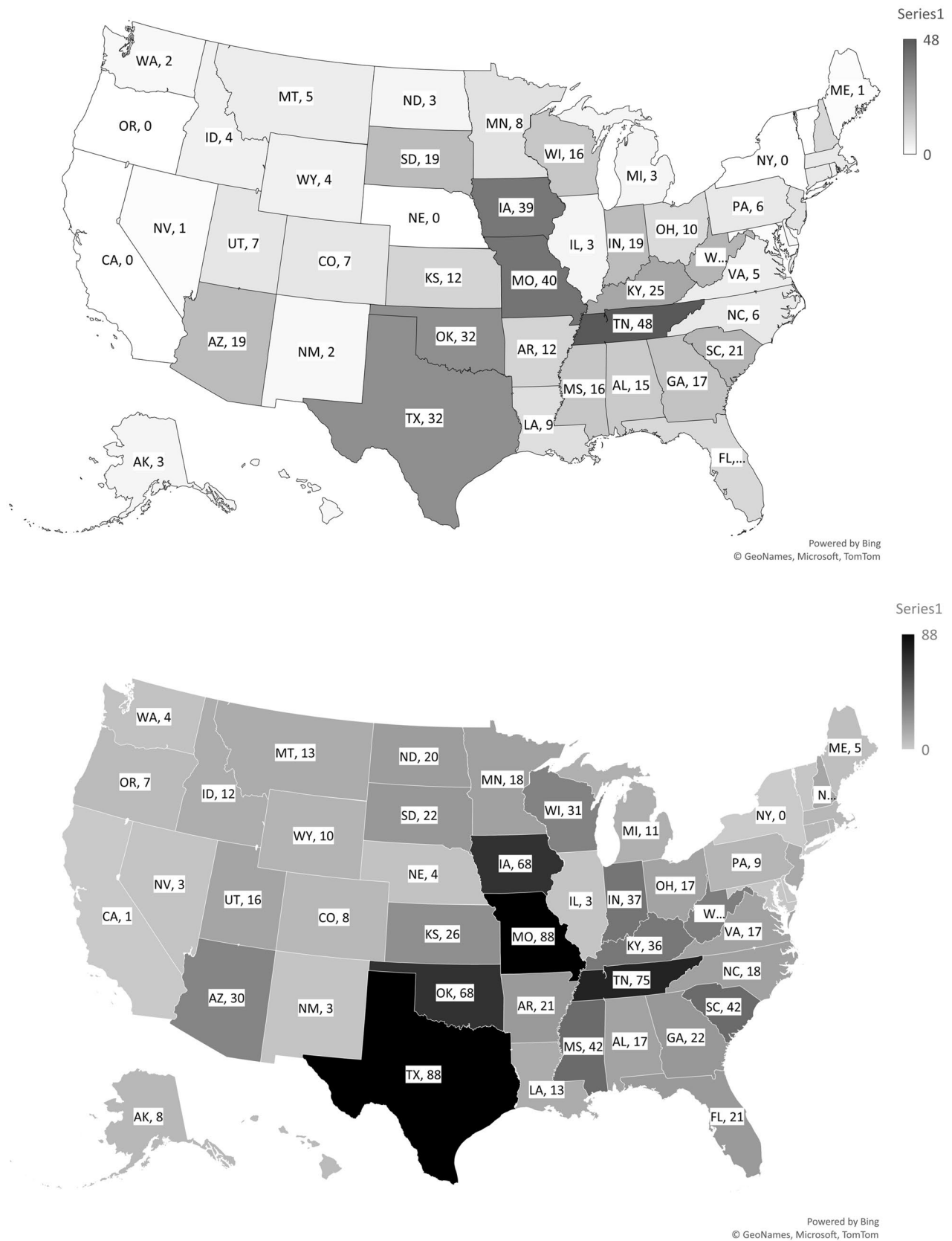


Fig. 2 Total no. of anti-LGBTIQ+ bills attempts by state 2018–2022 (above map), compared to 2018–2023 (below map)

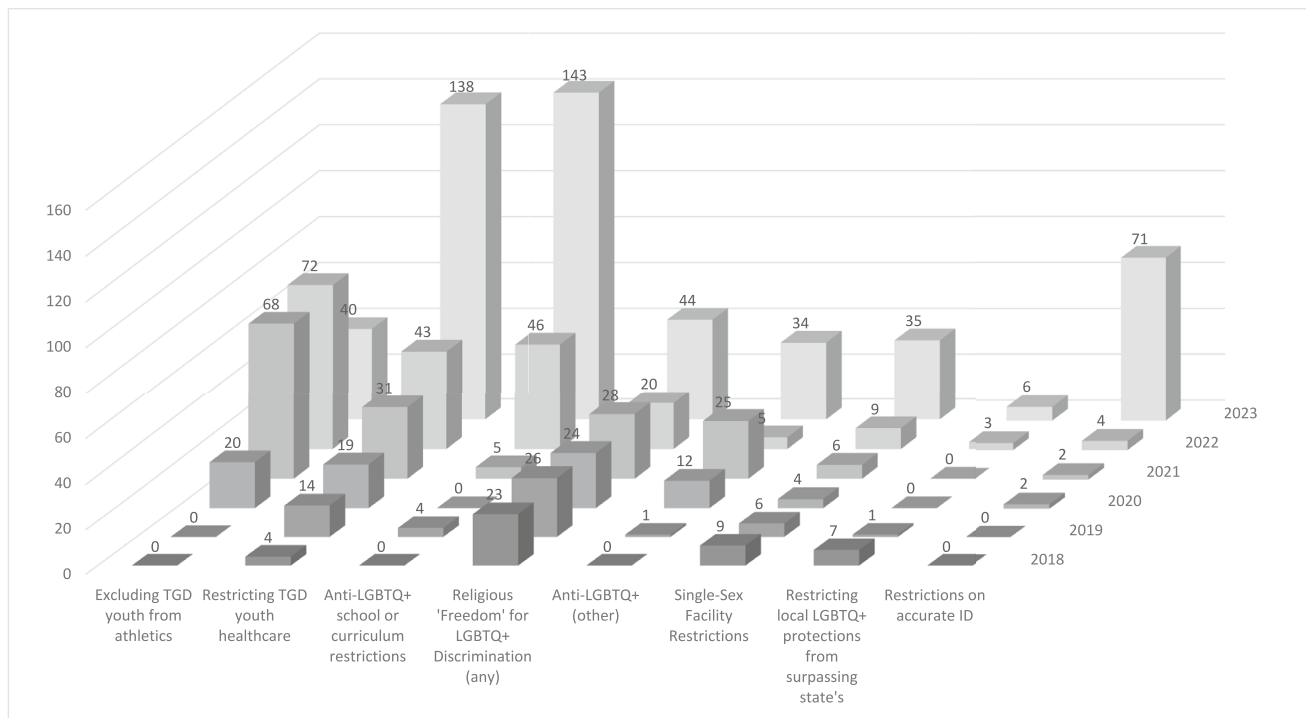


Fig. 3 Form of US state anti-LGBTIQ+ bills attempted 2018–2023 ($N=1054$) by year

dominant tactic attempted transgender and gender diverse (TGD) youth rights restriction (56.6%, most of the 1054 total 2018–2023 anti-LGBTIQ+ bills) in healthcare (249, 23.6%), athletics (200, 19.0%), diverse gender identification/ID documentation or expression (79, 7.5%), or single-sex facilities (69, 6.5%) aligned to their gender identities (Fig. 3). Restrictions on TGD youth in healthcare, ID and single-sex facilities increased significantly in 2023 compared to 2018–2022, and restrictions enforcing biological binary essentialism over TGD healthcare and ID (e.g. Idaho Government, 2020; Oklahoma Government, 2022a) became the key growing emphases in a range of legislatures by the end of 2023. These bills followed the since-repealed *HB2* (North Carolina Government, 2017) precedent, banning TGD youths' bathroom access based on gender identities since *Title IX's* change (US Department of Justice, 2017).

A typical 1-pg 2023 TGD athletics ban *HB6213* featured a long explanatory title encapsulating its full edict — '*An Act Prohibiting Student Athletes who were Born as Males from Participation in Women's Interscholastic Athletic Events*' (Connecticut Government, 2023). It was deferred to a senate committee like most bills of its type in US states over the past 6 years. Its stated purpose was: *To eliminate unfair competition in women's interscholastic sporting competition* (Connecticut Government, 2023, p.1), yet it entirely ignored more prevalent and profound athletics access and achievement threats (social class, rurality and government funding differentials). Its sole actual purpose was restricting TGD youth sporting options without providing alternatives (like many bills of its type). An archetypal passed

healthcare restriction, *SB199* (Arkansas Government, 2023a), titled *Concerning Medical Malpractice and Gender Transition in Minors; and to Create the Protecting Minors from Medical Malpractice Act of 2023* banned typically wide-ranging and ambiguous provision of *permanent gender reassignment surgery (...)* *cross-sex hormones or puberty-blocking drugs to any individual who is under eighteen* (p.1). It effectively outlawed atypical/non-existent procedures like surgery on minors, purely to legislatively target TGD youth. Like earlier bills examined (e.g. Tennessee Government, 2021), it called these acts *malpractice, professional misconduct or child abuse* to evince a strong-man parental protective state. Where some bills banned interventions even for youth born with physical intersex variations which may be popular with that community, such bills were not designed 'for' or with that community; stemming only from a misunderstanding of people with intersex variations as *being* TGD youth. Bills like *HB1* (Tennessee Government, 2023a) were often later used to clarify that these bans still allowed enforced 'corrective surgery' on children with intersex variations (the only gender-related surgeries performed on LGBTIQ+ youth and unwanted by them according to research, Jones et al., 2016), allowing: *The performance or administration of the medical procedure is to treat a minor's congenital defect, precocious puberty* (p.3). Bans criminalising TGD medical interventions spread from Alaska (Alaska Government, 2019) to for example Arizona and Tennessee, Alabama and Arkansas. Such states further pushed education and health providers and professionals to withhold gender-affirming care for youth via both regulatory and funding restrictions. Oklahoma Government (2022b) threatened

healthcare providers' funding and professionals' licensing over gender-affirming care, and Texas investigated parents obtaining care for TGD children (Wagner, 2022).

Single-sex facilities bills included *SB0458* (Montana Government, 2023) with its archetypally long 68wd title including *an act generally revising the laws to provide a common definition for the word sex when referring to a human; and amending sections (listing 30 + legislation sections)*. It redefined multi-variate causal and somewhat subjectively interpretive factors of sex overly simplistically by chromosomal biological essentialism regardless of natural diversity in sex variations or genders. It pronounced:

The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, behavioral, social, chosen, or subjective experience of gender (Montana Government, 2023, p.2).

Many of the bills since 2018 and increasingly in 2023 banned TGD people from all public school bath/change-rooms and restrooms — and required or allowed for such facilities to be made accessible for use by cisgender male or female students only, usually without requiring alternative options for TGD people. Many bills allowed schools and premises to supply only single-sex bathrooms and athletics inaccessible to TGD people, allowing but not requiring unisex alternatives (Missouri Government, 2018; Montana Government, 2023). Where options for bathrooms simply were not mandated for the marginal group's use; bills effectively rendered public space inaccessible to them.

A conservative construction of female rights as restricted by TGD youth was usually asserted, assuming male dominance (cisgender boys' and trans girls' 'biological advantages'), and sexual aggression. Parents' rights were typically cited towards TGD youth ID restrictions such as for *HB105* (Alaska Government, 2023a). An example of an identification documentation (ID) restriction *HF9* was titled *An Act relating to parental and guardian consent and information regarding the gender identity of students enrolled in a school district or charter school* (Iowa Government, 2023). It prohibited school districts or charter schools from accommodating student TGD identities in any way without written parental consent or keeping students' TGD identity disclosures private even from unsupportive or proactively punitive parents; regardless of the safety of the student. It also banned bizarre educator actions never cited or evident as occurring anywhere, including:

Coercing a student to undergo any medical procedure, treatment, or intervention that is designed to affirm

the student's gender identity if that gender identity is different than the sex listed on a student's official birth certificate (Iowa Government, 2023, pp.2-3).

The laws thus both appeared to care about child rights on the one hand in calling certain hallucinated actions 'child abuse' and yet likely will subject outed TGD youth to punitive parents potentially exposing them to the high rates of rejection, violence and homelessness acknowledged for this youth group (UNESCO, 2016). From 2023, such bills also included increased restrictions on drag or gender diverse expression which became defined as sexual abuse of children in education or public spaces, promoted by various Republican Senators who themselves did drag in public or schools. Drag-ban *HB1266* banning drag within *the definition of sexually oriented business* (Texas Government, 2023a) was authored by Republican legislator Nate Shatzline — photographed in drag for school theatre-work (Lee, 2023). Drag-ban *SB3* banning *male or female impersonators as harmful to minors* (Tennessee Government, 2023b) was signed by Republican Governor Bill Lee — photographed in drag at school in his yearbook (Lee, 2023).

By 2023, standards across anti-TGD restriction bills became even stricter and covered more identity concepts. In 2023, more states followed Oklahoma Government's (2022b) ban of nonbinary designations or related symbols ("X") on birth certificates — reducing possible recognitions sometimes useful for some TGD and intersex people. Anti-TGD ban contexts also expanded from lower (early, primary, secondary) to higher education arenas *HB1468* required staff to ignore TGD identification in all education including college (Arkansas Government, 2023b); *HB1434* required court intervention (Virginia Government, 2023). The Republican governor of Nebraska ordered the chief medical officer to draft *LB574* (Nebraska Government, 2023), to restrict TGD youth healthcare and education for the safety of girls, and in its final passed version also banned abortion for girls — threatening the licences of doctors performing the procedure.

TGD youth restriction ban texts were typically concise (a few paragraphs or 1–2 pages), directly stating their restrictive aims and prohibiting specific access for TGD youth. They often lacked detailed explanations or definitions. Some texts vaguely suggested that TGD rights might harm specific genders, particularly women or girls, without presenting evidence or real-world examples. In *HB261* (Alabama Government, 2023a, pp.3–5) 'biological males' (in the bill's terms this term included TGD male-to-female/non-binary students) were claimed as bigger, faster, stronger, and more physically powerful than 'biological females' and 'having separate athletic teams based on the athletes' biological sex reduces the chance of injury to biological female athletes and promotes sex equality'. However, the athletics ban only banned TGD participation according to

gender identity; allowing any females or males in mixed, co-ed or intramural sex teams in the exact same athletics/sports — contradicting sex segregationist logic and women's rights claims. This contradiction existed in other bills of this type, especially from 2023. Occasionally parents' rights were cited as in potential breach; such as in the *SB1001* ban on the use of TGD students' affirming pronouns and names (Arizona Government, 2023a). Later, single-sex facilities bans made schools liable if they allowed TGD people into bath-/change-/sleeping-rooms fitting their identity not their biological sex (or else staff or single-occupancy options). Some, like *SB1040* (Arizona Government, 2023b), also enabled any person who encountered the TGD person therein or the encountering person's family (spouse, parent, guardian, child, sibling or grandparent) to privately sue the school up to 2 years later for psychological, emotional and physical harm. By 2023, TGD youth healthcare could be called 'mutilation' in bills (New Jersey Government, 2023) and lead to imprisonment (professionals, parents, school staff).

An Idaho legislator credited the conservative Christian entity Alliance Defending Freedom (ADF), an anti-LGBTIQ+ and anti-abortion hate group according to the Southern Poverty Law Center, as co-writing TGD youth athletics bans imitated and implemented by ~24 states (Corbin, 2021). Whilst 10 main US bodies and several US conservative Republican politicians most notably contributed to supporting extremist anti-gender bills internationally in Europe and Africa especially since 2009, the ADF and American Center for Law and Justice (ACLJ) were noted for prolific reach and impact on anti-LGBTIQ+ and anti-abortion work in Europe by 2018 (Datta, 2023). The ADF then recorded significantly increased revenue of \$104.5 m in 2021, donating to over a dozen anti-LGBTIQ+ and anti-abortion groups advancing athletics and reproductive rights-restricting bills (Gabbat, 2023). TGD bans in healthcare, ID and athletics increased exponentially overall over the period examined and especially in 2023. In 2023, TGD healthcare restrictions increased the most, whilst athletics exclusions (which had more than tripled in 2021) became de-emphasised. Single-sex facility restrictions dipped in the middle of the period (Fig. 3). Finally, ages and contexts of TGD restriction applications expanded in 2023, especially in states with prior ban attempts. Some TGD athletics bans expanded from primary to secondary and higher education (Alabama Government, 2023d; Colorado Government, 2023). TGD youth healthcare bans expanded from medical to insurance contexts (Florida Government, 2023d, e). Further, identity/expression restrictions moved from documents and schools to public space generally.

Mounting 2023 Focus on LGBTIQ+ Textual and Other Representation Restrictions The second dominant strategic approach pursued restricting LGBTIQ+ textual

or other representations (in 27.6%, over a quarter of the 2018–2023 anti-LGBTIQ+ bills examined); including school or curricula restrictions (198, 18.8%), local protection restrictions (17, 1.6%) or other forms banning textual or allied group representation supports affecting LGBTIQ+ people (77, 7.3%) variably (Fig. 3). Restrictions on LGBTIQ+ representations intensified as an overall strategy in 2023 compared to 2018–2022. Textual and other representation restriction further sometimes featured in some of the other bills too, though not as the core focus in those additional cases. Several bills restricted local cities and other local government entities from passing LGBTIQ+ protections surpassing state protection levels. Attempts at anti-LGBTIQ+ school or curricula restrictions increased dramatically in 2022 more than doubled in 2023; whilst other representation restrictions had weaker trajectories (Fig. 3). School or curricula restrictions were supported by the coalition of advocates pushing other (e.g. anti-TGD) bills in conjunction with distinct anti-freedom groups. For example, 'Moms for Liberty' — a funded conservative parent group — travelled across US states promoting ban bills in hearings; in 2023 founder Bridget Zeigler's same-sex liaisons were therein exposed. Text ban bills typically used parent rights as justification. *HB509* was tellingly titled 'Relating to Parental Rights in Education' (Hawai'i Government, 2023) and banned instruction related to sexual orientation and gender identity in public schools from kindergarten to third-grade curricula. Florida's *HB1557* colloquially named 'Don't Say Gay' (Florida Government, 2022) used parent rights to restrict 'age-inappropriate' textual pedagogy into twelfth grade and enforce school and district disclosures of student TGD status to parents, empowering parents to sue for non-compliance (p.1).

By 2023 education, training and curricula restrictions of these kinds usually became longer, and more wide-reaching in scope and context of application. For example, *SB1694* banned public entities including universities from diversity equity and inclusion training and promoting any theories or positions on (Arizona Government, 2023c, p.1):

Bias, cultural appropriation, allyship, transgenderism, microaggressions, microinvalidation, group marginalisation, anti-racism, systemic oppression, ethnocentrism, structural racism or inequity, social justice, intersectionality, neopronouns, inclusive language, heteronormativity, disparate impact, gender identity or theory, racial or sexual privilege.

Bills like *SB937* introduced bizarre contradictory backgrounded legal definitions of 'sexual orientation' and 'gender identity' as dogma 'from the religion of secular humanism' and 'religion' as answering 'greater questions like "why are we here,"' (Oklahoma Government, 2023, pp.3–7). Also, by 2023, distinctions between obscene

material and those engaged in its production lessened. Typical of obscenity-themed text restriction bills, *HB401* restricted ‘male or female impersonators, commonly known as drag queens or drag kings’ as ‘sexual or gender oriented material’ in K-12 public schools, public libraries and public places minors are present (Alabama Government, 2023b, p.8). Whilst porn was banned but not porn stars as people, by 2023, bills like *HB401* banned *individuals* (impersonators, queens, kings) not their moments of *drag engagement* from public and education spaces. Some bills had amendments during editing processes subsuming ‘drag’ into bans on viewing of texts or people vaguely interpreted as ‘prurient’ or ‘sexually explicit’, like *SB1030*. Further, lessons on not just sexual themes but ‘gender identity’ were more often restricted in 2023 (Alaska Government, 2023b, p.2). Punishments for violations of such bills increased, including prison for individuals in breach, or complete de-funding of schools (Texas Government, 2023a, 2023b).

The local protection restriction bill attempts stemmed from the Republican North Carolina Governor Pat McCrory Administration’s (North Carolina Government, 2017) *HB2*, which pre-emptively banned NC local and city jurisdictions from surpassing state LGBTIQ+ rights protections. Though repealed in 2020, its anticipatory rights restriction was replicated by other states. *HB405* (Alabama Government, 2023c), classed as Anti-LGBTQ+ (other), was a 7 pg document re-defined woman and man, and mother and father, to exclude LGBTQ+ people from state-related law or data collection using the terms. *SB1417* (Arizona Government, 2023d), also classed as Anti-LGBTQ+ (other), excluded TGD people from definitions of women or men based on parents’ and disability-related rights, preventing TGD people from changing diapers for people with disabilities outside of their assigned sex. Finally, ages and contexts of LGBTIQ+ restriction applications expanded in 2023, especially in states with prior bans or attempts. For example, curricula bans on sexuality and gender diversity information were often extended from lower/primary grades to secondary/higher education grades or settings (Alabama Government, 2023e; Florida Government, 2023b, c; Missouri Government, 2023), and bans on state entities’ ‘ideological’ policies were extended to activities funding (Alaska Government, 2023c). Restrictions on local governments’ insurance funding for education staff expanded against abortions and gender diversity supports (Kansas Government, 2023).

Wavering Use of Anti-LGBTIQ+ Religious Exemptions The third most dominant strategic approach attempted religious exemptions enabling discrimination against LGBTIQ+ people based on organisational or individual beliefs and/or doctrines (165, ~16% of all 2018–2023 anti-LGBTIQ+ bills analysed). Religious exemption bills or bill sub-sections can also be called ‘First Amendment

Defense Acts/FADAs’, ‘Restoration of Religious Freedom’ bills or ‘Parent Rights Acts’. These bills included religious exemptions in education, adoption/fostering, healthcare and other areas or generalised ‘religious freedom’ including dominion over others (Fig. 3). Religious exemptions decreased to 8.6% (under a tenth) of the 2023 strategic bills thus far, having previously constituted 22.3% (almost a quarter) of all bills produced across 2018–2022. Framework precedents for such bills included *HB1523* (Mississippi Government, 2016) stipulating safeguarding of certain religious beliefs and ‘moral convictions’ over others, particularly exclusive recognition of marriage between a man and a woman, and determination of gender by ‘immutable biological sex’ (p.1). This precedent typified how such bills legislated Judeo-Christian dominion over citizens’ sex, gender and sexuality.

Empowered subjects and authorities in sentences (the subject ‘doing/ avoiding’ the actions) included religious, entities, government employees, grantees, contractors, businesses and individuals. Verbs in sentences tended to assert their religiosity enabled their right to choose, express, act or discriminate with immunity against LGBTIQ+ people. Objectified parties in sentences (those objects to which actions were done) were LGBTIQ people, same-sex and de-facto couples and their families, single parents, and youth. Sometimes, as in the 10-page *HF 227* (Iowa Government, 2020, p.3), religious people were cast as potential victims of governments when their pursuit of discrimination or dominion over LGBTIQ or other people was mediated. This bill repeated oft-cited ‘immutability of sexes’ phrasing from the Mississippi prototype (p.3+). Exemptions often foregrounded lengthier socio-political manifestos (~4–11 pages) than other bill forms, extolling biological essentialism or rhetorising religious dominion as free speech or acts, mirroring manifestos from surrounding submissions and online debates (e.g., Georgia Government, 2018).

The pursuit of religious exemption bills wavered across 2018–2023 (Fig. 3), expanding again slightly in number in 2023 where states had prior exemptions and exemption attempts. For example, *HB911* would expand existing exemptions to prevent reporting on sexuality or gender identity discrimination by the state, schools or individuals (Florida Government, 2023a). By 2023, these bills became usually broader (less limited in what religious freedom allowed by whom). This generalised religious empowerment underscored efforts spreading religiously-driven institutional and professional discriminations in healthcare provisions beyond existing targets like TGD healthcare, non-heterosexual next-of-kinship recognitions, or women’s reproductive care (contraception, abortion)... to any citizen’s healthcare. For example, *HB58* titled ‘An act relating to protecting the exercise of medical ethics within the medical profession’ (Kentucky Government, 2023) sought to enable broad-based denial of

healthcare rights even by institutions, based on the supposed individual right to religious ‘freedom’:

A medical practitioner, health care institution, or health care payer shall have the right not to participate in or pay for any health care service which violates his, her, or its conscience (...) shall not be liable civilly, criminally, or administratively (pp.3–4).

The above invention of an institutions’ ‘conscience’ is a fictional misinterpretation of an individual human’s right to religious freedom (*from* not *for* religious institutional dominion). It makes religious ethics replace medical ethics; though religious ethics are distinct, oppositional and enable rights breaches and deaths in medical contexts. Like several of the bills examined, it was tabled as an ‘emergency’ bill side-stepping proper scrutiny. Whilst it nonetheless died in committee, this bill showed a considerable escalation in the whole-scale denial of rights in healthcare building on past anti-LGBTIQ+ bills healthcare rights breaches. Increasingly, these bills will place organisations’ religious dominion over citizens based on organisations’ religious convictions, moral consciences, beliefs or human rights — though they technically have none.... They only replicate their leaders’ will (e.g. international religious bodies funding anti-LGBTIQ+ bill promotions and Republican state leaders’ will).

Expanding Text Interaction and Interpretation Battles

Of 1054 bills attempted in 2023, most bills had overall not passed especially in Democratic-run states (e.g. New York had zero). At least 415 were clearly ‘dead’ within their submission years (39.4% or two-fifths) overall; 198 in 2023 (38.7%). Upon the year’s completion, at least 146 (28.6%) of the 2023 bills remained referred to a committee, mostly delayed indefinitely. However, ~150 bills were sent for authorisation overall across 2018–2023 (almost 15%). A higher portion was sent for authorisation in 2023, and over twice as many bills (112) than in the previous years combined passed in some form.

Approved bills were largely submitted for Governors’ signing and approval; another stage at which bills could be thwarted. Since 2021, precedents of Governor resistance grew and Governors even started directly calling out the high-level coordination of anti-LGBTIQ+ bills publicly. So far, 16 bills had Governor vetoes across 2021–2023. Thirteen attempts were made to overrule vetoes overall by the legislature, Senate and House bodies; most veto overrules succeeded (passing bills in Indiana and Kentucky for example). A few bills were then signed by other officials in lieu

of the Governor (Speaker, Secretary of State, President), or passed without a signature (e.g. in Louisiana). Utah’s legislature overrode Republican Governor Spencer Cox’s veto of *HB11*’s TGD youth athletics restriction, adding bans on complaints against it (Utah Government, 2022). It faced court suspension (Hill, 2022). Two vetoes in Louisiana and South Dakota were held; those Bills died by 2022. Most (10+) vetoes occurred in 2023, when defiant opposition to bills by lone representatives on the floor heightened. For example, Senator Machaela Cavanaugh undertook a multi-month filibuster since February 2023 to prevent *LB574* — TGD youth healthcare restrictions (Nebraska Government, 2023). In 2023, Kansas Governor Laura Kelly thrice vetoed anti-LGBTIQ+ bills as distracting from economic goals. When the House and Senate overrode her veto, she ensured her veto prefaced each final bill text, including lines suggesting anti-LGBTIQ+ bills were economic distractions: ‘I’m focused on the economy. Anyone care to join me?’ (e.g. Kelly, 2023, p.1).

However, most signed bills also arose later in the examined period; well over half in 2021–2023. Tennessee passed the most bills (10+ ongoing), followed by Montana, South Dakota, Florida, Arkansas and Alabama (6+) — states without LGBTIQ+ anti-discrimination or conversion therapy ban protections. Multiple bills also passed in Oklahoma, Indiana, Missouri, South Carolina and Texas for example. Bills also passed in Iowa, West Virginia, Arizona, Utah, Idaho, Kentucky, Louisiana, Ohio etc. Bills restricting TGD youth rights were not only the dominant numeric bill attempts made but the most likely to pass: firstly, TGD youth athletics exclusions (20+); secondly, TGD youth healthcare restrictions (17+) and thirdly, pronouns and accurate ID restrictions (10+) and sex-segregated bathroom bills (10+). There were also multiple examples (10+) of signed anti-LGBTIQ school or curriculum restriction bills — restricting textual content, staff responses to identity disclosures and so forth. Although they were the most often passed anti-LGBTIQ+ bills, athletics exclusions and drag bans faced more federal judges and court reversals by 2023 — favouring TGD people in Idaho, Connecticut and West Virginia; and favouring drag as constitutionally protected free speech in Tennessee. Further rising submissions were filed against athletics exclusions by 2023 by athletes, coaches, women’s rights groups, and medical experts — explaining the coordinated 2023 shift away from athletics exclusions and towards anti-LGBTIQ+ bill youth-focussed restrictions garnering less court opposition (TGD healthcare, curricula and ID restrictions).

In states like Tennessee where TGD bans passed, state officials seized access to TGD and even cisgender peoples’ medical records for investigations into their gender counselling histories from July 2023... subsequently, Tennessee become one of 19 states calling for access to

medical records of women's abortions or reproductive healthcare (Russell, 2023). In 2023 in states with anti-LGBTIQ+ school restrictions or religious exemption bills, some schools became emboldened to fire LGBTIQ+ staff. They subsequently also fired cisgender staff who clarified their pronouns/gender on emails because they had non-gendered names (Dorman, 2023). Similarly, by 2023, staff in Florida and other locations were being investigated for showing movies — including Disney cartoons — with LGBTIQ+ characters or content (Chamlee, 2022). Application of text bans to school and library books increased from 483 in 2018 to 1477+ by mid-2023 (74% coordinated on larger scales by groups like Moms for Liberty) (Matza, 2023). Bans largely concentrated in Texas, Florida, Missouri, Utah and South Carolina; mostly targeting books featuring racial and LGBTQ+ diversity (Pen America, 2023). By July, over 600 books were banned in Frisco Independent School District (Texas), Wentzville School District (Missouri), and Escambia County Public Schools (Florida) in 2023 alone. This expanded lawsuits in 2023 including by Utah parents concerned about 'vulgarity' bans... also now being used against Christian bibles (Matza, 2023).

Towards the end of 2023, Mike Johnson former attorney and spokesperson for the Alliance Defending Freedom (ADF) hate group, ascended to US Speaker of the House of Representatives. The three foci of anti-LGBTIQ+ lawfare strategies finally recurred nationally in Republican amendments to Democrat-led US Federal Congress House spending appropriations bills (reappropriating citizen taxes to fund US national parks, roads, embassies and defense). Republicans (including Oklahoma Republican Tom Cole) added policy riders to at least 12 bills (including the 'National Defense Authorization Act' and one funding the Interior Department, Sentner, 2023). These repeated state-level bill rhetoric on (1) TGD rights restrictions (8 federal bill amendments restricted gender-affirming care; 3 restricted drag shows); (2) LGBTIQ+ textual or other representations restrictions (11 amendments restricted diversity, inclusion and equity programs; 8 restricted pride flags); and (3) anti-LGBTIQ+ religious exemptions (10 amendments exempted 'religious discrimination' on disapproval of gay marriage). These amendments also blocked 'critical race theory education' and abortions (Sentner, 2023). They were used to slow and potentially halt federal funding of even mundane non-partisan government agencies complicating effective governance; thwarting Congress' efforts to keep the US federal government operating past September; potentially damaging the US economy preceding the 2024 election. In blocking services meeting marginal groups' needs, they also delayed other US citizens' job-training, aged care and meals, services and defense.

Discussion

Political Transphobia for Freedom Reduction

The study revealed the exponential increase and opportunistic state-by-state expansion in bills attempting to restrict LGBTIQ+ rights in 2023, as a *strategically accelerated* bill hyper-productivity that expanded the types of bills issued across 2018–2022 most where these were least combatted. A cohort of hate groups contributed towards the increasingly punitive modelling, manufacture and house/senate legislature and online promotions of bills speculatively by context. This campaigning reflected (neo)fascist organised efforts at overwhelming and exhausting political and minority opposition to freedom reductions (Mason, 2022, p.184). It used similar exponential timelines, geographic mapping patterns and conservative think-tank mobilisations of coordinated us-vs-them ban policy narrative strategies to overlapping proliferations of US abortion, book and 'critical race theory education' bans (Bertrand et al., 2023; Guttmacher Institute, 2023; Matza, 2023). Rather than attempting one bill per state outright banning LGBTIQ+ or general human rights for example, the bills annually targeted broken-down freedom elements as more vulnerable smaller sub-components, initially TGD youth athletics, but increasingly healthcare, curricula and ID. Whilst TGD youth were most directly targeted for control in bills attempted since 2018, their targeting in 2023 changed from emphasising athletics exclusions and stressing schooling ages (complicated by mounting lawsuits and executive interference — Biden, 2021), to more viable bill types (healthcare and ID restrictions) in more contexts/ages in 2023. TGD youth were likely especially targeted as one of the smaller and least socially and legally protected LGBTIQ+ sub-groups since Trump's 2017 *Title IX*'s Twitter rescindment announcement. Neofascist coordination was also reflected in the use of anti-TGD hate groups simultaneously engaged in institutional bill development and metapolitical efforts at relentless enmity-creation, casting TGD identity as both enforced child abuse and naive experimentation, in both social media and bill messaging.

TGD youth restrictions initially mostly targeted contexts of greatest opportunity — school bath/changerooms, athletics and healthcare in Republican states lacking LGBTIQ+ discrimination protections strongly supported by hate groups using moralising transphobic anti-rights discourses as 'corrective' (e.g. the ADF etc.). Hate group influence was comparably offset in states like New York and California by sizeable rights bodies headquarters (UN, GLSEN, GSA Network etc.). Anti-TGD bills *irrationally over-reached* beyond *fair* restrictions, partially targeting TGD identities (as suspiciously motivated) and female identities (as weak) *categorically*; both standard 'whipping

girls' for neofascist conservative socio-political animus (Serano, 2007). Sex segregation bills cast TGD youth as implied rapists of cisgender females or exposing male genitalia magically through individualised bath/changeroom walls — without evidence. Falsely problematised bath/changerooms access continues ableist colonising patriarchal marginalisation tactics which historically kept women, people with disabilities, black and Indigenous people from education and civic life (O'Sullivan, 2021; Okin, 1999; Smith, 2015). Athletics bans were similarly disingenuous and nonsensical: never only targeting activities/levels where cisgender female differences *matter* and ignoring more impactful differences skewing athletics (class, rurality). Instead, broad-based misgendering bans ousted TGD females and youth often *completely*; without alternative arrangements and sometimes hypocritically allowing *cisgender* mixed participations. Anti-TGD lawsuits were encouraged based on discomfort — furthering existing privileging of others' comfort over TGD rights (Serano, 2007). However, as backlash to athletics exclusions increased TGD health restrictions became primarised as the key politically symbolic bans, even targeting non-occurring youth treatments, but with devastating real-world outcomes affecting youth, professionals and their families.

The anti-LGBTIQ+ bills cumulatively satisfied Mason's (2022, p.8) asserted standard operating features of lawfare with fascist tendencies where attacks were pre-empted on social media, politically symbolic, incited by populist elected politicians linked to extremists, and serving wider political purposes opportunistically. Whilst more bills passed in 2023 than in previous years, most did not pass and over a third died in their submission year strategically delayed by committees. Even states passing multiple bills had many unsuccessful attempts and sometimes fraught processes of production and interaction around Governor signage, court intervention and blockages and repeals. Expansions in hyper-productivity aligned more to what bill types passed with least disruption, and to US state and federal election cycles in ways that served Queer notions of political homophobia and transphobia as useful for and motivated by goals of autocratic power expansions (Smith, 2015). The 2023 increase in anti-LGBTIQ+ bills preceding the 2024 US presidential election manifested the most aggressive punitive freedom restrictions and the greatest expansion across all (even Democrat-run) states and criminalisation of a variety of TGD people, family supporters and professionals. The expanded freedom reduction within anti-LGBTIQ+ bills by 2023 indicated (neo)fascist efforts beyond the politically symbolic, towards pragmatically effective freedom reductions especially targeting TGD 'cultural Marxist enemies', to reduce freedom *generally* (Mason, 2022). The study showed the 2023 bills upped targeted freedom restriction age-groups from childhood to adolescence/

adulthood, extended targeted education contexts from elementary to higher education, expanded targeted locations from school bath/changerooms to spaces beyond education (e.g. 'in public') and extended targeted groups from TGD to broader groups (LGBTIQ+ people, professionals, women, parents, religious people, patients, citizens). Increasingly, bills instead featured outright targeting of general citizens' health, privacy, religious and other rights and restricted many texts and freedoms. These increased bills' expanded unconstitutional applications and punishments attracted heightened backlash by 2023 (Bollinger, 2023a). Republican officials saw restricting TGD phenomena as 'winning' strong-man authoritarian state-identity-defining messaging (Wagner, 2022) and rarely admitted dissent.

Tactical Erasures, Hypocrisies and Mythologies

Many bills defied official advice on LGBTIQ+ needs and erased identities accepted in mainstream psycho-medical, rights, and education discussions (APA, 2022; GLAAD, 2023; UNESCO, 2017). They attempted to render TGD and intersex identities or bodies as less conceivable, recordable and liveable in education, health, or public spaces (Butler, 2004). However, bills' *banning of* named sex, gender and race theories and symbols/identities admits their existence; bills' pushing of sex-gender essentialism and heterosexual procreative marriage confesses their mutability and alternatives.

The 2023 bills were more brazenly hypocritical in using liberal and critical rights discourses to diminish rights than the 2018–2022 bills (Jones, 2023). Firstly, TGD youth rights restrictions were initially utilised within liberal logics of female equity and radical logics of female difference requiring separatism for safety and fairness across 2018–2022 (e.g. Utah's *HB11*), to deny TGD youth — then adults — access to public space. This rhetoric manifests sexual/gendered opportunity replacement fears core to fascist 'de-humanised enemy' creation and the first key myths of neofascisms (Mason, 2022). However, by 2023, the same hate groups supposedly uplifting females' rights when promoting TGD youth restrictions also attacked women's abortion/contraception rights. Of the top 12 states for 2023 anti-LGBTIQ+ bills hyper-productivity most (9) issued abortion bans (Corbin, 2021; Guttmacher Institute, 2023). In 2023, Nebraskan conservatives used 'women's rights' to push an anti-LGBTIQ+ education bill then banned abortion within it. Similarly, 2023 Alabaman bills both restricted TGD people to protect girls in all athletics/sports regardless of any actual strength bases to any specific sport, yet enabled cisgender boys/men to play sports with and against cisgender girls/females in all athletics/sports... expanding girls/women's rights was *valued less than* restricting rights. Many states

in 2023 banned both females' and TGD people's access to needed healthcare and invaded their medical records (e.g. Kansas, Tennessee). The fascist illogical nature of 'religious' and 'female' sensitivity rights claims became much more visible in 2023 as actually used for anti-TGD harassment in bills like *SB1040* (Arizona Government, 2023b). This bill illogically empowered family members of teachers or students who saw TGD people in school bathrooms, to years later sue schools they never attended for harms.

Secondly, textual restrictions were initially utilised in 2018–2022 to claim libertarian logics of power mediation (state-to-city to school hierarchical rule) and to extend parent market-client rights to protectionist 'dominion' over education and public spaces (e.g. Hawai'i Government, 2023). Anti-LGBTIQ+ bills avowed parents' rights (Idaho's *HB509*, Arizona's *1417*) and made these rights disavowable (Alabama's *HB405* for LGBTIQ+ parents, Oklahoma Government's 2018 *SB1140* for adoptive/foster parents, Arizona's *1417* for TGD parents). These bills echoed authoritarian textual ban trends' protectionist logics decreasing public representation, expression and gatherings (Altay, 2022), and neofascist tendencies defending any phenomena against freedoms of expression and information (Mason, 2022, p.191). The 2023 versions of text restrictions more directly banned TGD people *themselves* as pornographic. Moreover, restricting teaching even the concept of gender identity (e.g. Alaska Government, 2023b; Arizona Government, 2023e) prevents TGD, feminist and even conservative religious gender teachings or positions.

Thirdly, religious exemptions initially utilised liberal logics of individuals' religious freedoms (e.g. Mississippi's *HB1523*). However, the bills showed typical authoritarian turns by falsely extending individuals' religious 'freedom' to organisational dominions over others (Smith, 2015). This supports the second and fourth myths of the 'strong' leadership undoing rights in an 'emergency state' where higher goods (religious rights) are supposedly threatened (Mason, 2022). Further, religious rights were asserted to enable Utah and Texas school 'vulgarity' bans restricting gender and sexuality representations, yet the bans also removed bibles by 2023 (Matza, 2023). Anti-LGBTIQ+ lawfare therefore only feigned rights towards increasingly *diminishing* human rights and identities in 2023, transferring empowerment and identities from citizens *to institutions*, and perpetuating the third neofascist myth of marginal rights and people themselves as destructive against state-identity (Mason, 2022). Anti-LGBTIQ lawfare since 2018 in the US thus used Foucault's (1976) 'tactical polyvalence' for fascist purposes; where the same and opposing (anti-/pro-rights) discourses by 2023 had hypocritical uses. Hypocrisy (personal and political) is not accidental but key within neofascist strategies reducing all rights, *starting with* vulnerable (LGBTIQ+) rights whilst feigning — then later attacking — other groups' interests. Disingenuously

unstable, hypocritical and contradictory rights uses reducing freedom are inherently neofascist (Mason, 2022, p.191).

Diminishing Democracy and Institutions

The study had limited exploration of bill impacts. However, anti-LGBTIQ+ bill hyper-productivity *inherently* diminishes democracy by ignoring most American's support for anti-discrimination protections for LGBTIQ+ people (GLAAD, 2023) and side-lining economic reforms (Kelly, 2023). The bills' cumulative freedom reductions continue, yet go beyond colonial patriarchal erasures (O'Sullivan, 2021), ground-up religious backlash within hierarchical uncertainty (Smith, 2015) or class-based economic distractions (Carlson, 1992). Indeed, 2023 bills signified newer, more sharply increased political aggressions defining 'state identities' to which even bill authors' identities are sacrificed. These 2023 aggressions particularly simultaneously: (1) suggested confused "genuine" religious and feminist rights interests; (2) supported some disingenuous hypocritical Republican (re) election opportunisms especially anti-drag bills supported by Republicans who wore drag (Lee, 2023) and (3) served organised neofascist attacks on democracies and institutions putting a punitive fascist state-identity above all other political activity in several states. Aggressions included repeated *genuine freedom reductions harming material conditions* for *disingenuous* showboating for fascist purposes (Mason, 2022; Seidman, 2019). They supported autocratic power expansions reducing wider rights (Gutmacher Institute, 2023) and opposition shut-down via gerrymandering, voter suppression, and election denial tactics effective at dismantling single-member district electoral systems (Bernard, 2023).

The study showed US professions and professionals are being reshaped and diminished (not yet irredeemably) by anti-LGBTIQ+ lawfare. US education and health institutions are increasingly undergoing police investigations into their practices (Chamlee, 2022) and firing LGBTIQ+ and random other staff over identities, actions or texts supporting diversity (Dorman, 2023). This may exacerbate existing dire industry staffing shortages and surveillance burdens and reduce information provisions to LGBTIQ+ people and citizens. Medical records of many citizens including TGD people and women are being accessed and used for investigations (Russell, 2023). Whilst allied outcry from women and TGD people may be reduced by inter-group enmity distractions and wider society's acceptance of both as whipping girls, the precedents risk all US citizens' healthcare freedoms and medical privacy.

The study contributed evidence on anti-LGBTIQ+ bans to Bertrand et al.'s (2023) argument on Critical Race Theory bans that the US is seeing growing use of highly polarizing rhetoric 'slash-and-burn' political rhetoric combining identity assassination, violation of traditional political norms,

and the dismantling of governmental institutions through us-versus-them policy dynamics. This creates a kind of narrative spillover contributing to an overall decline in US public confidence in both educational and political institutions (Bertrand et al., 2023); a feature useful in neo-fascist anti-democratic goals.

The contexts of the bills' debates, passage and applications reduced the wellbeing of American LGBTIQ+ youth; as did linked restrictions on LGBTIQ+ school curricula (Human Rights Campaign, 2023; Trevor Project, 2023). Nearly two-thirds of 28,000 US LGBTQ youth aged 13–24 years reported that hearing about potential state or local laws restricting school coverage of LGBTQ topics decreased their mental health; nearly a third that their mental health was poor mostly or always due to anti-LGBTIQ+ policies/bills (Trevor Project, 2023, p.4). The liveability of TGD youth identities likely reduced. Bill strategies found most effective for neofascist networks' representation at the local and state levels will likely spread in the US and internationally where unopposed. Concepts and speakers from US anti-TGD healthcare and education bill debates have already emerged across Australia, Africa and Europe; albeit meeting resistance (Datta, 2023; Gabbat, 2023; Mason, 2022). Groups developing US anti-LGBTIQ+ state bills like Family Watch International for Arizona, promote far worse bills internationally when able — like Uganda's *Anti-Homosexuality* ('Kill the Gays') Act (Bollinger, 2023b). Neofascist efforts at erasing people and freedoms — from politically to lethally — expand opportunistically, surpassing temporary backlash and requiring more direct legislative resistance than in liberal-progressive imaginings.

Conclusions

An anti-fascist theoretical assemblage can deepen and unify intersectional analyses and perhaps, opposition to, anti-LGBTIQ+ (and clearly related anti-abortion, and culturally imperialist) lawfare. An anti-fascist assemblage emphasises the coordinated anti-democratic imperatives behind current US conservative populist anti-LGBTIQ+ campaigns and explains their relationships to reductions of reproductive, racial, economic, voter, privacy and other rights protections. It highlights neofascist utilisations and agitations of divisions between targeted groups. These harmful distractions assist diminishment of democratic structures and economies and identity variations; increasing possibilities for US Republicans' state and federal influence, and harm to their opposition. The anti-LGBTIQ+ lawfare examined here reflected other neofascist attacks similarly promoted via social media promotion, politically symbolic yet genuinely harmful, incited by populist elected politicians linked to extremists, pushing key myths and serving wider democratic and economic

diminishment and anti-LGBTIQ hyper-masculinised state-identity production (Mason, 2022; Parsons, 2021). Where these neofascist strategies expand to other states, federally and internationally, citizens should expect campaigns initially targeting small 'political weak spots' like TGD youth... later expanding *as possible*. Unimpeded, anti-LGBTIQ+ restriction and criminalisation grow in size, reach (higher ages, contexts and legislatures) and punitive nature. They ultimately jeopardise more citizens' information access, healthcare privacy, and free complaints against laws. Freedoms enjoyed by those groups 'opposing' LGBTIQ+ people become hypocritically increasingly affected. Diminishing democracy is neofascist anti-LGBTIQ+ lawfare's 'real' target.

Multi-level multi-cultural pluralist institutions and support structures with inter-reinforced rights recognition expansions cannot last as gifts to be given nor removed by all-powerful leaders in executive orders. They must be imperatives required and protected by 'resilient institutions and the anti-fascism of ordinary people' (Mason, 2022; p.xvii). Academics and advocates should oppose anti-LGBTIQ+ bills. They should offer evidence-supported needs-based alternatives centring human rights and mediating liveable services for all, and education against false inter-marginal-group enmities outlining how neofascist rights reductions harm citizens generally. Future studies should investigate action-based anti-fascist processes to reinforce democratic structures, rights and freedoms.

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